



City of Oregon City

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Oregon City, OR 97045
503-657-0891

Meeting Minutes - Final

City Commission

Dan Holladay, Mayor
Brian Shaw, Commission President
Nancy Ide, Frank O'Donnell, Renate Mengelberg

Wednesday, March 15, 2017

7:00 PM

Commission Chambers

1. Convene Regular Meeting and Roll Call

Mayor Holladay called the meeting to order at 7:01 PM.

Present: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Staffers: 11 - City Manager Tony Konkol, Assistant City Attorney Carrie Richter, City Recorder Kattie Riggs, Police Chief and Public Safety Director James Band, Dayna Webb, Human Resources Director Jim Loeffler, Community Development Director Laura Terway, Finance Director Wyatt Parno, Economic Development Manager Eric Underwood, Pete Walter and Community Services Director Phil Lewis

2. Flag Salute

3. Ceremonies, Proclamations

3a. Oregon City Library Foundation Presenting Donation Check to the Oregon City Library

Maureen Cole, Library Director, introduced Karen Martini from the Library Foundation.

Ms. Martini introduced the Library Foundation Board members. The Library Foundation made a commitment to help with the library addition project. They were tasked with filling a shortfall in the budget of \$241,000. They also wanted to add some items to the facility that had not been envisioned or did not fit into the budget and wanted to create a fund for the future so they could continue to support the library. They set a goal of \$500,000 and thanks to some grants and contributions, they were able to raise all of that amount. She presented a check for \$296,536.00 to the City. The \$241,000 was for the budget shortfall, \$27,000 was for the reading circle, \$20,000 was for redoing the staircase in the front, and \$8,000 was for the card catalog wall where donor names would be displayed.

3b. National Park Service Presentation

Phil Lewis, Community Services Director, introduced Tracy Fortmann and Alex Patterson from the National Park Service.

Ms. Fortmann gave an update on the McLoughlin House, which was part of the Fort Vancouver National Historic site. Last year was the centennial of the National Park

Service and visitation surpassed 1.1 million people. They were becoming more well known and they would continue to work on bringing in more visitors. In an effort to encourage more visitors to the McLoughlin House, a new exhibit had been opened that included a Maria Barclay dress and there would be a talk about the McLoughlin women later March. There was going to be a drapery project to repair and replace the draperies, carpets, and wallpaper at the house as well.

Mr. Patterson discussed the McLoughlin House and Barclay House renovations which included repainting in 2016, a roof project in 2010, chimney repointing and stabilization in 2014, headstone restoration in 2016, hazard tree removal of three historic trees, and solving accessibility issues. He then discussed the anticipated future projects for 2018-2025.

Commissioner Shaw asked about the Ermatinger House becoming part of the National Park Service. Ms. Fortmann said they had given support and assistance for the house repairs. It had at one time been on the list to become part of the National Park Service, but it was taken off due to lack of community support. She was not sure if there was ability to move the house through the legislation again.

3c.

Rockfall Mitigation and Tunnel Illumination (Along Highway 99E) Project Updates From the Oregon Department of Transportation

John Lewis, Public Works Director, introduced Katelyn Jackson, Community Affairs Coordinator for ODOT, and Richard Watanabe, Metro East Manager for ODOT, who would be presenting information on the 99E rockfall mitigation project.

Ms. Jackson said the project would increase the stability of the hillside and increase the safety of 99E. She explained the project location, why the project was taking place, and how eight rockfalls had taken place since 2008. She then showed photos of rockfall instances in 2010 and 2015. The current wire mesh would need to be removed, the hillside would be scaled to remove loose rock, rock bolts would be installed where needed, and the mesh would be reinstalled. Daylight work hours would be required and there would be lane closures and delays on 99E. They were in the process of setting up community outreach for this work.

Mr. Watanabe discussed upcoming ODOT projects in the area such as illuminating tunnels and installing a variable message sign. The construction projects that would be occurring in summer of 2017 included installing barriers in the median on I-205 and repaving from the Abernethy Bridge to I-5.

3d.

Oregon City Bluff Waterline Replacement Project Along Highway 99E

Mr. Lewis introduced Dayna Webb, Project Engineer, who would be discussing this project.

Ms. Webb said the 99E bluff waterline project was in the same area as the ODOT rockfall project. It was a 90 foot waterline that needed to be replaced. She discussed the pipe condition, what was included in the replacement project, traffic impacts, lane closures in June 2017, and public outreach.

4. Citizen Comments

William Gifford, resident of Oregon City, said at Good Morning Oregon City, they received a presentation by the Oregon City High School Choir. The choir had won enough contests that they qualified as one of ten high school choirs in the United States for a competition in Tennessee. They were raising funds to go to the

competition.

Rocky Smith, resident of Oregon City, discussed the need to open the Ermatinger House to the public for the summer season. They spent over \$600,000 restoring the house and there was still some work needed on the interior of the house. He would like the house to be opened by June. They needed to renew interest in the Friends of the Ermatinger House and get the work completed on the interior. It was especially critical to be open during the Rose Festival season and show the connections between Portland and Oregon City. He thought it would be a mistake to wait another summer.

Mayor Holladay suggested recreating the coin flip event where Portland got its name.

Mr. Lewis said staff had been working on identifying the appropriate wall treatments for the house and finding funding for those treatments. The work should begin in the next few months.

Mr. Smith said the plan was for the walls to be finished enough that the house could be reopened. The Friends group had proposed a programming plan for the house that had not been to the Commission yet. He thought there was no excuse not to have the house opened in June 2017.

Mayor Holladay suggested putting this on the next Work Session agenda.

5. Adoption of the Agenda

The agenda was adopted as presented.

6. Public Hearings

6c. Appeal File AP 16-02, Modifying the Conditions of Approval for Construction of a New Medical Office Building and Parking Lots (Planning File DP 16-03)

Mayor Holladay opened the public hearing.

Carrie Richter, City Attorney, read the quasi-judicial appeal hearing procedure statement. Testimony was limited to the issues raised in the appeal. She asked if any Commissioner had ex parte contacts, conflicts of interest, bias, or any other statements to declare. There were none. Mayor Holladay and Commissioner Mengelberg drove by the site.

Laura Terway, Community Development Director, said City staff approved a Type 2 application for a 30,000 square foot medical office building near the intersection of 15th and Division. That application was appealed by the applicant based on two conditions of approval. The first was regarding timing of pavement restoration and the second dealt with the options for compliance with the City's stormwater manual. Staff worked with the applicant to refine the conditions and had amended language. Staff recommended approval of the appeal which would implement the amended language.

Mike Robinson, representing the applicant, appreciated staff working with the applicant on this. The applicant agreed with staff's recommendation to approve the appeal.

There was no other public testimony.

Mayor Holladay closed the public hearing.

A motion was made by Commissioner Shaw, seconded by Commissioner Mengelberg, to approve appeal file AP 16-02, modifying the conditions of approval for construction of a new medical office building and parking lots (Planning File DP 16-03). The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

6a.

First Reading of Ordinance No. 17-1003: Annexation of 51.41 Acres East of Beavercreek Road (Annexation file AN-16-0003)

Ms. Richter asked if the Commission had any ex parte contacts, conflicts of interest, bias, or any other statements to declare since the February 1 hearing. There were none.

Ms. Richter said on February 1, 2017, the Commission directed staff to leave the record open until February 15, 2017 for submission of additional evidence. The City received a fair amount of additional evidence, and some testimony was received after the deadline. She asked the Commission if they wanted to accept the evidence that was submitted on time and reject the testimony that was submitted after the deadline or do something different.

A motion was made by Commissioner Mengelberg, seconded by Commissioner Ide, to accept the testimony submitted on time and reject the testimony received after the deadline. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

Pete Walter, Planner, presented the staff report. This was a request to annex 115 acres into the City. No development was being proposed at this time. There were two separate ordinances for the request. Ordinance 17-1003 was for annexation of 51.41 acres of the southern portion, and Ordinance 17-1004 was for annexation of 63.82 acres of the northern portion. The southern portion of the property had an acknowledged City Comprehensive Plan designation. He summarized the regulations and approval criteria. The annexation did not have to meet all of the factors, but the Commission had to find that a positive balance of the factors was being presented. The Planning Commission voted 3-2 to recommend approval of the application to the City Commission. Staff prepared proposed findings and conditions for adoption of the ordinances. These findings and conditions could be modified at the direction of the City Commission. If the Commission determined that the annexation factors had been positively met on balance, staff recommended adoption of the proposed findings and the first readings of the ordinances.

Ms. Richter discussed the Benton County Circuit Court ruling regarding the City of Corvallis complying with SB 1573. Not sending this annexation to the voters was not in violation of the City's Charter. The Oregon Court of Appeals affirmed LUBA's decision on the Beavercreek Road Concept Plan. The Concept Plan would not be acknowledged until the appeal period expired and that was why staff was recommending approval of the appeal. The record was currently closed and there would be no additional public testimony unless the Commission reopened the public hearing.

There was discussion regarding SB1573.

Ms. Richter said the first step was for the Commission to decide whether or not the application met the land use criteria.

Commissioner O'Donnell thought the annexation would have many adverse effects, such as diminished services, the stormwater recommendations were not requirements, school capacity issues, and transportation issues. He believed in managed growth and not creating a difficult situation that took many years to be resolved. Just because the School District had not commented on capacity, that did not mean it was an endorsement. The mobility policy focused on State highways only and the traffic control emphasis was to maintain acceptable State highway performance. There was no concern about the City or County cross streets. The Kittelson study said traffic at Beavercreek and 213 had grown 2% per year over the last five years. It was currently at .9, and it was a high collision intersection. Solutions to that problem required funding that had yet to be found. He did not think it met the criteria for adequate and available public facilities and services for potential development and there would be adverse effects on the economic, social, and physical environment of the community by the overall impact of the annexation. One of the Commission's goals was to enhance livability in the community and he did not think this annexation did that.

Mayor Holladay thought those issues were separate from the annexation. They would have to be addressed when development was proposed on the site.

Commissioner Shaw was also in favor of controlled growth. This was an application for annexation only. The application had been vetted through staff, consultants, and the Planning Commission. It was part of the City's Comprehensive Plan, Beavercreek Road Concept Plan, and Regional Framework Plan. He thought it met all of the criteria for annexation.

Commissioner Ide concurred that the criteria had been met. The Planning Commission recommended approval. She thought it was the City Commission's obligation to move it forward.

Commissioner Mengelberg said the transportation issues would be vetted when a development application came forward. This area had been studied extensively. It was in the Urban Growth Boundary and had been planned to be developed. She would have liked to send this to the voters, but the applicant had demonstrated compliance with the annexation requirements.

Mayor Holladay said this parcel had been planned to be brought into the City and had been part of the 20 year land supply for the City, but it was never brought in due to voter approval annexation. The legislature passed SB 1573 because many cities had the same issue. He thought the annexation should be approved and the other issues would be resolved through the development process.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve AN 16-0003 with findings that stated the Commission found the annexation criteria were satisfied. The motion passed by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

Nay: 1 - Commissioner Frank O'Donnell

A motion was made by Commissioner O'Donnell to send the annexation to a vote in

the next election. Motion died for lack of a second.

A motion was made by Commissioner Shaw, seconded by Commissioner Ide, to approve the first reading of Ordinance No. 17-1003: annexation of 51.41 acres east of Beavercreek Road (Annexation file AN-16-0003). The motion passed by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

Nay: 1 - Commissioner Frank O'Donnell

6b. First Reading of Ordinance No. 17-1004: Annexation of 63.82 Acres East of Beavercreek Road

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the first reading of Ordinance No. 17-1004: annexation of 63.82 Acres east of Beavercreek Road. The motion passed by the following vote:

Aye: 4 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide and Commissioner Renate Mengelberg

Nay: 1 - Commissioner Frank O'Donnell

7. General Business

7a. Oregon City Emergency Operations Plan Five-Year Update

Jim Band, Police Chief, gave an overview of the City's Emergency Operations Plan. He explained the purpose of the plan, four phases of emergency management, and declaration process. The proposed changes to the Plan included adding an incident annex #12 for dam failure, volunteer and donation management, removal of the hazard analysis matrix, and other incidental changes.

There was discussion regarding how staff had updated the Plan to save costs, available emergency operations training, new LIDAR maps and landslides, and natural hazard mitigation plan.

A motion was made by Commissioner Mengelberg, seconded by Commissioner O'Donnell, to approve the updated Oregon City Emergency Operations Plan. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

7b. Linn Avenue Sewer Moratorium Project Closeout

Mr. Lewis said there was an additional cost for the work on Linn Avenue of \$78,533. This would cover the final costs of the project.

A motion was made by Commissioner Ide, seconded by Commissioner Shaw, to approve the Linn Avenue Sewer Moratorium Project closeout. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

8. Consent Agenda

A motion was made by Commissioner Mengelberg, seconded by Commissioner O'Donnell, to approve the consent agenda. The motion carried by the following vote:

Aye: 5 - Commissioner Brian Shaw, Mayor Dan Holladay, Commissioner Nancy Ide, Commissioner Renate Mengelberg and Commissioner Frank O'Donnell

- 8a. Resolution No. 17-07, Supporting Oregon City's Local Government Grant Application for Development of Glen Oak Park
- 8b. Memorandum of Understanding with Clackamas River Water Regarding Joint User Accounts
- 8c. Public Improvement Contract for the Construction of the Highway 99E Bluff Waterline Replacement Project
- 8d. Fleet Purchase Authorization for Parks Department

Commissioner O'Donnell said staff was requesting \$90,000 for a new mower. The staff report did not say if this was a budgeted item, service history of the current mower, options for repairing or replacing it, and salvage value. He would like to see the justification for the purchase.

Mr. Lewis said he used the standard form for the staff report. The current mower was used almost daily during the mowing season. The maintenance on the mower had tripled, and they would be using the state procurement process to obtain a new mower.

Mr. Konkol said this purchase was in the budget and the old mower would go to auction.

A motion was made by Commissioner O'Donnell, seconded by Commissioner Ide, to approve the fleet purchase authorization for the Parks Department. The motion carried by the following vote:

- 8e. AFSCME Collective Bargaining Agreement for the Period July 1, 2016 - June 30, 2019
- 8f. Minutes of the February 1, 2017 Regular Meeting
- 8g. Minutes of the February 7, 2017 Work Session
- 8h. Minutes of the February 15, 2017 Regular Meeting

9. Communications

a. City Manager

Mr. Konkol said Oregon City's annual Clean-up Day would be April 29, 2017. Tri City Service District was doing a boundary clean-up for West Linn and Oregon City. A public hearing would be held on March 30. There had been calls to the Police Department regarding how they addressed immigration status. Staff was working on organizing an Open House to have a community discussion on the issue. He would be on vacation starting March 23.

b. Commission

Commissioner Mengelberg attended the Alternative Mobility Study meeting where a volume to capacity ratio standard and consideration of a longer peak time were recommended.

Commissioner Ide met with Gail Yazzolino at the End of the Oregon Trail Interpretive Center to discuss the Tourism Plan. She would be the Commission liaison to the Clackamas Heritage Partners Board. The Downtown Oregon City Association was announcing the Best of Oregon City city-wide promotion. This was a competition and voting opened April 1, 2017.

Commissioner O'Donnell met with State Representative Mark Meek who would be in Oregon City again on March 21, 2017. The Mayor's State of the City speech would be held tomorrow.

Commissioner Shaw attended the McLoughlin Neighborhood Association meeting, Citizen Involvement Committee meeting, Clackamas County Business Alliance meeting, and Chamber awards.

c. Mayor

Mayor Holladay said the Metro Mayors Association met with several legislators and the governor's chief of staff and presented important issues in the region. He attended the first meeting of the Willamette Falls Legacy Project group. There would be a kick off of the preferred design alternative for the Riverwalk on June 3, 2017. He met with developers who were interested in Oregon City.

10. Adjournment

Mayor Holladay adjourned the meeting at 9:34 PM.

Respectfully submitted,

Kattie Riggs, City Recorder