



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 and Renate Mengelberg

Wednesday, September 7, 2016

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

Staffers: 10 - Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Economic Development Manager Eric Underwood, Pete Walter, Christina Robertson-Gardiner, Community Development Director Laura Terway and Library Director Maureen Cole

2. Flag Salute

3. Ceremonies, Proclamations

4. Citizen Comments

Bob Mahoney, resident of Oregon City, discussed how the City of Portland got in trouble for their position on the homeless and their solution to the problem. LUBA stepped in and corrected Portland, and he likened it to the Oregon City's whitewater park situation where they were not following the procedure. Portland did something that violated its own code, and he did not want the same thing to happen in Oregon City.

7a. Consider Appointment of Nancy Ide to fill the Current Vacancy on the City Commission

Mayor Holladay said Ms. Ide filed for a seat on the City Commission and did not receive an opponent for the seat. There was a vacancy on the Commission and it made sense since she would be on the Commission starting in January to allow her to take the position now. The Commission was considering that appointment tonight.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to appoint Nancy Ide to City Commission Position #3. The motion carried by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Mayor Dan Holladay and Commissioner Renate Mengelberg

Judge McNiece administered the Oath of Office to Nancy Ide.

Commissioner Ide took her place at the dais.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. First 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)

Pete Walter, Planner, said this was a request for annexation of .46 acres located at 19358 S. Columbine Court into the City. The Planning Commission recommended approval of the annexation by a vote of 4-1-1. He explained the subject site. If annexed, it would be zoned R-10. The Transportation Planning Rule analysis supported that zoning. There were utility hook-ups available to the property. There was currently one house on the property, and if annexed the applicant had the potential to divide the property into two and build another house. Staff recommended approval based on compliance with the criteria in the Code. There were no traffic impacts to this annexation and ODOT submitted a letter stating they had no conflict with the annexation proposal.

Mayor Holladay opened the public hearing.

There was no public testimony.

Mayor Holladay closed the public hearing.

Tony Konkol, City Manager, reminded the Commission that with the new State legislation, annexations would not go to a vote of the people. Should the Commission approve this annexation, it would not be placed on the ballot.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the first 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). 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. Request to Continue: Time, Place and Manner Regulations for Marijuana Businesses and Personal Cultivation (Planning File LE-16-0001) to September 21, 2016

Mayor Holladay opened the public hearing.

Karen Blaha, resident of Oregon City, had lived in Canemah for two decades. She thought permitting cannabis dispensaries on Highway 99E in Canemah would adversely affect the neighborhood that was a national historic district. Neighbors of Canemah Park at the north end of Third Avenue suffered from drug users of all types who frequented the park whether it was open or closed. It had become a chronic

problem without an effective solution. It was a convenient location for users. Canemah had slowly been undergoing a renaissance. Canemah had a negative reputation, however renovations of historic homes had been made and lovely new homes had been built and the negative opinions were changing. Allowing dispensaries in Canemah would tarnish the positive image they were working hard to establish and maintain. She requested the Commission exempt Canemah as an allowed cannabis dispensary location.

Linda Baysinger, resident of Oregon City, had lived in Canemah for 19 years. She got 36 people to sign a petition opposing cannabis stores in Canemah. There were five people who did not sign because they were in favor. This was a residential neighborhood and there was not much parking available for stores.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to continue the hearing for time, place and manner regulations for marijuana businesses and personal cultivation (Planning File LE-16-0001) to September 21, 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

7b.

Willamette Falls Legacy Project Whitewater Park Proposal Recommendation

Mr. Konkol said there had been discussion on how to process the proposed whitewater park into the Willamette Falls Legacy Project. The governance structure of the Partners Group for the project was consensus based. Three scenarios regarding the whitewater park were brought forward to the Partners Group and the Group asked for additional public testimony and each jurisdiction to come back with a recommendation.

Christina Robertson-Gardiner, Planner, explained the three scenarios. The first was the whitewater park becoming a public project, but because of the funding and delays to the Riverwalk project, this was not the preferred option. The second was the whitewater park would be a parallel process which would avoid Riverwalk costs and delays. A feasibility study would need to be done before a development proposal was created. The third was to investigate how kayaking and other river recreation could get access to the site. She described the feasibility questions that would have to be addressed including water rights, migratory fish protection, alignment, property acquisition and easements, financing, ownership of the facility, liability in the case the projections were not realized, agreement with PGE for access, safety concerns, support from the tribes, and flood plain impact analysis. If an alignment of the whitewater park could be identified and if the whitewater park proved to be legally, technically, and financially viable, the Partners could determine whether a whitewater park could integrate with the Riverwalk. Falls Legacy LLC had written support letters for the whitewater park and the owner of the property was interested in the idea, but he had not invested any money or made any legal commitment. Scenario 1 had been crossed off by the Partners group due to the substantial delays and might put funding in jeopardy. Staff was asking for direction on either Scenario 2 or 3. The Partners would meet at the end of September to make a decision on this issue.

Tom Hughes, Metro Council President, told a story of how he tried to restore economic vitality to downtown Hillsboro by building a Riverwalk. It was a controversial issue that had a lot of obstacles, and the idea was eventually dropped

because they did not have a river. Oregon City did have a river and there was the capability for funding to do some of the preliminary work and look for other funding sources. There was a great deal of concern regarding what the whitewater park would do to the Riverwalk project. There were many who did not think the whitewater park could be done, especially with the number of permits and agreements that would have to be made before the preliminary feasibility could be done. Scenario 2 might let the process move forward, but it would continue to hang over their heads. It was difficult to see the project move forward from a budgetary standpoint and the feasibility studies were onerous. There was also an issue with compatibility and following the four core values of the Willamette Falls site. The whitewater park met some of the values, but had a negative impact on others. He urged adoption of Scenario 3.

Tootie Smith, Clackamas County Commissioner, said a lot of work and due diligence had been put into the Willamette Falls site and the partnerships had come a long way. The addition of the whitewater park would pose some significant risks and hazards. Recreational immunity did not apply in this case. If someone got hurt, it opened up the possibility for lawsuits. The Special Districts Association had insured the whitewater park in the City of Bend and said it was the biggest mistake they ever made and the facility was now closed. The State had given most of the money for this project and the money was given in support of the four core values which did not include building an entertainment facility. Each jurisdiction had their specific function, such as Metro who would be building the Riverwalk, Oregon City who would do the permitting, land use, and infrastructure, and the County who would be doing the economic development of the site. Looking at the whitewater park from an economic point of view, it would cost a lot of money and would not produce family wage jobs the County was looking for. The County wanted the assessed value to go up to generate more tax revenue and an economic feasibility study would need to be conducted as well. She had been misquoted and made it clear that she was not planning to replace the locks with a whitewater facility but had mentioned it as an alternative.

Commissioner Mengelberg left the meeting at 7:34 PM.

Dennis Wiley, representing the Oregon Parks and Recreation Department, said the Department was a partner on the Riverwalk project. They were interested in this project as it would connect people to the river and was an opportunity for interpretation of the cultural and natural history of the site. Their main role was working with the tribes and their involvement in the project. They had an interest in the whitewater park and they were interested in what the Partners Group had to say later on in the month on this issue.

Thelma Haggemiller, resident of unincorporated Clackamas County, said the group in favor of the whitewater park were only asking to be allowed to proceed with their own studies and meet the challenges those studies might present with their own interest and passion. After a lengthy discussion on this issue at a previous Commission meeting, the Commission voted to go with Scenario 2 which allowed the whitewater park feasibility study process to continue to run its course. Now they were being asked to change that vote and put a stop to work on this project. She encouraged the Commission not to be the ones to not allow them to try.

Sam Drevo, representing We Love Clean Rivers, invited everyone to the 14th annual Clackamas River Clean Up on Sunday. The whitewater park proposal had been going on for a few years with a \$150,000 investment through Clackamas County Tourism. They had received wide support for the proposal. After the Commission meeting where this was discussed, the Technical Advisory Committee met and they

identified the Riverwalk and the whitewater proposal as separate initiatives. Those in support of the whitewater park did not want to delay the Riverwalk or compete with it. They wanted to enhance the community and the uniqueness of the falls and water rich environment. He thought there was a lot of possibility and he hoped the Commission would continue considering it.

Bill Clark, resident of unincorporated Clackamas County and a member of the Natural Resources Committee, had worked on a whitewater park in 1978 and thought the whitewater park and Riverwalk could be compatible uses. He supported further consideration of the park within the constraints of the migratory fish and cultural needs of the tribes. He thought it could be worked out and the seasonality of the falls could be compatible with whitewater use. The kayak community were strong supporters of the natural environment and the protection of fish. Whitewater parks had been big economic successes in other places. He would like to see further study on the park.

Alice Norris, Chair of the Rediscover the Falls Friends Group, said the Friends' purpose was to raise funds for the Riverwalk. This was a critical time for Willamette Falls and Oregon City. This diverse community had come together around a vision and shared values and there had been a massive public engagement process. The State of Oregon had confidence in the project and believed it was a good investment. They had strong partners in Metro and Clackamas County and the public was impatient to move this project forward. The public needed to maintain faith in their ability to deliver this world-class Riverwalk and Oregon City's ability to stay the course. There was a finite amount of funding and there was great potential for private investment, but it would not help their case to compete for funds for a separate effort with a huge price tag. It would be challenging to raise funds for the two projects together. It could be confusing to donors and the public. The first priority should be the Riverwalk. The Friends Group urged the Council to stay focused on the catalytic work of bringing people back to Willamette Falls and not squander this once in a lifetime opportunity.

James Nicita, resident of Oregon City, asked whether the Partners Group discussion of the whitewater park was a public discussion and if the meetings were open to the public with posted agendas and notices. Mayor Holladay said yes, they were.

Danielle Cowen, Executive Director of Clackamas County Tourism, was representing the Tourism Development Council. The Council had helped fund the whitewater park as it progressed through the process. She thought of it as a water trail that was controlled through a bladder system and was a natural flow from the top of the falls to the lower river. It was not a park or Disneyland ride. It was a water trail that would once again connect the upper and lower river. It had jobs connected to it, which were not low wage jobs, and could be an incentive for other companies to locate near the site. The vision was that the trail and Riverwalk work together. There was a great deal of interest in the concept and it was a new opportunity for the City, County, and State. She did not think the trail and Riverwalk would be in competition with each other. They each had different funding cycles and sources. The owner of the Willamette Falls property supported the whitewater park as well. She encouraged the Commission to continue with Scenario 2.

Frank O'Donnell, resident of Oregon City, was a kayaker and outdoorsman. He read the proposal and the 82 letters in support of the proposal and 2 letters with questions. He traveled for his job and had seen very successful towns with similar projects. However, he was against the whitewater park proposal. The projects needed to be kept distinct and he did not want any delays to the Riverwalk especially if it increased costs. He did not want an impact to the ancient petroglyphs and fish migration. He did

not think the whitewater park should be publicly funded. He did not see any credible private finance plan and the feasibility was questionable. Due to the potential for delay and lack of return on investment, he did not think this option should be pursued. If people wanted it, private funds should be used. They needed to stay focused on the goal.

Blane Meier, resident of unincorporated Oregon City, said the Oregon City Business Alliance was in favor of Scenario 2. There were concerns and obstacles and the Alliance wanted to see an objective decision making and analysis done on this proposal. As the design process continued for the Riverwalk, they thought the possibility of a whitewater park could continue. He wanted a fair and balanced analysis. He thought they should stick with Scenario 2 until they received hard data.

Betty Mumm, resident of Oregon City, said the last vote on this was not noticed and it was not on the agenda and the Commission did not have a chance to hear from the opposing side. There were a lot of unknowns in the whitewater park proposal. They did not have to include the whitewater park with the Riverwalk. They could say they wanted water flowing from one end of the river to the other and the design team could create access once there was funding and permits. It did not need to be a part of the Riverwalk.

Jesse Buss, resident of Oregon City, said regarding liability on the site, the City could not disclaim their own negligence in a liability waiver. That did not mean people could come after the City even if they were not negligent. He did not think they would put everyone at risk by putting in a whitewater park. He thought Scenario 3 said if feasibility studies showed the whitewater park was not viable, then they would proceed with the Riverwalk. The feasibility studies needed to be done for either scenario. It was premature to do anything but Scenario 2, continuing to study the option. Water flowing through the site was doable. He urged the Commission to continue with Scenario 2.

Bob Mahoney, resident of Oregon City, thought all of these comments should have been made before the Planning Commission. It was a land use decision and if the Commission decided in favor of the proposal, they would be setting a dangerous precedent. The Commission was being put into a position where they thought they had to authorize the continuation of feasibility studies. No permission was needed to do feasibility studies. He recommended not setting the precedent.

Harry Dalgaard, representing Travel Oregon, was in support of Scenario 2 as it was the right way forward for Oregon City and the Willamette Falls Legacy Project. It would develop increased recreational tourism assets for the State of Oregon. Not allowing for the whitewater project to continue would limit prospective travelers and limit the ability to entertain a recreational traveler that typically spent more than a leisure traveler.

Doug Neeley, resident of Oregon City, did not think this issue should go before any city committee because there was no design at this point.

Commissioner Smith clarified why he supported Scenario 2 the last time the Commission had this discussion. There were different versions of Scenario 2 and 3 and a previous Scenario 3 had left out the possibility to have a whitewater park. He wanted to make sure that in the future there would be the ability to have water flowing through the site as it fit the four core values and vision for the site. He had been concerned that choosing one scenario would negate that ability. Last time they discussed this, Scenario 3 did not allow for the possibility and he made a motion to proceed with Scenario 2. Afterwards there were multiple meetings and staff brought

back information on how the decision affected the partnership and site and a new Scenario 2 was created. Now tonight Scenario 2 and 3 were different again, and it seemed like they were saying the same thing. He did not want to limit the ability to have water running through the site. He asked that staff explain the difference between the two scenarios.

Mr. Konkol explained the scenarios came from the Technical Advisory Committee to address the concerns of all the partners. Ms. Robertson-Gardiner said the TAC met a couple of weeks ago and the scenarios had changed somewhat. The specific wording was in the matrix from the TAC. Mr. Konkol said the wording from the TAC was released on August 24 and staff prepared a memo to clarify the scenarios. Metro disagreed with the TAC's staff report as it related to Scenario 3. Metro would like Scenario 3 to say there would be no whitewater park.

Commissioner Shaw was not comfortable approving Scenario 3. He still thought Scenario 2 was the right choice.

Commissioner Ide was concerned that they had been hearing a lot from people who did not live in Oregon City. The feasibility study would need to be funded by We Love Clean Rivers and not through public funds.

Mayor Holladay said integrating a whitewater park was a wholesale change in what they had been thinking about for the site. The design collective was not seeing a clamoring for this kind of facility. They needed to listen to the design collective and staff that had been working on this project. Several of the partners were in favor of Scenario 3. He did not see any reason to use resources to look at the whitewater park idea. He wanted to continue to work on kayaking opportunities, portage trails, access to the river, and a water trail. A whitewater park did not fit with the Riverwalk at this time, but that did not preclude the work of private investors getting the permits and building it on their own.

Commissioner Smith said there were many ways to do a whitewater park and he wanted to be careful about saying a whitewater park would not be included.

Ms. Robertson-Gardiner discussed the design process for the Riverwalk and how they did not want to delay the project as there was a certain amount of funding that was tied to a timeline to be able to get to construction by 2018.

Mayor Holladay said they were not discussing different types of whitewater parks, but the one proposed by We Love Clean Rivers. That was different from water usage or movement that would come back through the design collective.

Commissioner Mengelberg returned to the meeting at 8:49 PM.

Mr. Konkol added an email from Ms. Govaars from We Love Clean Rivers that included an economic impact study, executive summary, additional letters of support, and frequently asked questions and a letter from Mike Hauk with questions about the process into the record.

Mayor Holladay thought this should have gone to the design collective. He was in support of Scenario 3.

There was discussion regarding the differences between Scenario 2 and 3. There was clarification that in Scenario 3, the whitewater park would not be included in the Riverwalk design.

A motion was made by Commissioner Shaw, seconded by Commissioner

Smith, to support Scenario 2, clarifying the Riverwalk and whitewater park proposal were two separate projects. The feasibility of the whitewater park was the responsibility of We Love Clean Rivers and the Partners Group could consider a whitewater park if it proved feasible and was at no cost or delay to the Riverwalk project. Included in the motion was agreement with the five statements in the staff report written by Mr. Konkol. Motion failed by the following vote:

Aye: 2 - Commissioner Brian Shaw and Commissioner Rocky Smith

Nay: 3 - Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, to support Scenario 3. Motion passed by the following vote:

Aye: 3 - Mayor Dan Holladay, Commissioner Renate Mengelberg and Commissioner Nancy Ide

Nay: 2 - Commissioner Brian Shaw and Commissioner Rocky Smith

7c.

Code Enforcement Update on Residential Membrane (Fabric and Metal) Accessory Structures and Process for Amending the Code

Laura Terway, Community Development Director, provided an update on membrane structures. She discussed the applicable standards for membrane structures. In general people could not have metal or fabric structures permanently if they were visible from the public right-of-way. She then described the membrane structure code enforcement violations. Existing structures were supposed to have been taken down on January 1, 2011, and no new membrane structures were allowed. Some violations occurred, but the City was not proactive in going around to check for membrane structures and only responded to complaints. In June of 2016, 47 complaints were submitted. The Commission had requested staff to not take any action on the enforcement until they could give staff direction. Of the 47 complaints, 17 were left to address. The 17 had a lot of other issues besides the material, such as placement, setbacks, and height. Some had a place to move them on their property, and some did not. She asked if the Code should be changed and explained the costs for a legislative application. The items to be considered were specifying the scope of the amendment and getting as much public input as possible.

Mayor Holladay was on the side of property rights and allowing people to do what they wished on their property as long as they were not hurting their neighbors in some way and life and safety were considered. It was a poor decision not to grandfather in those who already had these structures. He thought there should be a way to make it fair to everyone.

Nancy Burke, resident of Oregon City, had a neighbor who had a metal structure. He was an outdoorsman and had a camper and boat that had been covered in tarps and when a windstorm came through, she heard the tarps flapping or they came off and ended up in her backyard. When they were covered in tarps, there were problems with critters living in the boat. After five years, her neighbor put up a metal structure. It was well anchored and there were no critter problems. As long as people were being respectful to their neighbors and it was decent looking, she thought these structures were acceptable. It was better to have something that looked permanent and decent than to have things covered in tarps that looked trashy. She was a proponent of allowing people to have these structures.

Jason and Jeannie Gee, residents of Oregon City, said people with these structures

were paying taxes and were viable citizens with investments. These investments needed to be covered and people had to go through so many hoops they started to do them illegally. These types of structures should be allowed with the cooperation of neighbors. The metal structures were an investment. There were multiple structures like this on public facilities, such as PGE, County, and school buildings.

Debra Kasnias, resident of Oregon City, said in 1994 she got a right-of-way permit for expansion of her driveway to park her boat and put a structure over it. It was nice looking with a chain link fence in front. She had elderly neighbors with cats who were using the boat for shelter. She did not want to have to tear the structure down and she had no extra property in the backyard to put it. Her neighbors did not have a problem with the structure.

Pam Laird, resident of Oregon City, had an awning with a toy hauler under it. It was nice and the neighbors did not have a problem with it. They have had it for about 10 years.

Kaye Lynch, resident of Oregon City, addressed a new structure that was put up mid-August on Cherry Street. It was in violation of the Code as the structure was in front of the house on the driveway and it was large. She did not have a problem with these types of structures as long as they did not compromise the neighborhood or visibility to the street. This particular structure should be looked at. Mayor Holladay said Code Enforcement was looking into it.

Frank O'Donnell, resident of Oregon City, said the goal of exempting these structures for public health, safety, and general welfare was admirable, but the unintended consequences were that it put the community in turmoil. Prior to 2010 the term membrane structure did not exist in the Code nor were they addressed. Setbacks did not apply to membrane structures before 2010 nor was there a definition for these types of structures. He did not think they qualified as nuisances. This was a poorly structured piece of Code and the retroactive application was offensive to citizens and was fairly unique to the Code. He had reviewed the historical minutes of the meetings where this was discussed and the focus was on controlling trash and hazardous substances and protecting the historic districts. He agreed with those sentiments. Clear direction was not given to staff and he challenged the statement that a robust public engagement process occurred. Most of the Code changes had more discussion, and very little time was dedicated to the discussion on membrane structures which was largely misunderstood by all involved. They lost focus on the goal and produced a piece of Code that did not deal with a true nuisance. He had helped to transcribe the minutes verbatim and he thought the minutes should be reviewed before a decision was made. He suggested grandfathering in these structures.

Lynn Andersen, resident of Oregon City, had watched several of the Planning Commission meetings where this issue was discussed and read the transcribed minutes. She thought the original intent was to clean up the long term storage of junk. This was the kind of mess that would be considered a nuisance or possibly a safety hazard. There were many complaints from neighbors who were tired of the mess and the Planning Commission became involved with the Code to enable enforcement to get these problems removed. However through the process, the focus changed from just nuisances and safety issues to encroachment on people's property rights. People cared about their neighborhoods and had invested in permanent covers that protected their investments, not junk. Many who owned these covers did not know about the discussions in 2010. She thought these structures should be grandfathered, and people should be allowed to install metal covers in the future as long as they were behind the fence line, were kept in good condition, and the content

being covered did not pose a safety hazard. She suggested repealing that part of the Code and rewriting it.

Commissioner Ide asked if there were any other options besides changing the Code, such as granting waivers until a Code change could be done.

Commissioner Shaw thought staff could come back with recommendations for how to proceed.

Commissioner Mengelberg thought a distinction needed to be made for those structures that were set back with fences in front and surrounded by landscaping which should be acceptable and those that were up against the house that didn't have a fence and were very tall which should not be acceptable.

Commissioner Smith thought it should be reviewed and there should be a distinction between a nice structure that people spent a large amount of money on and a metal container. He was willing to work through the changes that should be made. He did not think it should be retroactive. They needed to be consistent and apply the regulations to City property as well.

Mayor Holladay said no enforcement would be taken at this time and a Work Session would be scheduled to discuss the issue further. They needed to allow people to use their property as much as possible while not endangering neighbors.

There was consensus to move forward as proposed by the Mayor.

7d. Resolution No. 16-27, Adjustments to the 2015-17 Biennial Budget

Wyatt Parno, Finance Director, said this was a request for a budget adjustment due to some changes in staff positions.

A motion was made by Commissioner Ide, seconded by Commissioner Smith, to adopt Resolution No. 16-27, adjustments to the 2015-17 Biennial Budget.

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 Shaw, 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. Public Improvement Contract for the Construction of the Linn Avenue Sewer Improvement Project (CI 15-018)

8b. Personal Services Agreement for Landscape Maintenance Services for the Stormwater Division of Public Works with C & R Reforestation

8c. First Amendment to a Settlement Agreement Between Oregon City,

South Fork Water Board, Clackamas River Water District, Sunrise Water Authority and the Clackamas Regional Water Supply Commission

- 8d. OLCC: Liquor License Application- On-Premises Sales, New Outlet, Applying as a Corporation, Geeks and Games, Inc., 1656-C Beaver Creek Road, Oregon City, OR 97045
- 8e. Minutes of the July 20, 2016 Regular Meeting
- 8f. Minutes of the July 12, 2016 Work Session

9. Communications

a. City Manager

There was consensus to continue the meeting past 10 PM.

Mr. Konkol provided an update on the explanatory statement for the Urban Renewal ballot measure. The Commission discussed the statement at their last meeting and changes to the language had been made. Staff had talked with the County Assessor's Office and the following language had been proposed: "The frozen assessed value of the District was \$50.7 million and the District was now valued at \$180.1 million." Staff had not heard back from the Secretary of State's office for impartiality review. This issue was brought before the Circuit Court and the court date was set for tomorrow afternoon. If the judge did not issue a temporary restraining order or some other finding that prohibited the City from submitting the statement, Mr. Konkol would move forward with submitting it by the due date which was 5 PM tomorrow.

Bill Kabeiseman, City Attorney, thought the statement was fair, balanced, and unbiased. It accurately stated the effects of the measure.

Commissioner Smith was still concerned that the Secretary of State's office had not replied.

There was consensus to move forward as suggested by staff.

b. Commission

There was no Commission report.

c. Mayor

There was no Mayor's report.

10. Adjournment

Mayor Holladay adjourned the meeting at 10:04 PM.

Respectfully submitted,

Kattie Riggs, City Recorder