



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, Nancy Ide, Renate Mengelberg

Wednesday, November 2, 2016

7:00 PM

Commission Chambers

REVISED

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:04 PM.

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

Staffers: 11 - City Manager Tony Konkol, City Attorney William Kabeiseman, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Public Works Director John Lewis, Library Director Maureen Cole, Human Resources Director Jim Loeffler, Community Development Director Laura Terway, Finance Director Wyatt Parno, Community Services Director Phil Lewis and Christina Robertson-Gardiner

2. Flag Salute

3. Ceremonies, Proclamations, and Presentations

3a. Oath of Office, Oregon City Police Department, for Officer Travis Schachtel and Officer Michael Villanti

Jim Band, Police Chief, introduced Officer Travis Schachtel and Officer Michael Villanti. Commissioner Smith administered the Oath of Office to Officers Schachtel and Villanti.

3b. Proclamation Honoring Oregon City's Fallen Officers Robert Libke and George Hanlon

Mayor Holladay read a proclamation honoring Oregon City's fallen officers Robert Libke and George Hanlon. Tomorrow was the third anniversary of the loss of Officer Libke.

3c. Proclamation in Observance of Veterans' Day, November 11, 2016

Mayor Holladay read a proclamation in observance of Veterans' Day, November 11, 2016.

3d. Oregon City Friends of the Trees Annual Report

Kris Hikari, Regional Programs Manager for Friends of Trees, discussed the Friends

of Trees' mission statement, how Friends had planted over 600,000 trees and native shrubs in local communities, gave an overview of their planting program, and explained the Friends activities in Oregon City. The next tree planting event would be on December 3, 2016 at Zion Lutheran Church.

Ian Bonham, Friends of Trees Board member, said their mission was to plant trees together and build community. He discussed one of the events where a church, the City, businesses, volunteers, and a non-profit were all working together to plant trees.

Ms. Hikari said they were in 20 communities and they were glad to be in Oregon City.

4. Citizen Comments

There were no citizen comments.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6a. Appeal 16-01: Appeal of a Historic Review Board Approval of a New Home in the Canemah National Register District (Planning File HR 16-06)

Laura Terway, Community Development Director, said the City received an application to build a new single family home near the intersection of 4th and Apperson. The application went before the Historic Review Board as it was in the Canemah Historic District. It was approved with the condition that a breezeway connecting the home to a garage would be removed. This decision was being appealed due to that condition.

Christina Robertson-Gardiner, Planner, said all new construction in the Canemah Historic District went before the Historic Review Board. It was previously reviewed for a different owner and had come before the City Commission before. That approval had expired and the new owner submitted a similar proposal. The HRB approved the application on the condition that they removed the breezeway. Because of a family emergency, the applicant was unable to attend the HRB meeting and if they had been at the meeting they would have requested a continuance to allow the HRB to review a revised breezeway. The appellant was requesting the application be remanded back to the HRB solely to discuss this condition. The record was closed and the Commission could not consider the appellant's redesigned breezeway that was submitted as part of their appeal as it was new evidence not in the record. If the Commission approved the request for a remand back to the HRB, the applicant would need to waive the 120 day decision deadline to March 1, 2017. It would mostly likely go back to the HRB in January 2017. The options for the Commission were to deny the appeal and uphold the HRB's decision, allow the remand back to the HRB to open the record to solely discuss the option of a revised breezeway, or approve the appeal and remove the condition to remove the breezeway. Staff thought the HRB did not error in their decision making and did provide findings for the removal of the breezeway. Staff recommended denial of the appeal. The applicant could come back with a request for a modification as a separate process.

Mayor Holladay opened the public hearing.

Alex Onishchenko, appellant, was a resident of Milwaukie. Due to a family emergency he was not able to go to the HRB meeting. He requested the application be remanded back to the HRB to discuss options for the breezeway.

Mayor Holladay closed the public hearing.

Commissioner Smith said the HRB was there for a reason and he thought they did a good job of reviewing the application. One thing that made historic neighborhoods the way they were was being consistent with what was there in the past. A key factor for new houses fitting with a historic neighborhood was not being attached to the garage as historically garages were built separately. He thought the HRB made the right decision and was in support of denying the appeal.

Commissioner Shaw said it was important to have a consistent set of guidelines for historic homes. He was also in favor of denial.

Mayor Holladay said the culture of the City was to allow everyone a chance to have their say. He was willing to remand this back to the HRB to give the applicant an opportunity to discuss the options.

Commissioner Ide said that could still be done even if the Commission denied the appeal.

Ms. Terway explained the applicant could apply for a modification which cost \$500. If it was remanded back to the HRB, it would have to be re-noticed. The fee for appeal was \$50 and the costs to re-notice would exceed the appeal fee.

Bill Kabeiseman, City Attorney, clarified the Commission rejected the additional testimony the applicant submitted as it was new evidence.

A motion was made by Commissioner Smith, seconded by Commissioner Shaw, to deny Appeal 16-01: appeal of a Historic Review Board approval of a new home in the Canemah National Register District (Planning File HR 16-06). The motion passed by the following vote:

Aye: 4 - Commissioner Brian Shaw, Commissioner Rocky Smith, Commissioner Renate Mengelberg and Commissioner Nancy Ide

Nay: 1 - Mayor Dan Holladay

7. General Business

7a. Second Reading of Ordinance No. 16-1011: Amendment of Oregon City Municipal Code Chapter 12.16 to Include a New Section 12.16.070 - Park Exclusions

Phil Lewis, Community Services Director, stated this ordinance would allow police officers to exclude individuals from parks for 30, 90, and 180 days depending on the number of infractions with the opportunity for an appeals process.

A motion was made by Commissioner Shaw, seconded by Commissioner Smith, to approve the second reading and final adoption of Ordinance No. 16-1011: amendment of Oregon City Municipal Code Chapter 12.16 to Include a new Section 12.16.070 - Park Exclusions. 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

7b.

Second Reading of Ordinance No. 16-1012: Amending Section 12.16.020 of the Oregon City Municipal Code to Ban the use of Tobacco in Oregon City Public Parks

Mr. Lewis said the Parks and Recreation Advisory Committee had brought forward the request to ban the use of tobacco in parks.

A motion was made by Commissioner Smith, seconded by Commissioner Mengelberg, to approve the second reading and final adoption of Ordinance No. 16-1012: amending Section 12.16.020 of the Oregon City Municipal Code to ban the use of tobacco in Oregon City public parks. The motion passed by the following vote:

Aye: 3 - Commissioner Brian Shaw, Commissioner Rocky Smith and Commissioner Renate Mengelberg

Nay: 2 - Mayor Dan Holladay and Commissioner Nancy Ide

7c.

Memorandum of Understanding with Clackamas River Water for Payment Terms for a Joint Engineering Study

John Lewis, Public Works Director, said the City had a long relationship with Clackamas River Water who mostly provided water outside of the City, but sometimes also within the City. The relationship between the City and CRW had improved and this Memorandum of Understanding was an agreement for payment of a joint engineering study. The study was looking at both jurisdictions and future water service provision. The funding would be split, 50% from the City and 50% from CRW. CRW had already signed the agreement. He explained the benefits of the agreement. It would take about six months to complete the work.

A motion was made by Commissioner Ide, seconded by Commissioner Smith, to approve the Memorandum of Understanding with Clackamas River Water for payment terms for a joint engineering study. 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

7d.

Tri-City Service District Discussion

Tony Konkol, City Manager, discussed the County Commission's proposal to create the Water Environmental Services District for which the County Commission would be the Board. This would consolidate the operations and assets of the Tri-City Service District and Clackamas County Service District into the Water Environmental Services District. He received this information last Friday, and the County Commission would take it up as an emergency ordinance tomorrow. This did not go before the Tri-City Advisory Committee, was not commented on by staff, and seemed to be a punitive measure against Tri-City. He also questioned the nature of the emergency. It exemplified the concerns that the City had, especially in representation of the rate payers and users of the district. He had tried to get a temporary restraining order from the County adopting it, but the judge determined that it was a political issue, not a legal issue. He would go before the County Commission tomorrow and

put the concerns on the record. He thought it was an infringement on the governance of a local jurisdiction. It would be a gutting of the Tri-City Service District and to defend that this organizational structure represented the best interest of Tri-City rate payers was hard to prove.

Mayor Holladay had discussed this with the cities of Gladstone and West Linn and Gladstone was as unhappy about it as Oregon City and West Linn was confused and thought there was opportunity for more local control. He did not think local control would happen anytime in the near future and thought the County was using Tri-City to subsidize Clackamas County Service District. He was planning to testify at the meeting tomorrow as well.

8. Consent Agenda

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, 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.** Resolution No. 16-31 Supporting the Beaver Creek Employment Area Marketing and Development Initiative
- 8b.** Change Order #2 for the 15th Street Waterline Replacement Construction Project (CI 15-011)
- 8c.** Personal Services Agreement with Murray Smith & Associates, Inc to Perform an Engineering Study of Clackamas River Water Service Analysis and Boundary
- 8d.** OLCC: Liquor License Application- On-Premises Sales, New Outlet, Applying as a Limited Liability Company, Hops Beer Bar, 14210 Fir Street, Suite C, Oregon City, OR 97045
- 8e.** Minutes of the September 13, 2016 Work Session
- 8f.** Minutes of the September 21, 2016 Regular Meeting

9. Communications

a. City Manager

Mr. Konkol announced the Riverwalk design alternatives presentation and workshop would be held on November 14, 2016. City Hall would be closed on November 11, 2016 for Veteran's Day.

b. Commission

Commissioner Mengelberg attended the South End Neighborhood Association meeting, Clackamas Cities Association Dinner, and had talked with champions of the

faith based community regarding homelessness solutions, such as putting tiny houses on church property.

Commissioner Ide also attended the Clackamas Cities Association Dinner, South End Neighborhood Association meeting, National Park Service Reception at Fort Vancouver, movie presentation on Generation Found, and Oregon City Business Alliance presentation on downtown Oregon City.

Commissioner Shaw attended the ribbon cutting for the Trail Distillery, South Fork Water Board meeting, as well as several of the other meetings that had already been mentioned.

Commissioner Smith attended the Clackamas Cities Association Dinner and apologized for not being at the trick or treat event. He thanked the police and staff for their support at the high school last week.

c. Mayor

Mayor Holladay attended most of the same meetings as his fellow Commissioners. He thanked downtown Main Street and the business owners for the trick or treat event. He announced Commissioner Mengelberg had been named the Economic Development Leader of the Year for the State of Oregon.

10. Adjournment

Mayor Holladay adjourned the meeting at 8:07 PM.

Respectfully submitted,

Kattie Riggs, City Recorder