



City of Oregon City

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Meeting Minutes City Commission

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

Wednesday, August 15, 2012

7:00 PM

Commission Chambers

Regular Meeting

1. Convene Regular Meeting and take Roll Call

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

Present: 5 - Mayor Doug Neeley, Commissioner Rocky Smith Jr., Commissioner Betty Mumm, Commissioner Carol Pauli and Commissioner Kathy Roth
Staffers: 14 - David Frasher, John Lewis, Tony Konkol, Scott Archer, Nancy Ide, Jim Loeffler, Wyatt Parno, Maureen Cole, Eric Underwood, Kelly Burgoyne, Ed Sullivan, Nancy Busch, Bill Kler and Pete Walter

2. Flag Salute

3. Ceremonies, Proclamations, Presentations

a. [12-072](#) Introduction from Fire Chief Fred Charlton and an Organizational Update

New Clackamas County Fire District No. 1 Fire Chief, Fred Charlton, introduced himself. He pledged to increase the relationship between Clackamas Fire and Oregon City. He then discussed the organization's focus on succession planning, fiscal efficiency, long range capital replacement needs, strategic business plan, community engagement, and public education.

b. Presentation on Urban Renewal Initiative

David Frasher, City Manager, referred to the citizen initiated charter amendment ballot measure on voter approval of urban renewal bonds that would be on the November ballot. Language was taken from a memo written by the city attorney, Ed Sullivan, to the Commission for the measure. He explained how the ballot title was misleading. The intent was that future Urban Renewal activities would be subject to voter approval if debt was incurred. However, the proposed Charter language said both current and future plans and projects would be restricted to a vote. The Question in the ballot title only said future urban renewal plans. He was concerned this would mislead the voters and was not the intent. One remedy was that the City could submit an explanatory statement for inclusion in the County's Voters Pamphlet. However, an ordinance would have to be adopted first to allow the City to submit an explanatory statement.

Ed Sullivan, City Attorney, gave a history of the initiative petition, ballot title, and Charter amendment proposal. The measure would go to the voters, and because the original ballot title was not challenged it was required to be used. Under the Charter, any bonded indebtedness for more than one year must be approved by the voters. Existing contracts would not be affected and were supposed to be excluded. The only exception would be a if there was an executed written agreement finalized before the effective date of the measure. Regarding the ballot title, Mr. Sullivan said he did not write it and the person who did was currently out of the office. Any future urban renewal plan was subject to the vote requirement. Most projects would be plan amendments and subject to a vote anyway. An explanatory statement could be written and submitted for the voters pamphlet if the City had an the proper ordinance on the books. The measure text would appear in the Vote's Pamphlet but not on the ballot. The City could provide neutral information to the voters.

Commissioner Pauli thought an explanatory statement should be written.

Commissioner Mumm said people in the community thought Mr. Sullivan had written this for them. She thought litigation was coming and a neutral statement should be written.

Mayor Neeley thought it was essential to have an explanatory statement.

William Gifford, resident of Oregon City, was disappointed in the process. There was an obligation to try to explain to the voters how misleading the measure was written and how it did not match the City Charter. He did not think altering the City Charter should be taken lightly. Most people were not aware this was happening. He was also concerned about potential litigation.

A motion was made by Commissioner Mumm, seconded by Commissioner Pauli, to direct staff to advance the creation and adoption of an ordinance for placing explanatory statements in Voter's Pamphlets and to proceed with the preparation of an explanatory statement for the Urban Renewal initiative. The motion carried by the following vote:

Aye: 5 - Mayor Neeley, Commissioner Smith, Commissioner Mumm, Commissioner Pauli and Commissioner Roth

4. Citizen Comments

There were no citizen comments.

5. Adoption of the Agenda

The agenda was adopted and Item 7c was pulled from the agenda.

6. Public Hearings

- a. [AN 12-04](#) AN 12-04: Annexation of 0.89 acres within the Urban Growth Boundary at 14362 Maplelane Court

Mayor Neeley opened the public hearing.

Pete Walter, Associate Planner, presented the staff report. This was a resubmittal of an identical annexation that came before the Commission last year but was not approved by the voters. The address was 14362 S. Maplelane Road and the property was .89 acres. He gave a summary of the application. If annexed, the property would be zoned single family residential designation R-10. It did not create any islands and no development was proposed. The applicant submitted documents for compliance with the Transportation Planning Rule and no additional transportation analysis was necessary. The Planning Commission found that the application met all the criteria and recommended approval to the City Commission. Staff recommended approval of the staff report, adoption of the findings for File AN 12-04, and approval of a resolution to refer the annexation to the voters.

Mr. Sullivan asked if the Commission had any ex parte contacts to declare or interest in the outcome that would prevent them from making a fair decision. There was none.

Tom Sisul, Sisul Engineering, represented the applicant. The applicant was hoping to retire and potentially sell the property. This was the only parcel in the area not currently in the City and would complete the block. It would be zoned R-10. He requested it go back to the voters for better success.

Gary Bowles, applicant, stated when he purchased the property it was in the country, and the city had come to him, and he hoped to take advantage of it.

William Gifford, resident of Oregon City, stated the property was in the Urban Growth Boundary area and did complete the picture. The property owner was asking to be annexed. He was concerned about the anti-annexation perspective among voters and he listed the benefits of annexation.

Mayor Neeley closed the public hearing.

A motion was made by Commissioner Roth, seconded by Commissioner Mumm, to approve the staff report and adopt the findings for AN 12-04. The motion carried by the following vote:

Aye: 5 - Mayor Neeley, Commissioner Smith, Commissioner Mumm, Commissioner Pauli and Commissioner Roth

7. General Business

- a. [RES 12-25](#) Resolution No. 12-25: A Resolution Regarding Annexation Proposal No. AN 12-03 and Referring to the Legal Voters of Oregon City the Question of Approving Annexation Proposal No. AN 12-03

Mr. Walter explained that Resolutions No. 12-25 and No. 12-26 forwarded the ballot titles with the language and questions for AN 12-03 and AN 12-04 to the voters and set the election date.

A motion was made by Commissioner Mumm, seconded by Commissioner Pauli, to approve Resolution 12-25. The motion carried by the following vote:

Aye: 5 - Mayor Neeley, Commissioner Smith, Commissioner Mumm, Commissioner Pauli and Commissioner Roth

- b. [RES 12-26](#) Resolution No. 12-26: A Resolution Regarding Annexation Proposal No. AN 12-04 and Referring to the Legal Voters of Oregon City the Question of Approving Annexation Proposal No. AN 12-04

A motion was made by Commissioner Mumm, seconded by Commissioner Smith, to approve Resolution 12-26. The motion carried by the following vote:

Aye: 5 - Mayor Neeley, Commissioner Smith, Commissioner Mumm, Commissioner Pauli and Commissioner Roth

- c. [ORD 12-1006](#) Ordinance for Introduction, No. 12-1006, An Ordinance Amending Title 12.04 of the Oregon City Municipal Code for Pavement Cut Restoration Standards.

..Body

RECOMMENDED ACTION (Motion):

Staff recommends that the City Commission approve the first reading of proposed Ordinance No. 12-1006, an Ordinance amending Title 12.04 of the Oregon City Municipal Code.

BACKGROUND:

The City adopted Ordinance No. 08-1007 that created a Pavement Maintenance Utility Fee that funds pavement maintenance and restoration projects. In order to protect the City's investment in its roads, higher pavement cut restoration requirements are needed. Studies conducted by multiple agencies have shown that poorly restored pavement cuts cause permanent structural and functional damage that result in increased maintenance, early replacement, and generally produce a rough ride. These deficiencies increase public costs for maintenance and repair and ultimately become a burden for the taxpayer/ratepayer.

The purpose of this ordinance is to amend the City Code to revise the pavement restoration requirements to meet the City's new standards and to simplify the process for future edits to these standards. These new standards, which will be adopted by resolution after the second reading of this ordinance, establish pavement cut restoration requirements based on the age and classification (arterial, collector or local street) in which the pavement cut will be made. This standard will increase restoration requirements in roads with new pavement or with higher traffic by requiring replacement of the top lift of pavement beyond the excavation area. It will also require warranties on the pavement restoration work. It is the goal of this standard to provide long-lasting pavement repairs at the least possible overall cost to both utility companies and taxpayers/ratepayers.

Public Works will administer this standard under its Right of Way Permit. A minor fee will be charged in addition to the Right of Way permit fee for permits that include pavement cuts. This added fee will cover the staff time required to administer these new standards.

This item was removed from the agenda.

- d. [ORD 12-1007](#) Ordinance for Introduction, No. 12-1007, of the Oregon City Municipal Code Amending Chapter 8.20 Related to Solid Waste

Nancy Busch, Code Enforcement Manager, introduced Donny Anderson, Jr., representing Oregon City Garbage Company. She explained the changes to the ordinance which clarified and cleaned up the language in the ordinance. One of the issues was construction drop boxes which were against the franchise. Oregon City Garbage Company donated services for City clean ups and events.

A motion was made by Commissioner Mumm, seconded by Commissioner Roth, to approve Ordinance 12-1007 on first reading. The motion carried by the following vote:

Aye: 5 - Mayor Neeley, Commissioner Smith, Commissioner Mumm, Commissioner Pauli and Commissioner Roth

8. Consent Agenda

A motion was made by Commissioner Smith, seconded by Commissioner Mumm, to approve the consent agenda. The motion carried by the following vote:

Aye: 5 - Mayor Neeley, Commissioner Smith, Commissioner Mumm, Commissioner Pauli and Commissioner Roth

- a. [RES 12-28](#) Resolution No. 12-28, Granting Consent and Approval of the City of Oregon City, Oregon, to Change of Control Transaction for WaveDivision Holdings, LLC
- b. [12-070](#) Minutes of the July 18, 2012 Regular Meeting
- c. [12-076](#) Minutes of the August 1, 2012 Regular Meeting

9. Communications

a. City Manager

Mr. Frasher distributed a quarterly goals progress report. He confirmed once the Urban Renewal initiative went on the ballot, staff could not use City resources, staff time, or facilities to advocate for or against the measure. Commissioners were exempt from that requirement.

Tony Konkol, Community Services Director, said regarding Walmart, there had been a preapplication meeting, but to date there had been no land use application submitted. The Commission was the hearing body of appeals.

Mr. Sullivan suggested not talking to anyone about the application even before it was filed. Mr. Konkol was keeping track of all the communications to the Commission. The Commission was looking at possible negotiations with Walmart as a property owner and he thought they could amend the Code and give the decision to a hearings officer. He cautioned the Commission to be careful when discussing this issue.

Mr. Konkol explained the differences among Type 1, 2, and 3 hearings.

Mayor Neeley was not comfortable with a Type 3 decision being made by a hearings officer.

Mr. Frasher said Commissioner Roth requested a way to track future agenda items. Nancy Ide, City Recorder, said staff would put the future agenda items into a spreadsheet and present an updated list the middle of each month to the Commission.

Mr. Frasher said the Pioneer Community Center would be open late as a cooling site due to the upcoming heat wave. A mediation meeting was coming up with Clackamas County on the BTOP project. The library would be closed on August 23 for a staff day.

b. Mayor

Mayor Neeley reported on a tour of the southwest corridor. There was an upcoming League of Oregon Cities meeting in West Linn on September 19 regarding the League's legislative agenda. He requested staff send the Commission an email of what was submitted to the League. The Metro Policy Advisory Committee was working on preferred scenarios for Climate Smart Communities and discussing a Community Investment Initiative. He attended the City of Wilsonville meeting where Nancy Kraushaar was introduced as Community Development Director for Long Range Planning. He announced vacancies on the Planning Commission and Natural Resources Committee. The Clackamas Heritage Partners Board included a member of the City Commission, and Mayor Neeley appointed Commissioner Smith to that position.

c. Commission

Commissioner Mumm reported on National Night Out and Volunteer Night. The Antique Fair would be held on August 26. She thought a neutral person should write the explanatory statement for the Urban Renewal bond measure.

Commissioner Roth thanked John Lewis, Interim Public Works Director, for his email stating he would be looking into installing a stop sign. Mr. Lewis said the Transportation Advisory Committee would review the request. Mr. Frasher encouraged citizens to follow the process for such requests. Commissioner Roth would be gone for the first two weeks in September.

Commissioner Pauli thanked Public Works for moving the crosswalk by Clackamette Cove to be directly across from the trail.

10. Adjournment

Mayor Neeley adjourned the meeting at 8:48 PM.

Respectfully submitted,

Nancy Ide, City Recorder