

**CITY OF OREGON CITY  
CITY COMMISSION  
MEETING MINUTES**

**July 20, 2011**

1. [Convene Regular Meeting of July 20, 2011, and Roll Call](#)

Mayor Neeley called the meeting to order at 7 p.m.

**Roll Call:** Mayor Doug Neeley; Commissioner Betty Mumm; Commissioner James Nicita; Commissioner Kathy Roth; and Commissioner Rocky Smith, Jr.

**Staff Present:** David Frasher, City Manager; Ed Sullivan, City Attorney; Mike Conrad, Police Chief & Public Safety Director; Scott Archer, Community Services Director; Tony Konkol, Community Development Director; David Wimmer, Finance Director; Jim Loeffler, Human Resources Director; Maureen Cole, Library Director; Nancy Ide, City Recorder; and Erik Wahrgren, Associate Engineer.

2. [Flag Salute](#)

3. [Ceremonies, Proclamations, Presentations](#)

4. [Citizen Comments](#)

Nathan Modlin, resident of Oregon City, was a Life Scout of Troop 258. His next step was to become an Eagle Scout and one of the requirements was to lead a service project. He proposed collaboration with the City to build and design a dog park.

Scott Archer, Community Services Director, stated the Parks and Recreation Advisory Committee had formed a dog park task force. An open house was scheduled in August. There was also a Friends of the Dog Park facebook page. He would help connect Mr. Modlin with the project.

Tom Geil, resident of Oregon City, presented Commissioner Smith a certificate from the Rose Festival Foundation for being an announcer at the Starlight Parade. He said there would be a change to the CIC bylaws to add a neighborhood association grievance process.

Christine Kosinski, resident of unincorporated Clackamas County, discussed safe and livable communities. She referred to a map as an example of several subdivisions in the City that would be affected by future development and cut through traffic. There was no park for these families. She wanted the Commission to think about the future for this area and to notify each homeowner in the Trail View subdivision of the City's plans for future development.

Amber Holveck, Chamber Director, announced the Oregon City Chamber of Commerce office move and ribbon cutting. She listed the elected leaders and community members who participated.

Rex Parks, resident of Oregon City, thought Commissioner Nicita's actions had been less than honorable especially in regard to the outcome of the Rivers project and the killing of Cabela's that would have brought jobs to the City. He submitted a petition for recall to the City Recorder.

Dan Holladay, resident of Oregon City, read an email from Scott Parker, owner of the Rossman Landfill, who discussed Commissioner Nicita's actions regarding the Rivers project and Mr. Parker's concern about the ability for any development on the property.

James Hamilton, resident of Oregon City representing the Common People of Oregon City, had previously proposed a charter amendment to elect the Municipal Court Judge and requested a public hearing to hear testimony regarding Code Enforcement practices. He took exception to Mr. Frasher's comments that the Commission could not protect the people's rights. He read from the Oregon Constitution and an email from Mr. Archer regarding this situation. They were asking for reform and an open forum to discuss these issues.

Elizabeth Graser-Lindsey, resident of Beavercreek, was surprised about the speakers stating one Commissioner was responsible for a decision that was made by the whole Commission and that someone thought Cabela's would bring career jobs to the City because these were retail jobs.

Mayor Neeley clarified the Commission did not make a decision on the Rivers project.

5. **[Adoption of the Agenda](#)**

The agenda was adopted as presented.

6. **Public Hearings**

7. **General Business**

a. **[Ordinance for Introduction, No. 11-1008, Granting a Telecommunications Franchise to TCG Oregon to Occupy Certain Rights of Way within the City of Oregon City](#)**

Nancy Ide, City Recorder, introduced Nancy Werner, Franchise Attorney.

Ms. Warner said this agreement was similar to those done in the past. It would be a ten-year term to allow telecommunications facilities for TCG Oregon to serve customers in the City. The franchise fees were similar to other telecommunication franchises in the City.

Motion by Commissioner Kathy Roth, second by Commissioner Rocky Smith, Jr. to approve Ordinance No. 11-1008, granting a telecommunications franchise to TCG Oregon to occupy certain rights of way within the City of Oregon City.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

b. **[Beavercreek Road Concept Plan Adoption Process](#)**

Tony Konkol, Community Development Director, said this was continued from the last Commission meeting to allow for public comment. He summarized the three options and stated staff's recommendation was still the same, to remand the Beavercreek Concept Plan back to the Planning Commission with limited issues to address.

Christine Kosinski, resident of unincorporated Clackamas County, discussed her concern regarding traffic. The traffic plan proposed creating another thoroughfare was development the citizens did not want and would continue to vote down. Oregon City needed no more homes, but needed jobs. She continued to support an alliance between Clackamas Community College and Concordia which would help produce programs for incubator and local businesses.

Rose Holden, resident outside of Oregon City, was uncomfortable with Commissioner Nicita being a paid professional and interested party to the Beaver Creek area annexation appeals and concept plan appeals. She explained the relevance of documents she had forwarded to the Commission which demonstrated the public involvement and positive development impacts of the Beaver Creek Road Concept Plan. She thought it would be fiscally responsible to remand this issue to the Planning Commission on a limited basis to get this approved as soon as possible.

Paul Edgar, resident of Oregon City, said a lot of developers had looked at the area and the current industrial zoning might not be the right fit for Beaver Creek. He thought they needed to take a more serious look at the appropriate zoning. He was in favor of a more open remand.

Elizabeth Graser-Lindsey, Beaver Creek resident, stated this was an opportunity to get industrial land for good jobs and taxes. She passed out a handout that showed the lack of yield that came from the 2002 and 2004 expansions. The City's current Home Occupation Code allowed professionals to work at home providing services, but did not allow for occupations resulting in commodities. There was strong opposition from the Caulfield Neighborhood to the dense residential proposed and consequences that could be expected such as crowding of roads and schools. If the City Code was modified to have a buffer, segregate compatible uses, and include provisions to protect neighbors from noise or toxins, that would make the neighbors feel more comfortable. The Citizen Advisory Committee that addressed the Concept Plan scarcely had any citizens on it and citizens did not have a chance to speak at meetings.

Ms. Holden requested the documents she gave to the Commission be included in the record.

Commissioner Nicita thought there was opportunity to come up with something new and different for this area and thought the Concept Plan needed to be revised. He suggested a new kind of mixed industrial and employment zoning and to examine the uses currently in the Concept Plan.

Ms. Holden thought a lot of time had been taken to address these issues with specialists' input. The framework was already there in the Concept Plan and the zoning that would be written could incorporate everything Commissioner Nicita was talking about.

The Commission reviewed the adopted Concept Plan map. There was discussion regarding the vision of the plan and future zoning.

Ms. Kosinski stated the economy and retail were in a different place than when the Concept Plan was done and might not be appropriate for the present day. They needed to build in more vitality and visionary thinking for what was needed in Oregon City.

Mr. Holladay was frustrated that they were still talking about this. Multiple Commissioners had looked over this plan. Those who created jobs needed certainty and it was time to move forward.

Mr. Edgar said the Commission was not in a position to make a decision until they knew what LCDC decided. He suggested ironing out the little differences there were and coming back to the next

meeting with a plan for how to proceed.

Ms. Graser-Lindsey said Oregon City and the region needed good jobs and local production. The Concept Plan did not envision having product making jobs in this area. The densities planned for the yellow areas were part of the appeal that questioned the ability of the infrastructure to support the high densities. They needed to consider how to have industry in this area.

Commissioner Nicita thought the plan should be more amenable to cottage industry and manufacturing and less of an emphasis on residential.

Ms. Holden said this Concept Plan was visionary and allowed for change. They had to be adaptable and should not get stuck in a decade old paradigm.

Commissioner Nicita suggested having an Option A, the Concept Plan proposal, and Option B, less dense but more cottage industry model, for the west and east mixed use neighborhoods.

Ed Sullivan, City Attorney, explained the reason the Concept Plan was remanded was the City relied on Metro staff regarding residential and industrial land, and LUBA found even though Metro said it was ok, Metro never changed their map. Staff asked for the limited remand because things had changed since the original adoption that needed to be included in the plan.

**MAIN MOTION:**

Motion by Commissioner Betty Mumm, second by Mayor Doug Neeley to remand the Beaver Creek Road Concept Plan to the Planning Commission and reopen the record for a limited purpose of addressing the protection of industrial lands, transportation, utility and service adequacy, and that the public hearings would not commence until the Department of Land Conservation and Development staff report had been issued.

**AMENDMENT #1:**

Motion by Commissioner James Nicita, second by Commissioner Kathy Roth to amend the motion to add reconsideration of the yellow areas for greater cottage manufacturing in those zones.

**VOTE ON AMENDMENT #1:**

A roll call was taken and the motion passed with Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye and Mayor Doug Neeley, Commissioner Betty Mumm voting no. [3:2:0]

**VOTE ON MAIN MOTION, AS AMENDED:**

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

c. [Canemah Neighborhood Park Playground Equipment Purchase and Install Agreement](#)

Mr. Archer stated construction was underway at Canemah Park. The playground was being done as a separate item to involve the neighborhood in the design. The neighborhood volunteered to install the playground equipment which would save \$12,000. The purchase of the equipment was being done through the State procurement process. The total cost of the project was \$92,118 and was well within the budget.

Paul Edgar, Land Use Chair of the Canemah Neighborhood Association, said the neighborhood appreciated the opportunity to install the equipment and encouraged the Commission to approve the agreement.

Motion by Commissioner Kathy Roth, second by Commissioner Rocky Smith, Jr. to approve the Canemah Neighborhood Park playground equipment purchase and install agreement.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

8. [Consent Agenda](#)
- a. **Contract for Construction 2011 Paving Projects**
- b. **Public Improvement Contract for the Main Street Improvement Projects**
- c. **Minutes of the July 6, 2011 Regular Meeting**

Motion by Commissioner Rocky Smith, Jr., second by Commissioner Betty Mumm to approve the Consent Agenda.

A roll call was taken and the motion passed with Mayor Doug Neeley, Commissioner Betty Mumm, Commissioner James Nicita, Commissioner Kathy Roth, and Commissioner Rocky Smith, Jr. voting aye. [5:0:0]

9. **Communications**
- a. [City Manager](#)

Mr. Archer updated the Commission on permit parking for homeowners on residential streets. There was a residential parking permit program mainly around the McLoughlin neighborhood area. There was also a petition process for applying to the program. It did not give the permit holder the ability to violate other parking laws.

Mayor Neeley suggested this information be presented to the McLoughlin Neighborhood Association.

Mr. Archer reminded the Commission of upcoming meetings regarding the downtown parking plan implementation on July 26 and 27.

Mike Conrad, Police Chief and Public Safety Director, described a weeklong camp for disadvantaged youth in Oregon City.

David Frasher, City Manager, reported on a meeting with the bankruptcy trustee and marketing firm for the Blue Heron site. He had suggested calling this site the Willamette Falls property. He also discussed the reasons for Code Enforcement to be placed under the Police Department. This change would be effective August 1. He would be going on vacation beginning July 22 and Mr. Archer would be acting as City Manager in his absence.

b. **Mayor**

Mayor Neeley reported on the Metro Advisory Committee meeting.

c. **Commissioners**

Commissioner Smith reported on the O.C. Together meeting. He announced the fundraiser for infrastructure needs at the Rose Farm site with the production of *Oklahoma* on August 10. He thought Code Enforcement should be under the Police Department.

Commissioner Roth reported on a meeting between Clackamas Community College, Concordia, and the School District.

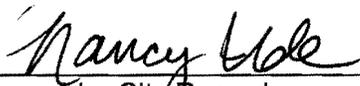
Commissioner Nicita also was in favor of the move of Code Enforcement and also attended the meeting of Clackamas Community College and Concordia.

Commissioner Mumm said there was a Concert in the Park on July 21. She would be at a C4 meeting and would not be able to attend.

10. **Adjournment**

Mayor Neeley adjourned the meeting at 9:34 p.m.

Respectfully submitted,

  
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Nancy Ide, City Recorder