



City of Oregon City

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

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Rocky Smith, Jr., Commission President
Brian Shaw, Nancy Ide, Renate Mengelberg

Wednesday, September 21, 2016

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:20 PM.

Present: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide
Staffers: 9 - Tony Konkol, City Attorney William Kabeiseman, Assistant City Recorder Jaime Reed, Captain Bill Kler, Public Works Director John Lewis, Economic Development Manager Eric Underwood, Pete Walter, Community Development Director Laura Terway and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Carol Pauli, Vice President of the Main Street Board, announced Jonathan Stone was named Main Street Manager of the Year and the Snowflake Raffle was named the Fundraiser of the Year. She reported on the successes of the First City Celebration, Oregon Trail 5K Run, and Car Show. Upcoming events included the Tree Lighting and Snowflake Raffle.

Mayor Holladay welcomed Boy Scout Troop 890 in the audience.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. First Reading of Ordinance No. 16-1010: Adopting a Ban on Outdoor Cultivation of Marijuana

Laura Terway, Community Development Director, said there had been a couple of hearings on proposed regulations for marijuana. This item was only relating to personal cultivation of marijuana.

Pete Walter, Planner, said as a result of the public hearing process and discussions among staff, staff recommended a ban on the outdoor cultivation of marijuana and placing it in the nuisance code rather than in the zoning code. The concern was outdoor cultivation of marijuana could be an attractive nuisance that could result in trespassing. The ban would go into effect on January 1, 2017, and would apply to all marijuana in place before, on, or after the effective date.

Commissioner Mengelberg and Shaw were in favor of the ordinance.

Mayor Holladay opened the public hearing.

There were no citizen comments.

Mayor Holladay closed the public hearing.

Mayor Holladay was conflicted about this because the voters passed the State law that allowed personal cultivation and he had a hard time going against that, however he would be voting in favor.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, to approve the first reading of Ordinance No. 16-1010: adopting a ban on outdoor cultivation of marijuana. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

6b.

First Reading of Ordinance 16-1008: Time, Place and Manner Regulations for Marijuana Businesses (Planning File LE-16-0001)

Ms. Terway said some minor edits were made to the ordinance and there was not the seven day notice for the revised ordinance. There was one unanswered question, should retail marijuana stores be allowed in the Canemah National Historic Register District. Staff requested this item be continued to the October 5 meeting.

Mr. Walter said the Planning Commission recommended approval of the time, place, and manner regulations for marijuana businesses after holding several public hearings. The Commission already voted on requiring a 1,000 foot buffer from Clackamas Community College for retailers, requiring a 250 foot buffer from parks, childcare, and daycare facilities and transit centers from retailers, requiring a 1,000 foot separation between marijuana retailers, and allowing for the temporary ingress and egress of vehicles, people, and products associated with permitted businesses. The one issue to be resolved was whether or not to allow marijuana retailers in the Canemah National Historic Register District. The historic district had a commercial zone which was a mixed use zone. Staff prepared two versions of the Code amendment, one that would prohibit marijuana retailers and one that would allow marijuana retailers. It was not part of the ordinance language and the ordinance could be adopted whichever way the Commission chose. Staff recommended treating this as any mixed use zone.

Mayor Holladay opened the public hearing.

There was no public comment.

Mr. Walter clarified that due to the buffers, there were no available areas for marijuana retailers in the McLoughlin Historic District.

Commissioner Ide did not think the Canemah District should be treated any differently

than other areas in the City.

Commissioner Smith said it was a national historic neighborhood and should be preserved. It came down to livability and honoring history. It was overlooking the Willamette Falls Legacy Project site and was a gateway to the City. He thought it should be treated differently.

Commissioner Shaw said this was a national historic district. He was concerned about the image of the City and having a marijuana retailer at the entrance to the City.

Commissioner Mengelberg agreed that Canemah was a special place for its history and proximity to the Willamette Falls Legacy Project. Citizens had been vocal about not wanting it, and she was not in support of retailers in Canemah.

Mayor Holladay wanted to make it fair to all businesses in the City. Marijuana businesses did not increase crime and were not nuisances. He had a hard time treating one neighborhood differently than the rest of the City.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Smith, to continue the first reading of Ordinance 16-1008: time, place and manner regulations for marijuana businesses (Planning File LE-16-0001) to October 5, 2016. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

7. General Business

- 7a.** Second Reading of Ordinance No. 16-1009: Annexation of Approximately 0.46 Acres of Property Located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001)

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the second reading and final adoption of Ordinance No. 16-1009: annexation of approximately 0.46 acres of property located at 19358 S. Columbine Court into the City (Annexation File AN-16-0001). The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

- 7b.** Resolution No. 16-29 Authorizing the Nomination of the Molalla Avenue Project for the Metro Regional Flexible Fund Allocation Program

John Lewis, Public Works Director, said staff was asking for support for nomination of the Molalla Avenue Project for the Metro Regional Flexible Fund Allocation Program. He thought this project was competitive and one of the requirements was to get support from the Commission. He explained the reasons for the Molalla Avenue improvements.

There was discussion regarding what was included in the project and other competing projects for the grant.

A motion was made by Commissioner Ide, seconded by Commissioner Smith, to approve Resolution No. 16-29, authorizing the nomination of the Molalla Avenue Project for the Metro Regional Flexible Fund Allocation Program. The

motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

7c. Personal Services Agreement with KPFF Consulting Engineers for Civil Engineering and Surveying Services for the 12th & Washington Street Traffic Signal Installation Project

Mr. Lewis said there had been several accidents at 12th and Washington. The City hired DKS and Associates to look at the intersection to see if a signalized intersection was warranted. Their recommendation was to move forward with signalization. This agreement would allow KPFF to do the engineering and survey work needed for the project. They would produce 90% of the design and give cost estimates.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the Personal Services Agreement with KPFF Consulting Engineers for civil engineering and surveying services for the 12th & Washington Street Traffic Signal Installation Project. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

8. Consent Agenda

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

Aye: 5 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

8a. Purchase and Sale Agreement Due Diligence Extension Request for the Twelfth & Main Street Project

8b. Personal Services Agreement with DeSantis Landscapes, Inc. for Street Division of Public Works Landscape Maintenance Services

8c. Minutes of the August 3, 2016 Regular Meeting

8d. Minutes of the August 9, 2016 Work Session

8e. Minutes of the August 17, 2016 Regular Meeting

9. Communications

a. City Manager

Tony Konkol, City Manager, announced a SOLV clean-up at High Rocks on September 24, 2016, rededication of the Larry Dahl Memorial on November 9, 2016, and Parents of Murdered Children event on September 23, 2016.

Mr. Lewis gave an update on algae bloom in the Cove. Notices would be posted at the site until the bloom was lifted.

Maureen Cole, Library Director, announced the Library Grand Opening would be held on October 15, 2016. The Library would close early on October 3 and 4 and would be closed October 5-11, 2016. She then described the work being done at the Library.

Mr. Konkol would be attending the ICMA Conference next week and Wyatt Parno, Finance Director, would be acting City Manager.

b. Commission

Commissioner Shaw attended the Tourism Summit, ribbon cuttings for the Petra Memory Care facility and Hope 360, boat ramp open house, and Main Street Car Show.

Commissioner Mengelberg attended the Willamette Falls Legacy Project partners meeting, We Love Clean Rivers' Clean Up Day of the Clackamas River, grand opening of the Hillendale Pickle Ball courts, Barclay Hills Neighborhood Association meeting, and Tourism Summit.

Commissioner Ide attended an Oregon Food Bank meeting, Willamette Falls Legacy Project partners meeting, and Barclay Hills Neighborhood Association meeting.

Commissioner Smith attended the Friends of Ermatinger House meeting, Tourism Summit, and Clackamas Heritage Partners meeting.

c. Mayor

Mayor Holladay attended the Willamette Falls Legacy Project partners meeting where it was decided the whitewater park would not be considered as part of the project. He also attended the Barclay Hills Neighborhood Association meeting, Canemah Neighborhood Association meeting, and boat ramp open house. The Commission would be discussing Measure 97 at the next regular meeting in October, 2016.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:24 PM.

Respectfully submitted,

Kattie Riggs, City Recorder