

## CITY COUNCIL MINUTES

July 6, 1976

7 p.m.

COUNCIL CHAMBERS1271st Meeting

The one thousand two hundred seventy-first meeting of the Council of the City of Milwaukie, Oregon, was held on the 7th day of July, 1976, with the following councilpersons present:

C. Mervin Englund	Charles E. Swan
Joy Burgess	Mayor Bill E. Hupp

Absent: Jerry Hutchison

Also present:

Myer Avedovech, City Attorney	Harold L. Schilling, City
J. Wayne Daigle, Dir. of P.W.	Manager (entered meeting
Dorothy E. Farrell, Secretary	at 8:45 p.m.)

The invocation was given by the Reverend Robert O. Jackson, First Church of the Nazarene, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - June 10, 1976 Council meeting
- b) Copy of letter to Mrs. Martin re sidewalk problem
- c) Central Fire Dispatch meeting minutes
- d) Attachments to CRAG letter
- e) DEQ Notice of Public Hearing
- f) Memorandum re flowers
- g) Copy of letter to Clackamas County Library Board
- h) Memo from Planning Director re mobile homes
- i) Copy of letter re Randall case
- j) YAP Minutes - May 26, 1976
- k) Legal documents - Hupp v. Schumacher case
- l) Memo re Cash's/Jan's Cleaners
- m) Order - Hedensten v. Milwaukie

Councilwoman Burgess requested removal of items b, h and i for later discussion. It was MOVED by Swan, SECONDED by Burgess, to accept the consent calendar with the exception of items b, h and i. MOTION CARRIED unanimously by those present, and so ordered.

c) Council has received June 3, 1976 minutes of Central Fire Dispatching Service of the Clackamas, Milwaukie, Happy Valley and Oak Lodge Rural Fire Protection Districts and the City of Milwaukie.

d) CRAG has sent enclosures to letter dated June 10, which were inadvertently left out.

e) Department of Environmental Quality will hold a public hearing on amendments to rules governing motor vehicle emission inspection, on July 16, 1976 at 1 p.m. in Portland City Council Chambers.

f) Staff has sent memo, dated July 1, 1976, concerning flower planting in downtown area.

g) Council has received copy of letter from City Manager to Chairman of Clackamas County Library Board, dated June 24, 1976.

j) Council has received May 26 minutes of Youth Alternatives Program Community Advisory Council.

- k) Council has received copies of Memoranda in Opposition and in Support of Demurrer in the case of Hupp et al v. Schumacher et al.
- l) Staff has written memo, dated July 1, 1976, concerning question raised at 6/30/76 Council meeting about Jan's Cleaners.
- m) Council has received copy of Stipulation and Order of Dismissal in the case of Hedensten v. Milwaukie.

#### NEIGHBORHOOD COUNCIL REPORTS

George Passadore, Neighborhood Council 5, reported on their review and recommendations regarding animal control.

#### CORRESPONDENCE

1. Kid's Incorporated has written Council, dated June 30, 1976, requesting financial support to assist in conduct of annual state-wide Milwaukie baseball tournament. Discussion centered on the timing of consideration of the request, with Mrs. Burgess stating the request should be referred to the Budget Committee, but others feeling this would delay too long.

It was MOVED by Swan, SECONDED by Englund, that \$500 be given to Kid's Incorporated, due to the time frame. MOTION CARRIED with the following roll-call vote: Ayes: Englund, Swan and Hupp.

NOES: Burgess.

2. Seven persons living on SE Mary Court and SE 34th Street have signed a petition requesting immediate billing for sewage assessment completed in the Fall of 1975. Staff has written a memo dated July 2, 1976, giving the background. Initially a L.I.D. was proposed covering the entire Cole Addition, but when agreement could not be reached with Portland for participation for the portion of the L.I.D. within the City of Portland, only the Mary Court section of the L.I.D. was constructed, but assessment has not been made, hoping for Portland's participation, which would spread the cost more equitably. The consensus was that the Public Works Director contact Portland one more time to see if they will participate in the project, and that the 14 people in the rest of the L.I.D. be contacted to see if they are having any septic tank problems.

3. Council has received letter from the Clackamas County Bikeway Advisory Committee, dated June 30, 1976, with notice of a bicycle tour of Oatfield Road July 17, 1976.

#### SANITARY SEWER CONSTRUCTION - FONTAINE, RIFE AND MARTINEZ

Public Works Director has written memo, dated June 28, 1976, with three alternates for providing sanitary sewer to Fontaine, Rife and Martinez, on SE Harrison Street. A member of the audience called attention to the fact that it is the Laird home, not the Martinez home that is involved. It was MOVED by Englund, SECONDED by Swan, that staff contact formally the people where easements are involved, study the cost, determine what might be torn up, and if it looks feasible, that Council authorize staff to proceed with the gravity route to King Road. Englund withdrew the motion to restate, and it was MOVED by Englund, SECONDED by Swan, that staff be authorized to proceed with inquiry for easements on the properties involved, and that they be authorized to proceed

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with the gravity flow system to King Road if the total cost, including easements and repair, doesn't exceed \$12,000, with the proviso that if the cost does exceed \$12,000, that it be brought back to Council for further action. MOTION CARRIED unanimously by those present.

MEMO RE PARKING STUDY FOR DOWNTOWN AREA

Planning Director has written memo, dated June 28, concerning downtown parking study. Various councilmembers suggested the following: 1) find out what consultants are available and what cost would be for thorough review of downtown parking, including a study of free parking, metered parking, and parking lots; 2) a reevaluation and recommendation about fines and fees the city charges for downtown parking infractions; 3) an engineering study on street profiles on all streets, and the cost; 4) a study of an east-west corridor.

RESOLUTION APPROVING THE CONCEPT OF WIDENING McLOUGHLIN BOULEVARD

Council had asked that staff prepare a resolution approving the concept of widening McLoughlin Boulevard. It was Council consensus to ask a representative of the Highway Department to come to a Council meeting to answer questions.

MEMO RE WINDOW SHADE BIDS

Staff has written memo, dated May 19, on revised window shade bids. It was MOVED by Swan, SECONDED by Englund, to authorize staff to accept the bid of Venetion Blind Co. in the amount of \$1744.25 for City Hall window shades, the money to come from the Contingency Fund. MOTION CARRIED unanimously by those present.

REPORT ON PERCENTAGE OF EMPLOYEES WHO LIVE WITHIN CITY

Staff has written report on employe residency, dated July 2, 1976. The discussion centered on whether all employees should live in the city, or just emergency areas; whether the city limits should be considered, or a radius outside the city; and whether a grandfather clause should be considered.

(Meeting recessed at 8:40 p.m., reconvened at 8:50 p.m. with all present.)

MILWAUKIE EMPLOYEES ASSOCIATION 76-77 CONTRACT

It was MOVED by Burgess, SECONDED by Swan, that City Council authorize the Mayor to sign the agreement between the city and Milwaukie Employees Association from July 1, 1976 to June 30, 1977. MOTION CARRIED unanimously by those present.

CHAMBER OF COMMERCE BILL

Staff has written memo, dated June 30, giving the basis for the \$210 billing for Chamber of Commerce membership. There was discussion of the propriety of payment of city funds for transportation and meals to attend such meetings. It was decided a policy on payment for transportation and meals for Councilmembers will be on the next agenda for discussion.

STATE COMMERCE DEPARTMENT LETTER RE MOBILE HOMES

State Department of Commerce, Building Codes Division, has sent letter dated June 25 concerning administration of new state regulations over mobile home parks. Staff has recommended that the Department be notified that the city will take over administration of the program. It was MOVED by Englund, SECONDED by Burgess, to authorize staff to notify the Department of Commerce that the city will assume the administrative areas specified when a city employee is qualified. MOTION CARRIED unanimously by those present.

POPULATION ESTIMATE

Staff has written memo, dated June 30, concerning the 1975 population estimate. Portland State University did a housing unit survey for revising the population estimate, and their findings indicated a revised estimate of 16,800. Staff has requested their survey sample, in order to evaluate how they conducted the survey.

REQUEST TO ANNEX TO CITY

Council has received letter from Doral Development Corporation, dated July 2, 1976, requesting annexation of Sundial Court subdivision, off 60th Avenue between Monroe and Lloyd Streets. It was MOVED by Englund, SECONDED by Swan, to read (A RESOLUTION FURTHERING ANNEXATION TO THE CITY OF MILWAUKIE OF CERTAIN TERRITORY) by title only. MOTION FAILED TO PASS with the following roll-call vote: AYES: Englund and Swan. NOES: Burgess and Hupp. It was MOVED by Burgess, SECONDED by Swan, that the Council refer the annexation request to the Planning Commission for recommendation and also that the information be provided to the Neighborhood Council that it affects, and at the earliest opportunity this input, both from the Planning Commission and Neighborhood Council, be returned to the City Council, and that a new resolution be drafted. MOTION CARRIED unanimously by those present. There was discussion of the wording of the resolution, and whether the Council had to approve the annexation, or could merely pass the request on to the Boundary Commission.

CONSENT CALENDAR

- b) Council has received copy of letter to Mrs. Floyd Martin, 9770 SE 32nd Avenue, dated June 28, from city, concerning notice to repair sidewalk. Mrs. Burgess asked the sidewalk location, which is at 32nd and Olson.
- h) Planning Director has written memo, dated June 22, concerning letter from Perrin re mobile homes. Mrs. Burgess asked the nature of the initial inquiry, which was a letter of concern that some communities engage in exclusionary zoning. Manager had asked for a report on the situation in Milwaukie.
- i) Council has received copy of letter from Circuit Court Judge, dated June 18, concerning case of Randall v. Hupp. Mrs. Burgess asked if further court action is contemplated, and the answer is "probably."

OTHER BUSINESS

- 1. Police Chief has received letter from Oregon Traffic Safety Commission, dated July 2, with notice that final approval has been given to the city's Traffic Safety Grant application.
- 2. David Graf has indicated interest in being appointed to the

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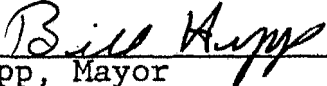
city's Parks and Recreation Commission.

3. Proto Tool has written letter, dated July 6, 1976, stating the company is willing to accept the recommendation of the Planning Commission as stated at the May 25 Council meeting of the Commission regarding Proto Tool's zone change request. It was MOVED by Swan, SECONDED by Burgess, to accept the letter and allow Proto Tool to withdraw the appeal (ZC-76-1) MOTION CARRIED unanimously by those present.

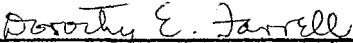
4. Manager gave a verbal report on change of ownership and name of business from Chico's Pizza to Island Station Tavern. The new owners stated they would be serving beer and food, and it was determined it was not a change of type of business, and the new owner was not required to go through conditional use procedure. At the present time staff has learned that food is not being served. It was MOVED by Burgess to close the business down until he gets the food service going. MOTION FAILED for lack of a second. It was Council consensus that the Manager meet with the business owner and find out what his intention is, and report back to the Council.

5. Mrs. Burgess asked staff to draft an ordinance to regulate objectionable types of business.

Meeting adjourned at 10:25 p.m.

  
\_\_\_\_\_  
Bill Hupp, Mayor

ATTEST:

  
\_\_\_\_\_  
Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA  
July 6, 1976  
7 p.m.

COUNCIL CHAMBERS

1271st Meeting

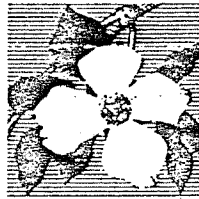
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1. CALL TO ORDER
2. INVOCATION - The Reverend Robert O. Jackson, First Church of the Nazarene
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Approval of minutes - June 10, 1976 Council meeting
  - b) Copy of letter to Mrs. Martin re sidewalk problem
  - c) Central Fire Dispatch meeting minutes
  - d) Attachments to CRAG letter
  - e) DEQ Notice of Public Hearing
  - f) Memorandum re flowers
  - g) Copy of letter to Clackamas County Library Board
  - h) Memo from Planning Director re mobile homes
  - i) Copy of letter re Randall case
  - j) YAP minutes - May 26, 1976
  - k) Legal documents - Hupp v. Schumacher case
  - l) Memo re Cash's/Jan's Cleaners
  - m) Order - Hedensten v. Milwaukie
5. AUDIENCE PARTICIPATION  
NEIGHBORHOOD COUNCIL REPORTS  
George Passadore, NC No. 5
6. CORRESPONDENCE
  - a) Letter from Kids Inc.
  - b) Petition for sewer assessment - Mary Court residents
  - c) Letter from Clackamas County Bike Committee
7. OLD BUSINESS
  - a) Sanitary sewer construction - Fontaine, Rife and Martinez
  - b) Memo re parking study
  - c) Resolution No. \_\_\_\_\_ - McLoughlin widening
  - d) Memo re window shade bids
  - e) Report on percentage of employees who live in city
8. CONSIDERATION
  - a) Milwaukie Employees Association 76-77 contract
  - b) Chamber of Commerce bill
  - c) State Commerce Department letter re mobile homes
  - d) Population estimate
  - e) Letter re annexation request
9. OTHER BUSINESS
  - a) Traffic Safety Letter
  - b) S. Prof. + Park. Comm
  - c) Proto Tool
- ~~10. PAYMENT OF BILLS~~

*- Preliminary  
asked post  
ponement*

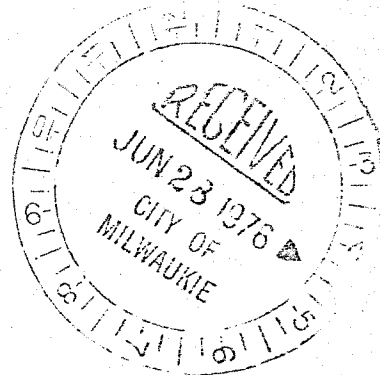
*a) Traffic Safety Letter  
b) S. Prof. + Park. Comm  
c) Proto Tool  
d) ~~last day~~*

# CITY OF MILWAUKIE



City Council  
Agenda 4b  
OFFICE OF THE CITY MANAGER  
in the City Hall • phone 659-5171

June 28, 1976



Mrs. Floyd Martin  
9770 SE 32nd Avenue  
Milwaukie, OR 97222

Dear Mrs. Martin:

Your concern about the condition of the sidewalk was referred to the Public Works Department and I have recently received a report from them. The situation was as you stated, and existing City Ordinances do provide for a remedy. The City is in the process of issuing "Notice to Repair Sidewalk" orders to property owners responsible for this section of sidewalk. The property owners are responsible for making necessary repairs to the sidewalk within 90 days. At the same time as repairs to the sidewalk are made, the City will repair the curb which is our responsibility.

We thank you for bringing this matter to the City's attention and trust that the remedy outlined will be of benefit and satisfaction to the residents of the area. Please feel free to contact me if you desire more information about this matter.

Sincerely,

David B. Nemo  
Administrative Assistant to  
the City Manager

DBN:msh

cc: City Manager

CENTRAL FIRE DISPATCHING SERVICE

of the

Clackamas, Milwaukie, Happy Valley and Oak Lodge Rural Fire Protection Districts  
and

The City of Milwaukie

*copies given  
JMS  
JMS  
4c*

Representatives of four of the participating fire protection districts met in the Board Room at 10639 S. E. Fuller Road at 8:00 p.m., June 3, 1976 to discuss the terms of a new contract supersede the one under which the Central Fire Dispatching Service has been operating since 1970. Those present were:

Chief Provost and Board Members Anderegg,  
Singleterry, Cox and Dille, representing Clackamas,

City Manager Schilling and Acting Chief Jones,  
representing the City of Milwaukie,

Acting Chief Michels, representing Oak Lodge,

Chief Carpenter, Assistant Chief Hiland and  
Board Members Carlson, Lidstrom and Wakefield,  
representing Milwaukie Rural, and

Mr. William L. Brunner, legal counsel.

Chief Carpenter opened the meeting with a brief sketch of the history of our central fire dispatching service, describing the original attempt to establish the Service as a separate legal entity with the Policy and Co-ordinating Committee as its governing body; the necessity for abandonment of that concept in order to provide for its employees the benefits of the Social Security and State of Oregon Public Employees' Retirement Systems; the acceptance by the Policy and Co-ordinating Committee on Nov. 26, 1969 of District #56's offer to take over and operate the service, followed by a gradually declining interest on the part of the lay members of the Committee in attending routine, periodic meetings, leading to their discontinuance by mutual agreement on August 26, 1970, since which time Committee functions have been performed by its professional members, subject only to the control of their governing bodies. During the intervening six-year period problems not anticipated in the 1970 contract have been resolved informally by mutual agreement between the professional members of the Policy Committee; and it is now deemed appropriate to bring that old contract up to date. A proposed revision was circulated earlier this year. Some

the participants have responded with questions or objections to one or another of the features of the proposed contract, and this meeting was called for the purpose of resolving those issues.

At this point, the floor was given over to Mr. Brunner, who explained that he has been retained to prepare a new contract based principally upon the present contract, but accommodating also the concerns and wishes of the participants, as they may be expressed during this meeting. His draft of that contract is to be submitted to the parties for study and execution, or further revision, as may be appropriate.

Chief Carpenter then invited discussion from the floor. Among the areas of concern exhibited were the following; return to periodic meetings of the whole Committee; delineation of its powers; preservation of the autonomy of participants in the management of their individual interests; method of funding routine activities of the Service; method of funding its emergencies; the right of cancellation; the obligation of participants to maintain their mobile radio equipment according to FCC requirements; penalty for failure to do so; liability for dispatchers' derelictions of duty; removal from the new contract of references appearing in the old to determination of assessed value by the Clackamas County Assessor (the City of Milwaukie and Rural District No. 56 both having territory situated in Multnomah County).

Each of those present having then been given full opportunity to voice his views in the premises, the meeting was adjourned at 9:50 p.m.

Respectfully submitted,

*ASL Wakefield*

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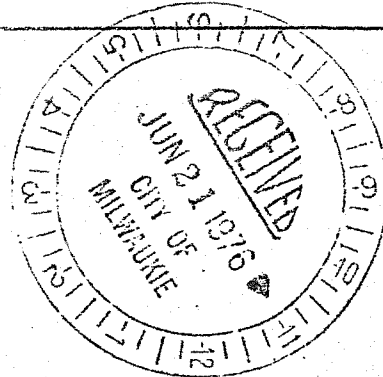
# COLUMBIA REGION ASSOCIATION of GOVERNMENTS

527 S. W. HALL STREET  
PORTLAND, OREGON 97201

(503) 221-1646

CRAG

June 16, 1976



Enclosures to the letters dated June 10, or  
June 11 were inadvertently left out.

They are enclosed here. My apologies.

*Karen Thackston*

ARRY RICE, EXECUTIVE DIRECTOR

REGULAR MEMBERS

CLACKAMAS COUNTY

- Barlow
- Canby
- Estacada
- Gladstone
- Happy Valley
- Johnson City
- Lake Oswego
- Milwaukie
- Molalla
- Oregon City
- Rivergrove
- Sandy
- West Linn
- Wilsonville

MULTNOMAH COUNTY

- Fairview
- Gresham
- Maywood Park
- Portland
- Troutdale
- Wood Village

WASHINGTON COUNTY

- Banks
- Beaverton
- Cornelius
- Durham
- Forest Grove
- Gaston
- Hillsboro
- King City
- North Plains
- Sherwood
- Tigard
- Tualatin

ASSOCIATE MEMBERS

CLARK COUNTY

- Vancouver
- Camas

- Columbia City
- Scappoose
- St. Helens
- The Port of Portland
- Tri-Met
- The State of Oregon

V-B-1  
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CRAG RESOLUTION

BD 760501

FOR THE PURPOSE OF ESTABLISHING AN INTERSTATE TRANSFER PROCESS AS A PART OF THE TRANSPORTATION PLANNING PROCESS.

WHEREAS, the U. S. Department of Transportation has formally approved the request to withdraw the Mt. Hood Freeway from the Interstate System, and responsibility for reaching decisions regarding investments of funds made available from the withdrawal rests with CRAG and the local jurisdictions; and

WHEREAS, the Transportation Technical Advisory Committee was requested by the Executive Director to recommend a process to the Board of Directors to handle the withdrawal procedures; and

WHEREAS, the Transportation Technical Advisory Committee has adopted a recommendation to the Board with the CRAG staff supporting the recommendation; now therefore be it

RESOLVED, that the Board of Directors establishes a formal task force of TTAC as set forth in Exhibit "A", attached hereto and incorporated herein as part of this resolution.

ADOPTED By the Board of Directors this 27<sup>th</sup> day of May, 1976.

By Larry Rice  
Larry Rice, Executive Director

THE TRANSPORTATION TECHNICAL ADVISORY COMMITTEE  
TASK FORCE COMMITTEE FOR INTERSTATE TRANSFER

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COMMITTEE RESPONSIBILITY

The Task Force Committee shall have the following responsibility:

- A. Determine federal requirements concerning the processing, timing, and administration of available funds from the withdrawal.
- B. Examine recommended capital programming for, those regional transportation project activities which have been previously identified by the CRAG Board and on which work has been underway with reference to the additional tasks stated herein.
- C. Examine additional project opportunities throughout the region to which available funds might be applied, such examination to include a determination of priorities and programming, with careful consideration given to both previous policy direction provided by the CRAG Board and any new policy direction provided by the CRAG Board, as well as the additional tasks stated herein.
- D. Examine and analyze existing and forecast local transportation funding match resources in the region, and initiate appropriate discussions with the Oregon Department of Transportation on such matters.
- E. Make an initial re-evaluation of the CRAG Transportation Improvement Program (TIP), including any resulting recommendations, as well as maintenance of communications with the Transportation Improvement Program Sub-committee as required.
- F. Review Tri-Met's proposed service improvements in south-east Portland and recommend action prior to the July Board meeting necessary to support the early implementation of such a program and its inclusion in the TIP.

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MEMBERSHIP

The Task Force membership shall be comprised of TTAC representatives or designated alternates from the following agencies and jurisdictions:

- A. Clackamas County
- B. Multnomah County
- C. Washington County
- D. City of Portland
- E. Tri-County Metropolitan Transportation District (TRI-MET)
- F. Oregon Department of Transportation
- G. CRAG staff

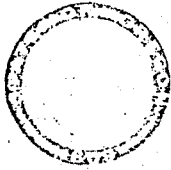
The chairman of the Task Force Committee shall be the Chairman of the Transportation Technical Advisory Committee.

ADDITIONAL BOARD INSTRUCTIONS TO THE SUBCOMMITTEE

1. The Sub-committee shall give immediate and high-priority to, a determination of any project opportunities which can utilize available funds within the next fiscal year, and that a report on this matter be made available to the Board at its next regularly scheduled meeting.
2. The Sub-committee shall inform all representatives of agencies and jurisdictions who are members of the TTAC, the time and place of all Sub-committee meetings in advance of such meetings, and to invite their attendance and participation.
3. The Sub-committee shall notify each city and county in the tri-county region, Tri-Met and ODOT, of the key features of the new act and transfer process and solicit priority project requests for the immediate future from among the existing TIP or new projects.

TERMINATION OF THE SUBCOMMITTEE

Upon completion of the Sub-committee's work and its acceptance by the Board of Directors, the Sub-committee shall be dissolved.



OFFICE OF THE GOVERNOR  
STATE CAPITOL  
SALEM 97310

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May 10, 1976

ROBERT W. STRAUB  
GOVERNOR

Mr. David McBride, Chairman  
Columbia Region Association of Governments  
527 S. W. Hall St.  
Portland, Oregon 97201

Dear Mr. McBride:

On May 3, 1976, the United States Department of Transportation formally approved the withdrawal of the Mt. Hood freeway from the Interstate System. This action has resulted from steps taken by this office dating back to July 1, 1975, which, in turn, were based upon formal requests by the City of Portland, Multnomah County, and other local jurisdictions as represented by the Board of CRAG. We would like to take the opportunity furnished by the finalization of the withdrawal to share with you our perspective on where we have to go from this point on, and to request your assistance in several related matters.

The recent passage of the 1976 Federal Aid Highway Act has significantly changed both the level of Federal funds available from the Mt. Hood withdrawal and the manner in which those funds may be utilized. When the CRAG Board last took formal action on the withdrawal, then current Federal law would have required the application of available funds only to transit and transit-related highway projects. Furthermore, then current law would have limited the amount of total Federal funds available from the withdrawal, not allowing continued inflation of dollars attributed to the Mt. Hood freeway. Both of these limitations have been removed by the recent legislation, and so today's action by the Federal Government presents us with greatly expanded opportunities for addressing the transportation problems of the CRAG region. However, these new opportunities also present us with new tasks and additional responsibilities, and it is with these concerns that we wish to make specific comments.

Regional Corridor Projects

Upon direction of the CRAG Board, staffs from the Oregon Department of Transportation, CRAG, Tri-Met and the local jurisdictions, have, for the past many months, been vigorously pursuing project activities in the Banfield, Sunset, and Oregon City corridors. It is our understanding

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that the project work on these corridors has been proceeding well, and while we can see no reason why this level of effort should not be continued, we would hope that the technical staffs involved in the projects would carefully evaluate the work underway in light of the expanded project opportunities offered by the new legislation in order to assure that we are considering all possible solutions to the transportation problems which have been identified.

Tri-Met Service Improvements in Portland Southeast

While it is our understanding that two of the aforementioned corridor projects, along with the pending design of I-205, are aimed at addressing some of the transportation problems in the Portland southeast (and east Multnomah County), it is also our understanding that Tri-Met has prepared a transit service improvement plan for southeast Portland, has budgeted funds for its implementation, and will soon be presenting the plan for review by the city. Since this plan clearly is aimed at providing assistance in the area from which the Mt. Hood freeway was withdrawn, it is important that this effort be given a high priority with respect to expeditious processing and early implementation. We request that the CRAG staff and the CRAG Board provide whatever assistance is necessary, and take whatever steps are required, to assure the earliest possible implementation of this plan. At this time, it is not clear whether or not this service plan will require funds from the Mt. Hood withdrawal, but if such funds are required, it is our judgment that they should be given a high priority amongst potential uses in the CRAG region.

Other Projects in Portland, Multnomah County

On this date, we have addressed letters to the City of Portland, Multnomah County, and Tri-Met, requesting their assistance in the identification of potential projects for application of Mt. Hood withdrawal funds, in addition to the corridor projects and the Tri-Met service improvement plan. While we do not have any preconceptions regarding the nature of such project opportunities, presumably the expanded project opportunities provided by the new Federal legislation may allow the region to find additional methods of solving the transportation problems of southeast Portland and east Multnomah County. The continued assistance of CRAG staff and the CRAG Board is vital to the realization of new project opportunities under the expanded provisions of the Federal law.

Page 3  
May 10, 1976  
Mr. David McBride, Chairman  
CRAG

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#### Other Regional Projects

As you are aware, the withdrawal approval finalized on this date was accomplished under the new provisions of Section 103(e)(4) of U.S.C. Title 23. These new provisions allow a much more flexible application of Mt. Hood withdrawal funds, as well as, in contrast to the previous law, continuing inflation of the Mt. Hood funds, which means a greater total of Federal funds available. The most important new flexibility in these provisions is probably the availability of Mt. Hood funds for use in highway programs administered by the Federal Highway Administration (FHWA). Before the new legislation, application of the Mt. Hood withdrawal funds was limited to transit projects administered through Tri-Met by the Urban Mass Transportation Administration (UMTA), and to transit-related highway projects (such as busways) administered by the FHWA. It was on this basis that much of the previous project work aimed at implementing the CRAG Interim Transportation Plan has progressed. The new Federal provisions clearly provide the CRAG region with new opportunities in the expenditure of Mt. Hood funds, but they also require additional work and new responsibilities.

At this time, it is not clear precisely how much Federal funding will be available to the CRAG region from the withdrawal of the Mt. Hood freeway. It is clear that the region will have considerable latitude in how such funding might be expended, as well as a considerable duration in which to accomplish such expenditures. As we noted earlier, it is apparent that the CRAG Board has already established certain priorities for the expenditure of funds -- the three regional corridor projects. Additionally, we have indicated that we believe another priority can be established regarding those project opportunities which may be identified in southeast Portland and east Multnomah County. However, it is quite likely that the level of Federal funds available may be considerably more than can be targeted for us in these priority areas.

Accordingly, an important and essential task will be the identification of additional opportunities throughout the CRAG region, the examination of those opportunities with respect to the CRAG interim Transportation Plan, the evaluation of their relative and comparative merit, and the development of a priority listing of such projects. Such a process must necessarily take into careful account the previously established priority uses of the Mt. Hood funds, the overall level of funds available, the consistency of project proposals with the Interim Plan, and the

ability of local jurisdictions to share in the capital costs of identified local projects. This latter point is very important given the current fiscal situation at the State level, which at a minimum requires that prudent, cost-effective capital investments be given priority consideration. Additionally, it is important that the regional process for developing and evaluating Mt. Hood funding opportunities establish a dialogue between the region and the Oregon Department of Transportation for the purpose of seeking answers regarding Federal funding, and State and local match requirements.

We have indicated on several occasions in the process of withdrawing the Mt. Hood freeway, that we felt this action would result in significant transportation improvements throughout the Portland region. The new legislation and the finalization of the withdrawal offer the region a clear opportunity to secure these improvements. Your continued assistance and cooperation, both in the specific responsibilities outlined above as well as in the general transportation planning process, are critical in assuring this effort is successful.

With the finalization of this transfer and signature of the 1976 Highway Act, it is appropriate that the Oregon Transportation Commission take a more active role in the development of projects and the implementation of collective wishes of the Portland metropolitan region, insuring that the quality of the State Highway System is preserved and maximum flexibility is incurred in the usage of these funds to serve local needs. While the activities of the Governor's office have been instrumental in assuring that this transfer take place, it is now appropriate that the more technical process be turned over to the Department of Transportation to work with you in affecting the implementation of projects. In this regard, we assure you that you will have the full cooperation of the Oregon Transportation Commission and the new Director of the Department of Transportation, Mr. Robert A. Burco.

Thank you.

Sincerely,

  
Governor

  
Chairman  
Oregon Transportation Commission

DEPARTMENT OF ENVIRONMENTAL QUALITY

48

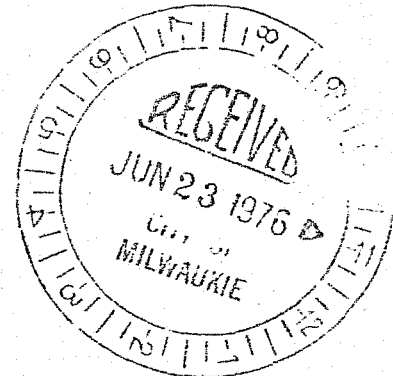
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Environmental Quality Commission will consider amendments to rules governing motor vehicle emission inspection. Specifically, these amendments add to or amend the emission control limits for specific vehicle models and classes, and extend the enforcement tolerance through June, 1977.

Copies of the proposed rules may be obtained upon request from the Department of Environmental Quality, Manager, Vehicle Inspection Program, 1234 S.W. Morrison St., Portland, Oregon 97205.

Any interested person desiring to submit any written documents, views, or data on this matter may do so by forwarding them to the above address, or may appear and submit material or be heard orally by a hearings officer at 1 o'clock p.m. on the 16th day of July, 1976, in the Council Chamber, City Hall, 1220 S.W. 5th Avenue, Portland, Oregon.

These hearings are for the purpose of obtaining additional technical and operational information prior to submitting the amendments for adoption to the Environmental Quality Commission. It is presently anticipated that the Commission will act on the proposed rules after further public notice, at its August 27, 1976 meeting.



# WRITE IT Don't Say It!

4f

HAL

FOR CORRESPONDENCE BETWEEN DEPARTMENTS

SUBJECT \_\_\_\_\_

DATE July 1, 1976

Flowers will be planted on July 6 in the downtown area, the parking lot, the City

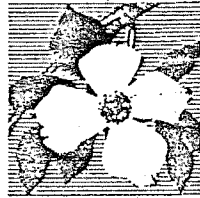
Hall, and at the Historical Society.

*No Move*

Discussed the type of petunia (Magics) with Joy Burgess.

Signed Dave Phelps

# CITY OF MILWAUKIE



49  
10  
OFFICE OF THE CITY MANAGER  
in the City Hall • phone 659-5171

June 24, 1976

Mr. Cal Middleton, Chairman  
Clackamas County Library Board  
Clackamas County, Oregon.

Dear Mr. Middleton:

Records indicate that the City of Milwaukie initiated its efforts toward equalizing city-county library funding sometime in the early 60's, and each year since has, with monastic regularity, sought redress of this problem--all to no avail. In fact, more often than not, the city's correspondence wasn't even acknowledged. While the county, for whatever reasons, never effectively dealt with the city's library funding problems, it was clearly established and reinforced yearly that Milwaukie was deeply interested in developing a substantial and equitably-funded county-wide library program.

In light of this history, it is a sad irony that finds us today discussing "solutions" to the problems of library funding, which "solutions" were prepared in a vacuum by the county without consultation with cities, and which, if implemented, will exacerbate rather than alleviate the city's funding problems! Our concern is threefold: for our taxpayers who bear the burden both of city and county taxes; for our library, which provides services to both city and non-city residents; and for the development of a viable county-wide library program.

As near as we can determine, the proposed three-year levy will, the first year, extract close to \$200,000 from Clackamas County's incorporated cities. In return it is presumably envisioned to return to the cities \$70,000 in cash. The proposed "budget" suggests an additional services contribution to cities in the amount of approximately \$130,000. We continue, and our arguments are well known, to take issue with the formulae used to determine the value of the in-kind services. Clearly it is a matter of simple arithmetic what the impact would be on the average taxpayer in most cities. Taxpayers in the three largest cities will without exception pay more for library services with the levy than without it.

It would be my strong recommendation that the library board provide leadership in defining a philosophy with attendant goals, objectives, priorities and activities for establishment and

Mr. Cal Middleton

June 24, 1976

Page 2. 4g②

maintenance of a county library program, and that the question of levies and budgeting follow therefrom.

The City of Milwaukie does not desire to continue the levying of fees for its library patrons who do not live within the city limits, but under no circumstances could consider abandoning the outside user fee under a library levy program appearing anything like the one currently under consideration.

I would again draw your attention to our aforementioned concerns, and emphasize that fairness and equity for Milwaukie taxpayers continues to be first and foremost.

Very truly yours,

Harold L. Schilling  
City Manager

Council

42

City of Milwaukee  
M E M O R A N D U M

June 22, 1976

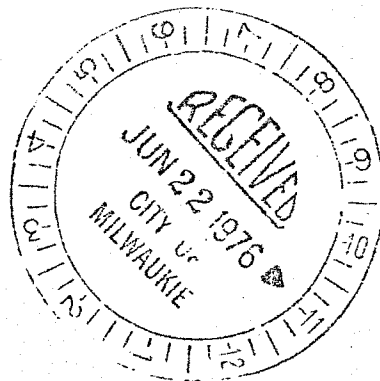
TO: City Manager  
FROM: Planning Director  
SUBJECT: Letter from Perrin Re Mobile Homes Dated June 4, 1976  
(Your Request for Service No. 00087)

The current City regulations with respect to mobile homes are as follows:

1. Single mobile homes are permitted on individual lots as long as they meet building code requirements.
2. Mobile home parks are permitted in A-2, Apartment Residential, and A-1-B, Apartment-Business Office Residential, zones as a conditional use. One of the standards required of this conditional use is that it have a minimum of three acres.

Currently, land exists in the City which could be used for individual mobile homes or mobile home parks. At the present time, two mobile homes are located in the City.

TH/me



Recd July 6-1974

Copy to Council 4k  
①

1 IN THE CIRCUIT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF CLACKAMAS

3 Bill Hupp, Joy Burgess, Chuck Swan, )  
4 Merv Englund, Jerry Hutchison, )  
5 individually and as Council Persons )  
6 of the City of Milwaukie, Oregon; City )  
7 of Estacada, Oregon municipal corpor- )  
8 ations of the State of Oregon, )

No. 95950

MEMORANDUM IN  
OPPOSITION OF DEMURRER

9 Plaintiffs, )

10 -vs- )

11 Robert Schumacher, Stan Skoko, Thomas )  
12 Telford, Clackamas County Commissioners )  
13 and Clackamas County, Oregon and LEE )  
14 JOHNSON, Attorney General of the State )  
15 of Oregon, )

16 Defendants, )

17 STATEMENT OF FACTS

18 Defendants Clackamas County and County Commissioners, Robert  
19 Schumacher, Stan Skoko and Thomas Telford, have demurred to Plaintiffs'  
20 Complaint for Declaratory Judgment upon the grounds that (1) defendants  
21 are immune from such suit, (2) there is a defect of parties, and  
22 (3) the Complaint fails to state facts sufficient to constitute a cause  
23 of action.

24 At issue is whether or not the County Commissioners can  
immune themselves from suit for unconstitutional and illegal acts.

Until very recently, certain library services were provided  
to cities, within the county, without cost. The plaintiffs City of  
Milwaukie and City of Estacada found it necessary to charge a fee for  
non-city residents who used their libraries. This was due largely to

Milwaukie, Oregon  
926 Main Street  
Telephone 639-5171

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1 the County cutting back on the amount of money it allocated to the  
2 various cities within the system. This resulted in some county  
3 residents deciding to pay the extra fee for use of these two specific  
4 libraries of Milwaukie and Estacada. Those not wishing to use the  
5 libraries of Milwaukie or Estacada did not have to pay a fee.

6 In response the defendants decided that in order to get back  
7 at the cities for imposing this fee, they would begin charging for  
8 certain services. The extra fee was levied on the plaintiffs only,  
9 and in fact, the Commissioners specifically rejected the idea of a  
10 general county-wide policy and decided to handle the matter on a  
11 city-by-city basis.

12 ARGUMENT

13 (A) LACK OF JURISDICTION

14 We would agree with the defendants' position that as to  
15 Count I, recent case law would indicate that immunity does not attach  
16 where the issue is an allegedly unconstitutional act by the sovereign.  
17 Such unconstitutionality is alleged in the SECOND, FIFTH, SIXTH, SEVENTH  
18 Counts of plaintiffs' Complaint. Allison V. Washington County, 24  
19 Or App 571, 573 (1976); Schlicting v. Bergstrom, 13 Or App 562 (1973).

20 In the case of Tomasek v. Oregon Highway Commission, 196  
21 Or 120 (1952), in discussing the general immunity of a sovereign from  
22 suit, the Court stated: "But as we have before observed, the  
23 right guaranteed by Art. 1, sec. 18, carries with it, of necessity,  
24

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1 the consent of the state to be sued for its violation." 196 Or at 152.

2 The County Commissioners have not indicated at any time that  
3 they acted as an instrumentality of the state, which would give them  
4 the same immunity as a state, if it applied in this case. In fact,  
5 under the defendants' Statement of Facts, the defendants claim this  
6 is an act by the County for the County. Nowhere do they contend that  
7 these acts were done as an instrumentality of the state or to carry  
8 forth a state library system.

9 (B) DEFECT OF PARTIES

10 The plaintiffs completely disagree with the defendants'  
11 proposition that all cities within the County must be made a party  
12 defendant. The only acts about which there is a complaint are the  
13 orders affecting the plaintiff cities. The outcome of this declaration  
14 has not been alleged, by either plaintiff or defendant, to have an  
15 affect on the other cities, especially since the commissioners have  
16 chosen not to make these orders a county-wide policy, but rather a  
17 city-by-city issue.

18 (C) FAILURE TO STATE FACTS SUFFICIENT TO  
19 CONSTITUTE A CAUSE OF ACTION

20 The plaintiffs will agree with the defendants in their citing  
21 of the case of Oregon Creamery Manufacturers Association v. White,  
22 159 Or 99 (1938), and the quote therefrom at page 4 of the defendants'  
23 Memorandum. Using the same quote:

24 "....(1) There must exist a justiciable controversy;

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1 that is to say, a controversy in which a  
2 claim of right is asserted against one who has  
3 an interest in contesting it; (2) the controversy  
4 must be between persons whose interests are ad-  
5 verse; (3) the party seeking declaratory relief  
6 must have a legal interest in the controversy,  
7 that is to say, a legally protectible interest;  
8 and (4) the issue involved in the controversy  
9 must be ripe for judicial determination. Oregon  
10 Creamery Manufacturers Association v. White, supra,  
11 at 107-8."

12 The plaintiffs contend that they have met all the require-  
13 ments set forth. The plaintiffs have claimed a right to library  
14 services under the same terms and conditions as all other cities  
15 within the county. In the Third Count a right to be notified of an  
16 additional assessment is claimed by the plaintiffs. In the Fifth  
17 Count the plaintiffs claim a right to be treated equally and that  
18 a special privilege not be allowed to other county residents. In  
19 the Sixth Count the plaintiffs claim a right to proper and legal  
20 procedure being used by the defendants in adopting an ordinance  
21 which affects the rights of the plaintiffs.

22 There is no dispute that the controversy is between persons  
23 whose interests are adverse.

24 The plaintiffs have a legal interest in the controversy.  
The defendants are selectively singling out two cities to change the  
county-wide existing library policy. How much more of a legal interest  
does one need than to be discriminated against without following legal  
process or constitutional rights?

There is no dispute that the controversy is ripe for judicial

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1 determination since the defendants have already taken the  
2 unconstitutional and illegal action about which complaint is made.


3 The plaintiffs complaint shows a justiciable controversy  
4 involving a legal right and interest which is capable of being  
5 terminated by a Court declaration. The plaintiffs have a legal  
6 right, through the payment of county taxes, to the same library  
7 services as other county residents who pay county taxes. To hold  
8 otherwise would require the county to refund a portion of county  
9 taxes to all county residents who live within the jurisdiction of  
10 the plaintiff cities.

11  
12 CONCLUSION

13 Based on the authorities cited, plaintiffs submit that  
14 the defendants Demurrer should be denied in its entirety.

15 Respectfully submitted,

16 Myer Avedovech, City Attorney  
17 for Milwaukie, Oregon

18   
19 Myer Avedovech  
20  
21  
22  
23  
24  
25  
26

*July 6-1976*

*4k*  
*(6)*

IN THE CIRCUIT COURT OF THE STATE OF OREGON

FOR THE COUNTY OF CLACKAMAS

Bill Hupp, Joy Burgess, Chuck Swan,  
Merv Englund, Jerry Hutchinson, in-  
dividually and as Council Persons of  
the City of Milwaukie, Oregon; City  
of Estacada, Oregon, municipal cor-  
porations of the State of Oregon,

Plaintiffs

-vs-

Robert Schumacher, Stan Skoko, Thomas  
Telford, Clackamas County Commissioners  
and Clackamas County, Oregon, and LEE  
JOHNSON, Attorney General of the State  
of Oregon,

Defendants

No. 95950

MEMORANDUM IN  
SUPPORT OF DEMURRER

STATEMENT OF FACTS

Defendants Clackamas County and County Commissioners,  
Robert Schumacher, Stan Skoko and Thomas Telford, have demurred  
to Plaintiffs' Complaint for Declaratory Judgment upon the grounds  
that (1) defendants are immune from such suit, (2) there is a  
defect of parties, and (3) the Complaint fails to state facts  
sufficient to constitute a cause of action.

At issue is a policy of the Board of County Commissioners  
regarding the manner in which County library services are provided  
to city libraries. Until very recently, these services were pro-  
vided without cost. The cities of Milwaukie and Estacada then  
decided to require of non-city residents a user fee if they wished  
to use those cities' libraries. This resulted in County library  
services being provided to some County residents (those living  
within the city) without cost while other County residents (those  
not residing in the city) had to pay to obtain them.

*No standing  
to sue  
residents*

In response the defendants herein concluded that free County library services should not be provided to such libraries. A fee schedule was adopted and imposed on all such libraries desiring continued County library service. The only two libraries charging user fees were Milwaukie and Estacada. Although charging fees of local libraries for County library service was not previously permitted, the 1975 Legislature amended the applicable law to allow their imposition. ORS 357.410(1)(c). It is this policy of defendants which the plaintiffs challenge.

#### ARGUMENT

##### (A) LACK OF JURISDICTION

ORS 16.260(1) provides that a Complaint is subject to demurrer if the Court has no jurisdiction of the person of the defendant. Defendants submit that the Court has no jurisdiction over them as they are immune from the instant suit. When acting as an instrumentality of the State, a County may not be sued except upon express statutory authority. Rapp v. Multnomah County, 77 Or 607 (1915). This immunity extends to suits brought pursuant to the Uniform Declaratory Judgment Act, ORS Chapter 28, as there is no express statutory authority waiving immunity therein.

In the case of Lucas v. Banfield, 180 Or 437 (1947), a declaratory judgment suit was brought against the State Highway Commission and its members individually. The State moved to quash service upon the ground that it was immune from such suit. The Court agreed, holding that:

It is clear that a declaratory judgment proceeding must be dismissed when relief is sought against the State and when it has not consented to be sued. 180 Or at 441.

This ruling was cited with approval in DeLong Corporation v. Oregon State Highway Commission, 233 F.Supp. 7 (1964). The County shares this immunity with the State.

During oral argument counsel for plaintiffs cited Tomasek v. Oregon Highway Commission, 196 Or 120 (1952), as authority for the proposition that defendants herein are not immune. As the Tomasek Court noted, the Lucas case "...is readily distinguishable from the case at bar". Tomasek is an eminent domain case and in such cases there is, of course, express statutory waiver of immunity. Defendants herein do not raise the issue of immunity as to Count I of the Complaint. Recent case law would indicate that immunity does not attach where the issue is an allegedly unconstitutional act by the sovereign. Allison v. Washington County, 24 Or App 571, 573 (1976); Schlicting v. Bergstrom, 13 Or App 562, 565 (1973).

The proper manner in which to raise the issue of sovereign immunity is by demurrer. Anton v. Union High School District No. 2, 130 Or 461 (1929); Lovell v. School District No. 13, 172 Or 500 (1943); Wickman, et al v. Housing Authority, 196 Or 100 (1952).

(B) DEFECT OF PARTIES

ORS 28.110 requires that "When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration...." Plaintiffs' Complaint makes occasional reference to two specific Orders entered by defendants, which said Orders are set forth in Exhibit "A" of the Complaint. Those Orders pertain only to the cities of Milwaukie and Estacada. Upon reading the Complaint as a whole, it is

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clear that plaintiff is actually seeking a declaration as to the propriety of the underlying County policy upon which said Orders were based. Said policy is a County-wide policy which affects all local libraries availing themselves of County library services. Such other local libraries should be included in this action.

*Reston 4K  
specifically  
1900 to 2  
cities only*

Counts II, III and IV of Plaintiffs' Complaint make reference to the Clackamas County Library Board and its relationship with defendants. It would appear from plaintiffs' allegations that said Board and/or its members individually have an interest which would be affected by the declaration plaintiffs seek and should therefore be joined as parties to said suit.

(C) FAILURE TO STATE FACTS SUFFICIENT TO CONSTITUTE A CAUSE OF ACTION

To constitute a cause of suit a Complaint for Declaratory Judgment must state facts sufficient to show that a "justiciable controversy" exists between the adverse parties. Oregon Creamery Manufacturers Association v. White, 159 Or 99 (1938); American Federation of Labor v. Bain, 165 Or 183 (1940); Hickey v. Portland, 165 Or 994 (1941).

The requisite conditions which must exist in order to permit declaratory relief have been summarized as follows:

....(1) There must exist a justiciable controversy; that is to say, a controversy in which a claim of right is asserted against one who has an interest in contesting it; (2) the controversy must be between persons whose interests are adverse; (3) the party seeking declaratory relief must have a legal interest in the controversy, that is to say, a legally protectible interest; and (4) the issue involved in the controversy must be ripe for judicial determination. Oregon Creamery Manufacturers Association v. White, supra, at 107-8. (Emphasis added)

Nowhere in any Count of Plaintiffs' Complaint is it

alleged that plaintiffs have a legal right to Clackamas County Library Services, with or without cost. ORS 357.410(3), as amended by the 1975 Legislature, gives the County governing body the discretionary power to contract with local governmental units to provide public library services "under such terms and conditions as may be agreed upon". By adopting its present policy and promulgating the two aforesaid County Commission Orders the defendants, who comprise the "County governing body" under ORS 357.400(1), have merely declared the terms and conditions which are agreeable to the County. If these terms and conditions are unacceptable to plaintiff cities they need not contract with the County.

Prior to the enactment of Senate Bill 21 (Oregon Laws 1975, C.476), it is true that the County could not charge for its library services. Such services had to be provided free or not at all. Defendants submit that Senate Bill 21 was enacted in part to remedy that situation. ORS Chapter 357 now permits the County to charge for library services rendered to local libraries. ORS 357.410(3), supra; see also the District Attorney's opinion to the Board of County Commissioners attached hereto and incorporated herein as Exhibit "A".

Count I of the Complaint herein alleges that the aforesaid County Commission Orders are unconstitutional. This claim is frivolous because, as stated above, plaintiff cities have no legal right to County library services. Whether the County provides such services to plaintiffs and upon what terms is within the discretion of defendants, ORS 357.410(3).

Count II alleges that defendants had a legal duty to

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consult with the Clackamas County Library Board before entering the two aforesaid Orders. Plaintiffs apparently misconstrue the law. ORS 357.490(2) and (7), cited by Plaintiffs, direct that the governing body (here, the Board of County Commissioners) "....shall determine the library board's responsibility for.... (2) Formulating rules and policies for the governance of the library; ....(7) Entering into contracts..." This section is new as it is a part of Senate Bill 21, supra. As of the date on which the two aforesaid Orders were entered, defendants had not yet, by ordinance or resolution, defined the library board's responsibilities under ORS 357.490. Said Board therefore had no responsibilities on the operative date of said Orders. In any event, the cited statute in no way requires defendants to consult with the library board. Further, plaintiffs have no legal right or interest in whether or not defendants consult with the library board.

Count III alleges that defendants failed to give prior notice to plaintiffs of their change of policy. Again, there is no legal duty on defendants' part nor legal right in plaintiffs' favor which is capable of resolution by declaratory judgment.

As to the balance of the Complaint, plaintiffs fail to show a justiciable controversy involving a legal right or interest which is capable of being terminated by a Court declaration. This is so because Plaintiffs have no legally protected right to obtain County library services.

CONCLUSION

Based on the authorities cited, Defendants submit that their demurrer should be granted in its entirety.

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12

ROGER ROOK, District Attorney  
for Clackamas County, Oregon

By \_\_\_\_\_  
Deputy District Attorney

CITY OF MILWAUKIE  
Inter-Department Memorandum

*Agenda*  
*42*

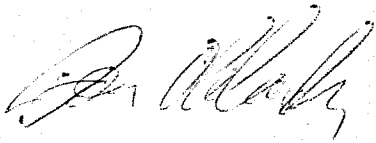
TO: HAL SCHILLING

Date: JULY 1, 1976

FROM: DON OBLANDER

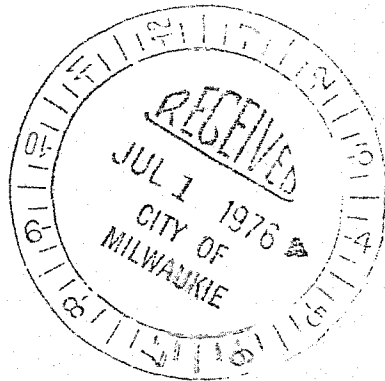
SUBJECT: QUESTION RAISED AT 6/30/76 COUNCIL MEETING ABOUT JAN'S CLEANERS

The name of Cash's Cleaners was recently changed to Jan's Cleaners. We have been using this company since January 1, 1976, though I believe their first bill was not paid until early in March (to Cash's Cleaners). No change in our cleaning contract has been made.



Don Oblander

DO:jk  
July 1, 1976



July 6-1976

agenda  
Hm  
①

1 IN THE DISTRICT COURT OF THE STATE OF OREGON

2 FOR THE COUNTY OF CLACKAMAS

3 ROBERT O. HEDENSTEN, )

4 Plaintiff, )

5 vs. )

6 CITY OF MILWAUKIE, a )  
municipal corporation, )

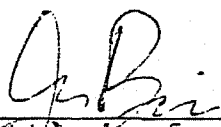
7 Defendant, )  
\_\_\_\_\_ )

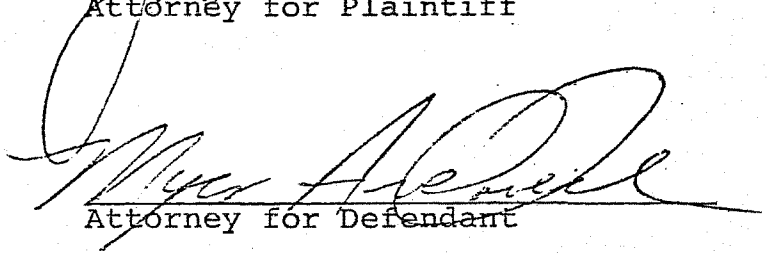
No. 30418

STIPULATION AND ORDER  
OF DISMISSAL

8  
9 This cause having been compromised and settled,

10 IT IS HEREBY STIPULATED by and between the parties hereto,  
11 through their respective attorneys, that the same may be dismissed  
12 without costs to any party and with prejudice to the plaintiff.

13  
14   
\_\_\_\_\_  
Attorney for Plaintiff

15  
16   
\_\_\_\_\_  
Attorney for Defendant

17  
18 IT IS SO ORDERED:

19 Dated this \_\_\_\_\_ day, of \_\_\_\_\_, 1976.  
20  
21

22 \_\_\_\_\_  
Judge

CITY ATTORNEY  
Milwaukie, Oregon  
926 Main Street  
Telephone 659-5171

Rec'd  
11/6/1976

4m  
②

IN THE DISTRICT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF CLACKAMAS

ROBERT O. HEDENSTEN,

Plaintiff,

vs.

CITY OF MILWAUKIE, a  
municipal corporation,

Defendant,

No. 30418

RELEASE

I, ROBERT O. HEDENSTEN, plaintiff in the above case, hereby  
release the defendant from any and all claims I may have as a result  
of my employment with the City of Milwaukie. I further release the  
defendant from any and all claims I may have for medical claims and  
long-term disability payments. I further release the defendant from any  
and all claims I may have for any accumulated sick leave.

The consideration for this release is the payment from the  
defendant to plaintiff in the amount of \$4,500.00. Receipt of said  
amount is acknowledged by plaintiff.

Dated this 25 day of June, 1976.

Robert O. Hedensten  
Robert O. Hedensten

Subscribed and sworn to before me this 25<sup>th</sup> day of June, 1976.

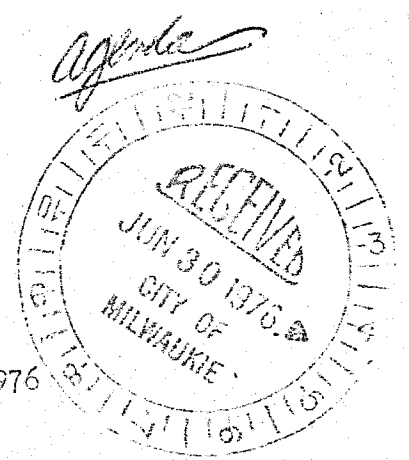
Therese E. Bryant  
Notary Public for Oregon  
My Commission Expires: 12/29/78

CITY ATTORNEY  
Milwaukie, Oregon  
926 Main Street  
Telephone 659-5171



# Kid's Incorporated

P.O. Box 22444 • Milwaukie, Oregon 97222



June 30, 1976

To The City Council of Milwaukie:

We, of Kid's Incorporated, have been successful in providing recreation for the youngsters of Milwaukie. Last summer (1975) we ventured into football by starting one Pop Warner football team. Because of the lack of playing facilities, we were forced to play our games at West Linn, Lake Oswego, and Oregon City. We also ventured into small fry basketball which was very successful. This year there has developed a great interest in soccer for both boys and girls, as well as a continuation of kid's basketball in the fall.

Last year, we had the privilege of putting on the largest baseball tournament in the state. This year we are having an even larger tournament with the inclusion of the girl's teams. This will consist of a total of thirty-four teams. This year's tournament will be entitled "Milwaukie Festival Daze Kid's Incorporated Baseball Tournament", and we are advertising it as a prelude to the Milwaukie Festival Daze. With the acquisition of the girl's teams, we were forced to solicit more sponsorships, one of which has been the city of Milwaukie. Due to the increased costs of liability insurance, medical insurance, equipment and uniforms (not only replacements for the boys, but the addition of girl's uniforms and equipment as well), we find that we are in a financial bind concerning the tournament.

Kid's Inc., besides providing the only recreation for our kids, extends the baseball season into the middle of July for our tournament so our youth have the privilege of meeting teams from other areas. This year we have teams coming from as far away as Seattle. Our tournament has been so well accepted by the state, that teams in other areas are honored to be invited to it.

Another thing our baseball season provides, besides recreation, is summer employment for our young people. We spend approximately \$2,000 a season in umpire fees.

We face a tournament deficit of \$836; \$586 in umpire fees, \$217 for trophies, and shoulder patches, and \$60 for chalking and lining the fields. We do not know if there are any monies available in the park and recreation fund if one is available, but possibly there are other sources the city would utilize to help us at this time.

We feel that Kid's Inc. plays an important part in the development of the youth of Milwaukie by providing recreation and summer jobs which results in the growth of kids we can be proud of. We are asking for help and need 500.00

Thank you on behalf of Kid's Inc of Milwaukie.

*Fred Kondo*  
Fred Kondo, President

MEMORANDUM

6 a  
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July 2, 1976

TO: HONORABLE MAYOR AND CITY COUNCIL

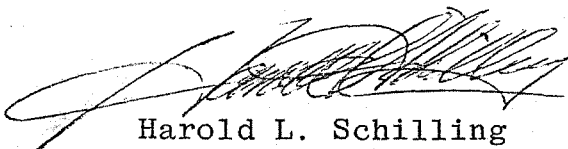
FROM: CITY MANAGER

SUBJECT: Kids Inc.

At your meeting of April 15, 1976, you considered a previous request from Kids Inc. seeking city sponsorship of a boys' and a girls' ball team. You concluded that activities of the Kids Inc. organization constituted a valuable community service and a legitimate program for city subsidy. The cost of sponsorship of the two teams totaled \$300.

Kids Inc. is currently in need of support for their growing program and particularly for their sponsorship of what has reportedly become the state's largest youth baseball tournament. This tournament will surely attract much favorable attention to our community.

As you know, the budget for our Parks and Grounds Department wasn't prepared so as to accommodate recreation programs; however, if the Council desires to fund the Kids Inc. modest request for \$500, this money could be available from the Operating Contingency line item under General Government.



Harold L. Schilling  
City Manager

df

500  
in Council  
Joy votes 110

CITY OF MILWAUKIE  
M E M O R A N D U M

66  
①

Date: July 2, 1976

TO: City Manager  
FROM: Director of Public Works  
SUBJECT: Cole Addition Sanitary Sewers

Enclosed are copies of information that may be helpful to you in making some determination of concluding the assessment procedure.

To serve the seven parcels of property on Mary's Court the sewer was extended easterly from 34th Ave. some 200 feet at a cost of approximately \$4500. At this rate the assessment of these property owners would be approximately \$650, whereas, the remaining property owners (14) will be sharing in a \$25,000 project for the same service. Originally, I had estimated the cost to service Cole Addition to be approximately \$30,000.

  
JWD/js

66  
②

CITY OF MILWAUKIE  
M I M O R A N D U M  
June 10, 1975

TO: City Manager

FROM: Director of Public Works

subject: Sanitary Sewers - Replat of Cole Addition

The procedures for creating an L.I.D. are detailed in Ordinance No. 1278. The following Steps are required pursuant to Ordinance No. 1278.

1. Sec. 2 (1) Council initiated
- Sec. 2 (2) Petition of property owners

COMMENT:

The council initiated the creation of an L.I.D. encompassing this area October 7, 1974, by resolution No. 26-1974. The time ran out before an ordinance creating the L.I.D. was passed.

The method of assessing Portland was not agreed upon nor concurred in by Portland. The enclosed proposals to the Manager dated Oct. 1, 1974 relate a conceptual plan to facilitate completing the total L.I.D.

I would again propose that the L.I.D. (total area) be initiated by a Council resolution.

I would also recommend that only that portion of the construction effecting Marys Court be constructed at as early a date as possible

A suggested time schedule.

June 16, Council pass a resolution of intent .

Hold Council information meeting at the next council session. If the council convenes for the election results, they could hold their hearing at that time.

July 7, Council to give ar notice of amstruction of L I.D.

July 21, Council to hear remonstrances of L.I.D.

a At this time the Council could award bids for construction of Marys Court protion of L.I.D.

There is a precEDURE for drawing warrants on an L.I.D. for a 2 year period. This process requires a review of the L.I.D. by the bonding authorities (Ronkin-Walsh-Ragen & Roberts).

Should we not get a satisfactory agreement with Portland, the remaining portion o of the L.I.D. could be dropped and only Marys Court assessed.

J. Wayne Daigle

tc

66  
5

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWER IMPROVEMENTS IN THE REPLAT OF COLE ADDITION AREA OF THE CITY OF MILWAUKIE.

WHEREAS, the Council of the City of Milwaukie, Oregon, deems it expedient and necessary to construct sanitary sewer improvements in the Replat of Cole Addition area of the City of Milwaukie, Oregon, the legal description of which is attached hereto and marked "Exhibit A," and by this reference made a part hereof, and

WHEREAS, the Council of the City of Milwaukie has required from the City Engineer preliminary plans and specifications for appropriate construction to accomplish the above, and estimates of the work to be done, and the probable cost thereof, and

WHEREAS, the City Engineer has heretofore filed such preliminary plans, specifications and estimates in the office of the City Recorder.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie, Oregon, that the above-mentioned plans, specifications and estimates of the City Engineer now on file with the City Recorder are found to be satisfactory and are hereby approved.

BE IT FURTHER RESOLVED that the Council of the City of Milwaukie, Oregon, does hereby declare its intention and purpose to make such improvements, the location and kind of improvement being as shown on "Exhibit B," entitled REPLAT OF COLE ADDITION PLAN AND PROFILE AND PROPOSAL, by this reference made a part hereof.

The City Engineer's estimate of the total quantity of work to be done is to provide certain improvements within an area of the City, as set forth on the attached "Exhibit A," consisting of but not limited to:

1. Sanitary sewer construction and all appurtenances thereto.

The City Engineer's recommendation of the method and extent to which the property shall be assessed to pay for the cost of the improvement is as set forth in Ordinance Number 1278.

Be it so resolved.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on the 16th day of June, 1975, at a meeting of the City Council.

Bill Hupp  
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Recorder

Approved as to form:  
[Signature]  
City Attorney

Renw  
Jd 16 1976

We, the undersigned property owners, request immediate billing for sewage assessment completed Fall of 1975.

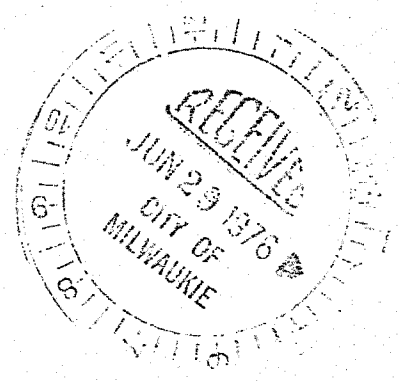
66

NAME

ADDRESS

F. W. Wudiskella  
M. C. Brown  
Steve Menchel  
Vince O'Leary  
Dred Murray  
John W. Ferry  
Darrell R. Clover

3407 SE Mary Ct.  
3425 S.E. Mary Ct.  
8722 S.E. 34th  
3418 SE Mary Ct  
3438 S.E. Mary Court  
8632 S.E. 34th  
3428 SE Mary Ct



60

18525 Trillium Way  
West Linn, OR 97068  
June 30, 1976

Milwaukie City Council  
City of Milwaukie  
Milwaukie, OR 97222

The Clackamas County Bikeway Advisory Committee has planned a bicycle tour of Oatfield Road, which will begin at 10:00 o'clock a.m., July 17, 1976 at High Rocks near the Oatfield-82nd Drive intersection.

Although Oatfield Road will not be totally completed, the paving will be done and sufficient shoulder width will exist for the tour.

We will bike via Oatfield Road to Rowe Junior High School, returning to the beginning point.

We look forward to your participation in this event. Bring your Bikes and join us!

*By Winston M. Kurth*

CAROL GELDAKER - President,  
Clackamas County Bikeway  
Advisory Committee

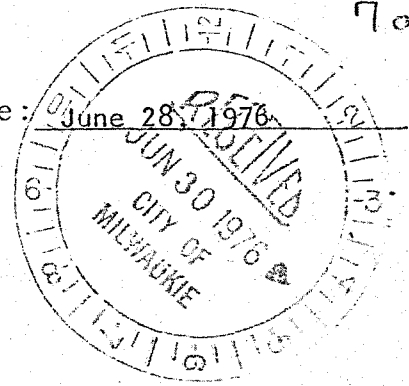
/mak

3700  
11200

CITY OF MILWAUKIE  
M E M O R A N D U M

7a

Date: June 28, 1976



TO: City Manager  
FROM: City Engineer  
SUBJECT: Sanitary Sewer Construction (#00031)  
S.E. Harrison Street

I have reviewed three alternate routes for providing sanitary sewer to Fontaine, Rife, and Martinez. Only two routes are feasible for gravity flow. Individual pumps are an alternate.

Plan 1 calls for constructing a sewer in S.E. Harrison Street at a greater depth than the existing sewer to provide gravity flow from all units, construct a lift station and pump into the existing system. The pumps for this unit would be the pumps that were salvaged from the Lamplighter station. They have been overhauled after five years service in that station. The estimated cost of this plan is \$7,300.

Plan 2 denotes a sewer lateral from King Road thru easements to the north property lines of the people involved. One easement on the Heydel, Fulmore, Martinez, Rife and Fontaine properties. I have contacted Mr. Fulmore regarding subject easement and he was not receptive to our inquiry.

The three main participants should be willing to grant an easement for their service. The estimated cost of this plan is \$11,230, which does not include an easement cost.

Individual pumps are the least costly and most functional system that could be constructed at this time. The estimated cost for individual pumps installed and complete is \$650 - \$700 each. The Assessment Review Committee recommended against individual pumps, however, the council has not taken formal action. The Assessment Review Committee did not consider any cost differentials of any proposal.

The estimated cost difference between plan 1 and 2 of \$3,930 is predicted upon using existing pumps and switching gear salvaged from the Lamplighter station. These pumps will require reconditioning at approximately 5 year intervals. The last reconditioning of these pumps cost the City \$95. Extended saving will not be realized over the anticipated station life. There will be continued power for the unit. The anticipated power cost for this installation will be \$75/yr. The city has other units that require a daily check for operation and this unit will not materially effect the daily checking program.

JWD/js

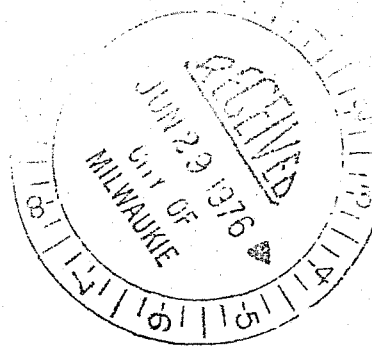
*I have the plans in my office.*

City of Milwaukie  
M E M O R A N D U M

78

June 28, 1976

TO: City Manager  
FROM: Planning Director  
SUBJECT: Downtown Parking Study



I agree with Mrs. Burgess that the way to overcome the uncertainty about the need for parking in downtown Milwaukie is to devote a special study to this question. The City could proceed somewhat as follows:

1. Define parking questions and problems for which a solution is needed (staff).
2. Appoint a committee to advise on parking (Council).
3. Agree on a general approach and program to deal with parking questions.
4. Determine a scope of work for a parking study by consultant, and what input City staff and committee could provide.
5. Determine approximate costs for study and source of funds.
6. Seek and select suitable consultant; initiate study.
7. Review recommendations and undertake appropriate action program.

We have not found any record of previous parking studies by the City. The Planning and Public Works Departments, however, have maps, photographs, and other relevant information about existing parking conditions. Business license information would also probably be useful.

A review of the City's Downtown Plan and Comprehensive Plan should help to establish what the City generally expects or intends to happen in central Milwaukie. Assumptions or educated guesses could be made about the effect which McLoughlin Blvd. widening, mass transit improvements, changes in bus loading points, riverfront improvements, post office move, Town Center, and similar prospective changes would have on downtown and its parking. The consultant could help in sorting all this out and in developing a plan and program to best meet Milwaukie's needs.

CN/me

City of Milwaukie  
M E M O R A N D U M

7c  
0

June 28, 1976

TO: City Manager  
FROM: Planning Director  
SUBJECT: McLoughlin Blvd. Widening

Attached is a resolution by which the City Council may indicate its support for the widening of McLoughlin Blvd. to six lanes. Preliminary designs for this project indicate that it would have considerable impact upon abutting development and landscaping, particularly through Kellogg Industrial Park and along Milwaukie's waterfront. How the project is designed is therefore important, and should be given careful study as plans are developed, so that this may be given approval at a later time. This project is to be constructed with Federal Aid Primary funds and therefore is not affected by the availability of Mt. Hood transfer funds.

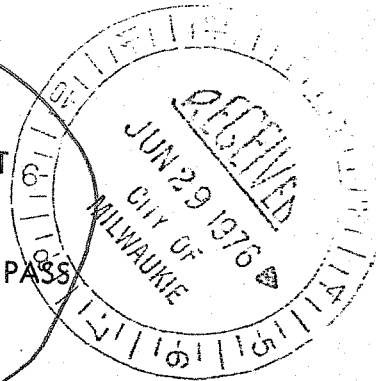
CN/me

QUESTIONS -- *River Front Park*

WILL THERE BE ANY FINANCIAL COST TO CITY ???

HOW ABOUT "OVER-PASSES" BEING CONSTRUCTED AT THE SAME TIME?? WE ARE GOING TO NEED THEM.

HOW ABOUT INCLUDING 7th AVENUE'S TRAFIC OVER PASSES ALSO???



2.

Needs more info  
No Action at 7/6 meet

7c  
②

RESOLUTION NUMBER \_\_\_\_\_

A RESOLUTION APPROVING THE CONCEPT OF IMPROVING AND WIDENING MCLOUGHLIN BLVD. TO SIX LANES.

WHEREAS, present and future increases in traffic on McLoughlin Blvd. make the widening and improvement of this facility necessary, and

WHEREAS, the Oregon Department of Transportation has made studies for the widening of McLoughlin Blvd. to six lanes from Portland through Milwaukie to Park Avenue, and

WHEREAS, this six lane project has been included in the Six Year Construction Program of the Oregon State Highway Division.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, that the widening of McLoughlin Blvd. is hereby supported and approved. Design features, traffic engineering, and other construction and operating details which may have an impact upon the City will be subject to review and approval when information on these matters is made available.

Be it so resolved.

Introduced and adopted by the City Council on the 6th day of July, 1976, at a regular meeting of the City Council.

\_\_\_\_\_  
Bill Hupp, Mayor

ATTEST:

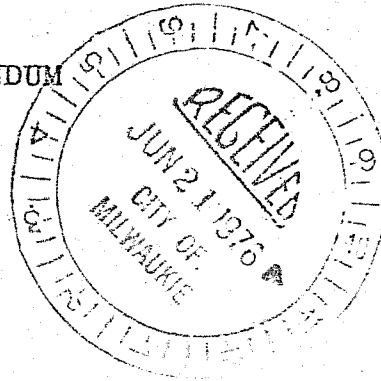
\_\_\_\_\_  
Dorothy E. Farrell, Recorder

Approved as to form:

\_\_\_\_\_  
Myer Avedovech, City Attorney

MEMORANDUM

*Council  
1st July meeting*



May 19, 1976

*n.d.*

TO: CITY MANAGER.  
FROM: DAVID NEMO  
SUBJECT: Revised window shade bids:

	SEARS	BOLLIGER THE SHADE MAN	VENETIAN BLIND CO.
1st floor and Council Chambers	\$978.40	\$968.47	\$950.00
Planning and Public Works	\$332.00	\$317.83	\$283.60
Fire Station	\$606.40	\$614.85	\$510.65
Installation	\$184.00	inc.	inc.
<b>TOTAL</b>	<b>\$2,100.80</b>	<b>\$1,901.15</b>	<b>\$1,744.25</b>

The three low bidders from my earlier survey were asked to come back and revise their estimates according to actual measurements. Besides the original windows, costs were also obtained for additional windows on the second floor. They are indicated above:

Don O. suggested account # 1-1360-00 (operating contingencies) to pay for this.

The Council has already approved \$950 for phase 1.

*2100  
950  
-----  
1150*  
*To be Paid for what + where?*

July 2, 1976

72  
①

MEMORANDUM

TO: CITY MANAGER

FROM: GREG ENGLUND

No P2Y 2T2K?

SUBJECT: Employe residency

In response to a recent request from Councilman Swan, the residency of city employees was assessed.

Department	Dept. total	Place of residence			
		Milwaukie		Other	
		#	%	#	%
Police	30	11	36.6	19	63.4
Fire	32	6	18.75	26	81.25
Administration	4	1	25	3	75
Finance	6	0	0	6	100
Legal	2	0	0	2	100
Library	9	2	22	7	78
Planning	3	1	33.33	2	66.67
Public Works	27	10	39.03	17	62.97
Court	2	1	50	1	50
TOTAL	115	37	32.17	78	67.83%
Management and Supervisory	24	8	33.33	16	66.67%
All Other	91	29	31.87	62	68.13

*Full Time Permit Emp.*  
*close but I don't agree with this figure*

Recent rulings by the Supreme Court have held that cities do not violate constitutional rights if they require employees to live within the city limits. On March 22, a Philadelphia ordinance was upheld which requires employees of the city to be residents. This ruling was made in response to an appeal by a former fireman who was fired after 16 years when he moved into a New Jersey suburb.

The court at the same time upheld an Ohio Appeals Court decision which struck down a similiar Youngstown law which applied to everyone but policemen. The Ohio Court found that the residency of police may be particularly important should they be needed to respond quickly to an emergency.

78  
②

The Supreme Court has distinguished between two types of residency requirements for employes or potential employees:

- 1) Durational - sets a certain period of residency as a prerequisite to application for employment.
- 2) Continuing - this type requires a person to remain a resident of the public employer as a condition of continued employment. This residency requirement was at issue in the Philadelphia case.

Residency requirements have been upheld if the employer can demonstrate that the requirements are rational and reasonable.

The durational residence requirement has received a harder look by the courts. The federal district court struck down a New Mexico statute recently which required residency in the state for one year prior to employment. The court held that the statute violated the constitutionally protected right to interstate travel.

8a

AGREEMENT  
BETWEEN  
CITY OF MILWAUKIE  
AND  
MILWAUKIE EMPLOYEES ASSOCIATION

JULY 1, 1976 to JUNE 30, 1977

I N D E X

8a  
①

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Date?

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AGREEMENT

This Agreement made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 1976 by and between the City of Milwaukee, hereinafter referred to as the EMPLOYER, and the Milwaukee Employees Association, hereinafter referred to as ASSOCIATION. This agreement to be signed by two authorized representatives of both negotiating parties and ratified by a majority vote of the Association before it becomes binding.

I.

ga  
3

DURATION OF AGREEMENT

- A. This Agreement shall be effective as of the first day of July, 1976, and shall remain in full force and effect through the thirtieth (30th) day of June, 1977. It shall automatically be renewed from year to year thereafter, unless either party shall notify the other, in writing, not later than the first day of December prior to the date of termination, that it wishes to amend or modify this Agreement for any reason.

II.

RECOGNITION

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- A. The Employer recognizes the Association as the exclusive bargaining representative for all regular and permanent employees in the library, parks, public works, court, planning, administrative and finance departments. Specifically excluded are all other employees including part-time, library pages, temporary, confidential, and supervisory personnel. Probationary employees shall be represented by this Association subject to all conditions of the Civil Service provisions in the City Charter.
  
- B. It is the purpose of this Agreement to maintain and increase individual productivity and quality of services; to prevent any interruptions of work and interference with the efficient operation of the City; and to express the complete agreement between the parties on hours and conditions of employment.
  
- C. The Association recognizes the Employer as the duly elected representative of the people and agrees to negotiate only with the Employer through the negotiating agent or agents officially designated by the City Council to act in its behalf. The Association agrees further that neither it, nor any of its members or agents, will attempt to negotiate privately or individually with any Council member, manager, or other person or persons.

III.

MANAGEMENT'S RIGHTS

- A. It is recognized that the Employer has and will continue to retain, the exclusive right and responsibility to operate and manage the City, its departments, facilities, properties and the activities of its employees. Rights of the employees and the Association are limited to those rights set forth in this Agreement and provided by the United States and Oregon Constitutions, and the Charter of the City of Milwaukie.
- B. Except as limited by the terms of this Agreement, the Employer's managerial and operational authority includes, but is not limited to, the right to determine the location of facilities and work stations; the right to establish, relocate or close existing facilities; the right to subcontract; the right to maintain discipline and control; the determination of safety, health and property protection measures; the right to direct all working forces, including the right to hire, suspend, discharge and transfer employees; the determination of the size of the working force, the allocation and assignment of work; the creation, combination, modification or elimination of positions; and the determination of work schedules and hours of work. The City's right to subcontract shall not be used for the specific purpose of undermining or discriminating against the Association.

IV.

DISCRIMINATION

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- A. The Employer will not interfere with or discriminate in respect to any term or condition of employment against any employee covered by this Agreement because of membership and/or activity as required in this Agreement on behalf of the members of this bargaining unit pursuant to Civil Service Rule XII, Section 1 (A) 1-6 and (B) and in accordance with the Civil Service Rule XVI, Section 1.
- B. The Association recognizes its responsibility as the bargaining agent for all bargaining unit employees and agrees to represent themselves as a bargaining unit without discrimination, interference, restraint, or coercion, whether or not those members of the bargaining unit belong to said Association.
- C. The provisions of this Agreement shall be applied equally to all employees in the bargaining unit without discrimination (as to age, sex, marital status, race, color, creed, national origin or political affiliation) in accordance with the City of Milwaukie Civil Service Rule XII, Section 1 (b). The Association shall share with the Employer the responsibility for applying this provision of the Agreement.

V.

FUNDING

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C

- A. The parties recognize that revenue needed to fund the compensation provided by this Agreement must be approved by established budget procedures and in certain circumstances by vote of the citizens.
  
- B. All such compensation is therefore contingent upon sources of revenue and, where applicable, voter budget approval. The Employer has no intention of reducing the compensation specified in this Agreement because of budgetary limitations, but cannot and does not guarantee any level of employment in the bargaining unit covered by this Agreement. The Employer agrees to include in its budget request amounts sufficient to fund the compensation provided by this Agreement, but makes no guarantee as to passage of such budget requests or voter approval thereof.

VI.

HOURS OF WORK

Ja  
⑧

- A. WORK WEEK: All employees shall work a forty (40) hour week. The work week shall normally consist of five (5) consecutive days. However, the City reserves the right to determine the work week based on the needs of the City and service to the public.
- B. FLEX TIME: Employees shall have the option to voluntarily adjust their work hours with the objective of providing increased service to the public. Adjustments in work hours shall be approved in advance by the Employer.

VII.

STRIKES AND LOCKOUT PROVISION

Ja  
C

- A. Neither the Association, its officers or agents, nor any of the employees covered by this Agreement will engage in, encourage, sanction, support or suggest any strikes, slow downs, mass resignations, mass absenteeism, the willful absence from one's position, the stoppage of work during the term of this Agreement. Any or all employees who violate any of the provisions of this article may be discharged or otherwise disciplined as the City deems necessary.
  
- B. There will be no lockout of employees in the unit by the City as a consequence of any dispute arising during the period of this Agreement.

VIII.

SAVINGS

Ja  
⑩

- A. Should any article, section, or portion thereof of this Agreement be held unlawful, invalid or unenforceable by any court of competent jurisdiction, such decision of said court shall apply only to the specific article, section or portion thereof, directly specified in said decision. Upon the issuance of such decision, the parties agree to negotiate immediately a substitute, if possible, for the invalidated article, section or portion thereof.

Ja  
②

IX.

COMPLETE AGREEMENT AND WAIVER OF BARGAINING

A. The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the Employer and the Association, for the life of this Agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to or covered in this Agreement or with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time that they negotiated or signed this Agreement.

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X.

VACATIONS AND HOLIDAYS

A. Vacations:

1. Vacations shall be as follows: *1 week 1st year*
- a. Twelve (12) work days per year up through the fifth year.
  - b. Fifteen (15) work days per year up through the 10th year.
  - c. Eighteen (18) work days per year up through the 15th year.
  - d. Twenty-one (21) work days per year up through the 20th year.
  - e. Twenty-five (25) work days per year after the 20th year.
2. Vacations shall be selected by seniority within work units whenever feasible.

B. Holidays:

1. The following days shall be recognized and observed as guaranteed paid holidays:
- a. New Year's Day
  - b. Presidents' Day
  - c. Memorial Day
  - d. Independence Day
  - e. Labor Day
  - f. Veterans' Day
  - g. Thanksgiving Day
  - h. Day after Thanksgiving
  - i. Christmas Day
  - j. One (1) Floating Holiday -- Employee's choice
2. It is the policy of the City that if a holiday falls on a Saturday, it shall be taken on the preceeding Friday; and if the holiday falls on a Sunday, it shall be taken on the Monday after the holiday.

8a  
(13)

XI.

SHIFT DIFFERENTIAL

A. The City agrees to pay Twenty Dollars (\$20.00) per month shift differential to those Library employees covered by this Agreement who are required to work on evening shifts. Part-time shift employees will be paid Ten Dollars (\$10.00) per month.

XII.

EMERGENCY STANDBY

Ja  
14

- A. Public Works field personnel will participate in an emergency standby program. Compensation for standby will be at Five Dollars (\$5.00) per day. Determination of eligibility for standby program will be based on such consideration as distance of employee's residence from city, and extent of experience with varied public works systems. An additional Ten Dollars (\$10.00) will be paid for holiday standby.

Ja  
⑮

XIII.

OVERTIME PAY

- A. Time and one half (1-1/2) the employee's regular hourly rate of pay shall be paid for all work performed in excess of forty (40) hours in any work week, in accordance with F.L.S.A. regulations.
  
- B. All call backs will be double time for actual time spent. The City agrees to guarantee a minimum two (2) hours on all call backs. This means that if an employee is called back and works less than two hours he will be paid double time for two hours, and if he works more than two hours he will be paid double time for actual time worked. Section B does not apply to clerks and secretaries whose duties require them to attend meetings in the evening such as arraignments and City meetings.

XIV.

SICK LEAVE

Ja  
(16)

- A. Sick leave may be taken only for actual illness or disability of the employee, or illness, disability or death of a member of the employee's immediate family. The City Manager may require certification of the attending physician or practitioner to substantiate that an illness or injury prevents the employee from working.
- B. Employees shall accrue sick leave at the rate of one (1) day per month worked for a total of twelve (12) sick days accumulated per calendar year. There shall be a maximum of one hundred twenty (120) accumulated sick days. The employee may use his accumulated sick leave in the event of his/her illness or if his/her presence is required during the illness of a member of his/her immediate family. Immediate family normally shall be defined as Husband and Wife, Parent, Grandparent, Child, Grandchild, Brother or Sister.
- C. Unused sick leave upon termination. Upon honorable termination after ten (10) years of service with the City of Milwaukee, an employee shall receive an amount of money equivalent to fifty percent (50%) of the monetary value of his/her accumulated unused sick leave.

XV.

BEREAVEMENT LEAVE

- A. Up to three (3) days of accrued sick-leave time may be used for bereavement leave. Any allowance over three days for a family death must be recommended by the Department Head and approved by the City Manager. Immediate family normally shall be defined as any husband, wife, parent, grandparent, child, grandchild, brother or sister.

8a  
Qm

XVI.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

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- A. The Employer agrees to participate in the Oregon State Public Employees Retirement System and to pay the employer's amount required into each employee's PERS account. The employee agrees to participate in PERS and to pay into his/her PERS account. This amount to be deducted from monthly pay of the employee.

XVII.

INSURANCE

- 8a  
○
- A. The Employer agrees to pay the full cost of Blue Cross Medical Insurance for the employee and family and will pay a like amount toward the Kaiser Health Insurance plan, if the employee elects to select Kaiser. It is understood that the employee will pay the difference if the Kaiser plan is higher. The Employer shall furnish a dental health plan for the employee and family paid for by the Employer.
  - B. The Employer agrees to pay the full cost of existing life insurance coverage on the employee.
  - C. The Employer will continue to provide long-term disability insurance. ?

## XVIII.

WAGES

MILWAUKIE EMPLOYEES ASSOCIATION  
 WAGE RATES  
 EFFECTIVE JULY 1, 1976

8a  
 (20)

POSITION	A	B	C	D	E
Account Clerk	788.00	827.00	869.00	913.00	958.00
Building Inspector					1,244.00
Caretaker	658.00	691.00	725.00	762.00	799.00
Clerk Steno	707.00	743.00	780.00	821.00	860.00
Clerk Typist I	605.00	636.00	668.00	702.00	736.00
Clerk Typist II	628.00	660.00	693.00	728.00	765.00
Clerk Typist III	658.00	691.00	725.00	762.00	799.00
Code Enforcement Officer	803.00	843.00	885.00	929.00	976.00
Construction Inspector	891.00	936.00	983.00	1,033.00	1,084.00
Court Clerk					962.00
Engineer Tech.	966.00	1,015.00	1,067.00	1,120.00	1,176.00
Tanitor	765.00	803.00	843.00	885.00	930.00
Library Aide	605.00	636.00	668.00	702.00	736.00
Library Assistant	658.00	691.00	725.00	762.00	799.00
Maintenance Mechanic	911.00	954.00	1,004.00	1,054.00	1,106.00
Secretary	881.00	922.00	969.00	1,019.00	1,069.00
Storekeeper	911.00	954.00	1,004.00	1,054.00	1,106.00
Utility Worker I	811.00	854.00	896.00	939.00	987.00
Utility Worker II	868.00	911.00	954.00	1,004.00	1,054.00
Utility Worker III	911.00	954.00	1,004.00	1,054.00	1,106.00
Water Meter Reader	764.00	803.00	842.00	884.00	929.00

## XVIII.

WAGES

MILWAUKIE EMPLOYEES ASSOCIATION  
 WAGE RATES  
 EFFECTIVE JANUARY 1, 1977

See  
 (A)

POSITION	A	B	C	D	E
Account Clerk	843.00	885.00	930.00	977.00	1,025.00
Building Inspector					1,331.00
Caretaker	704.00	739.00	776.00	815.00	855.00
Clerk Steno	756.00	795.00	835.00	878.00	920.00
Clerk Typist I	647.00	681.00	715.00	751.00	788.00
Clerk Typist II	672.00	706.00	742.00	779.00	819.00
Clerk Typist III	704.00	739.00	776.00	815.00	855.00
Code Enforcement Officer	859.00	902.00	947.00	994.00	1,044.00
Construction Inspector	953.00	1,002.00	1,052.00	1,105.00	1,160.00
Court Clerk					1,029.00
Engineer Tech.	1,034.00	1,086.00	1,142.00	1,198.00	1,258.00
Janitor	819.00	859.00	902.00	947.00	995.00
Library Aide	647.00	681.00	715.00	751.00	788.00
Library Assistant	704.00	739.00	776.00	815.00	855.00
Maintenance Mechanic	975.00	1,021.00	1,074.00	1,128.00	1,183.00
Secretary	943.00	987.00	1,037.00	1,090.00	1,144.00
Storekeeper	975.00	1,021.00	1,074.00	1,128.00	1,183.00
Utility Worker I	868.00	914.00	959.00	1,005.00	1,056.00
Utility Worker II	929.00	975.00	1,021.00	1,074.00	1,128.00
Utility Worker III	975.00	1,021.00	1,074.00	1,128.00	1,183.00
Water Meter Reader	817.00	859.00	901.00	946.00	994.00

XIX.

SIGNATURE PAGE

8a  
22

This agreement consisting of twenty-one pages is agreed to and signed by the following parties:

DATED this July day  
of ~~June~~, 1976.

FOR THE CITY

Bruce Bischof, Chief Negotiator

Bill Hupp, Mayor

FOR THE EMPLOYEES' ASSOCIATION

Jim Mishler

Jane Hall

Dorene Marchant

Fred Liston

# WRITE IT — DON'T SAY IT!

## INTERCOMMUNICATING MEMO

86

Date 6/30/76 19

To Hal

Reply Wanted

From Dorothy

No Reply Necessary

Re: Bill from Chamber of Commerce

I called Irwin Adams to find out the basis for the \$210 billing to the city for Chamber of Commerce membership. He said since 1963 the city has been billed for 7 individual memberships at \$30 apiece--five councilmembers, Manager, and Public Works Director. The \$30 he says is a special rate for governmental memberships, otherwise the rate is \$60. Their billings to businesses range from \$60 to \$1050, based on the number of employees and volume of business.

*I Do NOT Feel The Taxpayer Should Pay  
for Transportation & Meals*

City of Milwaukie  
M E M O R A N D U M

80  
①

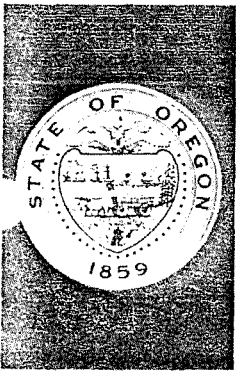
July 2, 1976

TO: City Manager  
FROM: Planning Director  
SUBJECT: Mobile Home Park Regulations

The attached letter from the Oregon Department of Commerce indicates that the City may elect to assume responsibility for administration of new State regulations over mobile home parks.

The Building Department has been anticipating these new procedures and recommends that the Department of Commerce be notified that the City will take over administration of the program.

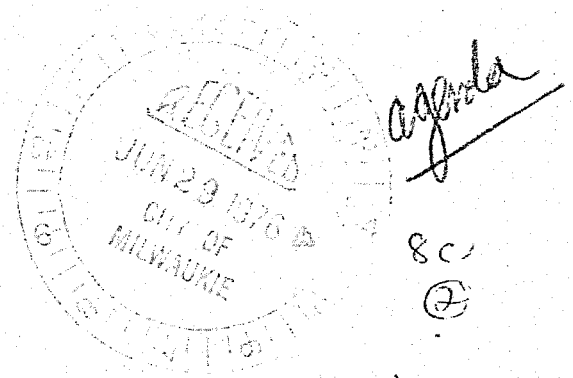
CN/me



**DEPARTMENT  
OF COMMERCE**

**BUILDING CODES DIVISION**

401 LABOR & INDUSTRIES BLDG. • • SALEM, OREGON • • 97310



June 25, 1976

Dear City Council:

Under Oregon Revised Statutes 446.425, the Department of Commerce shall delegate to a city governing body through its city council, which requests the authority and responsibility for the regulation of mobile home parks, where the city is willing and able to carry out such rules of the Department relating to the collection, licensing, inspection, enforcement, issuance and suspension of permits and certificates in compliance with standards within mobile home parks.

Should your city desire to carry out such functions, four copies of the agreement of delegation will be forwarded to you for your signature. The agreement of delegation is broken down into three parts:

- I.
  - A. The city agrees to maintain adequate personnel and resources to carry out the functions under the agreement.
  - B. To process the applications and collect fees for the yearly Certificate of Sanitation.
  - C. The city may establish its own Certificate of Sanitation fees or use the fees set forth in the statutes.
  - D. Under ORS 446.016 the city is required to remit, quarterly, 15% of its fees collected for Certificates of Sanitation to the Department of Commerce to cover expenses in printing the regulations, Certificates of Sanitation, sanitation application forms, inspection forms and conducting audits.
  - E. The city is required to conduct hearings on denial and suspension of Certificates of Sanitation, keep records of all park inspection transactions and utilize all reasonable available administrative legal means to eliminate violations.
- II.
  - A. The Department of Commerce agrees to supply the city with blank Certificates of Sanitation, the application form, the park reinspection form and copies of the Department's Administrative Rules pertaining to mobile home parks.
  - B. To review all new mobile home park plans and additions thereto in compliance with the administrative/statutory rules and provide the city with two copies, of which one copy is to be retained by the city and the other given to the contractor to remain on the job site until all work is completed.

Page 2  
June 25, 1976

8c  
③

C. The Department is required to conduct audits of both office and field performance to determine the efficiency of the program.

III. A. Both parties agree that the delegation may be terminated by the city upon written notice to the Department provided the notice is given in writing by May 1 of any year in which termination is requested with the termination date being June 30 of that same year.

B. The city further agrees upon termination of the agreement that any fees held by the city for inspection not yet performed shall be remitted to the Department of Commerce.

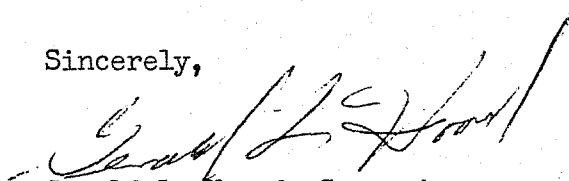
All Certificates of Sanitation are required by ORS 700.020 and 700.025 to be signed by a registered sanitarian or a person who is a sanitary engineer, public health engineer or registered professional engineer. Also included would be any public health officers pursuant to ORS Chapter 431 or any person holding a doctorate of veterinarian medicine degree, any of which would need to be in your employ.

Where the city does not elect to take on the mobile home park inspection program, such authority will be delegated to the county. Where there is no county program, then all inspections will be conducted by the State Department of Commerce, Building Codes Division.

Due to the lateness of the year, we will be sending out the 1976 Certificates of Sanitation to all mobile home parks within your jurisdictional boundaries should we not hear from you by phone or letter on or before July 10, 1976. Such issuance of the certificates in no way would prevent you from electing to take on the program should you desire to do so and have the appropriate personnel.

If you have any questions, please call on me. My phone number is 378-8319 and my address appears on the letterhead.

Sincerely,



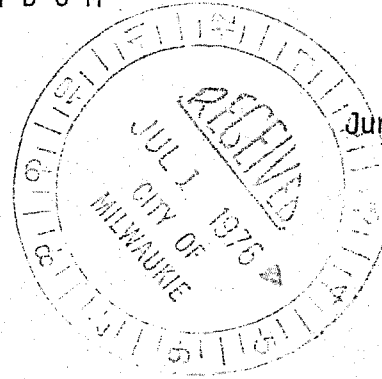
Gerald L. Hoard, Supervisor  
Prefab. Struc./Mobile Home Parks Unit

GLH:gs

City of Milwaukie  
M E M O R A N D U M

8A

①



June 30, 1976

TO: City Manager  
FROM: Assistant Planner  
SUBJECT: 1975 Population Estimate

Attached is a report from the Center for Population Research and Census (CPRC) on findings in housing unit survey for Milwaukie dated June 29, 1976.

The July 1, 1974, population estimate is 18,300. The original estimate for July 1, 1975, was 18,030. Because of the decline in the population estimate, the City requested CPRC to make a housing unit survey and use the data from that survey for revising the population estimate. The attached report has a revised population estimate of 16,800. Reason for the sharp difference is that the persons per household is less and the occupancy rate in multi-family units from the Milwaukie survey is lower than the figure used originally for the 1975 estimate.

The CPRC is obligated to certify the 16,800 figure to the Oregon Secretary of State's Office and has done so today. The 18,030 figure cannot be used for certification.

According to our conversation today, I will check data in the CPRC report. This will involve resurveying the sample of 523 housing units. After the check is completed, a decision can be made on which alternative to pursue. If a population estimate other than the 16,800 is made, the 16,800 could be revised and recertification could be made retroactive.

Jim Weiss from CPRC indicated on the phone today he would be interested in talking with you and/or the City Council about this survey and population trends in general. Mr. Weiss noted that Milwaukie is but a part of a state-wide trend toward smaller household sizes for the reasons shown in the notes of the report.

I might note that I have discussed the methodology the CPRC uses in making population estimates. It is as statistically valid as any I have known in my experience. The estimate has a probability of 95 percent of representing the actual population. A 2.5 percent chance exists that the population is significantly higher than 16,800. On the other hand, a 2.5 percent chance exists of the population being lower than 16,800. This means pursuing a challenge of the CPRC survey results has 25 out of 1,000 odds of finding data that would result in a population estimate higher than 16,800. Also, the chances are 25 out of 1,000 the figure will be lower. These are steep odds. Taking more time to challenge the population estimate is probably not worth the time it would take.

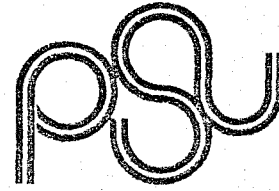
TH/me

*TH*

*I Agree*

*OK us*

Ed  
②



PORTLAND  
STATE  
UNIVERSITY  
p. o. box 751  
portland, oregon  
97207  
503/229-3922

center for  
population  
research and  
census

JUNE 29, 1976 REPORT OF FINDINGS IN HOUSING UNIT  
SURVEY OF MILWAUKIE, OREGON: CONDUCTED JUNE MAY 24  
THROUGH JUNE 8, 1976 BY THE CENTER FOR POPULATION  
RESEARCH AND CENSUS, PORTLAND STATE UNIVERSITY.

CITY OF MILWAUKIE  
M E M O R A N D U M

*Council*  
*8a*

Date: July 6, 1976

TO: City Manager  
FROM: Director of Public Works/Building Official  
SUBJECT: Residential Units  
April 1970 to date

The following summary of units constructed in the city are classified as single family, multi-family and duplexes. There is also a breakdown of the multi-family as to the number of units

YEAR	SINGLE	MULTI	UNITS	DUPLEX	DEMOLITION
1970	90	2	104	4	11
1971	86	5	18	3	8
1972	58	1	6	1	10
1973	32	33	206	4	16
1974	31	3	22	3	6
1975	48	31	245	1	5
1976	37			8	4
TOTALS	388	75	601	24/48 units	60

*JWD*  
JWD/js

*388 single*  
*601 multi*  
*48 duplex*  

---

*1037*  
*60 demolition*  

---

*977*

July 6-1976

No date

8d  
③

SINGLE FAMILY HOUSING UNITS

SAMPLE SIZE: 398

OCCUPIED: 392

OCCUPANCY RATE: .9849

PREVIOUS  
OCCUPANCY RATE:\* .978549

-----  
POPULATION IN  
SAMPLE HOUSING: 1,172

OCCUPIED UNITS: 392

MEAN HOUSEHOLD  
SIZE: 2.9897

PREVIOUS MEAN  
HOUSEHOLD SIZE:\*3.2355

-----  
CONCLUSION: DIFFERENCES IN BOTH FACTORS (OCCUPANCY RATE  
AND MEAN HOUSEHOLD SIZE) ARE STATISTICALLY SIGNIFICANT,  
AND ARE USEABLE IN DETERMINING A REVISED POPULATION.  
-----

\* derived from 1970 Federal Census

UNITS IN MULTIPLE HOUSING UNIT STRUCTURES

SAMPLE SIZE: 125

OCCUPIED: 114

OCCUPANCY RATE: .9120

PREVIOUS  
OCCUPANCY RATE: \*.9533

-----  
POPULATION IN  
SAMPLE HOUSING: 221

OCCUPIED UNITS: 114

MEAN HOUSEHOLD  
SIZE 1.9385

PREVIOUS MEAN  
HOUSEHOLD SIZE: \*2.2889

-----  
CONCLUSION: DIFFERENCES IN BOTH FACTORS (OCCUPANCY RATE  
AND MEAN HOUSEHOLD SIZE) ARE STATISTICALLY SIGNIFICANT.  
AND ARE USEABLE IN DETERMINING A REVISED POPULATION.  
-----

\* derived from 1970 Federal Census

1246 1976

8d  
⑤

COMPUTATION OF REVISED ESTIMATE:

(1)	SINGLE HOUSING UNITS	<u>4,755</u>
(2)	OCCUPANCY RATE	<u>.9849</u>
(3)	OCCUPIED HOUSING (1) X (2)	<u>4,683</u>
(4)	MEAN HOUSEHOLD SIZE	<u>2.9898</u>
(5)	POPULATION IN SINGLE HOUSING UNITS (3) X (4)	<u>14,001</u>
(6)	MULTIPLE UNITS	<u>1,521</u>
(7)	OCCUPANCY RATE	<u>.9120</u>
(8)	OCCUPIED HOUSING (6) X (7)	<u>1,387</u>
(9)	MEAN HOUSEHOLD SIZE	<u>1.9385</u>
(10)	POPULATION IN MULTIPLE HOUSING UNITS	<u>2,689</u>
(11)	MOBILE HOMES	<u>2</u>
(12)	POPULATION IN MOBILE HOMES	<u>6</u>
(13)	POPULATION IN GROUP QUARTERS	<u>98</u>
(14)	TOTAL POPULATION (5) + (10) + (12) + (13)	<u>16,794</u>

8d  
⑥

NOTES

The previous estimate of the City of Milwaukie (July 1, 1975) was based on estimated changes in mean household size and occupancy rate factors.

The findings of this survey are consistent with results of surveys and censuses conducted in other Oregon cities by the Center for Population Research and Census, national surveys conducted by the Bureau of Census, and studies in other states conducted by the respective state agencies.

Explanations for the changes in mean household size are:

- 1) A decline in births
- 2) A rising divorce rate (more housing units needed to house the same number of people.)
- 3) Family formation deferred by young people who have left the parental home.

The population estimate to be certified to the Oregon Secretary of State's office: 16,800.

All differences between 1970 and 1976 factors have been tested at a .95 confidence level.

CITY OF MILWAUKIE  
Inter-Department Memorandum

LID  
Cole addition

No Date 6/10  
③

To: CITY MANAGERR  
From: ADMINISTRATIVE ASSISTANT, PUBLIC WORKS  
Subject: Ordinance-COLE ADDITION Sewer L.I.D.

The attached proposed Ordinance is concerned with the construction of sewers in the Replat of Cole Addition. Because no agreement has been secured with Portland concerning Portland's participation in this L.I.D., the proposed Ordinance is presented with two alternative exhibits: that providing for sewer construction on S.E. Mary Court only; and that providing for sewer construction in the entire L.I.D., as per Resolution 22-1975.

Preliminary plans and specifications for appropriate construction to accomplish both of these alternatives have been drawn up and invitations to bid have been mailed. Bids should be received by the City Engineer for review on 18 July, 1975.

The City Engineer provides these pertinent considerations in making a decision on the extent of area to be served in the Cole Addition sewer L.I.D.:

- a) Totally serve all parcels and units via Sherrett Street at Milwaukie Cost.
- b) Totally serve all the parcels and units via Sherrett Street at Milwaukie and Portland Costs.
- c) A combination or ratio of b.
- d) Serve the units via 34th Ave. and exclude the basements in Kathryn Court.
- e) Serve all units via 34th and provide a pump to those units with low basements for their basement fixtures.

Sewer to serve Mary Court residences is of immediate concern and could be considered a separate portion within the L.I.D. Any agreement reached with the City of Portland could affect the entire L.I.D. cost by their involvement.

Dave M. Phelps

DP/dd

CITY OF MILWAUKIE  
M E M O R A N D U M  
May 16, 1975

6b  
④

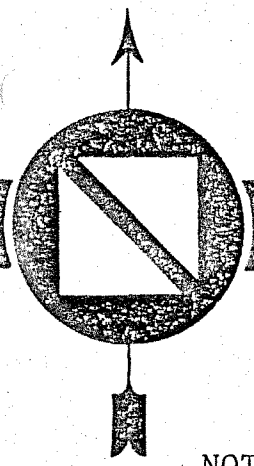
TO: City Manager  
FROM: Director of Public Works  
SUBJECT: Cole Addition - Sanitary Sewers  
Partial Development

For several years the City has had a request to construct sanitary sewers in the Cole Addition. One concept was to involve Portland in this program as they would be beneficiaries in service to a portion of Portland.. Portland presented a counter proposal in April 1974 which I received in March 1975.

In view of the difficulties experienced in getting a cooperative program with Portland, I am recommending that the City go ahead with this improvement and serve only Mary Court at this time. This improvement will serve seven (7) residences.

The Council did pass a resolution (#26-1974 10/7/74) authorizing proceeding. The time frame of 6 months has expired so the process must be reinstated was the advise I had from Myer.

JWD



PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

527 S.W. HALL STREET

PORTLAND, OREGON 97201

PHONE: 229-5307

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT AT 7:00 P.M. ON WEDNESDAY, JULY 28, 1976, IN ROOM 602 OF THE MULTNOMAH CO. COURTHOUSE, 1021 SW 4TH AVE., IN THE CITY OF PORTLAND, ORE., THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION ON THE PROPOSAL LISTED BELOW. ANY INTERESTED PERSON MAY APPEAR AND SHALL BE GIVEN A REASONALBE OPPORTUNITY TO BE HEARD.

PROPOSAL TO BE CONSIDERED: (PROPOSAL NO. S-30)

Sewer Line Extension outside the corporate limits of the City of Milwaukie, as follows:

The project involves the extension of approx. 323 ft. of 8-inch sewer line outside the corporate limits of Milwaukie. The line would leave a City of Milwaukie 8-inch sewer line in Wichita Ave. approx. 600 ft. north of its intersection with Lloyd St., and extends westerly for a distance of approx. 323 ft.

The property to be served is TL 3800, SE $\frac{1}{4}$  NE $\frac{1}{4}$ , Sec.31, T1S, R2E, W.M. Clack. Co., Ore. (Assessor's map 1 2E 31AD). A preliminary plat for the property has been granted in the name of "Sundial Court."

JULY 8, 1976

CAROLYN GASSAWAY, CHAIRMAN

STAFF:

DONALD E. CARLSON, Executive Officer  
ANTHONY G. WHITE, Administrative Analyst  
JEAN KRETZER, Secretary

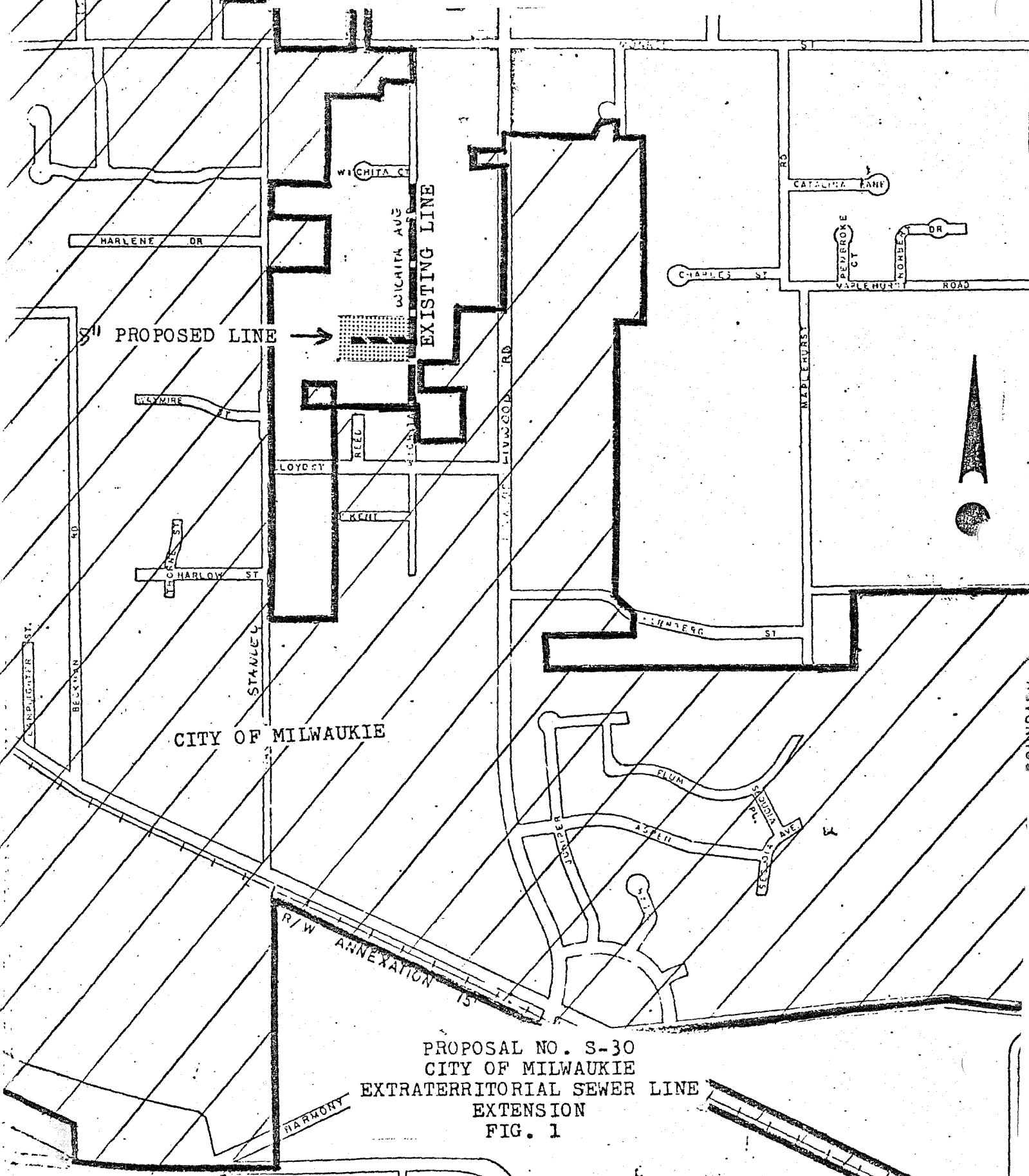
COMMISSIONERS:

ANTHONY N. FEDERICI  
MRS. CAROLYN GASSAWAY, Chairman  
ROBERT S. BALL, Vice-Chmn.

KEITH LINDAHL  
DR. PAUL J. SLOMINSKI  
JERRY TIPPENS  
WALTER N. TRANDUM

# Proposal No. S-30

82



PROPOSAL NO. S-30  
CITY OF MILWAUKIE  
EXTRATERRITORIAL SEWER LINE  
EXTENSION  
FIG. 1

Council

8E



4940 S. E. Naef Road  
Milwaukie, Oregon 97222  
July 2, 1976

City Council  
Milwaukie City Hall  
10722 S. E. Main Street  
Milwaukie, Oregon 97222

Honorable Mayor and Council:

Pursuant to the requirements of ORS 199.490, the Doral Development Corporation is requesting annexation to the City of Milwaukie of that tract of land described in the attachment.

Your immediate processing of this request through the Portland Metropolitan Area Local Government Boundary Commission will be appreciated as we do not want any unnecessary delays with the Sundial Court subdivision.

Yours very truly,

DORAL DEVELOPMENT CORPORATION

A handwritten signature in cursive script that reads "James W. Daniels".

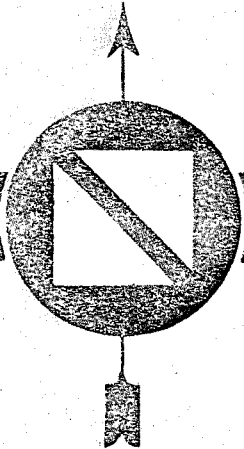
James W. Daniels

JWD:bd  
enc

CLACKAMAS  
COLUMBIA  
MULTNOMAH  
WASHINGTON

Council

8E



PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

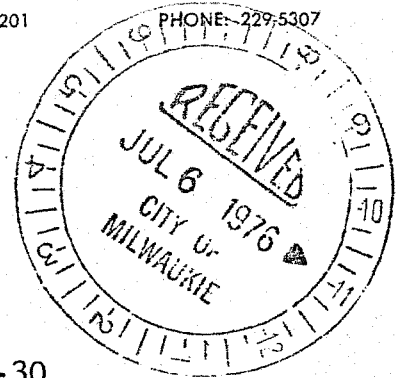
527 S.W. HALL STREET

PORTLAND, OREGON 97201

PHONE: 229-5307

June 30, 1976

Hal Schilling, City Mgr.  
City of Milwaukie  
10722 S.E. Main St.  
Milwaukie, Oregon 97222



Dear Mr. Schilling:

Ref: S-30

The Boundary Commission statute, ORS 199.410 to 199.510, authorizes posting of Public Hearing Notices within the area(s) to be reviewed.

In order to meet the requirements of ORS 199.463, they need to be posted by July 12, 1976.

Therefore, we would appreciate your cooperation in posting 3 copies of the enclosed Notice of Hearing within the involved area(s). The additional copy of the hearing notice is for your records.

Also, would you please send us an "Affidavit of Posting."

Thank you.

Sincerely,

Donald E. Carlson  
Executive Officer

DEC/jk  
Enc.

STAFF:

DONALD E. CARLSON, Executive Officer  
ANTHONY G. WHITE, Administrative Analyst  
JEAN KRETZER, Secretary

COMMISSIONERS:

ANTHONY N. FEDERICI  
MRS. CAROLYN GASSAWAY, Chairman  
ROBERT S. BALL, Vice-Chmn.

KEITH LINDAHL  
DR. PAUL J. SLOMINSKI  
JERRY TIPPENS  
WALTER N. TRANDUM  
JOSEPH C. MORON

23-72

## Milwaukie Faces Cuts

MILWAUKIE — City councilmen met two hours behind closed doors Thursday night to discuss possible personnel cut-backs and budget revisions. Councilmen are expected to take final action at their meeting Monday.

Faced with the task of trimming some \$158,000 from the budget, following defeat of Tuesday's \$175,000 budget levy, the council will make public recommended cuts in staff positions and services at its Monday meeting at 8 p.m. in city hall. Six to eight employees are expected to be cut from the staff.

6-23-72

## Letter Threatens Officials

MILWAUKIE — A hand-printed letter, containing an "implied" threat of violence against Milwaukie city officials and school officials in Clackamas County who proposed tax increases to finance city and school operations, has been turned over to the FBI for fingerprinting.

The letter, signed by "The Revolting Homeowners of Milwaukie and Clackamas," states, "We have now 72 sticks of TNT and a number of good pistols, so watch out. Something is going to happen; you can be sure of it."

**POLICE CHIEF** Donald Jones said he is "not taking the letter lightly." The original letter turned over to the FBI

## Annexations to Milwaukie left behind at polls

6-23-72

Residents in two areas adjacent to the City of Milwaukie voted against an annexation measure Tuesday, June 20. Harmony Rd.-Railroad Ave. area residents, living in area 375, voted 10-0 against the proposal. Persons residing in the Freeman Rd.-Ryan Rd. near Kellogg Cr., area 376, voted down annexation to Milwaukie 16-7.

The election ended a six month controversy concerning the attempt of the city to annex five areas. City officials said the reason for the annexation attempt was to straighten out the boundary between the city and the Clackamas County Service District No. 1.

On Jan. 19 the Portland Metropolitan Boundary Review Commission approved two areas, those which voted on June 20, and denied the city the right to annex three other areas. The areas not allowed for annexation, by Boundary Commission order, contained portions of Keuhn Rd., Vernie Ave., and Oatfield Rd. along Kellogg Creek.

Residents in the two areas approved for annexation by the commission brought the issue to a vote by filing petitions containing signatures of at least 20 percent of the residents in each district, within 45 days of the public hearing.

According to a Boundary Commission spokesman, 20 persons were registered to vote in area 375, and 43 persons were registered to vote in area 376.

Bitter feelings were created concerning the procedures used by the city in going about the annexation process. Residents in the areas claimed they knew nothing about the annexation attempt until they received a notice of public hearing.

Milwaukie City Manager Paul Helton admitted that the city showed a lack of good public relations in the matter, but added that the initial petition for annexation came from a citizen of the Freeman Rd. area. Helton said that with the annexation brought to it, the city went ahead with a comprehensive annexation attempt to straighten the sewer district boundary line.

TO: CITY COUNCIL  
FROM: CITY MANAGER  
SUBJECT: ANNEXATION REQUEST

A consent to annexation has been signed by Edgar J. and Sheryl L. Umrein, 5000 Logus Road. By previously established Council policy this request for annexation has been referred to the Planning Commission.

Inter-Department Memorandum

Date: June 6, 1969

OFFICE OF MILWAUKIE

COUNCIL POLICY ON:

\*12/14/64-CITY JUDGE-It was moved and passed that the Council establish a policy of rotating the Municipal Judge at 2 yr. intervals.

\*4/12/65-DELINQUENT ASSESSMENTS-It was moved and passed that assessments on LID liens be not allowed to exceed 2 years of delinquency.

\*3/27/67-LEGAL NOTICES- It was moved and passed that the City establish a procedure of listing addresses, together with the required legal descriptions, on legal notices whenever possible.

\*10/9/67-PRESS RELEASES-It was moved and passed, that the Council recommend to the Manager that press releases be assigned to a certain department within the City.

\*10/9/67-PRESS RELEASES-It was suggested and agreed upon that any press release also be mailed to the Civic groups so that they might aid in informing the people of the City's activities.

\*7/8/68-PROPOSED ANNEXATIONS-It was moved and passed, that the Council establish a policy that all proposed annexations be referred to the Planning Commission for their recommendation before action by the Council.

\*4/28/69-SEWER CONNECTIONS-It was moved and passed that a resolution initiating a LID will specify the time, up to three years from completion date, when official notice to connect to the sewer will be sent to the property owners. The Council will decide on a time period, based upon technical recommendation. However, if the property owner has any problems in his private system, he must connect to the sewer immediately.

\*4/28/69-MINUTES-It was moved and passed that there be added information in the minutes, including more of the discussion, and subject matter of resolutions and ordinances that can be included in one sentence. (Councilman Harlan particularly asks for information on time and money, i. e., how much money involved, date of completion, what change is being made, etc.)

\*5/26/69-STREET VACATIONS -It was moved and passed that requests for street vacation be referred automatically to the Planning Commission with appropriate action by the Planning Director, and that the Council be notified of such referral by means of a copy of the original request or other appropriate means.

\*5/26/69-HEARINGS-Hearings to be set at 8:30 p. m.

\*9/7/72-USE OF CITY EQUIPMENT-by employees during off-time hours. City equipment may not be used or rented by city employees to be used in off-time or private contracts by said employees. Applied to use of city equipment by employees on their free time for private contract work for private citizens, or to competitively bid on public projects to be done during their off-time hours.

\*10/16/72-L. I. D. 'S - Council reaffirmed policy as stated in Ordinance 819 re city's share of the cost of improving streets.

\*11/6/72-REQUIREMENT FOR SIDEWALKS- (minutes and resolution) See Resolution #29-1972.

\*11/6/72-WITHHOLDING EMPLOYEE CONTRIBUTION TO SAIF-(minutes) Council policy established to withhold 2¢ per working day, to a maximum of 40¢ per month, for employee contribution to SAIF, starting 1/1/73. To be used for implementing a safety program for employees.

\*11/20/73-PRESS CONFERENCES - (minutes) A press conference will be held immediately after each Council meeting is adjourned.

CITY OF MILWAUKIE  
M E M O R A N D U M

8 e  
①

Date: July 2, 1976

TO: City Manager / City Council  
FROM: City Engineer  
SUBJECT: Annexation Request  
Sun Dial Court

The requirement of ORS 199.464 relating to extraterritorial sanitary sewer service made it mandatory that subject property request approval of the Portland Metropolitan Area Local Government Boundary Commission prior to any construction.

We did submit the request for extraterritorial sanitary sewer service and had a return request for Portland Metropolitan Area Local Government Boundary Commission to solicit an annexation from property owner as the property is contiguous to the City Limits as a street is not a barrier. P M A L G B C will not grant approval of the sanitary sewer connections until a request for annexation has been filed with them.

Subject tract of land has been reviewed by the planning commission and had been recommended for subdivision pending certain requirements which have been met.

Recommendation is for annexation.

QUESTIONS - HOW LARGE AN AREA??

WHAT IS LOCATION (the legal description means nothing to council)  
should any member want to "check it out" WHAT EVER HAPPENED  
TO COUNCIL'S REQUEST FOR STREET ADDRESSES OF ISSUES  
such as this???

  
JWD/js

PLEASE NOTE THAT THE LETTER REQUESTING ANNEXATION WAS RECEIVED BY CITY ON JUNE 30th OR ~~BEFORE~~ EVEN LATER. and yet staff lost no time preparing a resolution for us to pass in support of the request. WHAT REALLY IS THE HURRY HERE ????????

The reslotion states that it was ADOPTED TONIGHT WITHOUT FIRST HAVING BEEN STUDIED BY THE PLANNING COMM. WHICH IS THE ESTABLISHED CITY POLICY -- AND -- IN ANY PROPOSAL FOR ANNEXATION THERE HAS TO BE AN IMPACT ON ON THE AREA SURROUNDING AS WELL AS THE WHOLE CITY AND THEREFORE, AT LEAST IN MY STRONG OPINION THE ISSUE IS CERTAINLY ONE WHICH WOULD BE OF DIRECT CONCERN OF THAT AREA'S NEIGHBORHOOD COUNCIL EVALUATION.

I PARTICULARLY DO NOT LIKE THE TONE OF THE REQUEST - "THAT WE GO-ALONG WITH WHATEVER THE DEVELOPER DECIDES HE WANTS. WE NOW HAVE "SITE REVIEW" SET UP WHEREBY -- AND I SAY WITH GREAT HOPE, WE CAN, AND WILL HAVE A GREAT DEAL MORE CONTROL OVER WHAT IS PERMISSABLE AND WHAT IS NOT IN ALL DEVELOPEMENTS FROM NOW ON. "LAYOUT OF DEVELOPEMENT" "TYPE OF CONSTRUCTION" -- OPEN SPACE -- PROTECTING PRIVACY OF SURROUNDING AREAS" -- LANDSCAPING - STREET LIGHTING - CURBS AND SIDEWALKS -- BUFFERS AND ALL THE REST WHICH MAKES A DEVELOPEMENT REALLY ACCEPTABLE OR UNACCEPTABLE FROM THE STANDPOINT OF THE CITY AND ITS CITIZENS

I AM SORRY TO SAY THAT THIS PROPOSAL, ~~AND~~ APPEARS TO BE RAILROADED AND ONE DESERVING OF A GREAT DEAL MORE CONSIDERATION THAN HAS BEEN PROPOSED IN THIS CASE. Example - Spring Creek AppTs. Snow Job + Lies

88  
②

June 30, 1976  
1446 Peggy Way  
Clackamas, Oregon 97015

Mr. Wayne Daigle  
City Engineer  
City of Milwaukie  
10722 S.E. Main  
Milwaukie, Oregon 97222

Re: Sun Dial Court Subdivision

Dear Mr. Daigle:

To confirm the conversations you have had with Jim Daniels, we wish to formally apply for annexation of subject subdivision to the City of Milwaukie. It is our understanding from my conversations with Mr. Tony White of the Boundary Commission and Jim Daniels' conversations with you that this annexation request will be held until we obtain our final approvals from Clackamas County which are now in the final stages of processing.

It is also our understanding that this annexation request will in no way disrupt or hold up our subdivision once the final plans are received from the county.

A metes and bounds description of the property is attached for your information. I hope the above meets with you approval and if you have any questions, please feel free to contact me at 243-3507.

Sincerely,

DORAL DEVELOPMENT CORP.

*Edward J. George*  
Secretary-Treasurer

esg/np  
Encls.

8E  
③

A RESOLUTION FURTHERING ANNEXATION TO THE CITY OF MILWAUKIE OF CERTAIN TERRITORY.

WHEREAS, the annexation of the territory described below to the City of Milwaukie has been initiated by landowners' statements of consent, in accordance with ORS 222.170, and a "minor boundary change" under the boundary commission law, ORS 199.410 to 199.510; and,

WHEREAS, the part of the territory that lies in the Milwaukie Rural Fire District would, by operation of ORS 199.410 (1), be automatically withdrawn from the district immediately upon consummation of the annexation; and

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Milwaukie, Oregon, a municipal corporation of the State of Oregon that:

Section 1. The Council hereby approves the proposed annexation of the following described properties and requests the Commission to approve it and effect it as soon as possible:

That portion of the J.D. Garrett D.L.C. No. 38 in Section 31, T1S, R2E, W.M. described as follows:

Parcel I

Commencing at a point on the west line of a 30 foot right-of-way 387.12 feet west and 1213.90 feet south of a stone located at the northeast corner of the J.D. Garrett D.L.C., situated in Sections 31 and 32, in T1S, R2E, of the W.M.; Thence running west 357.12 feet to a point; Thence running south 243.25 feet to a point; Thence running east 357.12 feet to a point, located in the west line of said 30 foot right-of-way; Thence running north along the west line of said right-of-way 243.95 feet to the place of beginning.

Parcel II

Commencing at a point on the west line of a 30 foot right-of-way 387.12 feet west and 1213.90 feet south of a stone located at the northeast corner of the J.D. Garrett D.L.C., situated in Sections 31 & 32, in T1S, R2E., of the W.M.; Thence running south along the west line of said 30 foot right-of-way 365.925 feet to a point; Thence running east 30 feet to a point in the east line of said 30 foot right-of-way; Thence running north 365.925 feet along the east line of said 30 foot right-of-way to a point; Thence west 30 feet to the point of beginning.

Section 2. The City Recorder is hereby directed to file certified copies of the statements of consent and of this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

Introduced and adopted by the City Council on the 6th day of July, 1976, at a regular meeting of the City Council.

ATTEST:

\_\_\_\_\_  
Bill Hupp, Mayor

\_\_\_\_\_  
Dorothy E. Farrell, Recorder

Approved as to form:

\_\_\_\_\_  
Myer Avedovech, City Attorney

*How much Area  
+ only by vote of  
Milwaukie Also Neighborhood Council*

South Monroe

Soudier Cant  
on 22 Ave

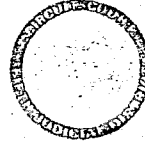
West of Wichita

Butt Wichita Cant of Lloydlet

CIRCUIT COURT OF OREGON  
FIFTH JUDICIAL DISTRICT  
OREGON CITY, OREGON 97045

June 18, 1976

PATRICK D. GILROY  
JUDGE



Mr. Thomas A. Davis  
Attorney at Law  
Public Service Building  
Portland, Oregon 97204

Mr. Myer Avedovech  
Attorney at Law  
926 Main Street  
Milwaukie, Oregon 97222

Re: The Robert Randall Co., vs. Bill Hupp, et al  
No. 93790  
Motion to Dismiss  
Motion for Leave to File Supplemental Writ

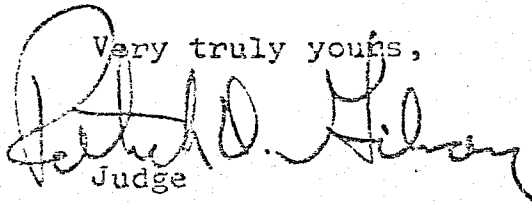
Gentlemen:

It appears from the record and statements of counsel that the official duty (issuance and processing of building permits) whose performance was sought in the original writ herein has now, in fact, been performed.

Plaintiff's requested supplemental relief goes solely to money damages allegedly incurred as a direct result of alleged mishandling of the permit application. Such is not, in my opinion, the proper object of a writ of mandamus proceeding.

Accordingly, Plaintiff's motion for leave to file a supplemental alternative writ of mandamus is denied and Defendants' motion for an order dismissing the alternative writ of mandamus is allowed. The order of dismissal heretofore presented by defense counsel has been signed and entered of record this date.

Very truly yours,

  
Judge

PDS:cm

*Counsel*

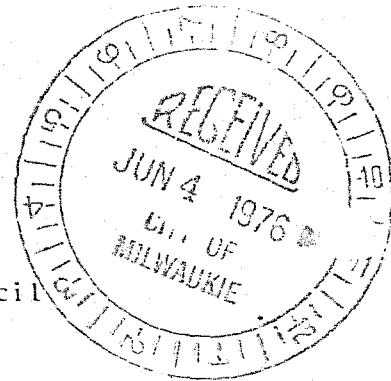
*42*

*6/21/76*



YOUTH ALTERNATIVES PROGRAM  
 4510 SE LAKE ROAD MILWAUKIE, OREGON 97138

*Copies to  
 City Council  
 Planning Commission*



June 2, 1976

Minutes of the Youth Alternatives Program Community Advisory Council Meeting of May 26, 1976

The meeting began at 7:00pm at the program building. Persons present were Steve Sims, Karen Ritzer, Harvey Hazen and Beth Lind. Not present were Alice Ronck, Don Christilaw, Joan Boettcher and Jim Bushback.

The program budget for the coming fiscal year was discussed. Clackamas County will not be providing the needed matching money necessary to receive the federal portion for next years budget(fiscal year 1976-77). Beth informed the council that she is making every effort to raise the \$26,600 needed from other local sources. She has requested \$4000 from the City of Milwaukie. Beth said she felt confident that the program would continue next year, but even if it was to lose its federal grant, portions of the program could continue. The work programs and the school component could continue with the federal money.

The summer job programs are about to begin. Six to eight kids will be employed in the garden project while twenty-one youths will work in the Overland Park Solid Waste Disposal Project.

Beth also informed the council that she is resigning her position at Youth Alternatives effective July 31. Don Welch, Director of Clackamas County Juvenile Court will interview and hire her replacement. No candidates have been selected and application is open.

Youth Alternatives also has a new secretary. Roberta has moved to Washington and Nette Voeks has been hired to replace her.

No neighborhood problems were reported by council members. Beth informed us that she knows of two problems that have occurred during the last two months. One of the program clients was bothering Mrs. Frankl about a job and was seen there when Mrs. Frankl was not home. That student has been warned that if he does it again he will be released from the program.

The other problem was a burglary of the program. Neighborhood children broke into the building and took some camping gear, a calculator and the stereo. The camp gear has been returned, but the calculator and stereo have not been found yet

The next meeting was set for July 27, 1976 at 7:00pm.

Respectively submitted,

Harvey Hazen

*HJ*