



City of Oregon City

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Oregon City, OR 97045
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Meeting Minutes - Draft City Commission

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

Tuesday, December 11, 2012

6:15 PM

Commission Chambers

Work Session

1. Convene Work Session and Roll Call

Mayor Neeley called the meeting to order at 6:45 PM.

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

Staffers: 10 - City Manager David Frasher, City Attorney William Kabeiseman, Police Chief and Public Safety Director Mike Conrad, Public Works Director John Lewis, Community Services Director Scott Archer, City Recorder Nancy Ide, Library Director Maureen Cole, Economic Development Manager Eric Underwood, Aleta Froman-Goodrich and Community Development Director Tony Konkol

2. Future Agenda Items

Tom O'Brien, resident of Oregon City, stated his embarrassment for what took place at the last CIC meeting. The chair wanted to schedule a special meeting to hold another election for the CIC officers in accordance with the bylaws, but was informed by staff this was not possible. He read from the bylaws of the CIC regarding privileges and responsibilities of membership, and thought some who participated in the vote for the officers were not eligible to participate. The procedure for nominations was not followed. He requested City staff schedule the meeting as requested.

David Frasher, City Manager, clarified staff did not say there could not be a meeting. He had suggested the chair wait for the legal advice of the City Attorney on election do-overs before holding the meeting.

Bill Kabeiseman, City Attorney, said do-overs of elections were extremely rare. Procedural issues were not the type of thing to lead to a new election. He advised that whether or not mistakes had been made, once an election was held and results declared, that was the end of it.

Mr. O'Brien said the CIC answered to the City Commission and he thought the CIC bylaws needed to be reviewed.

There was consensus to put this issue on the December 19 Commission meeting agenda.

3. Discussion Items

3a. 12-273**Proposed Oregon City Municipal Code Amendment to Add an Option for a Hearings Officer to Process Appeals of Land Use Decisions.**

Tony Konkol, Community Development Director, discussed proposed administrative changes to the Code regarding how to process land use applications to be consistent with Oregon Revised Statutes. These changes included who would have standing on appeals to staff decisions and that the appeals would be de novo hearings. He also suggested allowing appeals to be heard by a hearings officer if there was a conflict of interest for the City Commission.

There was discussion regarding the perception of appeals being heard by a hearings officer, situations when a hearings officer would be used, and impacts to the budget.

The Commission was not interested in pursuing the option of appeals going to a hearings officer.

Tom O'Brien, representing the Hazel Grove-Westling Farm Neighborhood Association, expressed concern regarding the process for neighborhood associations to officially approve an appeal before it was filed. The Association typically met once a quarter, and the provision would prohibit them from appealing decisions especially if they went to a public hearings officer.

The Commission explained the board of the Association could call a special meeting, however it was a non-issue as the hearings would not go to a hearings officer.

3b. 12-262**Water Rates and City Charter Amendment**

John Lewis, Public Works Director, gave a presentation on the water rate issue including information on the 1996 City Charter amendment and the current Charter amendment options and scenarios. The four scenarios were: 5% annual increase and no rollback, 6% annual increase and no rollback, 7% annual increase and no rollback, and 8% annual increase and no rollback. He then discussed the public outreach that was done including online vs. telephone survey. On February 6 the Commission would adopt a resolution to put this issue on the May ballot. Staff would help with providing information, but could not assist in the campaign.

Mr. Kabeiseman discussed two sample ballot titles for eliminating the rollback and for establishing a percentage increase cap.

After some discussion, there was consensus to replace the language in the Charter, not remove it. There was further discussion regarding what percentage the Commission would be comfortable with.

Tom O'Brien, resident of Oregon City, attended the Water Rate Advisory Work Group meeting on October 30. At the meeting one of the members thought citizens would be more open to a rate increase if it was done through a general obligation bond. He thought the option should be researched more.

Mr. Lewis said that option had been researched and presented, but it was found that the scenario would not work.

4. City Manager's Report

Mr. Frasher announced he would be on vacation December 13-24.

5. Adjournment

Mayor Neeley adjourned the meeting at 8:28 PM.

Respectfully submitted,

Nancy Ide, City Recorder