



City of Oregon City

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

Meeting Minutes - Draft

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Wednesday, February 15, 2017

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

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

Present: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Frank O'Donnell

Absent: 1 - Commissioner Renate Mengelberg

Staffers: 10 - Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, City Engineer Aleta Froman-Goodrich, Human Resources Director Jim Loeffler, Community Development Director Laura Terway, Finance Director Wyatt Parno, Library Director Maureen Cole and Community Services Director Phil Lewis

2. Flag Salute

3. Ceremonies, Proclamations

3a. Mayoral Appointments to City Boards and Commissions

Mayor Holladay appointed Matt Kuhl and reappointed Jerry Herrmann to the Natural Resources Committee for terms to expire on December 31, 2019. He appointed Bill Daniels to the Parks and Recreation Advisory Committee for a term to expire on December 31, 2019. He appointed Shelly Batty as primary for the Barclay Hills Neighborhood Association, Dennis Anderson as primary for the Canemah Neighborhood Association, Linda Baysinger as alternate for the Canemah Neighborhood Association, Vern Johnson as primary for the Tower Vista Neighborhood Association, Georgia Reagan as alternate for the Tower Vista Neighborhood Association, Robert Malchow as alternate to the Caulfield Neighborhood Association, and Gordon Wilson as alternate for the McLoughlin Neighborhood Association, all to the Citizen Involvement Committee for terms expiring on December 31, 2017.

4. Citizen Comments

William Becker, resident of Oregon City, was part of Unite Oregon City, an organization against bullying and hate crimes. He wanted to make sure the City was aware that the State of Oregon was a sanctuary state. He requested that the Commission pass a resolution making Oregon City a sanctuary city.

Siobhan O'Connor, resident of Oregon City, thought some of the current projects, like the Willamette Falls Legacy project, had positioned the City for the potential to thrive economically and socially. However, for a successful future, it was imperative that they unanimously reject prejudice and hate in all of its forms. She asked the City to make a sanctuary declaration specific to the City and to create programs and policies that supported inclusivity and diversity. A hate reporting and rapid response program needed to be created.

Paul Gwozdy, resident of Oregon City, said the Mayor and Council of Portland had also supported diversity and inclusivity by statement they had made. He knew Oregon City had good values, and requested the Commission support a resolution that this was a sanctuary city.

Christina Lugo, resident of Oregon City, echoed the same concerns about diversity. She agreed with the idea of making Oregon City a sanctuary city by resolution. She wanted to follow State law and proclaim their values as a community. They needed to support all residents in the City.

Jim Nicita, resident of Oregon City, discussed the policy of not allowing citizen comments during work sessions or Commission retreats. In the past that had not been the case and he did not think it should be a policy. He requested that the policy be rescinded and an ordinance passed allowing citizen comments at retreats.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

7. General Business

7a. Second Reading of Ordinance No. 17-1002, Amending Oregon City Municipal Code Chapter 3.06 - Tax on Recreational Marijuana Sales

Wyatt Parno, Finance Director, said this ordinance would amend the City Code to allow collection of taxes from marijuana sales. The State Department of Revenue would collect the tax on behalf of the City.

A motion was made by Commissioner Ide, seconded by Commissioner O'Donnell, to approve the second reading and final adoption of Ordinance No. 17-1002, amending Oregon City Municipal Code Chapter 3.06 - Tax on Recreational Marijuana Sales. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Frank O'Donnell

7b. Resolution No.17-06: Recommending the Restoring of Recreational Immunity Rights

Tony Konkol, City Manager, said for 20 years the Public Use of Lands Act was broadly interpreted to provide Oregon land owners and their employees and volunteers immunity from civil liability in the event a person was injured on their property provided they were recreating and the property owner did not charge a fee for access to their land. The Oregon Supreme Court recently ruled that the

employees or the agents of the land owner might be liable if a person was injured. This meant that the ability for the City to indemnify and defend employees from these claims had been stripped away. This resolution recommended to the 2017 Oregon legislative assembly to restore recreational immunity rights for employees, agents, and volunteers against tort actions for injuries sustained while recreating prior to the Oregon Supreme Court ruling.

Bill Kabeiseman, City Attorney, gave the example in the Supreme Court case of someone who was injured at a park in the City of Portland and had sued the City. The Supreme Court had ruled in her favor. If the legislature restored the immunity, the City would be protected.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve Resolution No.17-06: recommending the restoring of recreational immunity rights. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Frank O'Donnell

8. Consent Agenda

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

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Frank O'Donnell

- 8a. Resolution No. 17-05, Modifying the Capital Facilities Improvement Plan by Adding an Additional Storm Drainage Infrastructure Project
- 8b. Contract Agreement with S-2 Contractors Inc. for Construction of OR213/Beavercreek Road Operational Enhancement Project
- 8c. Minutes of the January 18, 2017 Regular Meeting

9. Communications

a. City Manager

Mr. Konkol distributed the draft 2017-2019 City Commission Goals and Priorities document to the Commission. He asked the Commission to review the document for any possible revisions. It would be brought back to the Commission for adoption in March.

b. Commission

Commissioner Ide attended a tour of the Water Environmental Services (WES) plant, Town Hall with Congressman Schrader, toured A Safe Place, participated in the Development Discovery Tour, and Downtown Oregon City Association Board meeting. The Oregon City Homeless Solutions Coalition would hold a strategic planning session in March.

Commissioner Shaw went to the CIC meeting, toured A Safe Place, participated in the Development Discovery Tour, and Chamber Volunteer Breakfast.

Commissioner O'Donnell also attended the Development Discovery Tour.

c. Mayor

Mayor Holladay attended Congressman Schrader's Town Hall, meetings with developers interested in Oregon City, and Chamber Volunteer Breakfast. He discussed a bill in the legislature that supported reasonable limitation on frivolous appeals to LUBA (Land Use Board of Appeals).

10. Adjournment

Mayor Holladay adjourned the meeting at 7:28 PM.

Respectfully submitted,

Kattie Riggs, City Recorder