

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION JANUARY 18, 2011

Mayor Ferguson called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Council President Greg Chaimov and Councilors Joe Loomis, Dave Hedges, and Mike Miller

Library Board: Chair Mark Docken, Vice Chair Tom Hogan, Kay Sweetland Bower, and Colleen Schacht

Staff Present: City Manager Bill Monahan, City Recorder Pat DuVal, and Library Director Joe Sandfort

Library Board Presentation of Long-Range Plan

Mr. Docken recapped some of their work in the past year. The Friends of the Ledding Library had done a good job raising money, the Pond House was coming together, and the Poetry Series was very popular. He reviewed the Library circulation statistics which showed steady increases. The Library was doing well given the amount of space. The Board's recommendation was to expand the facility to better serve patrons, for efficiency, and to meet State Library Standards.

It was determined as early as 2001 that the Ledding Library needed more space. The County was redrawing the district lines, and Milwaukie will gain 12,000 more people in its service area with related service demand increases. Services have far surpassed what the existing building can sufficiently support. Although staff worked well in the current space there were certain inefficiencies. The demand for services would continue to grow, breaking new records every month. He added that the current data could be understated due to the inability to offer programs and services that a larger library would allow. The Ledding Library cannot offer adult or teen programs due to a shortage of space for which Mr. Docken believed there was a need. The space needs to be more than doubled, and the Board recommend that the City fund and undertake a survey regarding library services and location, a feasibility study of an expansion on the existing site, and a survey and cost analysis of other possible sites in the City limits to construct a new library or remodel an existing building. The Board also recommended that Council members take a tour of the Library. It was impressive how much could be done in such limited space.

Councilor Chaimov thanked the Library Board for its work and ongoing support. Milwaukie needed a bigger library, and residents were not well served when wedged into a place which no longer offered a constructive learning environment. The survey was terrific, but he thought only 1 in 20 people would fill it out due its comprehensive nature. He did not think it would receive a broad base of support for the amount of funds that were needed to expand the facility. He would appreciate ideas from the Board on how the City could get the money to build a better library. He felt the Council wanted to help but was not sure how.

Mr. Docken thought there was some money earmarked for a library expansion. Using those funds for the feasibility study would seem appropriate. Because of the Board's bylaws it was not its function to take a construction project forward.

Mr. Monahan attended the last Library Board meeting and related his experiences from his work at the City of Tigard. They had a similar issue in Tigard so formed a committee of 11 people made up of representatives chosen by the City Council that included a member of the City Council, Library Board members, Friends, and citizens at large. The committee was charged with a specific task of identifying the best options for the City. Staff gave input to library needs and community issues that impacted location. The process involved bringing in professional help to look at the library standards, the system at the time, and space allocation. Milwaukie's study would look at using the current facility, expanding the current facility, or building a new facility.

Mr. Docken added the issue of meeting standards and providing services needed to be addressed. A lot of ideas had been put forward, but the decision fell upon the City Council. He felt Mr. Monahan's experience from Tigard would be beneficial.

Councilor Chaimov suggested looking at the Zanon bequest to determine if it could be used to pay for the study.

Councilor Hedges noted outside of Historic Milwaukie, the Neighborhood District Associations (NDA) had not been visited by members of the Library Board. If the Board wanted money for studies and surveys, then it probably needed buy-in from the NDAs based on the number of complaints he had heard about spending money on consultants and studies for projects that never get done. He appreciated the work and volunteer time involved. He questioned the Board's being made up of 7 members. The Board should have member-at-large positions to carry the opinion from the citizens. In the City's current financial situation he must justify why he votes to spend money. He liked the detail in the report but wanted to know how much a study or survey would cost. He thought people would give up on the survey half way through because it was so long.

Mr. Sandfort developed the survey and understood it needed to be edited.

Councilor Hedges thought it was important to get a survey to people that did not use the Library and to find out why. The City needed to convince those people why they should be paying for it. He was concerned to find out the City was looking into Mrs. Ledding's bequest and felt the family needed to be involved.

Councilor Loomis agreed with that. He saw some value in restructuring the Board but felt it was important to have passionate people involved. He has some concerns about negative publicity related to the Ledding bequest and wanted the heirs involved once there was a plan. He appreciated the survey and thought it was a great starting point. He also supported a Council tour of the Library.

Mr. Miller said it may be legal to do something else with the Ledding property, but in his mind it was not ethical. He felt it might set a bad precedent for future bequests. He would like to see every opportunity or possibility of expanding the present library before looking elsewhere. He did not support breaking the Ledding will.

Mr. Docken apologized for the wording regarding the Ledding property and said he thought the City would like to know what it would take to have a clear title on the property. The property assessment would likely be expensive, and the cost to find other facilities within the City would be minor in comparison. If it was not

feasible to remain on that site, then the City would have to determine what to do with it. He felt the City had lived up to the agreement for over 40 years. He did not want to circumvent Mrs. Ledding's will.

Councilor Loomis understood people did not like studies, but that was how things got built.

Mayor Ferguson felt the City Council needed more substance in order to have a good conversation. The survey needed to be refined and a plan put in place on how to execute it. In addition there needed to be some ideas on costs and a timeline for the property assessment followed by a communication plan. Connecting with the NDAs and civic organizations was a good idea.

Mr. Monahan asked if it would make sense to focus the assessment of the opportunity for expansion on the current site as opposed to designing a study of how best to deliver service to the community.

Mayor Ferguson thought it seemed best to find out what would benefit the community the most. He noted his family travels to a different library because it was easier for them to get to, but they did not offer the same events and activities as the Ledding Library. Milwaukie might find it needs a satellite branch.

Mr. Sandfort noted he had copies of the 2001 study available.

Mr. Docken added there were some architectural drawings as well.

Councilor Hedges thought everyone loved the present site, but he did not think it was expandable to the size of library we were hoping to see. He questioned spending money and time looking at something that was not feasible.

Mr. Docken said they brought this in as a 3-part issue to move the process forward. He thought the cost of a survey would be modest, but the cost of the assessment would be the greater. They wanted to look at the funding to take the first step to move forward. He had friends in the construction industry that could do an analysis.

Mayor Ferguson said that would need to be coordinated through Mr. Monahan and Mr. Sandfort and thanked the entire Library Board for its hard work.

Monthly Neighborhood District Association Dialogue

In attendance were Jeff Klein and Art Ball, Lewelling; Linda Hedges and Mary Weaver, Hector Campbell; Bryan Dorr and Matt Rinker, Ardenwald; Debby Patten, Lake Road; and Beth Kelland, Linwood.

Ms. Hedges said one of the things they wanted to discuss was the interface of neighborhood goals and City Council goals.

Ms. Weaver said her neighborhood goal was increased attendance. They have had an August picnic for the last 2 years which had doubled in size. Hector Campbell was considering holding 2 events. They have designed cards to send out personal notes on behalf of the neighborhood and have placed lawn signs advertising their meetings. Two new people attended the most recent monthly meeting. They were working on the Walk Safely Milwaukie Program (WSMP) with a new volunteer. They would also like to improve emergency preparedness and encouraged people to take Community Emergency Response Team (CERT) training.

Ms. Patten noted attendance had increased at the Lake Road neighborhood meetings, and there were more regulars. She appreciated the information she received at the City Council work sessions.

Mr. Dorr reported Ardenwald was holding steady with an email list of 158 subscribers. Their average monthly attendance was 17 people. They had gotten 400 unique visitors to their website over a 3-month period.

Mr. Rinker added Ardenwald's goals were defined by what they have been tackling with their monthly agendas. He added the goal of engaging in the joint sessions with the City Council and being involved in the process. Issues they were currently tracking were light rail, the Tacoma park-and-ride, the Murphy site development, and Hillside Park development.

Ms. Kelland said Linwood hoped to harness the energy of its movie nights which 200 people were attending and getting people more involved with the monthly meetings. The Linwood NDA is involved with the Walk Safely Milwaukie Program and became life members of the Pioneer Cemetery Association and the Milwaukie Museum. They continue to oppose the Sunnybrook Extension and hoped other NDAs and the City Council would support that position.

Mr. Klein said the Lewelling goals were to work towards connectivity through the neighborhoods and safe passage through neighborhood for pedestrians and bicyclists focusing on Stanley Avenue, Logus Road, and 43rd Avenue.

Councilor Chaimov asked what could be done to create the connectivity that Mr. Klein envisioned.

Mr. Klein responded pedestrian access would require sidewalks in that area along with some bike boulevards and better access to the Springwater Corridor. He thanked Chief Jordan for addressing some speeding issues on Stanley Avenue.

Councilor Miller asked if a sidewalk survey had been done in the Lewelling Neighborhood.

Mr. Klein responded "no" but they would be looking at that with the new Walk Safely Milwaukie Program. He commented that they had waited for 40+ years for sidewalks on Logus Road.

Councilor Miller asked Mr. Klein how he would prioritize projects to enhance livability.

Mr. Klein replied speeding on Stanley Avenue, 43rd Avenue, and Logus Road. There were 3 big projects and 20 smaller one. One of the Neighborhood goals was to reach out to the Dual Interest Area. They passed a rule that citizens in that area could come to their meetings and vote as if they were annexed into the City. He would be working with Mr. Wheeler on more outreach to that area.

Mayor Ferguson asked if the NDA leadership had a retreat in December.

Ms. Hedges replied they had not had a retreat and felt they were doing well with their regular meetings. They were getting a lot accomplished and had identified a lot of common goals and interests.

Mr. Klein observed the first Council goal setting session was a big boost to the current group because it showed that concerns were similar.

Ms. Weaver said the Hector Campbell Neighborhood put together a survey using Survey Monkey that indicated a significant number of people in the area between

Monroe Street and King Road were not active in the Neighborhood. It was something the Neighborhood wanted to explore more.

Councilor Hedges commented a lot of the people in that area had attended the picnic.

Ms. Hedges noted there was a comment from a respondent they did not attend meetings because they did not want to feel pressured into volunteering.

Mr. Ball said there was a dividing line in the Lewelling neighborhood, in the Brookside area, where people believed they were part of the Ardenwald neighborhood.

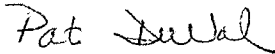
Mr. Klein said that was another reason why Lewelling wanted to do more outreach to the Dual Interest Area.

Ms. Weaver discussed neighborhood boundaries based on school attendance areas and the possible closure of Hector Campbell Elementary.

Mr. Klein hoped that Council could look at the NDA leadership group as a resource that could help represent Milwaukie.

Mayor Ferguson appreciated that and encouraged any of the NDA leadership interested in attending meetings to go.

Mayor Ferguson adjourned work session at 6:38 p.m.



Pat Duval, City Recorder

WORK SESSION

**WORK SESSION
MILWAUKIE CITY COUNCIL
JANUARY 18, 2011**

MILWAUKIE CITY HALL

Council Chambers
10722 SE Main Street

A light dinner will be served

WORK SESSION – 5:00 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>	<u>Page #</u>
1.	5:00 p.m.	City Manager's Report	Bill Monahan	
2.	5:30 p.m.	Annual Joint Session with Library Board and Presentation of Long-Range Plan	Joe Sandfort and Members of the Ledding Library Board	1
3.	6:15 p.m.	Monthly Neighborhood District Association Dialogue	Mayor Ferguson	
4.	6:45 p.m.	Adjourn		

Information

Executive Session: All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.
- The City of Milwaukie is committed to providing equal access to information and public meetings per the Americans with Disabilities (ADA). If you need special accommodations, please call 503.786.7502 or email ocr@ci.milwaukie.or.us at least 48 hours prior to the meeting.



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To: Mayor and City Council
Through: Bill Monahan, City Manager
From: Mark Docken, Library Board Chair and Joe Sandfort, Library Director
Subject: Library Board Work Program for 2010-2011
Date: January 18, 2011

Action Requested

Review and discuss the 2010-2011 Library Board Work Program

History of Prior Actions and Discussions

Previous Library Board Work Programs have been presented to the City Council on a yearly basis.

Background

The proposed work program is a plan for fulfilling the Library Board's responsibility to advise the Milwaukie City Council and the Ledding Library staff on library patrons' needs.

The Board's duties, under the general direction of the City Council, include reviewing and commenting on rules and policies for the operation of the library; commenting on the acceptance or rejection of donations of real or personal property or funds donated to the library; commenting on sites for public library buildings or for location of library facilities and other such activities.

Accomplishments of 2009-2010.

- Achieved full staffing of the Board with the addition of Kay Sweetland Bower.
- Supported the Library director and staff regarding library operations.
- Met with the Milwaukie Planning Commission in reference to property improvement and compliance issues regarding the Library Pond House. By

completing the new deck, adding landscaping and other property improvements to the Pond House, many of the goals the board set last year have been met.

- Reviewed, discussed and concurred with the proposed FY 2010 – 2011 Library Budget.
- Attended neighborhood association meetings, city meetings, county meetings, and other community meetings. This attendance was to both receive and give input regarding the Ledding Library.
- Assisted with on going plans for the development of downtown Milwaukie, specifically as to how any development might impact the library and its services.
- Continued to refine the role that the Pond House will serve for the library and to the overall community in Milwaukie.
- Assisted the Friends of the Ledding Library in beginning the operation of the Pond House Book Store.
- Coordinated appearance and testimony at meetings of civic groups including the Budget Committee, the Planning Commission, the Art Mob, and the City Council.
- Participated, through Library Board Chair Mark Docken, in the Library District Advisory Board (LDAC), which advises the Clackamas County Board of Commissioners on the formulation of policy regarding the funding from Tualatin, the funding from Damascus and other procedural issues.
- Planned and implemented the Milwaukie Poetry Series featuring poets who read from and discussed their work. The series had ten successful readings to capacity crowds at the Pond House. Poetry readings were filmed; the readings are being shown on Milwaukie Cable Television and Willamette Falls Cable and are also on DVDs that can be checked out from the Ledding Library. The Series also sponsored writing workshops by Paulann Petersen and David Biespiel, a Youth Poetry Workshop at Milwaukie High School by Paulann Petersen, six Open Mic Poetry Readings, a Friends of William Stafford birthday celebration in January, Youth Open Mic reading throughout the year and a summer Poetry Picnic. As Series Coordinator Library Board Vice Chair Tom Hogan also sponsored the Senior Project of a Milwaukie Arts Academy student which was a Youth Poetry event and reading at the Pond House. The Milwaukie Poetry Committee and Library Board also supported poetry readings at the First Friday Arts a la Carte events.

Priorities for 2010-2011.

- Continue to encourage Board attendance at community meetings including, but not limited to, Neighborhood Development Associations, various City government

meetings as needed, Friends of the Ledding Library, and various civic group meetings.

- Support the Friends in all their endeavors including the annual book sale, plant sale, and the Pond House Book store.
- Develop fundraising strategies to help the Friends and Foundation achieve both short and long term funding goals.
- Establish action plans that promote Library programs and goals through the use of the internet, flyers, newsletters, and other media outlets.
- Support the City in appropriate use of the Pond House to enhance and further City goals.
- Monitor compliance of the Library in reference to LDAC and OLA standards as prescribed by the LDAC policy.
- Continue for a Fourth Season the Milwaukie Poetry Series at the Library Pond House with a new lineup of poets conducting monthly readings. Also sponsor at least one writing workshop, Open mic poetry readings in the Pond House, a Friends of William Stafford Birthday event, a youth event writing workshop at the Milwaukie Arts Academy, youth open mic readings, a summer Poetry picnic and support poetry readings at the First Friday Arts a la Carte.
- Continue to work with the other partners to develop and promote the Willamette Readers Series.

After much discussion, the Ledding Library Board recommends that the building/remodel of a library facility resulting in a minimum of 32,000 square feet becomes a City Council priority.

- Expansion of the library is needed to better serve the Ledding Library's community; become more efficient; comply with OLA/LDAC standards and *Planning for the Future* (Ledding Library's 2001 long range plan); and to plan for the future service increase as a result of redrawing of district lines due to the new Gladstone and Happy Valley Libraries. Some specific reasons for expansion are:
 - Ledding Library's service requirements have far surpassed what its physical building can efficiently support. Staff has done a great job of working in a very limited space but this "make do" situation is affecting work flow and efficiency.
 - Demand for library service continues to grow, breaking new records every month and in all likelihood this demand is understated due to the inability to offer some of the programs and services that a larger facility would allow.

- The city-commissioned Space Assessment Study (SAS) that was recently completed also stated the need with a recommendation that would almost triple the existing usable space of our library.
- The Library Board will work with the Ledding Library Foundation to accomplish this goal.

The Library Board recommends that the city of Milwaukie fund and undertake:

- A survey of Milwaukie citizens regarding library services and location. (A sample survey is included in the attachments).
- A feasibility study of the existing Ledding Library site regarding expansion possibilities and costs. This could include the expansion of the current facility or the construction of a new building on the current site.
- A survey and cost analysis of other possible sites located within the city limits for building a new library or remodeling an existing building.

The Board also recommends that:

- The City Council schedule a tour of the Ledding Library site to review the existing facility.

Concurrence

The Library Board and the Library Director have reviewed and concur with the work program.

Fiscal Impact

Although the exact costs of the feasibility studies is not known city funds will need to be expended.

Work Load Impacts

The library staff will support the Board's work to accomplish the priorities listed above. The staff liaison to the Board will attend all meetings: take and distribute meeting minutes and work on all duties associated with the work program's priorities.

Attachments

1. Poetry series flyer
2. Space Assessment Study page which refers specifically to the Library
3. Library compliance page as sent to LDAC
4. Library Board Member Kay Bower's *Library Pond House Report*
5. Sample library survey
6. Ledding Will analysis

The Milwaukie Poetry Series

The Fourth Season

7 p.m. ~ Ledding Library Pond House
2215 SE Harrison Street, adjacent to Ledding Library
Scheduled for the second Wednesday of each month.

September 8, 2010 ~ John Witte

October 13, 2010 ~ Vince Wixon

November 10, 2010 ~ Dan Raphael

*December 8, 2010 ~ Frances Payne
Adler*

January 12, 2011 ~ Jessica Lamb

February 9, 2011 ~ Henry Hughes

March 9, 2011 ~ Charles Goodrich

April 13, 2011 ~ Daniel Skach-Mills

May 11, 2011 ~ Margaret Chula

June 8, 2011 ~ Carl Adamshick



ATTACHMENT 2

Space Assessment Study Ledding Library

Ledding Library

The Ledding Library is outdated and functionally too small for the expanded service area of the new library district. A minimum expansion of 20,000 square feet (sf) is required to meet the Oregon Public Library Standards. The current location is well liked the public, however the site presents expansion challenges with limitations and restrictions on development.

Library

- 13,100 gross square feet
- Two levels plus small office mezzanine
- 43 parking spaces
- Originally built as a residence
- Additions added 1964 and 1986
- Deficient sf for new library service district

The Ledding Library is outdated and functionally too small for the expanded service area of the new library district. An expansion of over 20,000 sf is required to meet the Oregon Public Library Standards. The site area is limited and an addition would significantly reduce the number of parking spaces.

Ledding Library 10660 SE 21st Avenue

The Ledding Library serves the people of Milwaukie by providing materials and services that meet their informational, cultural and recreational needs. The library has books, compact discs, videos, DVD's, computer software, books on tape, newspapers and magazines all available to the people in the community. The Ledding Library building was originally the donated home from Mrs. Florence Ledding. It was remodeled and an addition was added to the south in 1964. A subsequent addition was added on the west side in 1986. The building totals approximately 13,100 gsf in a 2-story building with a usable lower level.

Library

- In November 2008, Clackamas County voters passed a measure establishing a library district which contributed to the design of two new libraries in Happy Valley and Gladstone. When they are completed (2011 or 2012) the service area for the Ledding Library will increase its

present size from 30,000 people to approximately 40,000. According to the Standards for Oregon Public Libraries, a facility of over 30,000 sf would be required to serve this population.

- Service area is ultimately decided by the Library District Board and Commissioner and the County Commissioners.
- The Ledding Library is situated on the NE corner of this service area.
- Service Area determines funding provided to libraries. Some funding comes from the City's General Fund, some from the District. All major capital funding comes through bonds. In 2012, the library will receive \$1 million for capital expenditures. Some future funding is anticipated to come from the Library Foundation after it's more established.
- A branch library would be operationally more expensive. Existing building was originally stipulated to only be used for a library however a Board member is looking into clearing that restriction from the title.
- The park located at the north end of the parking lot has use restrictions.
- An expansion of the building to the north will remove most of the parking spaces in the lot. The library desires to preserve the trees on the property at the south end and there is a water quality resource overlay zone restriction on the east side. With the driveway to the parking lot along the building on the west, expanding upward may be the only viable option at this site. Structural engineers would need to evaluate if this option would even be feasible.
- The public likes the current location and is conveniently located near the bus mall.
- There are 18 FTE's which includes 27 paid staff members, but not volunteers. Per the Standards, the new service area would require 20-28 FTE's.
- Friends of the Library form the volunteer group. It's a large and active association.
- Ideally, the staff and the volunteers would have separate work areas.
- Labor accounts for 72% of the library budget.
- The library currently holds 115,000 items, however 120,000 is ideal.
- The area designated for public computer use and internet access is undersized and is located in a busy, congested area. More computers are needed due to high demand for job search information and application, accessing resources, etc.

- The library has no restrictions on who can come or how long they can stay; it benefits many latchkey kids and homeless. It provides public service information and resource pamphlets close to the entry so people who need support will see and take the information as they come or go.
 - The circulation/processing area is too small and crowded with carts and staff.
 - Need a larger periodical area.
-
- Circulation is increasing every month for books and DVD's. DVD's and CD's need additional shelf space.
 - The children's area is located on the lower level; staff need more desk room and be located out of the middle of the room to allow for more privacy and quiet.
 - The young adult book area needs to be increased.
 - Need a quiet study room.
 - Desire to have a performance space that is connected to the library but not in the book/reading area. Lots of regularly scheduled popular performances happen and though they're enjoyable they can be distracting and too loud for the other people. Performance space should be large enough to accommodate large groups, training seminars, classes.
 - Library would like to add programs for literacy training, tax preparation service, internet courses and tutorials, schedule services that would be beneficial to many.
 - Library needs more large and small meeting rooms. They're used frequently by both the City and the public.
 - Storage is limited and more is needed to store more materials on-site.
 - A small bookstore on site would be a good addition to sell donated books.
 - The circulation/processing area is too small and crowded with carts and staff.
 - Need a larger periodical area.
 - Circulation is increasing every month for books and DVD's. DVD's and CD's need additional shelf space.
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- Library needs more large and small meeting rooms. They're used frequently by both the City and the public.

- Storage is limited and more is needed to store more materials on-site.

- A small bookstore on site would be a good addition to sell donated books.

Library Options

The Library was originally a home that was dedicated to the City. It has since been remodeled and expanded in 1964 and 1986 to around 13,100 gsf.

With the passing of the measure that established the library district in 2008, the service area for the Ledding Library will increase to approx. 40,000 people.

Per the Oregon Public Library Standards, a library should have about 30,000 sf to serve this population.

Options include:

1. Keep the Ledding Library and develop a new 20,000 sf branch library.

2. Close the existing library and construct a new 36,000 sf in the South DT area.

3. Expand existing library with a new 2 story 20,000 sf addition in the parking lot (reducing the number of spaces)

ATTACHMENT 3

Library Name: Ledding Library of Milwaukie	Date submitted: August 31, 2010
Please fill out this form, print and send as a cover sheet with your State Library Report to Network Office	
<u>Clackamas County - Library Service District - Annual Progress Report toward OLA Standards</u>	Enter yes/no in box below
OLA standards - non-quantitative standards	
1. Is the library open the number of hours mandated by its population served at THRESHOLD level?	Yes
<i>If no, please explain and note any progress toward this goal.</i>	
Library open hours as per State Library Report	66 hours per week
Open hours required by OLA Threshold Standards for 31,178 population served	50 hours per week
2. Does the library staffing adhere to all of the standards for number and qualifications of staff employed as outlined in the OLA standards for THRESHOLD level for its population served?	Yes
<i>If any standards as listed below are not yet met, please explain and note any progress toward this goal.</i>	
total library FTE as per FY2010 State Library Report	17.93
total library FTE needed as per OLA Threshold standards for 31,178 population served	10.9
total staff with an MLS as per State Library Report	4.48
total staff required to have an MLS as per OLA Threshold Standards for 31,178 population served	2.2
Library Director has an MLS?	Yes
3. Does the Library collection contain sufficient volumes to meet OLA Threshold standards for the library population served?	Yes
<i>If no, please explain and note any progress toward this goal.</i>	
Current Library volumes owned as per State Library Report	118,122
Library volumes need to serve 31,178 population at the Threshold level	62,356
4. Please report briefly on any changes or improvements to the library due to District funding in FY2010	Using Library District Funding, the Ledding Library added over 4 FTE, enabling the library to be open 66 hours per week (up from 52 hours per week). 1 children's program per week was added. Budgets for collections were maintained despite reductions in city contribution.
<i>examples: library facility improvements, new collections; new programming, new staff and their functions etc.</i>	
5. Does the Library provide adequate and reasonable continuing education/training for all staff?	Yes
Please list annual budget for library staff continuing education here.	\$3,000
<i>If no, please explain and note any progress toward this goal.</i>	
6. Each year, does the library evaluate a percentage of the materials collection to consider for weeding/withdrawal based on criteria such as use, currency and condition?	Yes
OLA Threshold standard percentage is 20% evaluated annually. What is your percentage (estimate)?	50%
<i>If no, please explain and note any progress toward this goal.</i>	
7. Does the library have a formal written collection development policy?	Yes
<i>If no, please explain and note any progress toward this goal.</i>	
8. Does the library make available all basic core public services during all open hours?	Yes
<i>Note: "basic core public services" include circulation, reference, reader's advisory to all ages, interlibrary loan, and technology assistance.</i>	
<i>If no, please explain and note any progress toward this goal.</i>	
9. Does the Library have a written long-range strategic plan that addresses facility needs?	Yes
<i>If no, please explain and note any progress toward this goal.</i>	

ATTACHMENT 4

LEDDING LIBRARY POND HOUSE REPORT

By Kay Sweetland Bower
Advisory Board Member

In 1889, the City of Milwaukie, Oregon, established its first lending library in the office of the Justice of the Peace. Until 1961 it had several temporary homes in and around City Hall. At that time Florence Ledding bequeathed her home and property at 21st and Harrison to the City of Milwaukie to be used for a permanent library. There were additions of a Children's Library in 1967, the King Addition in 1987, and the remodel of the front entrance in 1997.

This has been a very popular and highly used library, and there have always been space issues. A detailed study of library needs was done in 2001, and an expansion was designed in 2003, but not implemented. This design would have expanded the footprint of the existing library on the north, south and west sides, leaving the east side facing Spring Creek Pond.

When a private home across the pond came on the market in 2006, former City Manager Mike Swanson purchased it for use by the city and the library. Improvements were made to the building by the City of Milwaukie and Friends of the Ledding Library. It became known as the Ledding Library Pond House.

Susan Shanks, Milwaukie Senior Planner, stated in her application to the Planning Commission for a replacement deck on July 6, 2010: "The city purchased the Pond House in 2006 for the purpose of providing additional space for community meetings, cultural and artistic events, and Ledding Library storage needs. The Pond House is directly east of the Ledding Library and southeast of Scott Park. The three sites together provide a unique, publicly-owned venue for outdoor music, cultural events, and neighborhood gatherings due to their proximity to Scott Lake and Spring Creek."

The author notes there is a shared responsibility for this building. Paul Shirey,

Operations Director for the City of Milwaukie Public Works Department, painted the outside, added a ramp for accessibility, and replaced the deck overlooking the pond with an outstanding replacement deck that should wear well for years to come. The Facilities Maintenance Fund oversees general repairs, cleaning and maintenance of this building. The Library Director, Joe Sandfort, is responsible for administration of programming and assists users in setting up chairs, tables and refreshments. Nancy Wittig schedules building use.

Carol Kay, President of Friends of the Ledding Library, oversees use of this space by her organization, which takes library discards and donations of books and other merchandise and sells them through a bookstore in the Pond House, a booth in the Milwaukie Farmer's Market, a large, annual book sale and raffle at the Portland Waldorf School gym, and a Christmas in October gift sale. They also have had a plant sale in the yard every spring. Many of the Advisory Board members are also members of Friends, and help with all these activities.

Friends and their multitude of volunteers used to operate from a single counter in the main library. With the acquisition of the Pond House, Friends now has enough space for their fundraising activities. They have a book store, open two days a week, on the north end of the property. This used to be a garage, and it required considerable renovation, which Friends paid for. They are using both of the old bedrooms on the main floor for a sorting room and an office. They have also furnished the Pond House with lamps and lighting, meeting room tables, comfortable chairs for workshop seating, cellular window shades, a large buffet-style piece in the living room, new countertops, chairs and a table in the kitchen, and decorations for the bathroom. Most recently Friends provided \$5,000 in landscaping for the Pond House, a handsome bench for seating and a new permeable driveway planted in mosses and other attractive ground cover.

Their fundraising provides the library with programs and services as well, such as First

Saturday musical programs in the main library, Family Cultural Passes for free admission to the Portland Classical Chinese Garden, Crystal Springs Rhododendron Garden, and the Japanese Garden near the Portland Zoo, Pittock Mansion, and the Portland Children's Museum.

They have also installed a beautiful new granite countertop in the library, a self-checkout computer, books requested by different departments, collection barrels for different charities, subscriptions, a summer reading program, indoor and outdoor plants and many other items and services the library has requested. Their total income for FY 2009-2010 was \$38,008.75. \$10,300 was raised in the annual book sale and raffle alone. The 2010 plant sale and raffle generated \$8,564.11 in income. All of this non-profit money is raised for the benefit of the library, the Pond House, the City of Milwaukie and its citizens.

Other groups use the building as well. Some of the different groups that use the space for meetings are The Library Advisory Board, County Library Directors, and City Department Heads, some of the nearby Neighborhood Associations, the Downtown Development Commission, Police Cadets, Light Rail, Bike and Transportation Committees. The building is also used for interviews for open positions with the city, and union negotiations with AFSCME. Its best and highest use, though, seems to be in providing space for workshops, classes, art shows, cultural and educational events and series, all of which are advertised by the city and open to the public.

The Authors Quarterly, coordinated by Ed Zumwalt, who also organizes the Summer Concert Series in Scott Park, has been a great addition to programming for the library. Ed has been involved in First Friday events as well. There is an ongoing Health Lecture Series. "Naturopathic and Chinese Medicine Wellness Workshop," with Drs. Butler and Ramos of Milwaukie's Northwest Natural Medicine was presented in October. Every month sees a different local artist's installation. A really impressive installation last summer took up most of the walls and was done by printing large fish on blue and green silk, which looked wonderful when the light from the pond played on the ceiling.

The Milwaukie Poetry Series, now in its fourth successful year, won an award for Excellence in Programming from the city. This popular series, coordinated by Tom Hogan, has spun off other series, such as poetry picnics, open mikes and teen writer's workshops. The Pond House is a perfect venue for these workshops and series, and all are well-attended and greatly appreciated by poets and audiences, now coming from all over the state.

Even though programs are not addressed in the library's mission statement, there seems to be a great need for them by the public. The Pond House fills part of this need quite well, because in addition to a large meeting room with windows on both sides, it has a full kitchen and a refreshment table in the dining area, large coffee and hot water pots for tea and cookies, and an accessible bathroom.

It also radiates a sense of peace and calm as it sits in the center of a natural wetland containing a pond and its diverse wildlife on one side, and a waterfall on the other. It offers beautiful views of the naturally landscaped library grounds, the amphitheater and Scott Park. The new deck overlooking the pond adds another dimension in outdoor living experience in the summer, so valuable to the general public, city employees and apartment dwellers living nearby.

Ledding Library's mission statement says the library "upholds the principles of intellectual freedom and the public's right to know by providing people with access to information technology and collections that reflect all points of view." It also says the library supports pursuit of education and personal goals by providing "informational, recreational, and cultural materials and services including those utilizing advancing technologies."

Although this need is not directly addressed, the library also provides programs. It fills program needs for people to meet face-to-face and attend a concert, a class, a lecture or a workshop, allowing them to interact and socialize with presenters and other

participants, which is a great social benefit.

In 2010, with dramatic increases in internet technology, some have questioned the need for libraries. With books online and Wi-Fi at Starbucks, some people wonder if we even need libraries at all, much less library expansions.

The answer to that question is that libraries have grown beyond the lending of their collections, to providing services for patrons, such as access to computers and the internet for job hunters, cultural passes for families to attend places such as art galleries and museums, and a community meeting place for lifelong learning. Not everything can or should be done online. In Portland a young college student is spending 30 days in solitary confinement in public view downtown, as reported in the Oregonian, to bring awareness to the problem of physical isolation in an internet society. We do need each other, and not just to text and twitter.

Our November poet was Dan Raphael, who made quite an impression on the audience, as have all the poets. One of the poems he read speaks directly to the library experience and what will be needed in the future. He was kind enough to give me a copy of this unpublished poem after the reading. It is called "Alexandria."

"if rupert murdoch believes something
If wall street wants to roll 1-sided dice
congress and/or parliament will sing harmony

if science and history are on sale what about all other non-experiential truths:
just cause its on tv, on the web, in a newspaper--how did it get there?

do everything you can to save the libraries full of books.
You can't change books, you have to burn them."

Dan Raphael

April 20, 2010

The board has just approved a request by a professor of Art and Humanities at Warner Pacific College to present a public workshop to read, consider and discuss The Lathe of Heaven, by iconic international writer Ursula Le Guin. This work of fiction concerns the effects on society of science and technology. Professor Susanna Lundgren requests this workshop be held in the Pond House because of the size of the space and the natural qualities of the landscaping. This is the kind of learning our mission statement encourages. Libraries change and so do patrons, but knowledge is increasing at an accelerating rate, and the more you learn, the more you find out what you don't know.

The Pond House and all its caretakers, presenters, and audiences have come to appreciate the unique qualities of this space and its proximity to the library and the natural world. It is hoped that by reading this report, the Milwaukie City Council will understand what a jewel it has created.

As Friends of Ledding Library President Carol Kay reports, "I can't begin to tell you how much positive feedback we have had from patrons and customers who come into the Pond House. Any number has said the purchase of the house was the best thing the city could have done."

December 17, 2010

ATTACHMENT 5

Ledding Library of Milwaukie Community Survey 2010

In order to better serve the needs of its patrons, the Ledding Library of Milwaukie is seeking your opinions on a variety of issues. Our patron's opinions will be a great help in improving the materials, services and programs that we provide.

1. How often do you use the Ledding Library?

A. <input type="checkbox"/> At least once a week	D. <input type="checkbox"/> Once every six months
B. <input type="checkbox"/> Once every two weeks	E. <input type="checkbox"/> Once a year
C. <input type="checkbox"/> Once a month	F. <input type="checkbox"/> Never

2. What are your main reasons for using the library?

A. <input type="checkbox"/> To borrow bestsellers	M. <input type="checkbox"/> To get information for school
B. <input type="checkbox"/> To borrow other fiction books	N. <input type="checkbox"/> To attend children's programs
C. <input type="checkbox"/> To borrow nonfiction books	O. <input type="checkbox"/> To use the word processor
D. <input type="checkbox"/> To get information / research	P. <input type="checkbox"/> To use interlibrary loan services
E. <input type="checkbox"/> To use the children's library	Q. <input type="checkbox"/> To borrow audiobooks
F. <input type="checkbox"/> To use the young adult area	R. <input type="checkbox"/> To attend programs
G. <input type="checkbox"/> To borrow DVDs and VHS	S. <input type="checkbox"/> To find a quiet place to work
H. <input type="checkbox"/> To use the copy machine	T. <input type="checkbox"/> To use reference materials
I. <input type="checkbox"/> To read / borrow magazines	U. <input type="checkbox"/> To use library databases
J. <input type="checkbox"/> To use the wireless Internet	V. <input type="checkbox"/> To be in a relaxing setting
K. <input type="checkbox"/> To read newspapers	X. <input type="checkbox"/> Other
L. <input type="checkbox"/> To use the Internet	

2A. Are you aware of the following specialized resources and services offered by the Ledding Library?

A. <input type="checkbox"/> Online magazine and newspapers	F. <input type="checkbox"/> Summer reading program
B. <input type="checkbox"/> Poetry readings	G. <input type="checkbox"/> Health lecture series
C. <input type="checkbox"/> Book clubs	H. <input type="checkbox"/> Open mics for adults and teens
D. <input type="checkbox"/> Music concerts	
E. <input type="checkbox"/> Homeschooling programs	

3. If you don't use the library regularly, why not?

A. <input type="checkbox"/> Don't need to use it	F. <input type="checkbox"/> Use school / college library
B. <input type="checkbox"/> Library is too far from home	G. <input type="checkbox"/> Use closer public library
C. <input type="checkbox"/> Don't have transportation	H. <input type="checkbox"/> I buy my own materials
D. <input type="checkbox"/> Don't know where it is	I. <input type="checkbox"/> Don't know what library has to offer me
E. <input type="checkbox"/> Don't have a library card	J. <input type="checkbox"/> Other

4. Did you find what you were looking for at the library?

<input type="checkbox"/> Yes	<input type="checkbox"/> No
------------------------------	-----------------------------

5. Check all statements below which explain why you did not get what you were looking for.

A. <input type="checkbox"/> Item was checked out	F. <input type="checkbox"/> All computers were in use
B. <input type="checkbox"/> Library had no material on subject	G. <input type="checkbox"/> Don't know how to use computers
C. <input type="checkbox"/> I could not find the material	H. <input type="checkbox"/> Materials requested on ILL
D. <input type="checkbox"/> Staff could not find the material	I. <input type="checkbox"/> Other
E. <input type="checkbox"/> Library computers were down	

6. How would you describe your most recent experience in using the library's computers for locating books, DVDs, etc?

A. <input type="checkbox"/> Very easy to use	D. <input type="checkbox"/> Too hard to use
B. <input type="checkbox"/> Somewhat easy to use	E. <input type="checkbox"/> All computers were in use
C. <input type="checkbox"/> Somewhat difficult to use	F. <input type="checkbox"/> Have not used the computers

6A. If you have a question you would like answered, what would be your preferred way of asking the question?

A. <input type="checkbox"/> Talk with a reference librarian on the phone	D. <input type="checkbox"/> Find the answer myself
B. <input type="checkbox"/> Email my question to the library	E. <input type="checkbox"/> Other
C. <input type="checkbox"/> Come to the library and ask in person	

7. Please tell us what you think of this library facility

	Poor	Adequate	Good	Very good	Excellent
A. Condition of the outside of the library	1	2	3	4	5
B. Condition of the inside of the library	1	2	3	4	5
C. Ease of access entering the building	1	2	3	4	5
D. Ease of access inside the library	1	2	3	4	5
E. Signage	1	2	3	4	5
F. Layout and arrangement	1	2	3	4	5
G. Provision of seating and tables	1	2	3	4	5
H. Time waiting for service	1	2	3	4	5
I. Cleanliness	1	2	3	4	5
J. Lighting	1	2	3	4	5
K. Acoustics	1	2	3	4	5

8. Please check all the items which described the service you received at the library.

A. <input type="checkbox"/> Staff was helpful and pleasant	E. <input type="checkbox"/> Staff was too busy to help
B. <input type="checkbox"/> Staff was considerate & thoughtful	F. <input type="checkbox"/> Staff took too long to help
C. <input type="checkbox"/> Staff was knowledgeable & helpful	G. <input type="checkbox"/> Staff was rude
D. <input type="checkbox"/> Staff communicated inappropriately or unclearly	H. <input type="checkbox"/> Did not ask for help.

9. How would you evaluate the library's services in the following areas?

	Poor	Adequate	Good	Very Good	Excellent
A. Hours of operation					
1. Meets your needs	1	2	3	4	5
2. Needs to be open earlier	1	2	3	4	5
3. Needs to close later	1	2	3	4	5
4. Needs to have more weekend hours	1	2	3	4	5
B. Overall collection	1	2	3	4	5
C. Availability or reading materials I want	1	2	3	4	5
D. Ability to obtain materials from other libraries	1	2	3	4	5
E. Comfort and cleanliness	1	2	3	4	5
F. Proximity to my home	1	2	3	4	5
G. Helpfulness & courtesy of library personnel	1	2	3	4	5
H. Ease in finding materials	1	2	3	4	5
I. Ease in checking out library materials	1	2	3	4	5
J. Ease of parking	1	2	3	4	5
K. Book collection	1	2	3	4	5
L. Media collection	1	2	3	4	5
M. Number of staff	1	2	3	4	5
N. Seating	1	2	3	4	5
O. Building size	1	2	3	4	5
P. Building quality	1	2	3	4	5
Q. Reference service	1	2	3	4	5
R. Telephone service	1	2	3	4	5
S. Children's programs	1	2	3	4	5
T. Materials in other languages (Please specify)	1	2	3	4	5
U. Adult programs	1	2	3	4	5
V. Other	1	2	3	4	5

9A1. If hours could be added to the library, which of these would be your priority?

A. <input type="checkbox"/> Add morning hours	E. <input type="checkbox"/> Add Sunday hours
B. <input type="checkbox"/> Add evening hours	F. <input type="checkbox"/> Consistent open hours
C. <input type="checkbox"/> Add Friday hours	G. <input type="checkbox"/> Current hours OK
D. <input type="checkbox"/> Add Saturday hours	

9A2. How do you prefer to get news about library events and services?

A. <input type="checkbox"/> Get library news by email	D. <input type="checkbox"/> See it on the library's website
B. <input type="checkbox"/> Pick up fliers at the library	E. <input type="checkbox"/> Read about library news in the paper
C. <input type="checkbox"/> Mail library news to my house	D. <input type="checkbox"/> (Please specify)

10. Please check all areas in which you would like to see the library's collection for adults improved, expanded or updated.

A. <input type="checkbox"/> General nonfiction	K. <input type="checkbox"/> General fiction
B. <input type="checkbox"/> Religion / philosophy	L. <input type="checkbox"/> Mystery
C. <input type="checkbox"/> History	M. <input type="checkbox"/> Science fiction
D. <input type="checkbox"/> Science / technology	N. <input type="checkbox"/> Romance
E. <input type="checkbox"/> Health / medical	O. <input type="checkbox"/> Western
F. <input type="checkbox"/> Travel	P. <input type="checkbox"/> Travel
G. <input type="checkbox"/> Self help	Q. <input type="checkbox"/> Audiobooks
H. <input type="checkbox"/> Biography	R. <input type="checkbox"/> Magazines / newspapers
I. <input type="checkbox"/> Arts / culture	S. <input type="checkbox"/> DVDs, videos and blu-rays
I ² <input type="checkbox"/> Large print materials	S ¹ <input type="checkbox"/> Music CDs
I ³ <input type="checkbox"/> Young adult materials	S ³ <input type="checkbox"/> Software and video games
J. <input type="checkbox"/> Foreign language materials (please specify)	T. <input type="checkbox"/> Other (Please specify)

10A. Please check all the areas in which you would like to see the library's collection for children improved, expanded or updated.

A. <input type="checkbox"/> Fiction books for grades 4-8	G. <input type="checkbox"/> Homeschooling materials
A ¹ <input type="checkbox"/> Mysteries for grades 4-8	H. <input type="checkbox"/> Magazines and comic books
A ² <input type="checkbox"/> Science fiction for grades 4-8	I. <input type="checkbox"/> Young teen materials (grades 7-?)
B. <input type="checkbox"/> Nonfiction books for grades 4-8	J. <input type="checkbox"/> Audiobooks
C. <input type="checkbox"/> Picture books	K. <input type="checkbox"/> Music CDs
D. <input type="checkbox"/> Fiction for grades 1 - 3	L. <input type="checkbox"/> DVDs
D ¹ <input type="checkbox"/> Nonfiction for grades 1-3	M. <input type="checkbox"/> Other (Please specify)
E. <input type="checkbox"/> Board books	
F. <input type="checkbox"/> Parenting materials	

11. Please check all areas in which you would like to see the library's technology improved.

A. <input type="checkbox"/> More computers to access the collection	D. <input type="checkbox"/> More computers to access word processing and spreadsheet programs
B. <input type="checkbox"/> More Internet access	E. <input type="checkbox"/> More on-line databases
C. <input type="checkbox"/> Improved access and services from home computers	F. <input type="checkbox"/> Other (Please specify)

11A. If you have indicated a desire to increase library materials, services or technology, what do you think the library could cut back on in order to pay for your choices? Check any that you think the library could reduce.

A. <input type="checkbox"/> Books for adults	F. <input type="checkbox"/> Music CDs
B. <input type="checkbox"/> Books for children	G. <input type="checkbox"/> Audiobooks
C. <input type="checkbox"/> Programs of adults	H. <input type="checkbox"/> Library staff –reduce the hours library is open
D. <input type="checkbox"/> Programs for children	I. <input type="checkbox"/> Other (Please specify)
E. <input type="checkbox"/> DVDs	

OR

If you had \$100 to invest in library resources, how much would you spend on each of the following? Please use whole numbers only

Books and other print resources	\$
Audiovisual resources	\$
Online resources	\$

11B. Overall, where would you most like the library to focus its resources? (Choose two priorities)

A. <input type="checkbox"/> Collections / materials	E. <input type="checkbox"/> Clean and safe building
B. <input type="checkbox"/> Programs	F. <input type="checkbox"/> Hours open to the public
C. <input type="checkbox"/> Computers and software	G. <input type="checkbox"/> Other (Please specify)
D. <input type="checkbox"/> Staff available to help patrons	

11-2 Which two of the programming options are most important to you?

A. <input type="checkbox"/> Programs for children and teens	E. <input type="checkbox"/> Current event presentations
B. <input type="checkbox"/> Literary events (readings, book groups)	F. <input type="checkbox"/> None of these are important to me
C. <input type="checkbox"/> Cultural events (music, drama)	G. <input type="checkbox"/> Other (Please specify)
D. <input type="checkbox"/> How to topics (finance, health)	

In an effort to improve the library's collection and services, we would like to learn something about you. Providing the information below is completely voluntary. All information will be kept strictly confidential.

12. Your sex

- A. Female
- B. Male

13. Your age group

- A. 11 and under
- B. 12 – 17
- C. 18 – 29
- D. 30 – 39
- E. 40 – 49
- F. 50 – 59
- G. 60 and over

14. Are there children under the age of 18 living in your home?

- A. Yes
- B. No

If yes, how many? _____

15. Are any of those children of preschool age?

- A. Yes
- B. No

If yes, how many? _____

16. Your highest education level

- A. Some high school or less
- B. High school graduate
- C. Vocational / technical school
- D. Some college
- E. College graduate

17. What is your current work status? Check all that apply

- A. Employed full time
- B. Employed part time
- C. Self employed
- D. Homemaker
- E. Retired
- F. Unemployed or not working
- G. Part-time student
- H. Full-time student
- I. Other _____

18. Where do you live?

- A. Within the city limits of Milwaukie
- B. Oak Grove area
- C. East of Milwaukie toward Town Center
- D. Sellwood / Moreland area
- E. Other _____

19. What is the primary language spoken in your home?

A. <input type="checkbox"/> English	E. <input type="checkbox"/> Russian
B. <input type="checkbox"/> Spanish	F. <input type="checkbox"/>
C. <input type="checkbox"/> Chinese dialect	G. <input type="checkbox"/>
D. <input type="checkbox"/> Vietnamese	H. <input type="checkbox"/> Other (please specify)

20. What is your race / ethnicity? (Choose all that apply)

A. <input type="checkbox"/> American Indian of Alaska native	E. <input type="checkbox"/> Native Hawaiian or other Pacific Islander
B. <input type="checkbox"/> Asian	F. <input type="checkbox"/> White
C. <input type="checkbox"/> Black or African American	G. <input type="checkbox"/> Other (please specify)
D. <input type="checkbox"/> Hispanic or Latino	

21. Do you have a disability?

<input type="checkbox"/> Yes
<input type="checkbox"/> No

22. Please feel free to provide any additional comments that you feel would help the Ledding Library provide better service, materials and programs.

ATTACHMENT 6

JORDAN SCHRADER RAMIS^{PC}
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LEGAL MEMORANDUM

TO: Bill Monahan
FROM: Peter Watts
DATE: November 22, 2010
RE: Ledding Library
File No. 49979-36738

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

Brief History and Questions Presented

Florence Ledding (“Florence”) bequeathed the property on which the Ledding Library resides to the City of Milwaukie. The property had been the home of Florence and Herman Ledding. He had predeceased her. The property was bequeathed to the City as follows:

That my said home property is hereby given, devised and bequeathed unto said City of Milwaukie on condition and for the use, intention, object and purpose of establishing, keeping up, improving and maintaining thereon, in perpetuity, a free, public library for the uses, objects and purposes of the furtherance and advancement of education, learning, literature and science. Said library shall be open to the public, and for the use and benefit of all people, regardless of race, age, station in life, color, sex or religious faith. Said library to be so maintained in perpetuity shall be named “THE LEDDING LIBRARY” in memory of my late husband, Herman Frank Ledding, and myself. The property herein given, devised and bequeathed shall be held by the City of Milwaukie in perpetuity, shall be inalienable and shall be used for library purposes only and shall never be used in whole or in part for any other purposes.

Bill A. Monahan
November 8, 2010
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I hereby further give, devise and bequeath unto the City of Milwaukie, Clackamas County, Oregon, a municipal corporation, the sum of Five Thousand Dollars (\$5,000.00) in cash. This gift, of Five Thousand Dollars (\$5,000.00) in cash is given for the sole and exclusive purpose of buying books for said library, and further, on condition that at least five per cent (5%) of said Five Thousand Dollars (\$5,000.00) be used to purchase and acquire books of a liberal political and economic nature. I make this condition, because it is my opinion that the new problems of the future will require new thought.

I know that the City of Milwaukie will appreciate my provision for the library and that they might establish a plaque in the entrance hall honoring my deceased husband, Herman Frank Ledding, and myself.

Ledding Library Board Chair Mark Docken, has reviewed Florence's will and states:

I believe on a legal basis the site is now fully without encumbrance the City of Milwaukie's property and as such can be used as the City deems best. The reasons for my coming to this conclusion are simple:

1. The City of Milwaukie has lived up to the stated purpose of the bequeathed.
2. The legal definition of "Perpetuity" as stated in the document is either 21 years from the date of the document and/or 21 years from the death of the donor. This time limit has easily been met on either time line.
3. Although irrelevant because of the previous two points, in the documents you sent me there is no stated reversion language, in other words who would the property revert to in case of default by the City? This lack of a reversion clause I supposed could be argued by the heirs of the deceased but with the City having met it's obligations on the above points I believe it would be deemed a baseless argument.

The Ledding library board has requested that the Ledding will be reviewed to determine the validity of the language in the will that restricts the use of the property to library purpose.

Bill A. Monahan
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Legal Analysis

As Mr. Docken correctly states, Oregon has a “rule against perpetuities.” ORS 105.950 provides:

- (1) A nonvested property interest is invalid unless:
 - (a) When the interest is created, it is certain to vest or terminate no later than 21 years after the death of an individual then alive; or
 - (b) The interest either vests or terminates within 90 years after its creation.

The use of the property is conditioned on the property being used as a library. Milwaukie could clearly maintain the subject property as a library in perpetuity. And, so long as the site is maintained as a library there is no chance that the property will revert to the heirs of Florence.

Florence created her will on July 21, 1954. She passed away on January 21, 1961. It has certainly been more than twenty-one years since the date of Florence’s death. However, it has only been fifty-six years since the creation of the will. As a result the gift will not become void due to the Rule Against Perpetuities for thirty-four years. If the City of Milwaukie ceases to use the Ledding property as a library, Milwaukie’s interest in the property will terminate. The property will then revert to Florence’s heirs at law. Although, the will does not provide a comprehensive list of Florence’s relatives it does disclose that she had a sister-in-law, Sadie Lleweling, who had two sons. It is likely a search would need to be done to determine the heirs at law.

It may seem that if Milwaukie waits until 2044, they will be able to divest themselves of the property without risk of it reverting back to Florence Ledding’s heirs, but that is not necessarily the case. The gift by Florence is conditioned on the property being used as a library. When an executory interest following a fee simple interest in land is void under the Rule Against Perpetuities, the prior interest becomes absolute unless the language of the creating instrument makes it very clear that the prior interest is to terminate upon a specific event. The Oregon Court of Appeals held that “typical words are ‘so long as,’ ‘until,’ or ‘during.’ However, any language in the instrument indicating an intent that the estate shall automatically end upon the occurrence of a designated event will be sufficient.” See *City of Klamath Falls v. Bell*, 7 Or App 330, 334, 490 P2d 515 (1971). The word that Florence used in her will is “on condition.” Although, “on condition” does not seem as definitive as “so long as” it seems possible that a court could rule that it is sufficient to end Milwaukie’s interest in the property as soon as it ceases to be used as library property. When read as whole, it seems very clear that Florence strongly felt that her

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property should only be used as a library. The risk that a court would respect her wishes, and return the property seems high.

Other Considerations

From a public relations perspective, it seems that if the City of Milwaukie takes action that contradicts the intent of a donor that it could have a chilling effect on future donations. This could be particularly true in the case of an individual, like Florence, that wants to make sure that their property is always used in a specific manner.