



# CITY OF OREGON CITY

## CITY COMMISSION WORK SESSION

### MINUTES

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Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City  
Tuesday, August 08, 2023 at 6:00 PM

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#### CONVENE WORK SESSION AND ROLL CALL

*Mayor McGriff convened the meeting at 6:03 PM.*

**PRESENT: 5 -** Commissioner Rocky Smith, Commissioner Mike Mitchell, Commissioner Frank O'Donnell, Commissioner Adam Marl, Mayor Denyse McGriff

**STAFFERS: 7 -** City Manager Tony Konkol, City Recorder Jakob Wiley, Economic Development Manager James Graham, Police Captain Shaun Davis, Finance Director Matt Zook, Library Director Greg Williams, Assistant City Recorder Angelique Nomie

#### FUTURE AGENDA ITEMS

##### 1. List of Future Work Session Agenda Items

*Commissioner O'Donnell requested that priority be given to discussion of a Destination Marketing Organization (DMO), Cove water quality, and the old Public Works building.*

*Commissioner Marl asked to discuss 2020 legislation regarding psilocybin mushrooms.*

*Mayor McGriff would like to add flag development to the City Seal work session item.*

#### DISCUSSION ITEMS

##### 2. City Business License Comparative Analysis and Modifications

*Discussion occurred about requiring a business license for both the event organizer and individual vendors at public events, including farmers markets.*

*James Graham, Economic Development Manager, presented information on business license requirements from other cities and stated that Oregon City has the most expensive business licenses among the cities surveyed.*

*Mr. Graham recommended elimination of the \$60 application fee for annual licenses, maintaining the license fee structure, prorating annual license fees on a monthly basis, and not charging business license fees to nonprofit event vendors.*

*Commissioner O'Donnell stated that he would like the annual license application fee to remain, even if it was nominal or applied to the overall license fee. He added that he supports temporary business licenses for events as a public health and safety measure.*

*Discussion occurred around business licenses for garage sales. A general consensus was reached that garage sales should be regulated, but not require business licenses.*

*Commissioner Mitchell requested clarification on the idea of charging a business license fee to the Oregon City Farmers Market when the organization is a 501(c)(3). Mr. Graham said he spoke to the*

market organizer who agreed to pay the business license fee, as long as the individual vendors were exempt. Mayor McGriff reiterated that the vendors pay a fee to participate in the farmers market and are vetted beforehand.

Commissioner Mitchell suggested that license fees based on employee size should be changed from 1 – 25 employees to 1 – 10 employees in order to support smaller companies. He also suggested reducing the number of categories for employee size.

Commissioner O'Donnell suggested charging a business license fee to event vendors so the city has firsthand information on businesses rather than secondhand information from farmers markets.

Commissioner Marl agrees with tracking businesses for safety as well as opportunities for economic development whether or not there is a fee.

Commissioner O'Donnell brought forth tracking public health concerns such as COVID. Discussion occurred around Clackamas County Public Health inspection requirements for food vendors.

Commissioner Smith discussed the hardship of requiring each vendor to obtain a business license for events, suggesting that event organizers should provide this information to the city.

Discussion occurred around the application fee for an annual business license. Consensus was reached that the application fee should be applied to the overall license fee for successful applicants.

Discussion occurred around charging event organizers a license fee regardless of their profit status. Consensus was reached that event organizers would be charged a business license fee regardless of their profit status and provide a list of their vendors to the city. Individual event vendors would not be required to pay a business license fee.

Consensus was reached that home office businesses would be charged a different license fee than regular businesses.

### 3. Review of the City Commission Rules of Procedure and Commission Policies

Jakob Wiley, City Recorder, offered a presentation of proposed changes to the City Commission Rules of Procedure and Commission Policies. The presentation covered some minor updates, a discussion of the Election Residency Evaluation Policy, the public comment timer, and conflict of Interest rules associated with nonprofit boards.

Mayor McGriff asked a question about how voter registration related to election residency evaluation. Mr. Wiley explained that though the required twelve months of residency in Oregon City could be determined through other records, a candidate had to register to vote prior to the election to be qualified elector. However, in order to ensure that candidates are indeed registered voters by the time the election takes place, it has been the City's policy to require voter registration before offering certification.

There was discussion regarding guidelines currently in place for determining election residency, which is taken from policies written not for the city, but for elections officials determining the residency of State senators or representatives. Mayor McGriff requested updating the identification policy to specify that any government-issued identification may be accepted for the election residency evaluation policy, not only driver's licenses. Mayor McGriff also questioned whether the address of utility services was a reliable factor to consider.

There was discussion about creating an Election Residency Evaluation policy for the City. Mayor McGriff suggested this would make the City Recorder's work more straightforward. Mr. Wiley observed that having such a policy to share with the public would enhance transparency.

*There was discussion about establishing a policy deadline for candidates to submit residency documentation. There was consensus that candidates should be required to submit documentation seven calendar days before the City needs to file a candidate list with the County.*

*Commissioner Mitchell asked whether the Municipal Judge could be made the final judge of residency evaluations. Mr. Wiley responded that the City Charter makes the Commission the final judge, and that the Municipal Judge could only be made an interim judge in this matter. The role of Interim Judge is currently filled by the City Recorder.*

*Mr. Wiley asked whether the Commission would like a submission deadline before the final City Commission regular meeting before the regular deadline. Mayor McGriff suggested this was not necessary and that the Commission should be used only as a resource for final appeal.*

*Commissioner O'Donnell asked how residency is determined if an individual's work takes them out of town for extended periods. Mr. Wiley responded that if the individual has an Oregon driver's license and receives their bills in Oregon City and is registered to vote in Oregon City they would be considered a resident.*

*There was discussion about whether applicants should be required to prove twelve months of continuous residence by offering a document for each of the previous months, or whether a single item of evidence dated to twelve months ago or more would be sufficient. There was consensus that candidates must provide reasonable proof of twelve continuous months of residency. This level of proof would only be necessary if an applicant's government-issued identification and voter registration information were inconsistent.*

*There was discussion about the lack of an enforcement mechanism to address potential perjury in affidavits about residency, and the necessity to research state law on this topic if an enforcement mechanism were to be drafted.*

*There was consensus that an affidavit and application form should be created listing acceptable proofs of residency. There was discussion about which of the currently used factors belongs in the policy. There was consensus that a potential candidate ought to be disqualified if they refused to sign the form attesting to the information offered.*

*Mr. Wiley proposed to draft an Election Residency Evaluation Policy based on the preceding discussion which he would later present to the Commission.*

*The Commission took a break from 8:15 P.M. to 8:26 P.M.*

*There was discussion about the use of a beeper to limit public comments. The beeper includes a tone and/or a time blinking function. There was consensus to try a new procedure allowing the beeper to beep, and to blink the time, three times, followed by an announcement from the meeting chair that time is up.*

*Deputy City Attorney Carrie Richter presented draft language for a nonprofit board membership conflict of interest policy. The drafted language comprised two clauses to be added to the Bylaws. The first clause required that, in addition to complying with State conflict of interest obligations, a Commissioner who is also a member of a nonprofit board must recuse themselves from any issue brought before the Commission related to that nonprofit. The second clause laid down policies for Commissioners on nonprofit boards, precluding them from lobbying on those boards, from joining discussions without first explaining their role, and from voting on said Boards.*

*There was consensus in support of the proposed language. Commissioner Marl added a request that the requirement for a Commissioner to only hold liaison roles on nonprofit boards be articulated in future Memoranda of Understanding (MOUs).*

*Commissioner Mitchell requested to discuss policies about commissioners discussing items not on the agenda. Mayor McGriff suggested that the Commissioners' reports at the close of each meeting were a proper time for Commissioners to offer any comments unrelated to the agenda. There was consensus that the current policy in the bylaws was sufficient.*

*Commissioner Mitchell proposed allowing public comments at work sessions in order to increase transparency. Mayor McGriff suggested that work sessions were intended for gathering information, not for allowing persons to plead for various outcomes. The Mayor suggested that allowing comments at work sessions should continue to be decided on a case by case basis. Commissioner Marl pointed out that the public are able to email comments to Commissioners at any time. There was consensus to leave the current policy unchanged.*

*Commissioner Marl suggested that when members of the media attend executive sessions via Zoom, they be required to turn on their cameras in order to verify their identity. There was consensus that the possibility of such a policy be researched.*

*Mayor McGriff suggested removing a reference to a retreat in January in the City Commission rules, as the Commission has not always been able to schedule their retreat in that month.*

## **CITY MANAGER'S REPORT**

### **4. Update on City Projects**

*Tony Konkol, City Manager, reported that City Staff had been researching the historical extent of the Promenade as the Commission considers transforming it into a Charter Park. He reported that its boundaries had changed greatly over time and that Staff were researching encroachment issues related to the Promenade.*

*Commissioner Smith suggested conferring with the City of Seaside, which has a similar Promenade area, on language to describe park areas versus promenade areas.*

*Mr. Konkol reported ongoing work on the design and interpretational signage of the Cayuse Five Memorial in collaboration with the Confederated Tribes of the Umatilla Indian Reservation Cultural Resource Staff. He also reported that an arborist is examining impacts to trees in the proposed location, and that Staff planned to ask the Historic Review Board for more time in order for the arborist to complete the examination.*

*Mr. Konkol reported that there was no change in the Courthouse project.*

*Mr. Konkol reported that Staff continue to meet with the Confederated Tribes of the Grand Ronde regarding amendment of the Tumwater Village project. Staff expects to submit that amended plan for land use during the current calendar year.*

*Mr. Konkol reported that there had been no change in the Canemah right-of-way issue.*

*Mayor McGriff reported that she had received a request for a proclamation from a person outside the community, and that she had informed that person that requests of this kind need to have a City sponsor and must be addressed to City Staff.*

## **COMMISSION COMMITTEE REPORTS**

### **5. Commissioner O'Donnell**

**- South Fork Water Board**

Commissioner O'Donnell reported that Portland General Electric (PGE) had recently made a presentation to the South Fork Water Board, during which a discussion about the recent ice storm took place. Mayor McGriff asked if the issue of redundancy had been raised in this discussion, and Mr. O'Donnell replied that it had. Mr. O'Donnell also reported that the South Fork Water Board is in the process of constructing a methodology by which the Board's Chief Executive Officer can perform his evaluation.

## **6. Commissioner Smith**

- Clackamas Heritage Partners
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board

Commissioner Smith reported that there had been no recent meetings of the Clackamas Heritage Partners of the Oregon City Tourism Stakeholder's Group. He reported that he had recently attended a Heritage Coordinating Committee meeting regarding the future of tourism in Oregon City. He added that this committee was also working on a report on Oregon City's recent involvement in the Portland Rose Festival Parade.

## **7. Commissioner Marl**

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County I-205 Tolling Diversion Committee
- Youth Advisory Committee Liaison

Commissioner Marl reported that he, along with Commissioners O'Donnell and Mitchell, had recently attended a luncheon of the Oregon City Business Alliance where Metro Councillor Christine Lewis was a speaker. The Commissioners had received confirmation from Councillor Lewis that the dollars which had been earmarked for the Oregon City side of the proposed Riverwalk could only be transferred by a vote of the Metro Council.

Commissioner Marl reported that at a recent meeting of the Citizen Involvement Committee (CIC), guidelines had been given regarding promotional postcards and the funding sources thereof. The CIC had also proposed creating their own code of conduct for this purpose. Mayor McGriff emphasized the importance of transparency in this matter and the need for the City Commission to have the final say about City spending on the CIC's promotional materials.

Commissioner Marl reported that the position of Community Engagement Specialist would soon be vacant. Mr. Konkol added that due to the amount of work involved, it would be beneficial to change this position from half-time to full-time.

Commissioner Marl reported that the Tolling Diversion Committee was now called the C4 Tolling Strategy Committee, and that it would function as a forum for the cities of Clackamas County to discuss issues relevant to the Regional Toll Advisory Committee (RTAC).

Commissioner Marl reported that tolling had been discussed at the latest Clackamas County Coordinating Committee (C4) meeting. He reported that C4 had discussed creating a joint values document for Clackamas County cities in order to preserve a unified front to negotiate with ODOT (Oregon Department of Transportation) regarding tolling. He also reported on continuing efforts by staff from all local jurisdictions to persuade ODOT to add a third lane to I-205.

Commissioner Marl reported that the Youth Advisory Committee had requested to meet more frequently to support their work on a Mental Health Resource Fair proposed for the autumn of 2023.

**8. Commissioner Mitchell**

- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)

*Commissioner Mitchell reported that TriMet had given a presentation the Clackamas County I-205 Tolling Diversion Committee, saying that they were working on increasing service to routes serving Oregon City, and that Wilsonville's transit system was working on adding a route from Wilsonville to Clackamas Town Center that would stop in Oregon City.*

**9. Mayor McGriff**

- Clackamas Water Environment Services Policy Committee
- Clackamas Heritage Partners (alternate)
- Downtown Oregon City Association Board
- Metro Policy Advisory Committee (MPAC)
- Oregon City Tourism Stakeholder's Group
- South Fork Water Board
- Willamette Falls and Landings Heritage Area
- Willamette Falls Legacy Project Liaisons
- Youth Advisory Committee Liaison
- Willamette Falls Local Authority

*Mayor McGriff reported that the Water Environmental Services Policy Committee would be meeting on September 14 and that they were planning a clean-up public service project near the end of August. Mayor McGriff reported that the Downtown Oregon City Association Board had interviewed two prospective candidates for Executive Director, and that they had allocated money for an office assistant and were considering two candidates.*

*Mayor McGriff reported that the Metro Policy Advisory Committee was considering reducing the time allocated to presentations in order to preserve time for discussions.*

*Mayor McGriff reported that the Willamette Falls and Landings Heritage Area committee was waiting for a final report from their intern, who was examining the influence of Chinese Americans in the Landings area of the Cove. The Mayor also reported that the committee had been meeting with the tribes regarding language for the National Heritage Area, and that they had support from members of Congress.*

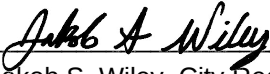
*Mayor McGriff reported that she had received no new communications from the Legacy project. She reported that she had attended her first meeting of the Willamette Falls Locks Authority and that they were pursuing with plans to repair the Locks and had hired an Executive Director.*

*Mayor McGriff reported that the recent Metro Mixer had been a success and well-attended. She added that representatives from Gladstone wished to work with Oregon City on the Trolley Bridge.*

**ADJOURNMENT**

*Mayor McGriff adjourned the meeting at 9:21 PM.*

Respectfully submitted,

  
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Jakob S. Wiley, City Recorder