



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, December 6, 2017

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:03 PM.

Present: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

Absent: 2 - Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 12 - City Manager Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, James Band, Community Services Director Phil Lewis, Community Development Director Laura Terway, Christina Robertson-Gardiner, Economic Development Manager Eric Underwood, Library Director Maureen Cole, Finance Director Wyatt Parno, Human Resources Director Jim Loeffler and John Lewis

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Natural Resources Committee (NRC) Annual Update

Doug Neeley, Chair, and Trent Warness, Vice Chair, presented the Natural Resources Committee's annual update. Mr. Neeley gave a description of the Committee's roles and responsibilities. The Wetland Resource Overlays had not been updated since 1999 and there had been a new wetland delineation in Canemah that needed to be included in the Overlay. He suggested a tentative overlay be placed on the area. Other projects the NRC had been involved in included the Clackamas Community College Environmental Learning Center, Heritage Tree program, installing signage on streams in the City, geological designation of Water Board Park, invasive plant removal, joint meetings with the Parks and Recreation Advisory Board and Planning Commission, and received updates from Public Works, Planning, and other environmental organizations on several projects. The NRC would like funds identified to off-set the arborist costs for Heritage Tree designations as well as funds for installing more signs on streams in the City. He then reported on a series of natural history walking tours given by Jerry Herrmann, NRC member.

4. Citizen Comments

Bob Mahoney, resident of Oregon City, commended the Planning staff for their work. He asked the Commission to consider the economic impact that appeals of decisions were having on tax payers. This made investors and developers not want to come to

the City and it affected the future economics of the community. Tax payers had to pay for these appeals. He thought the appeal process needed to be reviewed. He did not think these appeals should be allowed to go on and on and cause developers delays.

Mayor Holladay suggested discussing this issue with State Representative Mark Meek.

5. Adoption of the Agenda

Mayor Holladay pulled item 8e from the agenda and it would come before the Commission at another meeting. The agenda was adopted as amended.

6. Public Hearings

6a. Request to Continue Planning File LE 17-02 to February 21, 2018, Legislative Amendment to Adopt the McLoughlin-Canemah Trail Plan, Amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan

Mayor Holladay opened the public hearing.

Laura Terway, Community Development Director, requested a continuance for this application to February 21, 2018 to get more input from stakeholders.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to continue Planning File LE 17-02 to February 21, 2018, Legislative Amendment to adopt the McLoughlin-Canemah Trail Plan, amending the Transportation System Plan, Trails Master Plan, and Parks Master Plan. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

6b. First Reading of Ordinance No. 17-1011 and AP 17-05: Appeal of the Planning Commission's Denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District and a Subdivision of 77 lots (Wheeler Farm) Located near White Lane and Orchard Grove Drive

Mayor Holladay opened the public hearing.

Bill Kabeiseman, City Attorney, said after the Commission made the tentative decision to deny the appeal and approve the application, an email was received dated November 5, 2017 from Tom Geil. He asked the Commission to include a vote on the record that the Commission rejected that email.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to reject the November 5, 2017 email from Tom Geil. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

Mr. Kabeiseman asked if the Commission had any ex parte contacts since the last hearing on this matter. There were none.

Christina Robertson-Gardiner, Planner, stated this was an application for a 77-lot subdivision and zone change from R-10 to R-8. The Planning Commission's decision to deny the application was appealed to the City Commission. The City Commission made a tentative decision to reverse the Planning Commission's decision and grant the appeal with the direction for staff to come back with findings and revised conditions of approval. The revised conditions were in regard to the 1.35-acre open space, Tract A, which would be open space in perpetuity, open to the public, and would be maintained by the Homeowners Association.

There was discussion regarding the options if the Homeowners Association did not maintain the open space.

There was no public comment. Mayor Holladay closed the public hearing.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the first reading of Ordinance No. 17-1011 and AP 17-05: appeal of the Planning Commission's denial of TP 17-03 and ZC 17-02; Zone Change from "R-10" single-family dwelling district to "R-8" single-family dwelling district and a subdivision of 77 lots (Wheeler Farm) located near White Lane and Orchard Grove Drive. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7. General Business

7a. AP 17-04: Appeal of the Historic Review Board's August 22, 2017 Decision to Approve the Designs of Six (6) Cottage Style Homes in the Canemah Historic District

Ms. Terway said at the last Commission meeting the record was closed and the appeal of the HRB's August 22, 2017 decision was tentatively denied.

Mr. Kabeiseman asked if the Commission had any ex parte contacts since the tentative decision was made.

Mayor Holladay said Paul Edgar sent him an email, but it did not relate specifically to this particular item.

Commissioner Ide did not attend the last Commission meeting, but she did review the application and prepared for tonight.

Ms. Robertson-Gardiner said in August 2017 the Historic Review Board approved a cottage home project in Canemah. The approval was appealed by the Friends of Canemah and Paul Edgar. The Commission held the appeal hearing in November and tentatively denied the appeal and affirmed the HRB's decision. They directed staff to return with additional findings and adoption of the final decision tonight.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to deny AP 17-04 and uphold the Historic Review Board's August 22, 2017 decision to approve the designs of cottage style homes in the Canemah Historic District. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7b. Land Use Board of Appeals (LUBA) Remand of the Historic Nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center

Mr. Kabeiseman asked the Commission if they had any ex parte contacts to declare since the last meeting. There were none.

Ms. Terway said in November the Commission made a tentative decision on the following: the City Commission was the proper decision-maker for the remand, the City had not waived the right to refuse consent by delegating the authority of designating historic resources to the Historic Review Board, the City Manager had the authority to refuse consent under the City Charter, and ORS 197.772 allowed public entities to refuse consent to historic designations.

Mr. Kabeiseman said the record was closed and he recommended not taking further testimony. The Commission agreed not to take any more testimony.

Jesse Buss, resident of Oregon City, objected to the lack of opportunity to speak.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to adopt the revised findings for the Land Use Board of Appeals (LUBA) remand of the historic nomination for the Community Cannery and Workshop Annex in the Upper Yard of the City's Public Works Operations Center. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7c. First Reading of Ordinance No. 17-1013, Amending the Oregon City Municipal Code Title 13, Public Services, Section 13.20 System Development Charge for Capital Improvements

John Lewis, Public Works Director, explained the proposed changes to the Code for System Development Charges for capital improvements. The changes included the definition of "most recent structure or use," establishing the value of SDC credits and the length of time they could be redeemed, and SDC reduction or reimbursement language. The next steps were to adopt the Ordinance with the proposed changes and the Transportation SDC methodology. The rate changes would come before the Commission in February 2018.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the first reading of Ordinance No. 17-1013, amending the Oregon City Municipal Code Title 13, Public Services, Section 13.20 System Development Charge for Capital Improvements. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7d. Resolution No. 17-29, Declaring an Emergency and Exempting The Father's Heart Street Ministry and the Oregon City Retirement Center from Planning Code Requirements on a Temporary Basis

Tony Konkol, City Manager, said last year there were several cold weather events where the Commission declared emergency resolutions to allow two facilities, Father's Heart and the Oregon City Retirement Center, to be used as warming shelters during

those events. He had been in contact with Clackamas County health officials and the need for emergency shelters during cold weather events still existed in the community. The City had identified a checklist of minimum standards that were required for facilities to be identified as emergency warming shelters. The City received requests that these two facilities be available again this year. Father's Heart could house up to 49 people and the Oregon City Retirement Center could house up to 16 people from 6 p.m. to 7 a.m. each day the outside temperature reached 33 degrees or below including the wind chill factor until March 15, 2018. He recommended approval of the resolution.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve Resolution No. 17-29, declaring an emergency and exempting The Father's Heart Street Ministry and the Oregon City Retirement Center from Planning Code requirements on a temporary basis. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

7e. Resolution No. 17-31, Recognizing and Supporting the Efforts of the Oregon City Homeless Solutions Coalition

Mr. Konkol said the Oregon City Homeless Solutions Coalition was working on ways to address homelessness in the City. The Commission was being asked to formally recognize and support this effort. Commissioner O'Donnell had contacted him asking if adopting this resolution committed the City to financial resources. The answer was no, this was not a request for financial assistance, although there had been discussions regarding assistance in the future.

Commissioner Ide confirmed this was not a request for funds, but a request for recognition that they existed in the community and were working towards homelessness solutions in the region.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve Resolution No. 17-31, recognizing and supporting the efforts of the Oregon City Homeless Solutions Coalition. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

8. Consent Agenda

Mayor Holladay pulled item 8b from the Consent Agenda.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the consent agenda items 8a, 8c, 8d, and 8f - 8h. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

8a. Resolution No. 17-30, Establishing Annual Inflationary Adjustments to Storm Drainage Rates

8b. Revised Commission Policy 1-3, Public Meetings

Mayor Holladay wanted to let people know that this policy revised the time of City board and committee meetings to not go past 10 p.m. without a unanimous vote of approval by the members present and in no circumstances to go past 11 p.m. He did not think good decisions could be made past 11 p.m. and that was the reason for the policy change.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the revised Commission Policy 1-3, Public Meetings. The motion carried by the following vote:

Aye: 3 - Commissioner Brian Shaw, Mayor Dan Holladay and Commissioner Nancy Ide

- 8c. Technology Services Contract with Mark43, Inc. for New Police Records Management Software
- 8d. Personal Service Agreement with Friends of Trees for Neighborhood Tree Planting and Pruning
- 8e. Public Improvement Contract with DGS General Construction for Tenant Improvements to the Mt. Pleasant Annex (698 Warner Parrott Road)
- 8f. Minutes of the October 10, 2017 Work Session
- 8g. Minutes of the October 18, 2017 Regular Meeting
- 8h. Minutes of the November 1, 2017 Regular Meeting

9. Communications

a. City Manager

Ms. Terway reported on the Friends of Trees tree planting that occurred on Saturday.

Eric Underwood, Economic Development Manager, gave an update on the Enterprise Zone program. A long time Oregon City company was taking advantage of the program in order to expand their business. The company would be investing \$1 million and would be hiring four new family wage jobs.

Jim Band, Police Chief, announced Captain Davis was accepted into the 272nd session of the FBI National Academy.

b. Commission

Commissioner Ide reported on the National League of Cities Conference and Willamette Falls Locks Work Group. The Willamette Falls Locks Commission would have its first meeting in January 2018. She had also been attending several panel discussions on affordable housing and did a ride along with Officer Mike Day.

Commissioner Shaw attended the Citizen Involvement Committee (CIC) meeting.

c. Mayor

Mayor Holladay attended the Tree Lighting Ceremony and Willamette Falls Legacy Project Partners meeting.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:13 PM.

Respectfully submitted,

Kattie Riggs, City Recorder