



CITY OF OREGON CITY

CITY COMMISSION REGULAR MEETING - REVISED MINUTES

Virtual Meeting
Wednesday, April 07, 2021 at 7:00 PM

VIRTUAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

Mayor Rachel Lyles Smith called the meeting to order at 7:01 PM.

PRESENT: 4 - Mayor Rachel Lyles Smith, Commissioner Denyse McGriff, Commissioner Frank O'Donnell, and Commissioner Rocky Smith, Jr.

STAFFERS: 13 - City Manager Tony Konkol, City Recorder Kattie Riggs, City Attorney Bill Kabeiseman, Community Development Director Laura Terway, Public Works Director John Lewis, Police Chief Jim Band, , Human Resources Director Patrick Foiles, Finance Director Matt Zook, Library Director Greg Williams, Parks & Rec. Director Kendall Reid, Senior Planner Christina Robertson-Gardiner, Project Engineer Bob Balgos, and Senior Planner Pete Walter

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

3a. Arbor Day Proclamation

Mayor Lyles Smith read the proclamation declaring April 10, 2021 as Arbor Day and announced tree plantings in neighborhoods and at the new Police Department facility.

3b. Mayoral Appointments to City Boards and Commissions

Mayor Lyles Smith made appointments to the Budget Committee, Metro Enhancement Grant Committee, and Library Board. These appointments were:

1. Appointment of the following Oregon City residents to the Oregon City Budget Committee:

- Christina "Emma" Lugo to fill a vacancy left by Joanne McCall with a term ending 12/31/2022*
- Kyle Arnhart to fill a vacancy left by Jeffrey Olivas with a term ending 12/31/2023*
- Casey Flesch to a 4-year term ending 12/31/2024*
- Mike Mitchell to a 4-year term ending 12/31/2024*

2.Appointment of Laurie Wilson to the Enhancement Grant Program Committee for a 4-year term ending December 31, 2024.

3. Appointment of Heidi Blackwell to the Library Board to fill a vacancy left by Scott Edwards with a term ending 12/31/2023

Kattie Riggs, City Recorder, discussed the current committee vacancies and upcoming interviews.

4. CITIZEN COMMENTS

There were no citizen comments.

5. PRESENTATIONS

5a. Natural Resources Committee (NRC) Annual Report by Chair Dr. Nancy Broshot

Dr. Nancy Broshot, Natural Resources Committee Chair, provided the annual report including the membership makeup, meetings and accomplishments in 2020, review of the Municipal Code and input on Code changes, Heritage Tree nominations, and feedback on several projects.

5b. Citizen Involvement Committee Annual Report Presented by Chair Bob La Salle

Bob La Salle, Citizen Involvement Committee Chair, provided the annual report including the re-activation of inactive neighborhood associations, accomplishments including Code amendments, quarterly presentations from stakeholders, crosswalk installation input, many informational presentations, and land use application review for inactive neighborhood association areas.

There was discussion regarding the work of this committee.

6. ADOPTION OF THE AGENDA

Commissioner McGriff requested that item 7a be pulled from the consent agenda. The item was renumbered as item 9a as part of General Business. The agenda was adopted as amended.

7. CONSENT AGENDA

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the consent agenda items 7b. - 7l. The motion carried by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith

- 7b. Settlement Agreement Between the McLoughlin Neighborhood Association and the City of Oregon City
- 7c. Personal Services Agreement with PacificWRO for the Furniture Contract for the Oregon City Operations Complex (CI 18-009)
- 7d. Amended Minutes of the August 27, 2020 Special Meeting
- 7e. Minutes of the March 11, 2021 Special Work Session
- 7f. Minutes of the March 17, 2021 Regular Meeting
- 7g. From 3/3/2021 Consent Agenda: Public Improvement Contract with Trench Line Excavation, Inc. for the 5th Street Waterline Replacement and Storm System Improvements Project (CI 21-001)

- 7h. From 3/3/2021 Consent Agenda: Personal Services Agreement with Murraysmith for a Risk and Resiliency Assessment and Emergency Response Plan for the City's Water Infrastructure (PS 21-002)
- 7i. From 3/3/2021 Consent Agenda: Minutes of the December 16, 2020 Work Session
- 7j. From 3/3/2021 Consent Agenda: Minutes of the February 20, 2021 Special Meeting
- 7k. From 3/3/2021 Consent Agenda: Minutes of the January 12, 2021 Work Session
- 7l. From 3/3/2021 Consent Agenda: Minutes of the January 6, 2021 Regular Meeting

8. PUBLIC HEARINGS

- 8a. First Reading of Ordinance No. 21-1007, Amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2)

Christina Robertson-Gardiner, Senior Planner, provided the staff report. She reviewed the process and proposal for the Public Works Code amendments package #2.

There was discussion regarding the timing of package #3.

Mayor Lyles Smith opened the public hearing. She asked if there were any conflicts of interest. There were none.

There were no public comments.

Mayor Lyles Smith closed the public hearing.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the first reading of Ordinance No. 21-1007, amending the Oregon City Municipal Code; Title 13: Public Services, Title 16: Land Divisions, and Title 17: Zoning (GLUA 20-33, LEG 20-01, Public Works Code Amendments Package #2) and to continue the hearing to April 21, 2021. The motion carried by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith.

- 8b. First Reading of Ordinance No. 21-1008, Approving an Emergency Annexation Proposal GLUA-20-00030: AN-20-00002 and Approving the Annexation of Certain Property Located at 11330 Forest Ridge Road to the City of Oregon City

Ms. Robertson-Gardiner presented the staff report. This was a request for an emergency annexation due to a failed septic system. She discussed the location of the property, the reason for the annexation, retaining the current zoning, future zoning of the property which was in the South End Concept Plan, and staff recommendation for approval.

Mayor Lyles Smith opened the public hearing.

Bill Kabieseman, City Attorney, read the hearing statement. He asked if there were ex parte contacts, conflicts of interest, bias, or any other statements to declare including a visit to the site. There were none.

There were no public comments.

Mayor Lyles Smith closed the public hearing.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the first reading of Ordinance No. 21-1008, approving an emergency annexation proposal GLUA-20-00030: AN-20-00002 and approving the annexation of certain property located at 11330 Forest Ridge Road to the City of Oregon City. The motion carried by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith.

8c. Public Hearing for Adoption of Conservation Easement on Lazy Creek Lane

Pete Walter, Senior Planner, provided the staff report. This was a request to accept a conservation easement on Lazy Creek Lane. He described the location of the property and Natural Resource Overlay District (NROD), gave a background on the property including ownership, approval of a two-lot partition, and terms of the conservation easement. The easement was required to protect the wetland and 50-foot vegetated corridor. He showed the extent of the proposed wetland area on the partition plat. Staff recommended approval.

There was discussion regarding where a house could be built on the property, how the City monitored this once the easement went into effect, and the NROD boundary.

Mr. Walter explained the mitigation report required monitoring for five years and the applicant would need to submit a report to the City annually. He explained the fence types allowed in the area and what happened after year five of the mitigation plan.

Commissioner McGriff thought there should be ongoing monitoring even after the five years.

Mr. Kabieseman clarified the easement gave the City the right to maintain the easement area in perpetuity.

Commissioner McGriff wanted to make sure the applicant knew that the easement area could not be developed.

Mr. Walter said to do anything in this area it would require a land use application.

Mayor Lyles Smith opened the public hearing.

There was no public testimony.

Mayor Lyles Smith closed the public hearing.

Motion made by Commissioner Smith, seconded by Commissioner McGriff, to approve the Conservation Easement for Lazy Creek Lane. The motion carried by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith.

8d. Real Estate Contract for the Sale of Public Works Property Located at 306 S. Center Street to Yue Cong Zhu.

John Lewis, Public Works Director, said this was a 9,000 square foot property located in the McLoughlin neighborhood. The house was a two-story home with a below grade basement of about 3,500 square

feet. The property was listed for sale with Keller Williams real estate brokerage firm and listed in the RMLS. The City received one offer. He referred to the memo written to the Commission that answered several questions from the last meeting. The sale price of \$475,000 included addendums with a credit to the buyer of \$8,540 towards closing costs.

There was discussion regarding how the funds would go back to the utility fund that purchased the property.

There was no public comment.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the sale of Public Works property located at 306 S. Center Street to Yue Cong Zhu. The motion carried by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith.

8e. Second Reading of Ordinance No. 21-1006, Vacating a Section of Public Right-of-Way Adjacent to 1625 Washington Street

Mr. Lewis explained the right-of-way vacation request.

There was no public comment.

Motion made by Commissioner McGriff, seconded by Commissioner Smith, to approve the second reading and final adoption of Ordinance No. 21-1006, vacating a section of public right-of-way adjacent to 1625 Washington Street. The motion carried by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith.

9. GENERAL BUSINESS

9a. Resolution No. 21-18, Establishing a Minimum Monthly Rate to be Charged for Stormwater Service Provided to Each Customer Served by Oregon City's Stormwater System

Commissioner McGriff pulled this item from the consent agenda because of the concerns she had heard from Craig Danielson. Due to the current financial challenges with Covid-19, Mr. Danielson did not think the fees should be increased.

Commissioner O'Donnell wondered if the City should use some of the money coming from the Federal Assistance Act to lessen the burden on citizens and businesses.

Mr. Lewis explained the reasons for the fee increase especially due to meeting water quality regulations and increasing impervious surfaces. The federal funding sounded promising, however there were a lot of questions about how it would be implemented. If they got to the point where they did not need the utility rates proposed, they would be brought back to the Commission.

Tony Konkol, City Manager, said they were waiting for additional guidance from the Treasury on how the funds could be used. He did not know if there would be enough money to cover the entirety of the projects that were needed. If they implemented the first step of the increases, that gave the City time to get the rates in-line where they should be knowing there were two additional years to identify what funding would be available.

Commissioner O'Donnell wanted to wait until they heard back before approving the resolution.

Mr. Lewis said staff thought the focus for the funding should be the water rates which had more projects ready than the stormwater rates.

Commissioner McGriff was in favor of deferring the approval as well.

There was discussion regarding the current rates and how the increase would be applied to understand its impact.

Brooke Tacia, FCS Group, said they would have to do more analysis to know how many customers would be paying the commercial class rate and the higher charges. She summarized the statistics for the commercial class and how this one particular property owner was not the average increase.

Mr. Lewis said even with the downturn they still had rainfall and had to manage the stormwater. Staff could look into what the funding would do for the rates and bring it back to the Commission in May.

Commissioner McGriff suggested changing the funding level from the moderate capital level of service to the baseline level of service. There was no interest in this option.

Motion made by Commissioner O'Donnell, seconded by Commissioner Smith, to continue Resolution No. 21-18 to a date certain of May 19, 2021. The motion carried by the following vote:

Aye: 4 - Mayor Lyles Smith, Commissioner McGriff, Commissioner O'Donnell, and Commissioner Smith.

10. COMMUNICATIONS

City Manager

10a. Distribution of the Financial Reports for Fiscal Year Ended June 30, 2020

Mr. Konkol said an independent financial audit was performed by Merina and Company. They issued an unmodified or clean opinion which meant that the financial statements presented fairly in all material respects. The Comprehensive Annual Financial Report had been submitted to the Secretary of State and qualified for the Government Finance Officers' Association Certificate of Achievement for Excellence in Financial Reporting.

Mr. Konkol discussed the proposed timeline for filling the City Commission position #4 vacancy. Advertising would begin tomorrow (April 8, 2021) and continue until April 26, 2021. Interviews would be on April 28, 2021 and April 29, 2021 with the Oath of Office on April 30, 2021. The timeline was to appoint the new Commissioner before the May 3, 2021 Budget Committee meeting.

There was discussion regarding the City Commission Goals for 2021-2023 being finalized before the budget meeting. Mr. Konkol said it was going to be discussed at the next City Commission Work Session.

There was consensus to move forward with the proposed timeline.

Commissioners

Commissioner O'Donnell discussed the delay on the progress of the Willamette Falls Legacy Project.

Commissioner McGriff reported on the meetings she attended for the Oregon City - West Linn Bike - Pedestrian Bridge Project. The other committees she was on were continuing to meet and make

progress. She would like to have a discussion on the Vision Plan from the Confederated Tribes of the Grand Ronde.

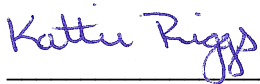
Commissioner Smith thanked staff for the work completed to project information of the Oregon City-West Linn football game on to the Elevator shaft and lighting the Singer Falls in red and white.

Mayor

11. ADJOURNMENT

Mayor Lyles Smith adjourned the meeting 9:15 PM.

Respectfully submitted,



Kattie Riggs, City Recorder