

CITY COUNCIL MEETING

July 19, 1976

7 p.m.

COUNCIL CHAMBERS1272nd Meeting

The one thousand two hundred seventy-second meeting of the Council of the City of Milwaukie, Oregon, was held on the 19th day of July, 1976, with the following councilpersons present:

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

Also present:

Harold L. Schilling, City Manager	Cyrus Nims, Planning Director
J. Wayne Daigle, Dir. of P.W.	Myer Avedovech, City Attorney
Donald Oblander, Finance Director	Dorothy E. Farrell, Secretary

The invocation was given by the Reverend James D. Tomlin, Milwaukie United Church of Christ, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - June 21, 1976 Council meeting
- b) Furnberg Park audit
- c) Letter from DEQ re Milwaukie Plywood

It was MOVED by Swan, SECONDED by Hutchison, to adopt the Consent Calendar. Mrs. Burgess asked for removal of item c. MOTION CARRIED unanimously and so ordered.

NEIGHBORHOOD COUNCIL REPORTS

Walter Huber, Chairman of Neighborhood Council No. 1, requested Council take no action concerning proposed widening of McLoughlin until they receive full details. Manager said it is hoped someone from the Highway Department will be at the next Council meeting to answer questions.

Mai Kiigemagi, Neighborhood Council No. 2, was introduced.

It was MOVED by Englund, SECONDED by Hutchison, that before staff proceeds further with a parking consultant for the downtown area that they report to Council with recommendations on the possibility of having a planner who would do an overall schematic type relationship between the downtown core area, the riverfront area, the parking problem and the highway traffic problem. MOTION CARRIED unanimously and so ordered.

AUDIENCE PARTICIPATION

Mayor presented appreciation plaque to Fred Kondo, President of Kids, Inc., and appreciation letter to Betty Hupfer, Miss Oregon for 1976.

PUBLIC HEARING - STREET VACATION - NE CORNER OF 29TH AND VAN WATER

Public hearing was declared open at 7:30 p.m. No correspondence has been received for or against the street vacation. The Reverend Wayne Allen spoke in favor of the vacation. No one appeared to speak against the vacation. Public hearing was declared closed at 7:50 p.m. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance Number 1342 (AN ORDINANCE VACATING THE NORTHEASTERLY PORTION OF SE VAN WATERS STREET AND 29TH AVENUE ADJACENT TO LOT 13, BLOCK 1, ARDENWALD) be read the first time by title only.

MOTION CARRIED UNANIMOUSLY and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to read the ordinance the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Swan, to adopt Ordinance 1342. Ordinance 1342 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1342 passed the Council and was so declared by the Mayor.

CORRESPONDENCE

1. Council has received copy of letter of appreciation from Fred Kondo, President of Kid's Inc., dated July 14, thanking the city for the contribution to Kid's Inc.

2. Council has received letter from First United Pentacostal Church, dated July 15, asking permission to paint new house numbers on curbing in the city, and asking a donation in return. It was MOVED by Burgess, SECONDED by Hutchison, that staff look into the matter with more depth and forward a recommendation to Council. MOTION CARRIED unanimously and so ordered.

(Meeting recessed at 7:55 p.m., reconvened at 8:00 p.m. with all present.)

PUBLIC HEARING - STREET VACATION - NW CORNER OF 29TH AND VAN WATER

Public hearing was declared open at 8 p.m. No correspondence has been received for or against the street vacation. No one appeared to speak either for or against the vacation. Public hearing was declared closed at 8:07 p.m. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance Number 1343 (AN ORDINANCE VACATING THE NORTHWESTERLY PORTION OF SE VAN WATERS STREET AND 29TH AVENUE ADJACENT TO LOT 1, BLOCK 1, ARDENWALD) be read the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Swan, to read the ordinance the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Swan, that Ordinance 1343 be adopted. Ordinance 1343 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1343 passed the Council and was so declared by the Mayor.

LETTER TO ISLAND STATION TAVERN

Council has received copy of letter from Manager to Island Station Tavern, dated July 8, and staff report from Building Inspector, dated July 15, saying the tavern is now serving food.

MEMORANDUM ON EXPENSES OF COUNCILMEMBERS

Councilman Swan has written memo, dated July 9, concerning personal out-of-pocket expenses of council members. Mr. Swan discussed a trip he plans to take to Bend to look at the city's park program. It was Council consensus to authorize the trip. It was MOVED by Burgess that the concept of Swan's memo be incorporated in Council policies if and when another work session is held. There was no second, and after discussion of adding language to cover extraordinary expenses such as a trip, it was decided staff would draft additional language and bring it back at the next meeting.

DDJ309

ANNEXATION REQUEST - SUNDIAL COURT

Council has received recommendation from Planning Commission concerning the proposed annexation, Resolution PC-4-76 adopted by the Planning Commission recommending annexation policy for property in the vicinity of 60th south of Monroe, staff report on the proposed annexation, and three sample resolutions, one approving, one disapproving and merely forwarding the request to the Boundary Commission. The matter has been presented to the affected Neighborhood Council.

It was MOVED by Burgess, SECONDED by Hutchison, to request staff to solicit comments from the Neighborhood Council on the question of whether the city should initiate action to firm up its jagged boundaries through annexation, particularly in the area of the above annexation request. It was MOVED by Swan, SECONDED by Hutchison, to amend the motion to read "recommendation" rather than "comments." On the amendment, MOTION CARRIED unanimously. On the main motion, MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Hutchison, to read Resolution Number 27-1976 (A RESOLUTION FORWARDING A REQUEST FOR ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Hutchison, that Resolution 27-1976 be adopted. MOTION CARRIED unanimously and so ordered.

32ND AND OLSON SIDEWALK

Letter from staff to Mrs. Floyd Martin, dated June 28, was on the last Council agenda, but it was requested that item be removed from the Consent Calendar, and after discussion, no Council action was taken on the item. It was MOVED by Burgess, SECONDED by Hutchison, that city staff proceed to issue notice to repair sidewalks at 32nd and Olson. MOTION CARRIED unanimously and so ordered.

COMMUNITY DEVELOPMENT BLOCK GRANT

An amended application for Community Development Block Grant funds has been prepared and is before the Council for action. It was MOVED by Burgess, SECONDED by Swan, that City Council request an increase in the administrative line item in the amount of \$7000, and that pages 1, 11, 13, 15, 18, 23 and 24 of the amended grant be approved. MOTION CARRIED unanimously and so ordered.

CITY HALL REMODELING REPORT

Council has received memorandum from Manager, dated July 13, on City Hall remodeling, and a copy of letter from Manager to Langston, Mehlig & Associates dated June 28, as well as a memo giving outline by date of Council action on remodeling. Mayor requested to see the specifications on the job. Mrs. Burgess asked that the cooling system be corrected to exhaust air, and the cost of that work be deducted. It was MOVED by Burgess, SECONDED by Englund, that the city put the contractor on notice and give a deadline for finishing the work or the city will take care of the deficiencies and deduct the cost. MOTION CARRIED unanimously and so ordered.

SCENIC PRESERVATION

At a previous meeting the question was raised of city exploring ways of protecting from tax burden areas of natural beauty. Planning Director has written memo, dated July 7, saying existing state legislation establishes such a system, therefore it is not necessary for the city to do so.

MT. HOOD FREEWAY FUNDS

Public Works Director has written memo, dated July 2, on the subject of routes through Milwaukie that would be eligible for use of Mt. Hood Freeway funds.

MEMO RE STREET PROFILES

Public Works Director has written memo, dated July 15, on cost per foot estimated for engineering street profiles. Englund asked for a report on the advantages and necessity of street profiles. Burgess suggested comments be solicited from the Neighborhood Councils as to the location of the east-west corridor. It was MOVED by Burgess, SECONDED by Englund, that Council request staff to solicit input from all five Neighborhood Councils relative to their desires and wishes for the determination of an east-west corridor through the city--where they feel its location should be more specifically, and also that they provide input to the Council relative to an overpass being constructed at a location that they feel is appropriate, and whether or not they would want to financially support such a cost. MOTION CARRIED unanimously and so ordered.

GARBAGE FRANCHISE FEES

Finance Director has written memo, dated July 14, concerning establishing garbage franchise fees, and has submitted proposed resolution accomplishing this. A letter will be written to Mr. Dale Harlan, attorney for the refuse collectors, asking him to appear at the next meeting with the records necessary to answer any questions the Council might ask.

RESOLUTION NUMBER 28-1976 - STATE REVENUE SHARING

Finance Director has written memo, dated July 16, 1976, concerning resolution urging the State of Oregon to adopt a state income tax revenue sharing program. It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 24-1976 (A RESOLUTION URGING THE STATE OF OREGON TO ENTER INTO A PROGRAM OF SHARING INCOME TAX REVENUES WITH OREGON CITIES) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Swan, to adopt Resolution 24-1976. MOTION CARRIED unanimously and so ordered. The resolution will be sent to members of the interim committee studying the subject.

OTHER BUSINESS

1. Manager announced staff is experimenting for a four-month period with expansion of office hours from 8 to 5:30 p.m.
2. Council decided the location of those framed documents they wish displayed in Council chambers.

DDJ309

CONSENT CALENDAR

- b) Council has received copies of Furnberg Park audit by state, and accompanying staff reports.
- c) Council has received copy of letter from Department of Environmental Quality, dated July 8, concerning Milwaukie Plywood. Mrs. Burgess asked questions concerning the letter.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Swan, that the bills listed for July 19, 1976 payment be approved for payment, with the deletion of item 38, payment of \$1928.50 to Milwaukie Fire Protection District #56. MOTION CARRIED unanimously and so ordered.

The meeting adjourned at 11 p.m.

Bill Hupp
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA

July 16, 1976

7 p.m.

COUNCIL CHAMBERS

1272nd Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend James D. Tomlin, Milwaukie United Church of Christ
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - June 21, 1976
 - b) Furnberg Park audit
 - c) Letter from DEQ re Milwaukie Plywood
5. AUDIENCE PARTICIPATION
6. NEIGHBORHOOD COUNCIL REPORTS
7. CORRESPONDENCE
 - a) Thank you letter from Kids, Inc.
 - b) Letter from First United Pentacostal Church
8. PUBLIC HEARING -
Street vacation - NE corner of 29th and Van Water (Allen)
9. PUBLIC HEARING -
Street vacation - NW corner of 29th and Van Water (Paul)
10. OLD BUSINESS
 - a) Letter to Island Station Tavern and staff report
 - b) Council expenses
 - c) Annexation request - Sundial Court
 - d) 32nd and Olson sidewalk
 - e) Community Development Block Grant
 - f) City Hall remodeling report
 - g) Scenic Preservation
 - h) Mt. Hood freeway funds
 - i) Memor re street profiles
11. CONSIDERATION
 - a) Garbage franchise fees
 - b) Resolution No. _____ State Revenue Sharing
12. OTHER BUSINESS
13. PAYMENT OF BILLS
14. ADJOURNMENT

DDJ309

:30
p.m.

CITY OF MILWAUKEE
MEMORANDUM

Date: July 12, 1976

TO: City Manager

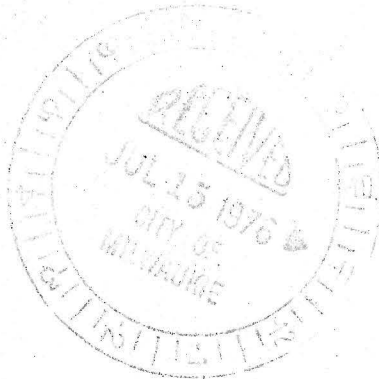
FROM: Dave Phelps

SUBJECT: Furrberg Park Audit
Memo # 126

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It is determined that the Conclusion item of the cover letter states that the audit provided satisfactory data to justify the State to request from BOR its reimbursement for \$4,499.03.

DP/js *Paul*



REQUEST FOR SERVICE

OFFICE OF THE CITY MANAGER

CITY OF MILWAUKIE
10722 S.E. MAIN ST.
MILWAUKIE, OR. 97222
(503) 869-5171

TO: Dave P.

DATE: 6/30/76

TIME: 11:15 A.M.

No. 00126

WHO & WHERE

NAME _____
ADDRESS _____
PHONE _____

HOW

IN PERSON
 PHONE
 MAIL

CITY COUNCIL
 COMMITTEE

SUBJECT: Furnberg Park audit

REQUEST: Please inform me as soon as we receive the audit.

** Please clarify - as I read it, the State is moving to claim federal reimbursement for city matching funds ???*

SIGNED



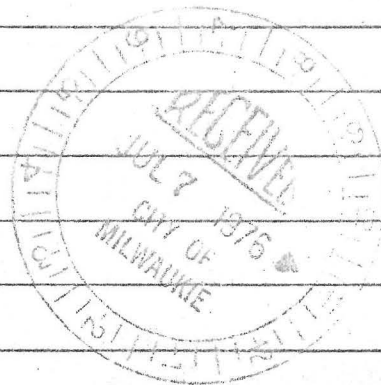
DATE REQUIRED _____
 SUBMIT MEMORANDUM _____
 REPLY ON FORM _____

REVIEW REQUIRED BY _____
 NOTIFY REQUESTOR _____
 ACTION ONLY _____

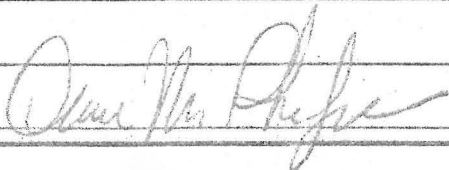
ACTION TAKEN

DATE _____ TIME _____ A.M. P.M.

DOCUMENTS STATING RESULTS OF AUDIT ARE ATTACHED.



SIGNED



REVIEWED BY _____



agenda

TO: Vernon E. Skoog
Controller

DATE: June 30, 1976

FROM: Jim Cavanaugh
Park Projects Auditor

1-6

SUBJECT: Audit Report
Furnberg Park Development
BOR Project 41-00362

Definition Statement

On June 24, 1976 I audited costs incurred by the City of Milwaukie for grading and drainage. Other items completed after the project period expired include lighting, irrigation, development of a pond and a playground area.

Analysis

Only the costs claimed on the first two billings (\$8,998.07) were incurred within the project period. All costs on the third and final billing (\$12,173.99) were incurred at least 17 months after expiration.

I examined supporting invoices and related cancelled checks for all costs claimed on the first two billings.

An Assurance of Compliance and a Certification of Work have been signed by the City.

Conclusion

Audited costs of \$8,998.07 are in conformance with the Land and Water Conservation Fund Act and within the project approval of \$18,000; therefore \$8,998.07 should be billed to the Bureau of Outdoor Recreation as eligible for Federal participation.

APPROVED
V.E. Skoog

Vernon E. Skoog, Controller

JC/jm

Furnberg Park Development

OWD NO 40-0101

OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS		1. Federal Agency and Departmental Element Bureau of Outdoor Recreation	2. Federal Grant No. or Other Identifying Number 41-00362
3. Type of Request <input checked="" type="checkbox"/> Final <input type="checkbox"/> Partial	4. Basis of Request <input checked="" type="checkbox"/> Cash <input type="checkbox"/> Accrued Expenditure	5. Partial Payment Request No. 3	
6. Employer Identification No. 93-6001765	7. Grantor Account No. or Identifying No. 3-9599-598-23 (625)	8. Period Covered (Month, Day, Year) FROM 2 11 72 TO 12 31 73	
9. Name of Local Organization Oregon State Highway Division		10. Name of Project (if different than Item 9) _____	
CITY STATE ZIP CODE Salem Oregon 97310	CITY STATE ZIP CODE _____		

(OP 468)

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II. STATUS OF FUNDS

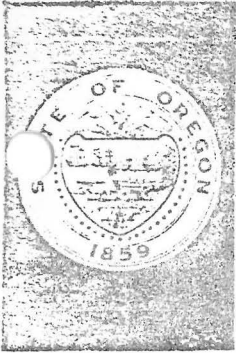
CLASSIFICATION	PROGRAMS — FUNCTIONS — ACTIVITIES			
	(1)	(2)	(3)	TOTAL
a. Administrative expense	\$	\$	\$	\$
b. Preliminary expense				
c. Land, structures, right-of-way				
d. Architectural engineering basic fees				
e. Other architectural engineering fees				
f. Project inspection fees				
g. Land development				
h. Relocation expense				
i. Relocation payments to indiv. and businesses				
j. Demolition and removal				
k. Construction and project improvement cost	8,998.07			
l. Equipment				
m. Miscellaneous cost				
n. Total cumulative to date (Sum of Lines a-m)	8,998.07			8,998.07
o. Deductions for program income				
p. Net cumulative to date (Line n minus Line o)	8,998.07			8,998.07
q. Federal share to date	4,499.03			4,499.03
r. Rehabilitation grants (100% reimbursement)				
s. Total Federal share (Sum of Lines q and r)	4,499.03			4,499.03
t. Federal payments previously requested	4,499.03			4,499.03
u. Amount requested for reimbursement	\$ - 0 -	\$	\$	\$ - 0 -
v. Percent of project completed	% 100	%	%	% 100

TO PARKS
7/1/76
R

12. CERTIFICATION — I certify that to the best of my knowledge and belief the billed costs of disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the grant.

a. GRANTEE Name Gary A. Scott		b. STATE, LOCAL, OR FEDERAL GOVERNMENT REPRESENTATIVE Name _____	
Title State Recreation, Dir	Telephone (503) 378-6596	Title _____	Telephone No. _____
Signature of Authorized Official _____	Date _____	Signature of Authorized Official _____	Date _____

11-6-3



DEPARTMENT OF
ENVIRONMENTAL QUALITY

PORTLAND REGION

1234 S.W. MORRISON STREET • PORTLAND, ORE. 97205 • Telephone (503) 229-5263

ROBERT W. STRAUB
GOVERNOR

July 8, 1976

Milwaukie Plywood
3105 Harrison Street
Milwaukie, Oregon 97222

Attention: Mr. Julius Bartel
President

Re: NP - Milwaukie Plywood
Clackamas County

Gentlemen:

This letter is to confirm the results of the noise reduction test performed on scrubber no. 1. Department personnel conducted sound level readings at the beginning of the test period, June 3, 1976, and at the conclusion, June 28, 1976. The differences between the two readings were negligible.

Some common techniques employed by other firms with similar noise source problems have been to construct a sound barrier between the noise source and affected noise sensitive property or to install silencing or muffling devices on the exhaust stacks, or both. You may wish to contact an acoustical consultant concerning your situation. Enclosed is a list of acoustical consultants and related firms who have registered their names with our office and which you might find of assistance.

The Department appreciates the efforts your company has made thus far and by so doing has indicated your desire to correct the problem. Unfortunately, the efforts to date have been ineffective. Therefore, the Department is requesting that you develop and present in writing to us no later than August 16, 1976, a sound and viable program that will attain compliance with the applicable noise regulations.

*Council
Info*

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Milwaukie Plywood
page 2
July 8, 1976

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If we can be of further assistance to you in this matter,
please contact this office.

Sincerely,

LOREN KRAMER
Director

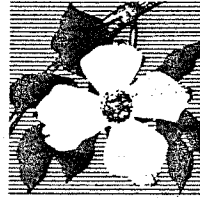
David M. Baker

David M. Baker
Assistant Regional Engineer
Portland Region

DME/kim

cc: Buchholz Industries
City of Milwaukie
Attention: Mr. Coy Humphrey
Noise Pollution Control - DEQ
Regional Operations - DEQ
ENCLOSURE

CITY OF MILWAUKIE



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

July 19, 1976

Miss Betty Hupfer
2108 SE 7th Avenue
Milwaukie, OR 97222

Dear Betty:

Every end implies a new beginning. And now that your eventful reign as Miss Oregon has drawn to a close allow us to express our deep sense of pride in your attainment of that esteemed office and in the warm yet thoroughly majestic manner with which you represented the people of our beloved state.

We fully recognize the Miss Oregon contest as not merely a measure of beauty and outward physical appearance, but know it to be a comprehensive evaluation of character, poise, talent, and intelligence . . . a vigorous assessment of the whole person. Your excellence on all counts promises a bright and productive future, an exciting and fulfilling new beginning.

That you became Miss Oregon while representing the city of Gresham diminishes our pride not at all. Thank you and best wishes from a grateful Milwaukie.

Sincerely,

A handwritten signature in cursive script that reads "Bill Hupp". The signature is written in dark ink and is positioned above the printed name and title.

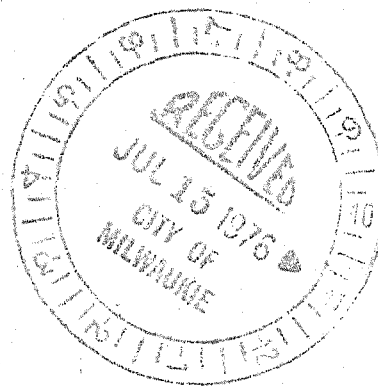
Bill Hupp
Mayor of Milwaukie

BH:msh



Kid's Incorporated

P.O. Box 22244 Milwaukie, Oregon 97222



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July 14, 1976

Mr. Harold L. Schilling
City Manager, City of Milwaukie
10722 S. E. Main Street
Milwaukie, Oregon 97222

Dear Sir:

On behalf of Kid's Incorporated of Milwaukie, I would like to express our warm gratitude to you and members of the city council for the grand manner in which you helped our organization to further our activities for the youth of Milwaukie and some summer employment for the older youngsters.

Your sponsorship of a girls and boys team did not go unnoticed by any mean. Your assistance for our annual tournament meant that it was completed successfully. This years tournament, in our bi-centennial year, included thirty-four teams of girls and boys from far away as Corvallis, Oregon.

Thank you all again for your financial assistance in a worthwhile cause.

Very sincerely yours,

Fred H. Kondo
President, Kid's Inc.

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First
United
Pentecostal
Church

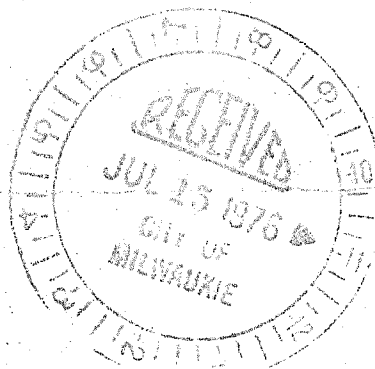


1725 27th Street (Milwaukie) - Portland, Oregon 97222

Rev. Winfred Toole, pastor
Phone 654-6419

July 15, 1976

City Council
City of Milwaukie
Milwaukie, Oregon 97222



To the City Council in session:

The purpose of this letter is to seek permission from the city of Milwaukie for our church to begin a project that we have designated as the "Hi-Neighbor" program, in which we would offer to paint the new house numbers on the curbing for the residents of Milwaukie. A small tax-deductible donation would be received.

Our plans call for the house numbers to be neatly painted in black on a white background. We will use templates and the necessary equipment to assure a quality job.

The method to be used will be as follows: An attractive flyer explaining the "Hi-Neighbor" program will be left at the resident's door. The flyer will provide a place for the resident to check if he desires the service. The following day, the numbers will be painted if desired and the small donation received.

We feel that this project will be an invaluable service to the community in helping the public become acquainted with the changes in the Milwaukie addresses and in assisting the emergency and delivery services by making the numbers easier to identify.

We want to thank you for your kind consideration to this matter!

Sincerely,

Stephen Judd, Pastor's Assistant

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PETITION FOR STREET VACATION

The undersigned Guardians and Conservators of the estate of Elma M. Apple, hereby petition the City Council of the City of Milwaukie, Oregon, to vacate the following described property to become a part of the Elma M. Apple Property at 2911 S. E. Van Water Street, Milwaukie, Oregon, said property being described as Lot 13, Block 1, Ardenwald.

The property to be vacated is described as follows:

Beginning at the Northwest corner of Lot 13, Block 1, Ardenwald, a duly recorded subdivision in Clackamas County, Oregon.

- thence Southerly parallel with the centerline of S.E. 29th Avenue, (formerly Ardenwald Avenue), 86.03 feet to the beginning point of a 15.0 foot radius curve to the left;
- thence Southeasterly along said 15.0 foot radius curve to the left, 22.64 feet to a point of tangency;
- thence Easterly parallel with the North line of the afore mentioned Lot 13, 79.75 feet, more or less, to a point on the South line of said Lot 13, which is 15.5 feet West of the Southeast corner of said Lot 13;
- thence Northwesterly along a 100 foot radius curve to the right of the Northwest corner of said Lot 13 and the point of beginning.

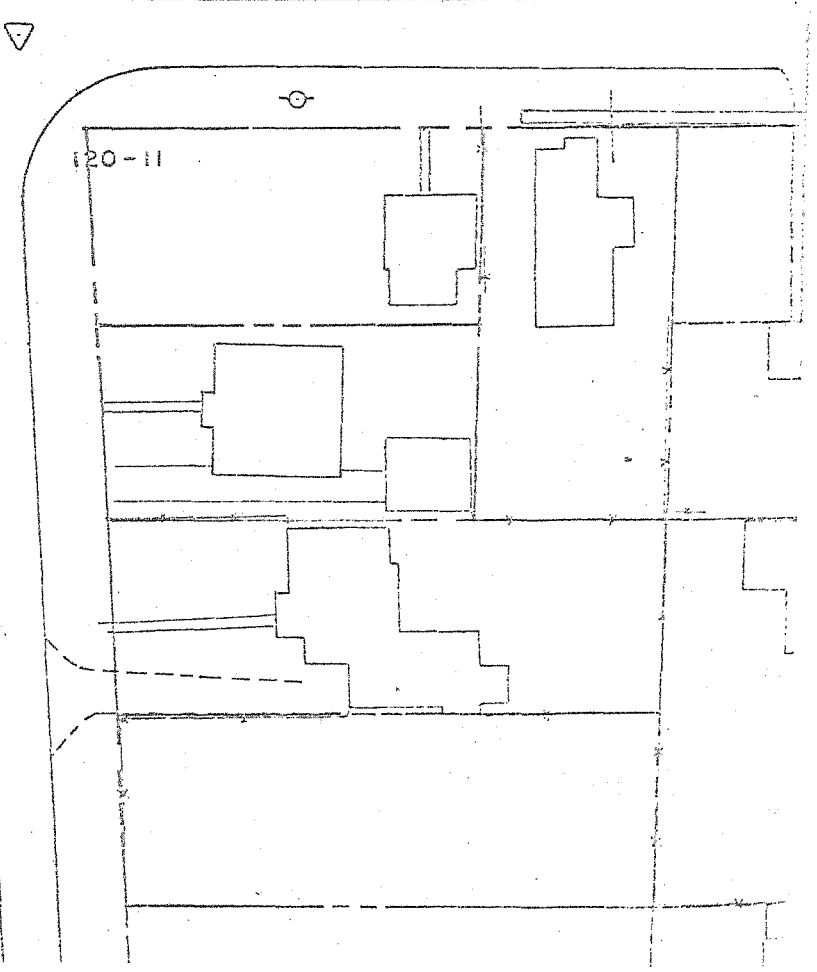
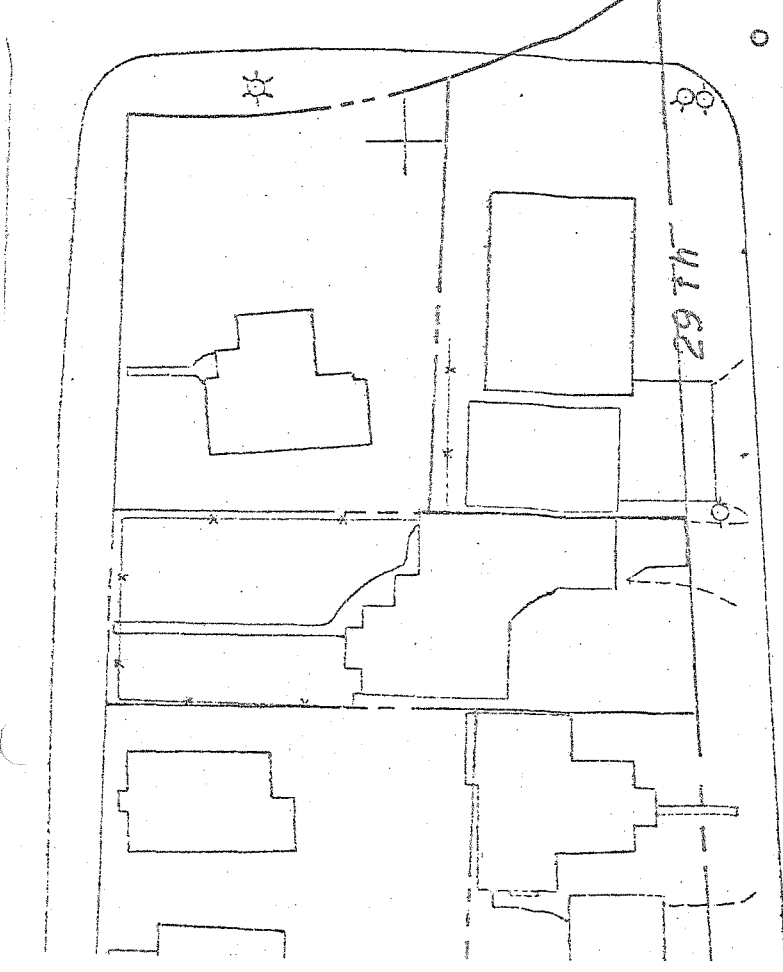
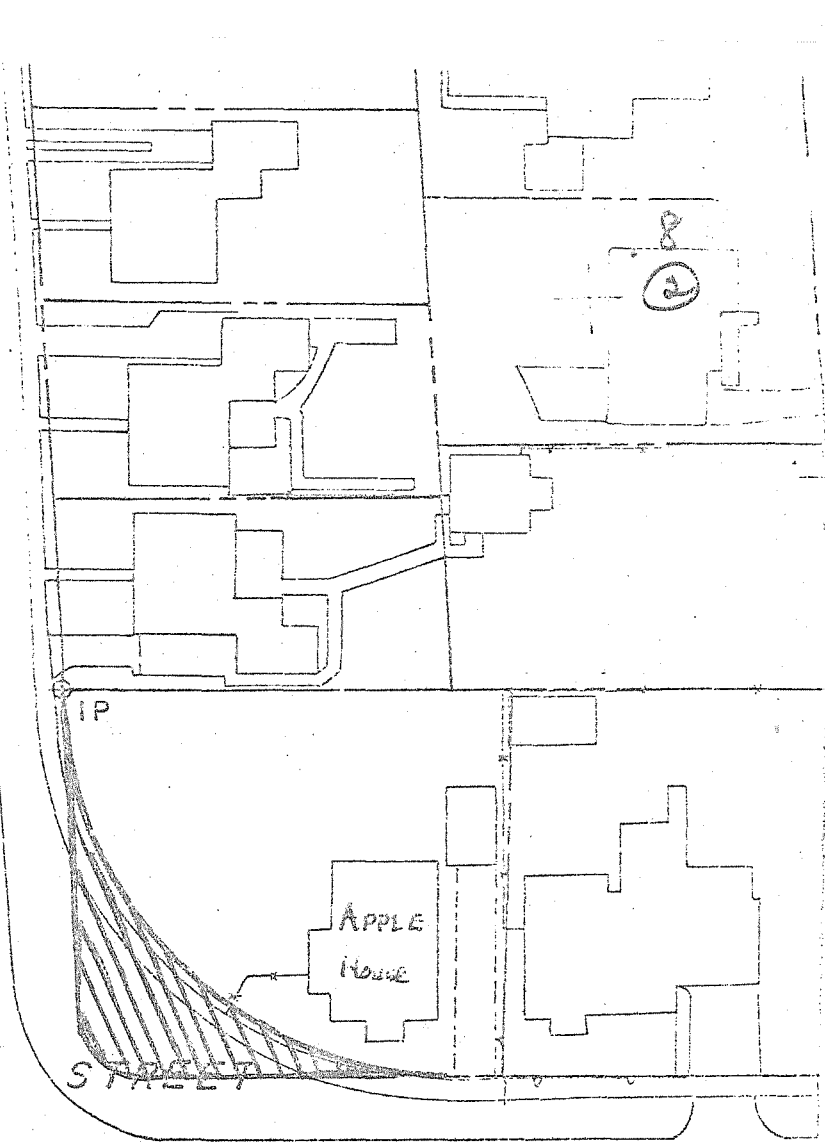
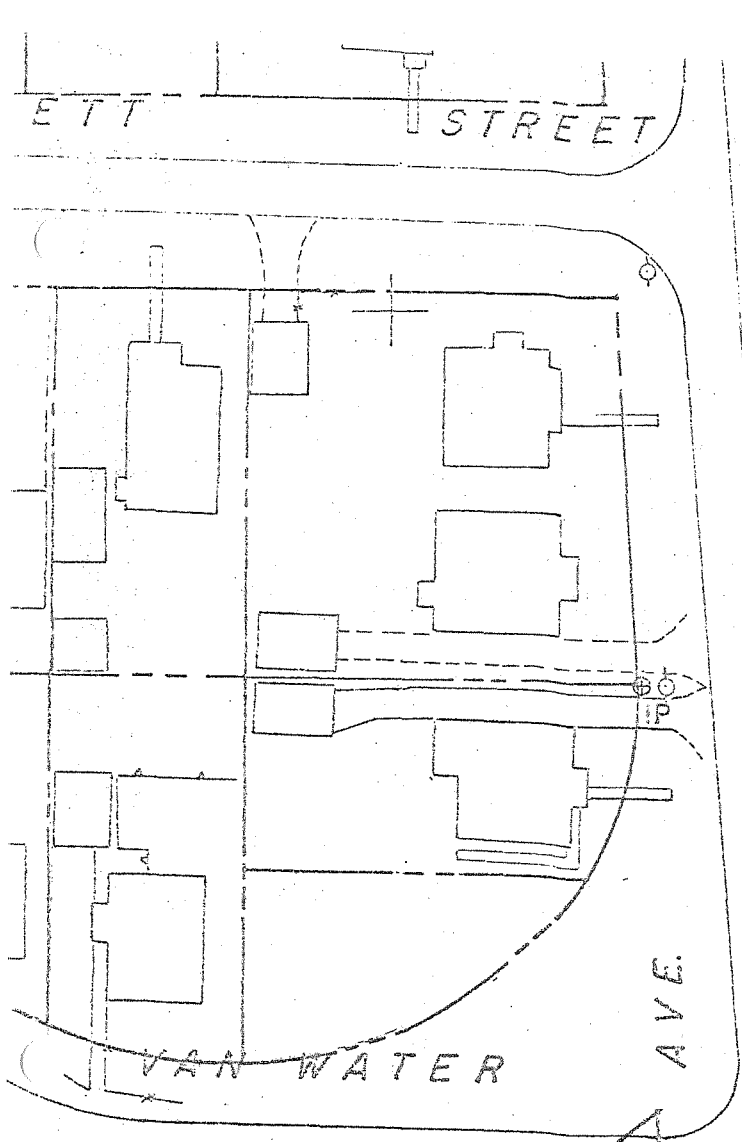
NAP marked to show this description is appended hereto.

W. W. Apple

James R. Smith

PURPOSE OF PETITION

This property, now dedicated to streets of Milwaukie, will thereafter be used as a part of the estate of Elma M. Apple. The parcel of land added to the Apple lot will square it off, making it conform to most city corner lots and making it more useful and saleable.



AN ORDINANCE VACATING THE NORTHEASTERLY PORTION OF SE VAN WATERS STREET AND 29TH AVENUE ADJACENT TO LOT 13, BLOCK 1, ARDENWALD.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Milwaukie, Oregon, having heretofore by Resolution Number 17-1976, duly adopted by the City Council at its meeting on the 7th day of June, 1976, determined that the interests of the City of Milwaukie, Oregon, required the vacation of the northeasterly portion of S.E. Van Waters Street and 29th Avenue, a public street within the City of Milwaukie, Oregon, as hereinafter described, and the Council having ascertained and determined that the market value of the properties abutting upon the said part of said public street to be vacated will be increased rather than decreased by reason of said vacation, and the City Council having heretofore by said resolution initiated vacation proceedings looking toward the vacation of said part of said public street, pursuant to the provisions of Section 271.130, Oregon Revised Statutes, and notice having been given as required by law that a public hearing would be held before the Council of the City of Milwaukie, Oregon, on the 19th day of July, 1976, for the purpose of considering any and all written objections or remonstrances filed with the Recorder of the City of Milwaukie, Oregon, prior to said date, objecting to or remonstrating against the vacation of said part of said public street, and said public hearing having been held pursuant to said notice, and no written objections or remonstrances having been filed against said vacation with the Recorder of the City of Milwaukie, Oregon, and no person or persons appearing at said hearing who objected to or remonstrated against said vacation, that Northeasterly portion of S.E. Van Waters Street and 29th Avenue adjacent to Lot 13, Block 1, Ardenwald, in the City of Milwaukie, IS HEREBY VACATED.

Section 2. The Recorder of the City of Milwaukie shall, and hereby is directed to, file with the Recorder, the Assessor, and Surveyor for Clackamas County, Oregon, certified copies of this ordinance as provided by law.

Read the first time this 19th day of July, 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 19th day of July, 1976.

Signed by the Mayor this 19th day of July, 1976.

ATTEST:

Bill Hupp, Mayor

Dorothy E. Farrell, Recorder

Approved as to form:

Mver Avedovech, City Attorney

PETITION FOR STREET VACATION

DENNIS & PATRICIA PAUL
8549 S.E. 29th-Milwaukie Ore.

9
①

The property to be vacated is described as follows:

Beginning at the Northeast corner of Lot 1, Block 2, Ardenwald, a duly recorded subdivision in Clackamas County, Oregon.

1. Thence southerly parallel with the centerline of S.E. 29th Avenue, (formerly Ardenwald Avenue), 86.03 feet to the beginning point of a 15.0 foot radius curve to the right;
2. Thence Southwesterly along said 15.0 foot radius curve to the right 22.64 feet to a point of tangency;
3. Thence Westerly parallel with the North line of the afore mentioned Lot 1, 90.75 feet, more or less, to the Southwest corner of said Lot 1;
4. Thence Northeasterly along a 100 foot radius curve to the left to the Northeast corner of said Lot 1, and the point of beginning.

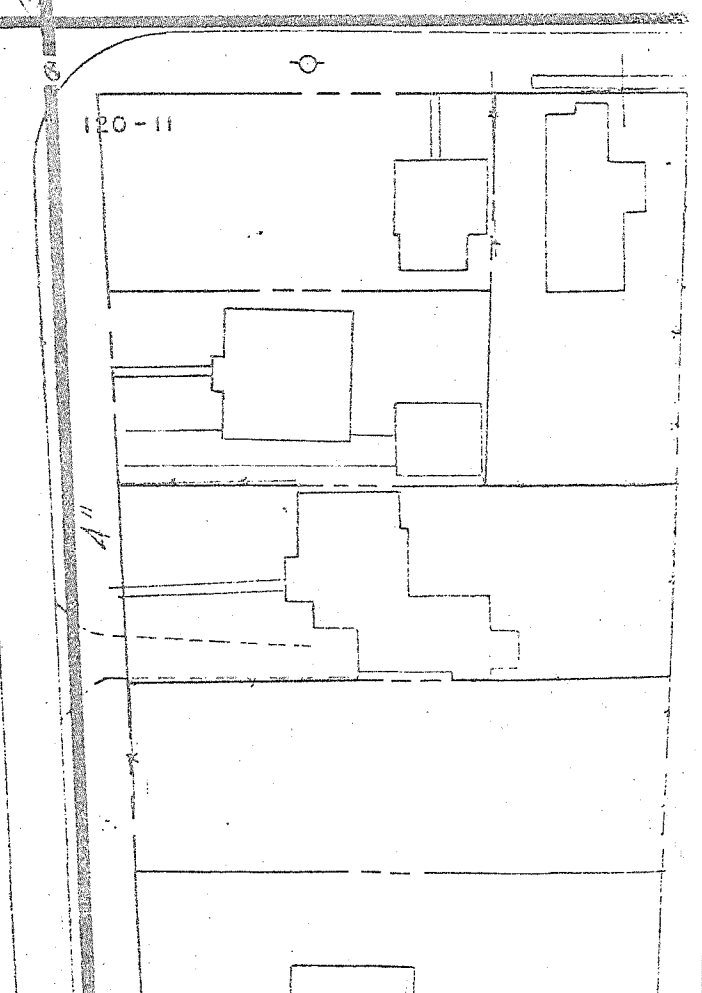
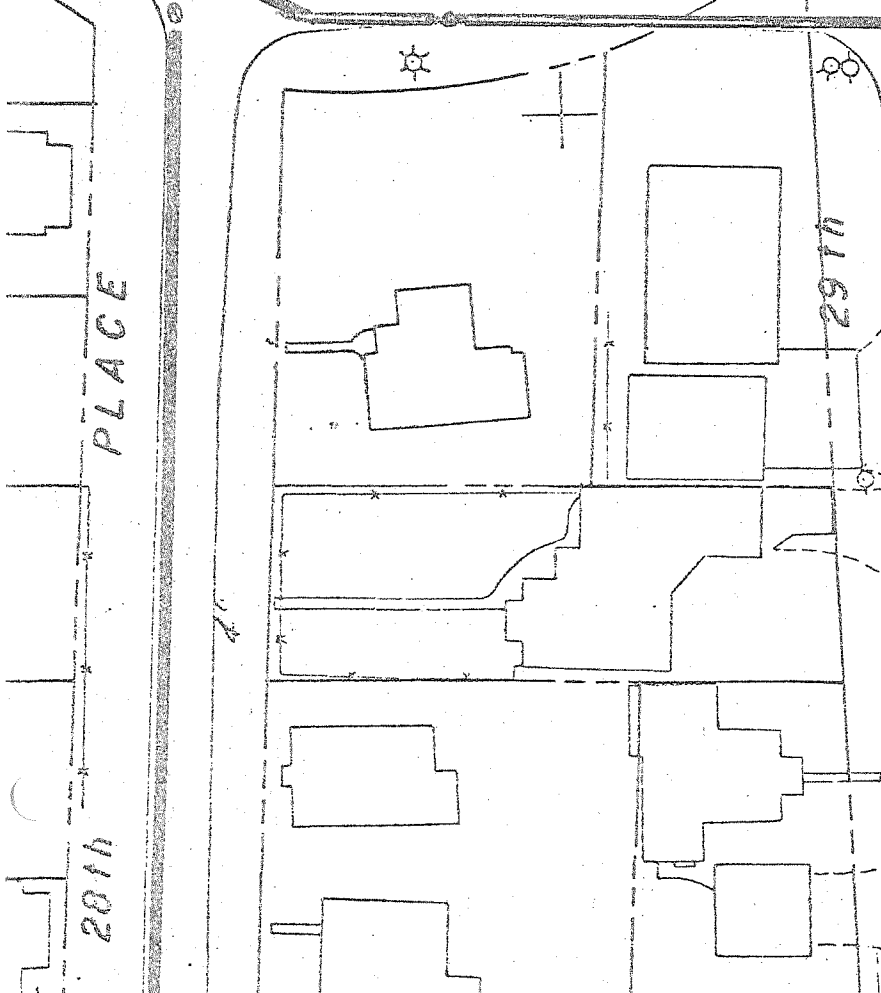
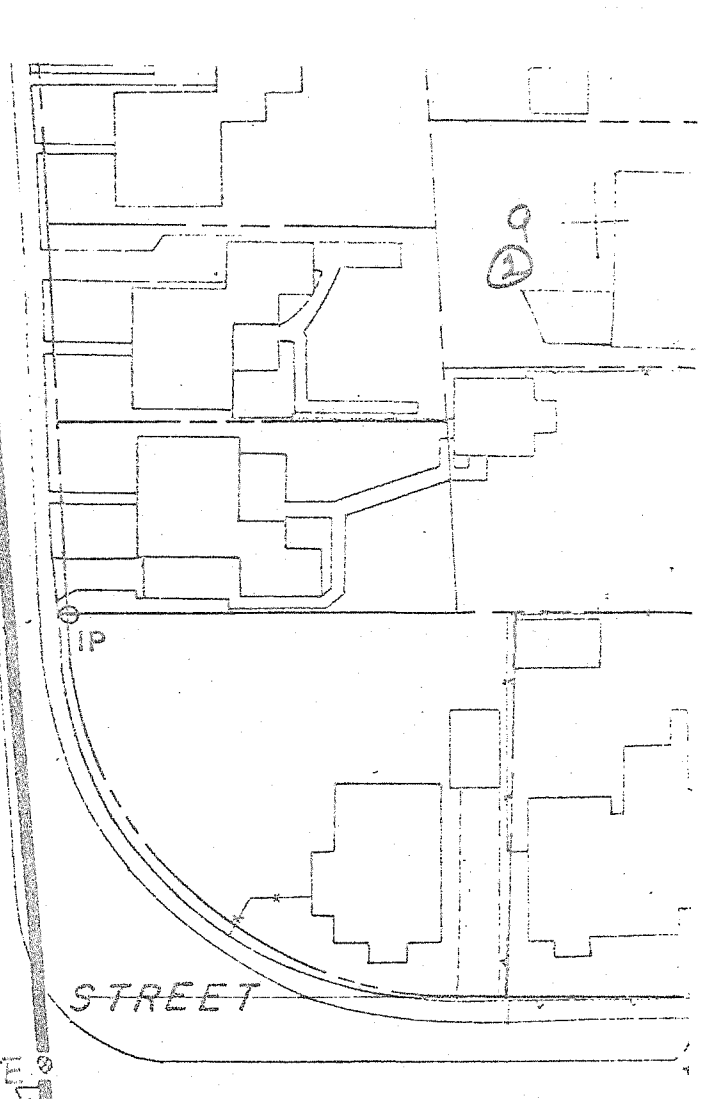
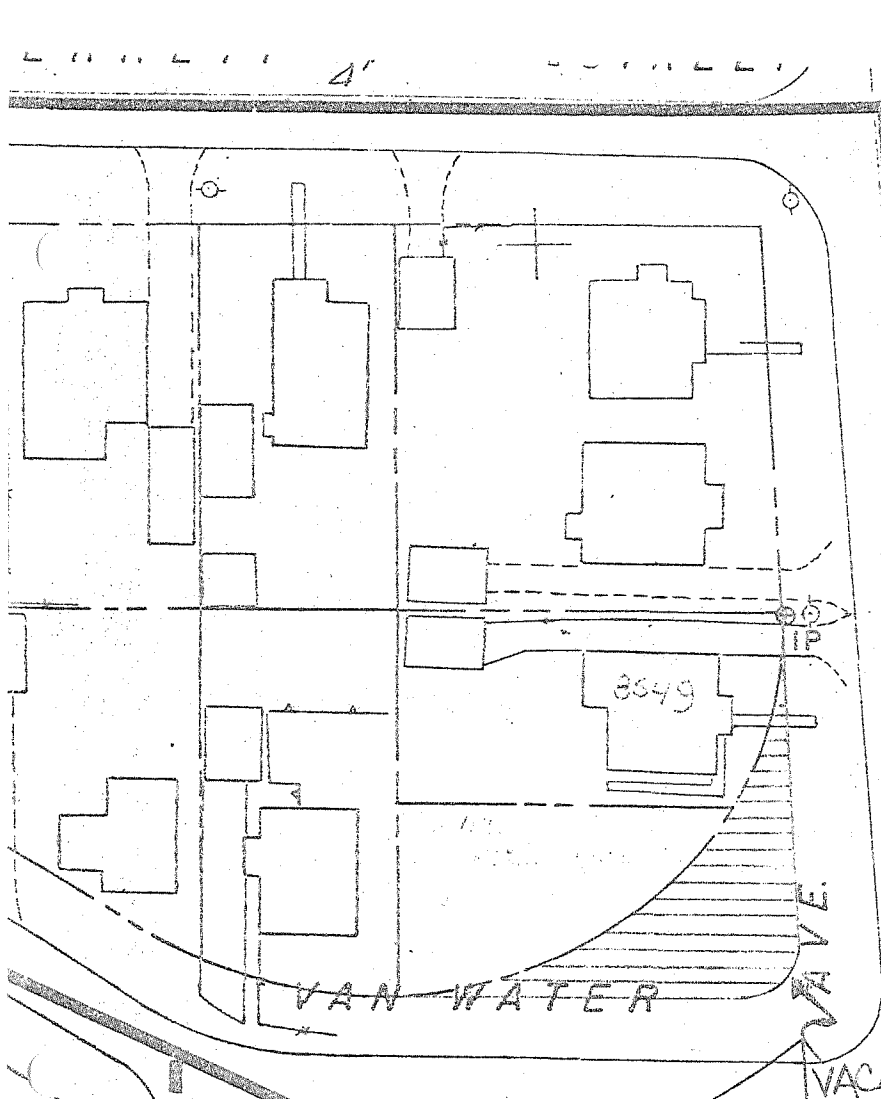
MAP marked to show this description is appended hereto.

Dennis R Paul

Patricia L Paul

Area presently used and maintained as part of petitioners' yard, and petitioners desire legal ownership of property.

Patricia L Paul
DAP



ORDINANCE NUMBER

1343

P₂₅₅

93

AN ORDINANCE VACATING THE NORTHWESTERLY PORTION OF SE VAN WATERS STREET AND 29TH AVENUE ADJACENT TO LOT 1, BLOCK 1, ARDENWALD.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Milwaukie, Oregon having heretofore by Resolution Number 18-1976, duly adopted by the City Council at its meeting on the 7th day of June, 1976, determined that the interests of the City of Milwaukie, Oregon, required the vacation of the northwesterly portion of S.E. Van Waters Street and 29th Avenue, a public street within the City of Milwaukie, Oregon, as hereinafter described, and the Council having ascertained and determined that the market value of the properties abutting upon the said part of said public street to be vacated will be increased rather than decreased by reason of said vacation, and the City Council having heretofore by said resolution initiated vacation proceedings looking toward the vacation of said part of said public street, pursuant to the provisions of Section 271.130, Oregon Revised Statutes, and notice having been given as required by law that a public hearing would be held before the Council of the City of Milwaukie, Oregon, on the 19th day of July, 1976, for the purpose of considering any and all written objections or remonstrances filed with the Recorder of the City of Milwaukie, Oregon, prior to said date, objecting to or remonstrating against the vacation of said part of said public street, and said public hearing having been held pursuant to said notice, and no written objections or remonstrances having been filed against said vacation with the Recorder of the City of Milwaukie, Oregon, and no person or persons appearing at said hearing who objected to or remonstrated against said vacation, that Northwesterly portion of S.E. Van Waters Street and 29th Avenue adjacent to Lot 1, Block 1, Ardenwald, in the City of Milwaukie, IS HEREBY VACATED.

Section 2. The Recorder of the City of Milwaukie shall, and hereby is directed to, file with the Recorder, the Assessor, and Surveyor for Clackamas County, Oregon, certified copies of this ordinance as provided by law.

Read the first time this 19th day of July, 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 19th day of July, 1976.

Signed by the Mayor this 19th day of July, 1976.

ATTEST:

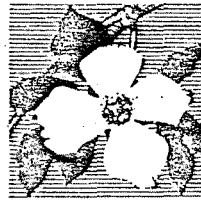
Bill Hupp, Mayor

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

CITY OF MILWAUKIE



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

July 8, 1976

Mr. Fred Eberly
Island Station Tavern
11921 SE River Road
Milwaukie, Oregon

Dear Mr. Eberly:

This is to put you on formal notice that if your business operation within the City of Milwaukie, the Island Station Tavern located at 11921 SE River Road, is not in compliance with the food and drinking establishment character as represented to the city on initial application, by July 19, 1976, it is my intention to recommend to the City Council at its regular meeting of the same date that your permit to conduct a business within the City of Milwaukie be withdrawn and that an order for closure of your business be issued.

Very truly yours,

Harold L. Schilling
City Manager

cc: City Council
City Attorney
Planning Director
Chief of Police

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

Date: July 15, 1976

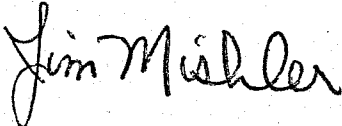
TO: City Manager

FROM: Building Inspector

SUBJECT: Investigation of "Island Station Tavern"

I stopped by "Island Station" and examined the kitchen facilities. Food items consist of Pizza, Potato Salad, Coney Islands and assorted (Deli type) cold sandwiches. Kitchen appliances consist of Micro wave oven, Pizza ovens, meat coolers and freezer.

The owner stated that after approval of hood by the Fire Marshal he would be using the deep fryer for cooking chicken, and stove for making chili.



Jim Mishler

js

RESOLUTION NUMBER PC-4-76

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2

A RESOLUTION RECOMMENDING ANNEXATION POLICY TO THE CITY COUNCIL FOR PROPERTY IN THE VICINITY OF 60TH AVENUE SOUTH OF MONROE.

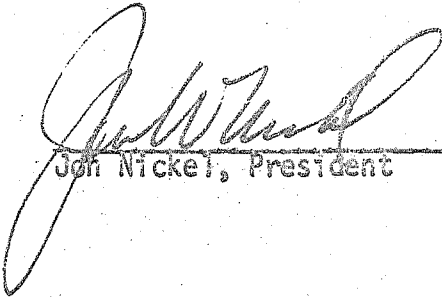
WHEREAS, certain property in the vicinity of 60th Avenue and Monroe Street indicated on the attached map is in the unincorporated area of Clackamas County and almost completely surrounded by the City of Milwaukie; and

WHEREAS, in the above described area the provision of public services such as police, fire, sewer, water, drainage, and planning is rendered complicated, inefficient, and possibly injurious to the health, safety and welfare of the public due to configuration of boundaries.

THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Milwaukie recommends to the City Council a policy that applications for annexation of property in the vicinity of 60th Avenue, south of Monroe, indicated on the attached map, be given favorable review.

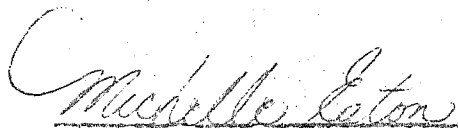
Be it so resolved.

Introduced and adopted by the Planning Commission of the City of Milwaukie, Oregon, on the 13th day of July, 1976, at a special meeting of the Planning Commission.

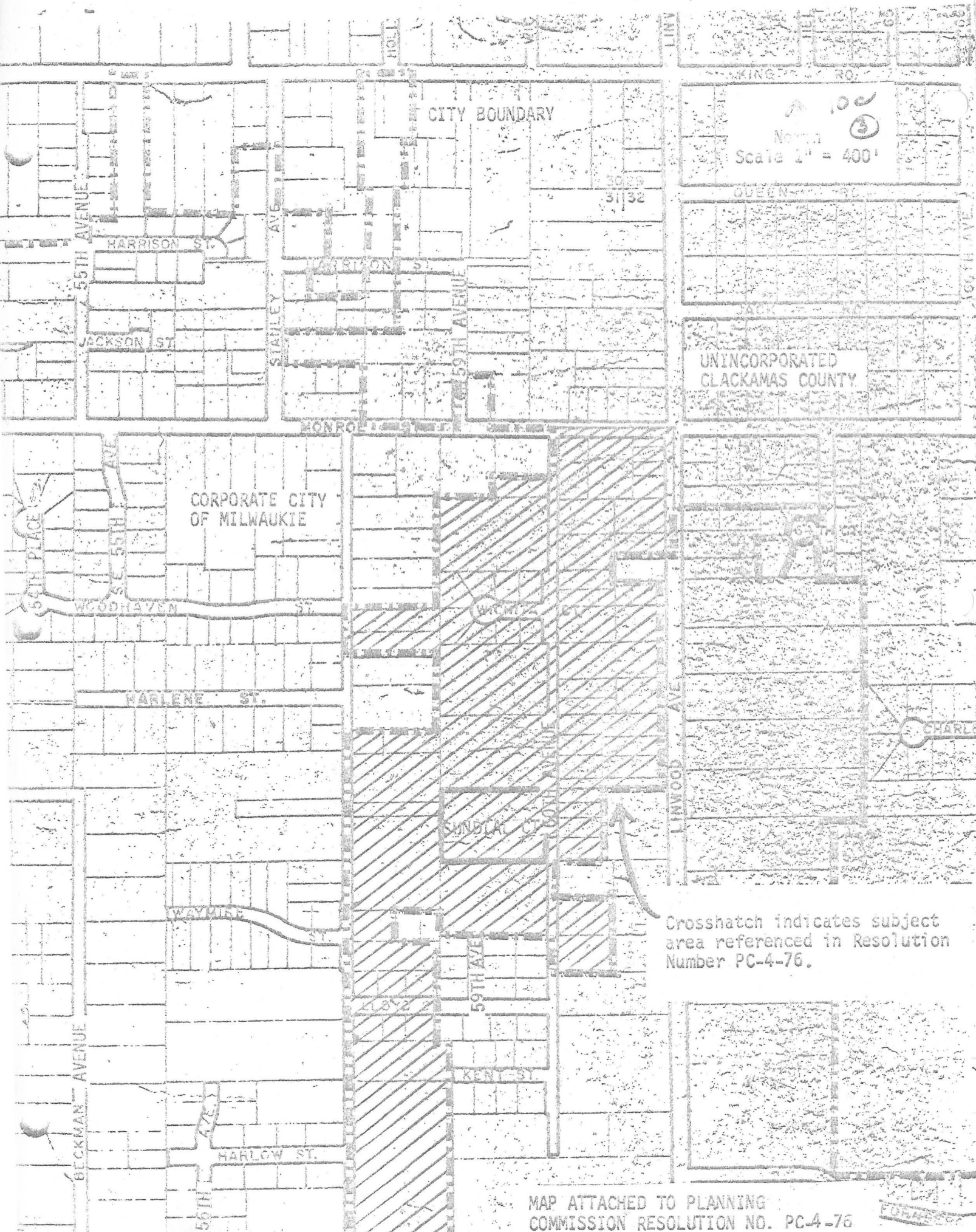


John Nickel, President

ATTEST:



Michelle Eaton, Secretary



CITY BOUNDARY

North
Scale 1" = 400'

UNINCORPORATED
CLACKAMAS COUNTY

CORPORATE CITY
OF MILWAUKIE

Crosshatch indicates subject
area referenced in Resolution
Number PC-4-76.

MAP ATTACHED TO PLANNING
COMMISSION RESOLUTION NO. PC-4-76

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Ⓢ

Milwaukie City Planning Commission
STAFF REPORT - Annexation in Area of 60th South of Monroe
July 13, 1976

Background

On March 23, 1976, the Planning Commission reviewed a plat known as Sundial Court. This plat was for land on 60th Avenue outside the City of Milwaukie and was forwarded to the City by the Clackamas County Planning Department. The Planning Commission instructed the City Engineer to cooperate with the Clackamas County Planning Department in arriving at a subdivision design that would be acceptable.

The subdivision must be served with City sanitary sewer. Since Sundial Court is outside the City, a request had to be made to the Portland Metropolitan Area Local Government Boundary Commission (PMALGBC) for extraterritorial sewer service. Sundial Court is contiguous to the City boundary. The PMALGBC requested the property owner to apply for annexation to the City.

The City Council received a request for annexation of Sundial Court on July 6. The Council has requested a response from the Planning Commission and Neighborhood Council 5.

Sundial Court Surrounding Land and City Boundary

Sundial Court is on the west side of 60th Avenue, north of Lloyd Street approximately 300 feet. Sundial Court is contiguous to the City at its southeast corner. Sundial Court and several other parcels of land are surrounded by the City boundary on three sides and nearly a fourth at Monroe and Linwood. The map (attached to the resolution) indicates that the unincorporated area almost completely surrounded by the City. Also prominent is the feature of having one lot in the City and the next out which results in a jogged boundary line.

The configuration of the City boundary in this area causes several problems in the delivery of City, County and special district services. City police and fire department personnel are careful to serve City residents. (The fire department does have mutual aid with Rural Fire District 56.) Provision of water, sewer, drainage and road improvements and maintenance are complicated and hindered by the boundary configuration. Any jurisdiction will have to cooperate with adjacent surrounding and overlapping jurisdictions and agencies. However, the boundary configuration in question makes matters unnecessarily complicated. The cost of providing public services to this area is certainly increased due to the configuration of the boundary.

Sundial Court is part of a larger area nearly surrounded by the City with the same service problems. Because of this, consideration of annexation of Sundial Court should be considered in light of the larger area.

Annexation, Property Owners, Property Taxes

Often persons who own property and live outside a City do not desire to be annexed for several reasons. They may not care for the controls on their life and land, the possibility of higher taxes, the concept of being in the City, the political system, or other aspects. Other persons may desire annexation for possibly better police protection, public works services and other benefits. Staff is not prepared to give detailed cost-benefit analysis of these aspects of annexation. Some of

105
5

Milwaukee City Planning Commission 2
STAFF REPORT - Annexation in Area of 60th South of Monroe

July 3, 1976

these aspects are difficult to quantify, thus making accurate analysis difficult. The staff recognizes these values, but is not prepared to give answers on these issues. Neighborhood Council 5 presumably will make a recommendation to the City Council based on some or all of these values.

Staff Recommendation

Adoption of the attached Resolution.

RESOLUTION NUMBER 23-1976

*Passed
1/12/20*

100
⑥

A RESOLUTION FORWARDING A REQUEST FOR ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MILWAUKIE.

WHEREAS, a request has been made for annexation of the territory described as follows:

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 and 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.

WHEREAS, the annexation of the territory to the City has been initiated by landowners' statements of consent, in accordance with ORS 222.170, and would therefore constitute a so-called "triple majority" annexation under 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 199.510, be automatically withdrawn from that district immediately upon consummation of the annexation;

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

Section 1. The Council hereby forwards the proposed annexation to the Portland Metropolitan Area Local Government Boundary Commission.

Resolution Number _____

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.

102
6

Be it so resolved.

Introduced and adopted by the City Council on the 19th 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

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

10e
⑦

July 15, 1976

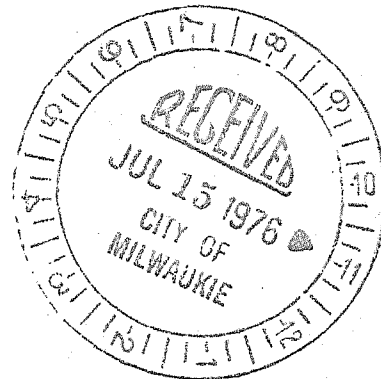
TO: City Manager
FROM: Planning Director
SUBJECT: Annexation Resolutions
Your Request for Service No. 00152

Attached are three sample resolutions for annexation. Each would forward a request for annexation to the Boundary Commission. The difference among the three are:

- 1) One approves the request for annexation.
- 2) One disapproves the request for annexation.
- 3) One merely forwards the request for annexation without approval or disapproval.

TH/me

TH for CRN



RESOLUTION NUMBER _____

100
8

A RESOLUTION APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE.

WHEREAS, a request has been made for annexation of the territory described as follows:

(Insert Legal Description.)

WHEREAS, the annexation of the territory to the City has been initiated by landowners' statements of consent, in accordance with ORS 222.170, and would therefore constitute a so-called "triple majority" annexation under 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 _____ District would, by operation of ORS 199.510, be automatically withdrawn from that district immediately upon consummation of the annexation;

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

Section 1. The Council hereby approves the proposed annexation and requests the Portland Metropolitan Area Local Government Boundary Commission to approve it and effect it as soon as possible.

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.

Be it so resolved.

Introduced and adopted by the City Council on the _____ day of _____, 197__, at a _____ meeting of the City Council.

Mayor

ATTEST:

City Recorder

Approved as to form:

City Attorney

RESOLUTION NUMBER _____

A RESOLUTION DISAPPROVING A REQUEST FOR ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MILWAUKIE.

100
9

WHEREAS, a request has been made for annexation of the territory described as follows:

(Insert Legal Description.)

WHEREAS, the annexation of the territory to the City has been initiated by landowners' statements of consent, in accordance with ORS 222.170, and would therefore constitute a so-called "triple majority" annexation under ORS 222.170 and a "minor boundary change" under the boundary commission law, ORS 199.410 to 199.510; and

WHEREAS, the proposed annexation is not acceptable to the City of Milwaukie;

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

Section 1. The Council hereby disapproves the proposed annexation and requests the Commission to disapprove it.

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.

Be it so resolved.

Introduced and adopted by the City Council on the _____ day of _____, 197__, at a _____ meeting of the City Council.

Mayor

ATTEST:

City Recorder

Approved as to form:

City Attorney

RESOLUTION NUMBER _____

100
⑩

A RESOLUTION FORWARDING A REQUEST FOR ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MILWAUKIE.

WHEREAS, a request has been made for annexation of the territory described as follows:

(Insert Legal Description.)

WHEREAS, the annexation of the territory to the City has been initiated by landowners' statements of consent, in accordance with ORS 222.170, and would therefore constitute a so-called "triple majority" annexation under 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 _____ District would, by operation of ORS 199.510, be automatically withdrawn from that district immediately upon consummation of the annexation;

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

Section 1. The Council hereby forwards the proposed annexation to the Portland Metropolitan Area Local Government Boundary Commission.

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.

Be it so resolved.

Introduced and adopted by the City Council on the _____ day of _____, 197__, at a _____ meeting of the City Council.

Mayor

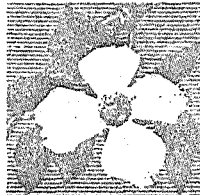
ATTEST:

Recorder

Approved as to form:

City Attorney

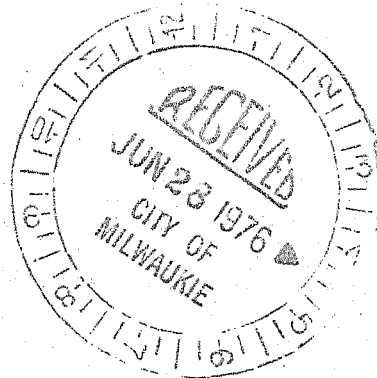
CITY OF MILWAUKIE



*City Council
Agenda*

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 ✓

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

108
①

July 12, 1976

TO: City Manager
FROM: Assistant Planner
SUBJECT: 1976 Community Development Block Grant (CDBG) Application

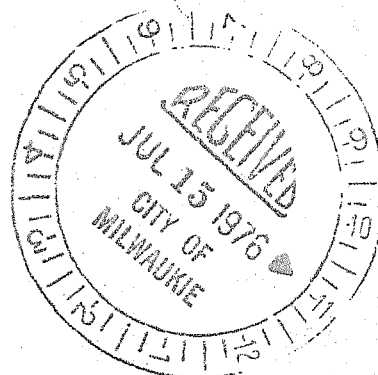
On July 7, Mr. Greeno, a representative of HUD, "unofficially" called to inform the City that about \$37,000 extra money will be available for discretionary applicants in the Portland area. This is a result of withdrawal of tentatively approved pre-applications by two jurisdictions (Clackamas County and Hillsboro). Mr. Greeno explained that it would be to the City's advantage to amend its application to increase administrative costs. Because regulations specify that modification of project content may alter the priority rating, this would not be advisable.

Project 2 is for a portion of a drainage system in the Ardenwald area. The project cost indicated in the final application submitted for A-95 review is \$100,000 with administrative cost to be provided by the City. To take advantage of possible extra discretionary funds, administrative costs of \$7,000 could be added to this project. Changes on the appropriate pages (1, 11, 13 and 15) are attached.

In another part of the application called Housing Assistance Plan, I made some computing errors. The corrected pages (18, 23 and 24) are also attached. These amendments to the Housing Assistance Plan do not change project content or dollar amounts.

A-95 review by CRAG is due to the City by July 15. An amended application can be sent to HUD and to the A-95 clearing houses at the same time.

TH/me



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPLICATION FOR FEDERAL ASSISTANCE		1. STATE CLEARINGHOUSE IDENTIFIER	
		2. APPLICANT'S APPLICATION NO.	
3. FEDERAL GRANTOR AGENCY Department of Housing and Urban Development		4. APPLICANT NAME City of Milwaukie	
5. AREA OR REGIONAL OFFICE Portland Area Office		6. STREET ADDRESS - P.O. BOX 10722 S. E. Main	
7. STREET ADDRESS - P.O. BOX 520 S. W. Sixth		8. CITY Milwaukie	9. COUNTY Clackamas
10. CITY Portland	11. STATE Oregon	12. ZIP CODE 97204	13. STATE Oregon
14. CITY Portland		15. STATE Oregon	
16. ZIP CODE 97204		17. ZIP CODE 97222	
18. DESCRIPTIVE NAME OF THE PROJECT Community Development Block Grant Program			
19. FEDERAL CATALOG No. 14.219 - Metropolitan Area Balance		20. FEDERAL FUNDING REQUESTED \$ 233,000	
21. GRANTEE TYPE <input type="checkbox"/> STATE, <input type="checkbox"/> COUNTY, <input checked="" type="checkbox"/> CITY, <input type="checkbox"/> OTHER (Specify)			
22. TYPE OF APPLICATION REQUEST <input checked="" type="checkbox"/> NEW GRANT, <input checked="" type="checkbox"/> CONTINUATION, <input type="checkbox"/> SUPPLEMENT, <input type="checkbox"/> OTHER CHANGES (Specify)			
23. TYPE OF ASSISTANCE <input checked="" type="checkbox"/> GRANT, <input type="checkbox"/> LOAN, <input type="checkbox"/> OTHER (Specify)			
24. POPULATION DIRECTLY BENEFITING FROM THE PROJECT 1970 Census - 16,379		25. LENGTH OF PROJECT 18 months	
26. CONGRESSIONAL DISTRICT 1st Congressional District		27. BEGINNING DATE November 1, 1976	
28. CONGRESSIONAL DISTRICT 1st Congressional District and city wide		29. DATE OF APPLICATION June 7, 1976 as revised June 30 and July 19	

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2

30. THE APPLICANT CERTIFIES THAT TO THE BEST OF HIS KNOWLEDGE AND BELIEF THE DATA IN THIS APPLICATION ARE TRUE AND CORRECT, AND THAT HE WILL COMPLY WITH THE ATTACHED ASSURANCES IF HE RECEIVES THE GRANT.

31. TYPED NAME Harold L. Schilling	32. TITLE City Manager	33. TELEPHONE NUMBER		
34. SIGNATURE OF AUTHORIZED REPRESENTATIVE		Area Code	Number	Ext.
		503	659-5171	24

FOR FEDERAL USE ONLY

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT PROGRAM

1. NAME OF APPLICANT

City of Milwaukie,
Oregon

2. APPLICATION NO.

3. ORIGINAL
 AMENDMENT

ENTITLEMENT APPLICANTS ONLY

4. PROGRAM YEAR:

FROM: TO:

ACTIVITY DESCRIPTION (1)	RELATED SHORT-TERM OBJECTIVE (2)	CENSUS TRACT/ENUMERATION DISTRICT (3)	ENVIRONMENTAL REVIEW STATUS (4)	RELATED BUDGET LINE ITEM (5)	ESTIMATED COST (\$000)				
					BLOCK GRANT FUNDS			OTHER FUNDS	
					PROGRAM YEAR (6)	SUBSEQUENT YEAR (7)	TOTAL (8)	AMOUNT (9)	SOURCE (10)
1) Residential rehabilitation loans and counseling to low and moderate income households and elderly. The loans will be limited to Census Tract 209 where the highest concentration of low and moderate income households and substandard housing exists. This project is in connection with projects 2, 3, 4 and 5, which are designed to upgrade the physical development in the area of Census Tract 209. The project will benefit approximately 16 households at an average of \$3,000 per household and \$50,000 total. As loans are repaid, the money will be reloaned for the same purpose. Administrative costs are \$7,000. (Additional administrative cost will be provided by the City.) Total cost \$57,000.	C-1	CT 209	Clearance - No EIS for same project in 1975 application	349-04 (tentative)	57	57	104	--	--
2) A portion of a drainage system to serve the area of Census Tract 209 where the highest concentration of low & moderate income households are located. Cost is \$100,000. Administrative costs are \$7,000. (Additional administrative cost will be provided by the City.) Total cost is \$107,000.	C-2	CT 209	Assessment	349-05 (tentative)	107	107	214	7,000	City pending passage of bond issue
GRAND TOTAL					\$	\$	\$	\$	

HUD-7015.1 (11-75)

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT PROGRAM

1. NAME OF APPLICANT
City of Milwaukie,
Oregon

2. APPLICATION NO.

3. ORIGINAL
 AMPLIFICATION

ENTITLEMENT APPLICANTS ONLY
4. PROGRAM YEAR:

FROM: TO:

ACTIVITY DESCRIPTION	RELATED SHORT-TERM OBJECTIVE	CENSUS TRACT/ ENUMERATION DISTRICT	ENVIRONMENTAL REVIEW STATUS	RELATED BUDGET LINE ITEM	ESTIMATED COST (\$000)				
					BLOCK GRANT FUNDS			OTHER FUNDS	
					PROGRAM YEAR	SUBSEQUENT YEAR	TOTAL	AMOUNT	SOURCE
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
4) continued. \$15,000 will be needed. Administrative costs are \$5,000. (Additional administrative costs will be provided by the City.) Total cost is \$40,000.									
5) Planning and management development with respect to housing and community development activities \$12,000. (The City has committed funds for planning staff and planning consultants which are provided for under "other funds.")	C-5	CT 209 and City wide	Assessment	349-08 (tentative)	12	12	24	70	City and State
GRAND TOTAL					\$233	\$233	\$ 466	\$ 7,070	

HUD-7015.1 (11-75)

(F) 301

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
COMMUNITY DEVELOPMENT BUDGET

A. ORIGINAL
 AMENDMENT

B. APPLICATION NO.

C. NAME OF APPLICANT

City of Milwaukie, Oregon

D. PROGRAM YEAR

Entitlement applicants only
FROM: TO:

LINE NO.	E. PROGRAM ACTIVITY	AMOUNT	FOR HUD USE ONLY
1.	ACQUISITION OF REAL PROPERTY	\$ 10,000	
2.	PUBLIC WORKS, FACILITIES, SITE IMPROVEMENTS	115,000	
3.	CODE ENFORCEMENT	--	
4.	CLEARANCE, DEMOLITION, REHABILITATION	10,000	
5.	REHABILITATION LOANS AND GRANTS	50,000	
6.	SPECIAL PROJECTS FOR ELDERLY AND HANDICAPPED	--	
7.	PAYMENTS FOR LOSS OF RENTAL INCOME	3,000	
8.	DISPOSITION OF REAL PROPERTY	2,000	
9.	PROVISION OF PUBLIC SERVICES	--	
10.	PAYMENT OF NON-FEDERAL SHARES	--	
11.	COMPLETION OF URBAN RENEWAL/NDP PROJECTS	--	
12.	RELOCATION PAYMENTS AND ASSISTANCE	10,000	
13.	PLANNING AND MANAGEMENT DEVELOPMENT	12,000	
14.	ADMINISTRATION	21,000	
15.	CONTINUATION OF MODEL CITIES ACTIVITIES	--	
16.	SUBTOTAL (Sum of Lines 1 thru 15)	233,000	
17.	CONTINGENCIES AND/OR UNSPECIFIED LOCAL OPTION ACTIVITIES (Not to exceed 10% of line 16)		
18.	TOTAL PROGRAM ACTIVITY COSTS (Sum of Lines 16 and 17)	233,000	
LINE NO.	F. RESOURCES FOR PROGRAM ACTIVITY COSTS		
1.	ENTITLEMENT OR DISCRETIONARY AMOUNT	\$233,000	
2.	LESS DEDUCTIONS	--	
3.	ENTITLEMENT/DISCRETIONARY AMOUNT FOR PROGRAM ACTIVITIES (Line 1 minus 2)	\$233,000	
4.	PROGRAM INCOME	--	
5.	SURPLUS FROM URBAN RENEWAL/NDP SETTLEMENT	--	
6.	LOAN PROCEEDS	--	
7.	REPROGRAMMED UNOBLIGATED FUNDS FROM PRIOR PROGRAM YEAR	--	
8.	TOTAL RESOURCES FOR PROGRAM ACTIVITY COSTS (Sum of Lines 3-7)	\$233,000	

105
5

Check box if costs include indirect costs which require approval of a cost allocation plan as required by Federal Management Circular 74-4.

HOUSING ASSISTANCE PLAN - TABLE II. HOUSING ASSISTANCE NEEDS OF LOWER INCOME HOUSEHOLDS

<p>1. NAME OF APPLICANT City of Milwaukie, Oregon</p>	<p>2. APPLICATION/GRANT NUMBER <table border="1" style="width:100%; text-align: center; border-collapse: collapse;"> <tr> <td style="width:10%;">B</td> <td style="width:10%;">-</td> <td style="width:10%;"></td> <td style="width:10%;">-</td> <td style="width:10%;"></td> <td style="width:10%;">-</td> <td style="width:10%;"></td> <td style="width:10%;">-</td> <td style="width:10%;"></td> <td style="width:10%;"></td> </tr> </table> </p>	B	-		-		-		-			<p>3. <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> AMENDMENT, DATE:</p>
B	-		-		-		-					
<p>4. PROGRAM YEAR FROM: TO:</p>		<p>5. DATE OF HOUSING SURVEY (S) USED</p>										

STATUS OF HOUSEHOLDS REQUIRING ASSISTANCE	NUMBER OF HOUSEHOLDS											
	ALL HOUSEHOLDS				ALL FEMALE-HEADED HOUSEHOLDS				ALL MINORITY HOUSEHOLDS			
	TOTAL	ELDERLY OR HANDICAPPED (1-2 persons)	FAMILY (4 or less persons)	LARGE FAMILY (5 or more persons)	TOTAL	ELDERLY OR HANDICAPPED (1-2 persons)	FAMILY (4 or less persons)	LARGE FAMILY (5 or more persons)	TOTAL	ELDERLY OR HANDICAPPED (1-2 persons)	FAMILY (4 or less persons)	LARGE FAMILY (5 or more persons)
(a)	(b-1)	(b-2)	(b-3)	(b-4)	(c-1)	(c-2)	(c-3)	(c-4)	(d-1)	(d-2)	(d-3)	(d-4)
1 A. OWNER HOUSEHOLDS (Excluding displaces)	286	89	128	69	34	11	15	8	3	0	3	0
2 B. RENTER HOUSEHOLDS (Excluding displaces)	85	43	33	9	10	5	4	1	2	0	2	0
3 C. HOUSEHOLDS EXPECTED TO BE DISPLACED IN PROGRAM YEAR (Sum of lines C1 and C2)	3	0	3	0	0	0	0	0	0	0	0	0
4 1. Owners	1	0	1	0	0	0	0	0	0	0	0	0
5 2. Renters	2	0	2	0	0	0	0	0	0	0	0	0
6 D. ADDITIONAL FAMILIES EXPECTED TO RESIDE IN COMMUNITY (Sum of lines D1 and D2)	720	256	313	151	82	31	34	17	14	0	14	0
7 1. As a result of planned employment	242	86	105	51	29	10	13	6	3	0	3	0
8 2. Already employed in locality	478	170	208	100	53	21	21	11	11	0	11	0
9 E. TOTAL HOUSING ASSISTANCE NEEDS (Sum of lines A, B, C, and D)	1,094	388	477	229	126	47	53	26	19	0	19	0
10 Percent of Total	100%	35.4 %	43.6 %	21.0 %								

F. DATA SOURCES AND METHODS (Attach additional pages)

Lines 6, 8 and 9 revised 6/30/76, see methodology

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Methodology for Data on Owners and Renters by Household Categories
Housing Assistance Plan: Table II A, B, C, D
1976 Community Development Block Grant Application
Method for Part D, continued

The value of T_1 and T_2 for the employment categories follow:

	<u>T_1</u>	<u>T_2</u>
Manufacturing	244	519
Eating, Entertainment, etc.	105	98
Services	19	122
Wholesale Trade	2	14
Retail Trade	20	79
Finance, Insurance, Real Estate	7	59
Government and Public Service	<u>5</u>	<u>113</u>
CITY-WIDE ESTIMATE	402	1,004

103
(7)

The questionnaire, business license list, and calculations are in file labeled "MCD - Expected to Reside - 1976 Final Application."

Step 6:

The number of new jobs expected over next three years with workers earning less than \$9,000 (T_1 from Step 5)	402
Lower income workers living in community who may be expected to fill new jobs (arbitrary estimate)	-50
Additional lower income households with workers expected to fill jobs as a result of planned employment	352
Metropolitan percentage of lower income families who live in the same community in which they work*	<u>x.69</u>
Additional Lower Income Households Expected to Reside in Milwaukie as a result of Planned Employment (entered at line 7, column b-1, Table II, HAP)	242

* Comment: This figure is from "General Social and Economic Characteristics - Oregon," 1970, PC (1) - C39, Table 82, "percent of all workers who worked in county of residence" for the Portland SMSA. This percentage is for all workers rather than just lower income households. A county is an area larger than a "community." The percentage is for all workers and does not account for more than one worker in a household. These qualifications are arbitrarily assumed to balance each other with the result that the percentage used is the best estimate available.

Step 7:

(1) Lower income households with workers employed in Milwaukie but living outside the Milwaukie area (T_2 from Step 5)	1,004
(2) Lower income households with workers who live and work in Milwaukie area*	454

Methodology for Data on Owners and Renters by Household Categories
 Housing Assistance Plan: Table II A, B, C, D
 1976 Community Development Block Grant Application
 Method for Part D, continued

- | | | |
|--|-----|-----|
| (3) Percentage of lower income workers living in the community where they work for the SMSA (see comment in Step 6) | .69 | |
| (4) Percentage derived by dividing (line 1) by (line 1 plus line 2) | .69 | 10% |
| (5) Additional Households with Workers Employed in Milwaukie but Living Elsewhere, Expected to Reside in the Community (line 4 times line 3 times line 1) (entered at line 8, column b-1, Table II, HAP) | 478 | ⑧ |

* Comment: This figure derived by multiplying number of families with income less than \$7,000 and unrelated individuals with income less than poverty level in Milwaukie (PC (1) - C39, Table 107) times the percent of all workers who worked in county of residence for Milwaukie (PC (1) - C39, Table 102) times the percent increase in households between 1970 and 1974.

$$(913 + 359) \times .319 \times \frac{5968}{5341} = 454$$

The 1974 figure of \$9,000 for low income used in the employment questionnaire is roughly equivalent to a 1969 figure of \$7,000 assuming a 1.3374 inflation factor (HUD, Clackamas County, Computer Printout).

Step 8: On Table II of the Housing Assistance Plan, line 6, column b-1, is the sum of lines 7 and 8. The remaining cells for lines 6, 7 and 8 are in proportion to the sum of lines 1 and 2 for corresponding columns.

MEMORANDUM

July 13, 1976

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TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: City Manager
SUBJECT: City Hall Remodel

At your meeting of June 30, 1976, you discussed at some length the progress of city hall remodeling, timely completion, and deficiencies. This larger discussion evolved from focused consideration of the need to proceed early on remedial electrical work - specifically, overloading associated with the panel located at the reception area.

Mr. Routson, the city's architect, Mr. Daigle and Mr. Mishler had together recommended that the city contract an electrical engineer to investigate the problem and develop plans and specifications for necessary corrective measures. Cost for this engineering work was set at \$600. The council discussed the desirability of contracting the work directly, and thereby avoid the engineering fee but subsequently concluded that if the work had not yet been engineered as part of the overall remodel effort, it should be before any contractor is approached.

A number of questions were raised during the council's June 30 meeting, and the answers follow in outline form:

1. Was the electrical work done in conjunction with the remodel project engineered, and if so who was the engineer?

There was no electrical engineering done in conjunction with city hall remodel work.

2. Is city hall up to minimum electrical code requirements?

No, many of the circuits contained within the reception area panel are overloaded. This original wiring was done during the "thirties" when no thought was given to accommodating window air conditioners or Xerox machines.

3. Rewiring city hall was listed as a \$10,000 cost item in the architect's first rough estimate of remodeling costs, how is it that the reception area panel got passed up?

Mr. Routson's notes show that as among the first cut in subsequent discussions with the council. (Note - This would bear out my recollection; however, I do not recall that the council was apprised that there was this serious deficiency [reception area panel] that would not be corrected).

4. If the rewiring was not supposed to be a contract item, how is it that we were billed by the contractor for \$10,000 electrical work -- exactly the amount specified in the architect's initial estimate?

10 of 20

Mr. Routson explains that the \$10,000 estimate figure is electrical rewiring only - The \$10,000 billed by the contractor is largely for a completely new lighting system, three floors, fixtures and wiring.

5. Several months back we directed that a copy of the architect's final "punch list" be provided, but have never received same. Where is it?

Attached list prepared by architect on May 11, 1976, and reportedly delivered to the contractor within a couple days of that date. According to Mr. Routson, the contractor has not been responsive to his (Routson's) repeated calls for corrective work. Suggests that we give Mr. Settergren formal notice and if work not done by some specified reasonable time that the City independently contract the work and deduct costs from the retainage.

6. When it is believed that the work to be done has been satisfactorily completed, can the architect arrange a walk through with the contractor and interested councilmen?

Mr. Routson says he would be happy to arrange a walk through but wouldn't guarantee contractor's participation.

7. A prime requisite for the cooling system was the ability to exhaust stale and smoke-laden air from the council chamber. It doesn't. What's the story?

Mr. Routson understands that this was a requirement from the outset and has attempted many times to get the installers to check the system out. He will try again.

Electrical Deficiency Follow Up

Pursuant to council direction of June 30, 1976, the city engaged the electrical engineering services of Langton, Mehlig & Associates, Inc. The engineering work should be under way by your meeting of July 19, 1976, with completion and delivery of plans scheduled for sometime around month's end.

Finally, for your information, I am passing along a memorandum outlining the dates council substantially discussed the city hall project.

June 28, 1976

MAILED 1 JULY '76

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Langton, Mehlig & Associates, Inc.
6552 SE Lake Road
Milwaukie, OR 97222

Re: Milwaukie - Electrical Revision, City Hall

Gentlemen:

This letter is your authorization to proceed with plan, specifications, and bidding documents for electrical revisions to the main panels on the first and second floor of Milwaukie City Hall to bring same up to code.

The City has a take-off of existing electrical appliances prepared for your convenience.

Your proposal dated June 3, 1976 stating hourly rates for various classifications of engineers with a maximum of \$600 meets with the City's approval.

Sincerely,

CITY OF MILWAUKIE

Harold L. Schilling
City Manager

HLS:msh

MEMORANDUM

July 6, 1976



TO: CITY MANAGER
FROM: Greg Englund
SUBJECT: City Hall renovation - Council Action

Following is an outline by date of City Council action from Council minutes relative to the remodeling of City Hall:

March 17, 1975 - Council Meeting, Council discussion.

March 31, 1975 - Work Session, Staff gave estimates of costs on remodeling. The total cost was expected to exceed \$30,000. The Council directed staff to reach tighter figures on costs and bring them back to the Council for approval.

May 5, 1975 - Council Meeting, City Manager reported that renovations have been discussed with Mr. Jim Routson, architect. Mr. Routson is to report back on improvement measures and costs.

June 23, 1975 - Special Meeting, Council discussion.

July 7, 1975 - Council Meeting, Council discussion with Mr. Routson. Council asked Mr. Routson to prepare a contract for his services.

July 14, 1975 - Council Meeting, Council discussion with Mr. Routson.

August 4, 1975 - Council Meeting, Final Renovation plans were presented. Council accepted architect's plan, with the moving of the Fire Escape added as an alternative. Bids were to be accepted and opened at 7:30 P. M., October 16, 1975 in the Council Chambers.

October 20, 1975 - Council Meeting, the low bid of Gene Settegren was accepted in the amount of \$70,280. Staff was asked to recommend where the extra amount over the budgeted amount could be found for remodeling.

November 3, 1975 - Council Meeting, Memo received from Finance Director dated October 30, 1975.

January 5, 1976 - Council Meeting, Manager reported to the Council on cost overruns.

February 2, 1976 - Council Meeting, Council Chamber seating--A motion carried to proceed in accordance with the recommendations of Administrative Assistant Nemo memo of January 28, 1976. His recommendation was that Council authorize the expenditure of an amount not to exceed \$2,000 for stacking chairs and individual Council seating.

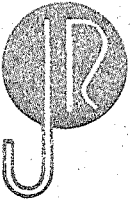
March 15, 1976 - Council Meeting, Council discussed quality of work with architect.

May 31, 1976 - Council Meeting, Manager reported he had received remodeling progress report from Building Inspector.

The Mayor asked that the punch list be separated to show the original contract and any change orders.

The Council asked staff to send a letter to the architect asking him to provide Council with detailed punch list and set a deadline beyond which the City will finish work and deduct the cost from the contract amount.

msh



James J. Routson A.I.A.

ARCHITECT

15010 S. E. McLOUGHLIN BLVD.

MILWAUKIE, OREGON 97222

PHONE 654-6924

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MILWAUKIE CITY HALL ALTERATIONS

May 11, 1976

ITEMS LEFT TO FINISH

OUTSIDE:

1. Smooth ground and seed with grass seed around new basement entrance.

MAIN FLOOR:

CORRIDOR:

1. Weatherstripping on main entrance doors loose.
- * 2. Repair wall under vinyl wall covering next to door into Office No. 1.
- * 3. Install mat at front entrance.

WAITING AND COURT CLERK:

1. Base both sides new counter needs painting.
2. Old wood base needs to be enameled.
3. Existing wood windows and trim to be enameled.
4. Convenience outlet not fastened to wall.

GENERAL OFFICE NO. 1:

1. Existing wood windows and trim to be enameled.

SECRETARY:

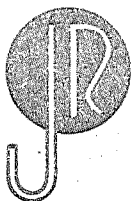
1. Fill hole alongside convenience outlet cover.

CITY ATTORNEY:

1. Existing wood windows and trim to be enameled.

GENERAL OFFICE NO. 2:

1. Enamel new wood trim at pass thru window.



James J. Routson A.I.A.

ARCHITECT

15010 S. E. McLOUGHLIN BLVD.
MILWAUKIE, OREGON 97222

PHONE 654-6924

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Page 2

2. Existing wood windows and trim to be enameled.
3. Existing wood base to be enameled.
- ★ 4. Install wiring and switch for electric door lock.

BOOKKEEPING:

1. Existing wood windows and trim to be enameled.

TREASURER:

1. Existing wood windows and trim to be enameled.
2. Existing wood door to be enameled.

WOMENS TOILET ROOM:

1. Soap dispenser to be installed.

MENS TOILET ROOM:

1. Adjust new toilet partition so doors will latch.
2. Install paper towel holder.
3. Install soap dispenser.

STAIR:

- ★ 1. Repair wall under vinyl wall covering @ First Landing.
2. Enamel convector cover at main landing.
3. Touch up base at top flight of steps.

SECOND FLOOR:

CORRIDOR:

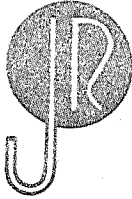
1. Adjust door closer on Council Room door.

PLANNING:

- ★ 1. Paint over stain on wall surface next to door trim.
2. Existing wood windows and trim to be enameled.

PUBLIC WORKS:

1. Existing wood windows and trim to be enameled.
2. Enamel one cabinet at reception area.



James J. Routson A.I.A.

ARCHITECT

15010 S. E. McLOUGHLIN BLVD.
MILWAUKIE, OREGON 97222

PHONE 654-6924

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Page 3

ENGINEER:

1. Fill nail holes and enamel door frame.

DRAFTING:

1. Existing wood windows and trim to be enameled.

OFFICE:

1. Existing wood windows and trim to be enameled.
2. Fill nail holes and varnish door trim.

COUNCIL ROOM:

1. Fill nail holes and varnish Fire Escape door and trim.
2. Fill nail holes and varnish door trim on door to office.

*Original Request came from Jerry Baker
Cynthia dictates she be informed of this memo + Evaluation
The M=7 be the one to do the heavy work on this To see who might be intalld
& we should develop what the costs would be to city*

City of Milwaukee
MEMORANDUM

July 7, 1976

agenda
109
①

TO: City Manager
FROM: Planning Director
SUBJECT: Scenic Preservation Enabling Act (00058)

Your request was to propose for Council consideration some kind of enabling legislation that would allow a citizen of Milwaukee to apply for reduced assessed valuation for scenic preservation of areas of natural beauty such as Hager's Pond.

Some research has revealed that existing State law has created a system for special assessment of open space land. The relevant State law (ORS 308.740 - 308.790) and application form are attached. The procedure for a property owner to seek reduction in assessment for scenic preservation is as follows:

1. Property owner makes application to County Assessor's office.
2. Assessor's Office forwards application to local governing body and/or Planning Commission.
3. Planning Commission and/or local governing body evaluates application, considering certain specified criteria concerning scenic preservation values and potential loss of revenue.
4. Local governing body approves or disapproves application and notifies Assessor's office.
5. If approved, Assessor's office makes reduction in assessment according to open space use.
6. Property remains in open space use until property owner submits notice for withdrawal.
7. Penalties exist for using land for something other than designated open space use without notification.

Because existing State legislation establishes a system for reduction of assessments, the need for Milwaukee to do so is obviated.

TH/me

TH for CRM

APPLICATION FOR SPECIAL ASSESSMENT OF OPEN SPACE LAND

provided by ORS 308.745 to 308.790

This application must be filed with the County Assessor prior to December 31, 1971

Filed with the _____ County Assessor for the assessment period beginning January 1, 1972

Code and Acct. Nos.

Enter Name and Address Below

THIS SPACE FOR ASSESSOR'S USE ONLY

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Date Received	Clerk	Approved	Denied
Granting Authority to which Application referred			
Date Referred			
Approved by Granting Authority		<input type="checkbox"/> Yes	<input type="checkbox"/> No
Remarks:			

Taxpayer's Phone No. _____

- Instructions to Taxpayer Making Application
- File copies No. 1, 2 and 3 with the county assessor of your county.
 - Retain copy No. 4 for your file.

Property Description (Attach separate sheet if necessary)	Code Number	Account Number	Acres	Complete Only if Account Number Does Not Describe Property			
				Deed or Inst. No.	Section	Twp.	Rge.

1. I hereby apply for special assessment of the above-described property as "Open Space Land" as provided by ORS 308.745 to 308.790. My ownership interest in the property is by

- Fee simple ownership
- Contract purchase
- Other fee interest (explain) _____

2. The physical characteristics (size, topography, access, etc.) of the land and its relationship to surrounding properties for which classification is requested are as follows:

3. A. The current open space use or uses of the land are:

- Use No. 1 _____
- Use No. 2 _____
- Use No. 3 _____
- Use No. 4 _____
- Use No. 5 _____

(Wherever any use does not relate to all the property described, indicate the portion of the property to which the particular use applies.)

B. I hereby designate (by checking the appropriate box or boxes) the paragraph or paragraphs listed below in which each such use falls:

Use Number				
1	2	3	4	5

- ... (1) Land area designated as open space land by an official comprehensive land use plan adopted by any city or county
- ... (2) Land area the preservation of which in its present use would:
 - ... (a) Conserve or enhance natural or scenic resources;
 - ... (b) Protect air or streams or water supply;
 - ... (c) Promote conservation of soils, wetlands, beaches or tidal marshes;
 - ... (d) Conserve landscaped areas, such as public or private golf courses, which reduce air pollution and enhance the value of abutting or neighboring property;
 - ... (e) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;
 - ... (f) Enhance recreation opportunities;
 - ... (g) Preserve historic sites;
 - ... (h) Promote orderly urban or suburban development; or
 - ... (i) Retain in their natural state tracts of land, on such conditions as may be reasonably required by the legislative body granting the open space classification.

DECLARATION

I declare under the penalties for false swearing as contained in ORS 305.990(5) that this application has been examined by me and to the best of my knowledge is a true, correct and complete statement

OREGON LAW RELATING TO THE SPECIAL ASSESSMENT OF OPEN SPACE LAND

As provided by the 1971 Legislature

308.740 As used in this Act, unless a different meaning is required by the context:

(1) "Open space land" means:

(a) Any land area so designated by an official comprehensive land use plan adopted by any city or county; or

(b) Any land area, the preservation of which in its present use would:

(A) Conserve and enhance natural or scenic resources;

(B) Protect air or streams or water supply;

(C) Promote conservation of soils, wetlands, beaches or tidal marshes;

(D) Conserve landscaped areas, such as public or private golf courses, which reduce air pollution and enhance the value of abutting or neighboring property;

(E) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space;

(F) Enhance recreation opportunities;

(G) Preserve historic sites;

(H) Promote orderly urban or suburban development; or

(I) Retain in their natural state tracts of land, on such conditions as may be reasonably required by the legislative body granting the open space classification.

(2) "Current" or "currently" means as of next January 1, on which the property is to be listed and valued by the county assessor under ORS chapter 308.

(3) "Owner" means the party or parties having the fee interest in land, except that where land is subject to a real estate sales contract, "owner" shall mean the contract vendee.

308.745 The legislature hereby declares that it is in the best interest of the state to maintain, preserve, conserve and otherwise continue in existence adequate open space lands and the vegetation thereon to assure continued public health by counteracting pollutants and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the state and its citizens. The legislature further declares that it is in the public interest to prevent the forced conversion of open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for purposes of property taxation at values incompatible with their preservation as such open space land, and that assessment practices must be so designed as to permit the continued availability of open space lands for these purposes, and it is the intent of this Act to so provide.

308.750 An owner of land desiring current open space use assessment under this Act shall make application to the county assessor upon forms prepared by the Department of Revenue and supplied by the county assessor. The owner shall describe the land for which classification is requested, the current open space use or uses of the land, and shall designate the paragraph of subsection (1) of ORS 308.740 under which each such use falls. The application shall include such other information as is reasonably necessary to properly classify an area of land under this Act with a verification of the truth thereof. Applications shall be made prior to December 31, 1971, for classification for the assessment year commencing January 1, 1972, and thereafter applications to the county assessor shall be made during the calendar year preceding the first assessment year for which such classification is requested. If the ownership of all property included in the application remains unchanged, a new application is not required after the first assessment year for which application was made and approved.

308.755 (1) Within 10 days of filing in his office, the assessor shall refer each application for classification to the planning commission, if any, of the governing body and to the granting authority, which shall be the county governing body, if the land is in an unincorporated area, or the city legislative body, if it is in an incorporated area. An application shall be acted upon in a city or county with a comprehensive plan in the same manner in which an amendment to the comprehensive plan is processed by such city or county, and by a city or county without a comprehensive plan after a public hearing and after notice of the hearing shall have been given by three consecutive weekly advertisements in a newspaper

of general circulation in the city or county, the third published at least 10 days before the hearing. Each advertisement for one or more hearings shall be no smaller than three column by five inches in size. In determining whether an application made for classification under paragraph (b) of subsection (1) of ORS 308.740 should be approved or disapproved, the granting authority shall weigh the benefits to the general welfare of preserving the current use of the property which is the subject of application against the potential loss in revenue which may result from granting the application.

(2) If the granting authority in so weighing shall determine that preservation of the current use of the land will:

(a) Conserve or enhance natural or scenic resources;

(b) Protect air or streams or water supplies;

(c) Promote conservation of soils, wetlands, beaches or tidal marshes;

(d) Conserve landscaped areas, such as public or private golf courses, which enhance the value of abutting or neighboring property;

(e) Enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces;

(f) Enhance recreation opportunities;

(g) Preserve historic sites;

(h) Promote orderly urban or suburban development; or

(i) Affect any other factors relevant to the general welfare of preserving the current use of the property;

the granting authority shall not deny the application solely because of the potential loss in revenue which may result from granting the application.

(3) The granting authority may approve the application with respect to only part of the land which is the subject of the application; but if any part of the application is denied, the applicant may withdraw the entire application.

308.760 (1) The granting authority shall immediately notify the county assessor and the applicant of its approval or disapproval which shall in no event be later than April 1 of the year following the year of receipt of said application. An application not denied by April 1 shall be deemed approved, and shall be considered to be land which qualifies under this Act.

(2) When the granting authority determines that land qualifies under this Act, it shall enter on record its order of approval and file a copy of the order with the county assessor within 10 days. The order shall state the open space use upon which approval was based. The county assessor shall, as to any such land, assess on the basis provided in ORS 308.765 and each year the land is classified shall also enter on the assessment roll, as a notation, the assessed value of such land were it not so classified.

(3) Each year the assessor shall include in the certificate made under ORS 311.105 a notation of the amount of additional taxes which would be due if the land were not so classified.

(4) On approval of an application filed under ORS 308.750 for each year of classification the assessor shall indicate on the tax roll that the property is being specially assessed as open space land and is subject to potential additional taxes as provided by ORS 308.770 by adding the notation "open space land (potential add'l tax)".

(5) Any owner whose application for classification has been denied may appeal to the circuit court in the county where the land is located, or if located in more than one county, in that county in which the major portion is located.

308.765 In determining the true cash value of open space land which has been classified as such under the provisions of this Act, each year the assessor shall, notwithstanding the provisions of ORS 308.205:

(1) Assume the highest and best use of the land to be the current open space use, such as park, sanctuary or golf course, and he shall not consider alternative uses to which the land might be put.

(2) Value the improvements on the land, if any, as required by ORS 308.205.

308.770 (1) When land has once been classified under this Act, it shall remain under such classification and it shall not be applied to any

other use than as open space unless withdrawn from classification as provided in subsection (2) of this section, except that if the use as open space land changes from one open space use to another open space use, such a change from purposes to golf course land, the owner shall notify the assessor of such change prior to the next January 1 assessment date.

(2) During any year after classification, notice of request for withdrawal may be given by the owner to the county assessor or assessors of the county or counties in which such land is situated. The county assessor or assessors, as the case may be, shall withdraw such land from such classification, and immediately shall give written notice of the withdrawal to the granting authority that classified the land; and additional real property taxes shall be imposed on such land in an amount equal to the total amount of potential additional taxes computed under subsection (3) of ORS 308.760 during each year in which the land was classified, together with interest at the rate of two-thirds of one percent a month, or fraction of a month, from the dates on which such additional taxes would have been payable had the land not been so classified, limited to a total amount not in excess of the dollar difference in the value of the land as open space land for the last year of classification and the market value under ORS 308.205 for the year of withdrawal.

(3) If the owner fails to give the notice required under subsection (1) of this section during the period of classification, upon withdrawal under subsection (2) of this section, the assessor shall add to the tax extended against the land previously classified, an amount, if any, equal to the additional taxes that would have been collected had the assessor valued the classified land on the basis of the changed open space use, together with interest at the rate of two-thirds of one percent a month, or fraction of a month, from the dates which such additional taxes would have been payable.

308.775 (1) When land which has been classified and assessed under this Act as open space land is applied to some use other than as open space land, except through compliance with subsection (2) of ORS 308.770 or except as a result of the exercise of the power of eminent domain, the owner shall within 60 days thereof notify the county assessor of such change in use. The assessor or assessors shall withdraw the land from classification and immediately shall give written notice of the withdrawal to the granting authority that classified the land; and additional real property taxes shall be imposed upon such land in an amount equal to the amount that would have been due under ORS 308.770 if notice had been given by the owner as of the date of withdrawal, plus a penalty equal to 20 percent of the amount so determined.

(2) If no notice is given as required by subsection (1) of this section, the assessor, upon discovery of the change in use, shall compute the amount of taxes, penalty and interest described in subsection (1) of this section, as though notice had been given, and shall add thereto an additional penalty equal to 20 percent of the total amount so computed, for failure to give such notice.

(3) The limitation described in subsection (2) of ORS 308.770 applies only to the computation of taxes and interest, and not to the penalties described in subsections (1) and (2) of this section.

(4) The provisions of subsections (1) and (2) of this section shall not apply in the event that change in use results from the sale of at least 50 percent of such land classified under this Act within two years after the death of the owner.

308.780 (1) The amount determined to be due under ORS 308.770 or 308.775 may be paid to the assessor prior to the completion of the next general property tax roll, pursuant to ORS 311.370.

(2) The amounts under ORS 308.770 or 308.775 shall be added to the tax extended against the land on the next general property tax roll, to be collected and distributed in the same manner as the remainder of the real property taxes.

308.785 The assessor shall at all times be authorized to demand and receive reports by registered or certified mail from owners of land classified under this Act as to the use of the same. If the owner shall fail, after 90 days notice in writing by certified mail to comply with demand, the assessor may immediately withdraw the land from classification, give written notice to the granting authority of the withdrawal, and apply the penalties provided in ORS 308.770 and 308.775.

308.790 The Department of Revenue of the State of Oregon shall make such rules and regulations consistent with the provisions of this Act as shall be necessary or desirable to permit its

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

agenda

Date: July 2, 1976

10h

TO: City Manager

FROM: Director of Public Works

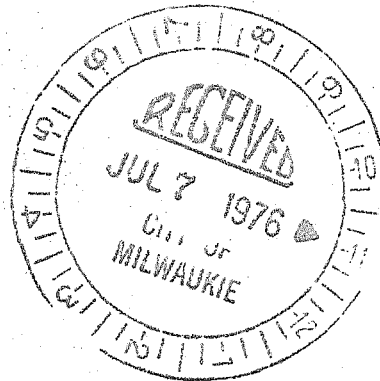
SUBJECT: (#00110) Mt. Hood Freeway money

Re: CRAG letter 6/10/76 to Mayor Hupp

The letter from CRAG is to notify the City that ITC (Interstate Transfer Committee) will be requesting an identification of candidate projects for Interstate funding.

The only route through Milwaukie that has interstate or regional significance is McLoughlin Blvd. (US99E). Local arterials, collectors, etc. will not be considered under the Mt. Hood reallocation funds *at this time*

JWD
JWD/js



MEMORANDUM

July 15, 1976

TO: CITY MANAGER

FROM: WAYNE DAIGLE

SUBJECT: Engineering profile

Estimated cost per foot is \$4.00 which includes field work and design for residential streets. We submitted a request for Harrison Street-King Road corridor with a cost of \$80,000 to CRAG. I have been considering requiring curb and sidewalk with each new building which demands street grades. First we must consider surface drainage.

*Get out
Garage Franchise Agreement
Which Spells out what the Fee
Should Be*

We Presently have 2n official Valid Franchise Agreement with SCA Now
I want the Council to have 2 copy before we take any Action
And why has there Been
No Fee Paid since 1975

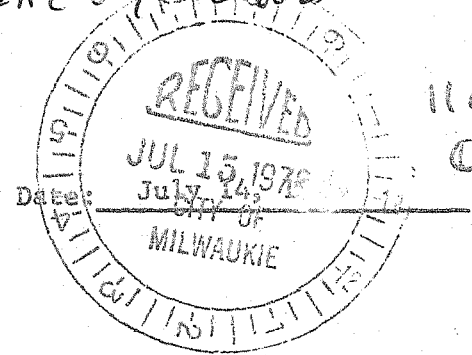
CITY OF MILWAUKIE

Inter-Department Memorandum

TO: Hal Schilling

FROM: Don Oblander

SUBJECT: Resolution Establishing Garbage Franchise Fees



The attached resolution is available for consideration by the City Council. At this point I do not recommend adoption, as this resolution is only one alternative. In my opinion, more input is needed in the form of Council discussion and comments from our franchisees' representative.

Reasons for the resolution before you

The resolution incorporates a fee based upon a percentage of gross revenue, an approach not favored by the franchisees or their representative, Dale Harlan. I have tried since spring of 1975 to obtain adequate information to assess the financial position of the franchisees and reasonableness of the proposed fee. It was not until April of 1976 that I received very sketchy data on the firms involved. Mr. Harlan indicated that the firms would be "very reluctant" to provide further, more detailed information to me.

Due to the extended time required to secure even this sketchy data (probably lengthened by this Departments frantic pace, Mr. Harlan's busy schedule, and the franchisees slow compliance), I decided it would be counter productive to request further detail. The City has not received a payment for franchise fees since June of 1974 and such an approach could take an additional year or so. Accordingly, I have prepared a resolution in hopes that it will stimulate the franchisees to provide adequate support for their contention that the rate is unrealistic.

My research indicates that not only is the rate realistic, but it is also a widely accepted method of franchise payment throughout the state. This is true in the field of refuse collection as well as in other franchised operations such as the following arrangements by Milwaukie with utilities:

Pacific Northwest Bell	3% of gross revenues
Northwest Natural Gas	3% of gross revenues
Portland General Electric	3.5% of gross revenues

The attached schedule indicates that 7 of 17 cities our size (population of 10,000-25,000) charged a percentage of gross revenues. Generally this was 3%, though Klamath Falls uses 4% and Astoria 33%. For some reason Beaverton was omitted, but they too use a 3% rate. An examination of the population categories immediately above and below Milwaukie's shows 4 of 5 cities in the 25,000-100,000 range and 7 of 11 in the 5,000-10,000 range use a percentage of gross revenue ranging from 2 - 12%.

The list of local counties indicated that both Clackamas and Washington County impose fees based upon gross revenue. Multnomah does not charge. The fact that our franchises operate within Clackamas County weakens their argument that their accounting records will not allow them to pay a gross revenue fee.

While it is true that other cities in the county charge less for franchise fees than our proposal, it should be noted that each has a higher tax rate than Milwaukie, as follows:

	(1975-76)
Lake Oswego	\$6.63
Oregon City	9.50
Gladstone	6.31

It is not unreasonable to conclude that the relative lack of aggressiveness in establishing non-property tax revenue sources is a contributing factor to a higher tax rate.

Further, it should be noted that only one other city in this study allowed a higher monthly rate than Milwaukie's \$3.25 (Forest Grove at \$3.50). Twelve were lower, some by as much as \$1.00 per month. The simple average was \$2.87, about 12% less than Milwaukie's rate.

If it is necessary that our franchisees charge more than their peers in other cities and pay their sponsoring City substantially less than the average in order to maintain an "adequate" profit margin, we should take a close look at the reasons, as well as the reasonableness of their arguments. We have several franchises in Milwaukie, whereas most cities have only one. As a result each must incur overhead costs which are, no doubt, higher than those which would be required by one operation. Perhaps such inefficiency is costing all parties (citizens, Milwaukie and franchisees) an excessive amount.

Alternative

This leads to an alternative the Council might like to pursue. Astoria contracts its refuse collection and takes charge of billing, collection and record keeping functions. In return, that city retains 33% of all collected revenue to cover its costs. Such work would put an increased burden on city staff, but the estimated new revenue of \$110,000 would easily cover a staff addition of one (possibly two) people plus whatever equipment and supplies were required.

I have questions (personally) as to the desirability of a city or any other public agency taking over functions performed by private businesses. Nevertheless, it should be considered. Even if new costs ran as high as \$40,000 (unlikely) the annual net revenue gain would be \$70,000 to the General Fund, or an equivalent decrease in our tax rate of about 30c, without raising garbage rates. Such an approach would surely be opposed by the franchisees and may not be possible under our existing ordinance.

It should be pointed out that the City already maintains an "answering service" for the franchisees to handle the relatively frequent service complaints that the companies are unable (and often apparently unwilling) to deal with, absent outside intervention.

This brings up a rebuttal to the claim of Mr. Harlan that the City does little or nothing to earn its franchise fee. First of all, the companies have use of City streets on a daily basis with their heavy trucks. We are all aware of the condition of Milwaukie's streets and such traffic undoubtedly causes greater than normal deterioration.

If we charge more it will amount to more justification for their rate increase or indirect taxation to Milw. citizens - Consider please

Second, the franchisees have an enforced lack of competition, guaranteeing them a monopoly on their respective areas. Mr. Harlan has charged that we do not protect the exclusive rights of his clients. However, he has not come forward with any examples of violations as I requested. Further, I have personally been involved in enforcing the provisions of our ordinance to disallow competition.

Finally, the use of the City's greatest resource, its employee's time, is relatively substantial. Within the past year, the following personnel have spent time on refuse collection matter, ranging from complaints to enforcement:

11a
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- City Manager
- Executive Secretary
- Public Works Director
- City Attorney
- Finance Director
- Receptionist
- Finance Employees
- Code Enforcement Officer

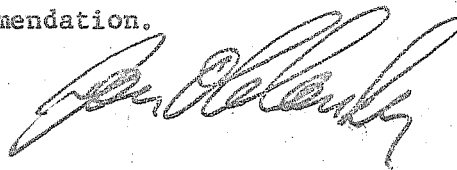
It is likely that others have dealt with the issue, but I am not aware of it currently.

Recommendation

Based upon information now available, I feel that a fee of 3% of gross revenues is fair and realistic. The previous formula used for rate determination would have provided for payments of \$5,850 in May of 1975 and \$6,255 in May of 1976. The proposed fee structure would provide an estimated fee of \$10,000. Using real ball park figures, this would increase their cost of doing business by 3-4¢ per month per residence served. Inasmuch as they have indicated a desire to increase their rates by substantially more than that, I don't feel the cost burden to them will be as significant as they have indicated. Again, I am open to any input from the franchisees, providing they back it with logical and complete financial information.

If the percentage method does, in fact, present insurmountable problems, I would still recommend an equivalent amount of revenue. However, it would seem somewhat favorable to the companies to pay a fixed rate than one such as the present which is tied to the cost of living index. In such a case, their fees will increase only with increased numbers of users or rate increases. This would seem to lend more stability to their business than would a cost of living index.

At this point, the Council and the franchisees should have an opportunity to provide their input to the question. Once such comments are received, I will feel more ready to make a concrete recommendation.



REGULATIONS OF REFUSE COLLECTION
OREGON CITIES AND COUNTIES
1975

City or County	Monthly Rate (residential) 1974-75	Type of Fee	Amount of fee	Revenue Received 1974-75
<u>10,000-25,000 Population</u>				
Ashland	\$3.00	% of Gross	3%	\$5160
Astoria	\$2.80	% of Gross	33% (1)	\$80,405
Bend	\$3.00	(2)	(2)	(2)
Coos Bay	\$2.25	Flat	(2)	\$1775
Forest Grove	\$3.50	% of Gross	3%	(2)
Grants Pass	\$3.00	Flat (plus free city service)	\$180	\$180
Gresham	\$3.25	% of Gross	3%	\$9809
Hillsboro	\$3.25	% of Gross	3%	(2)
Klamath Falls	\$2.50	% of Gross	4%	\$8172
LaGrande	\$2.50	Flat: Commercial Residential	\$200 \$100	(2) (2)
Lake Oswego	\$3.00	Per Capita	\$.0275	\$5991
McMinnville	\$3.25	% of Gross	3%	\$4054
Milwaukie	\$3.25	Flat	(3)	(3)
Oregon City	\$3.00	Flat (plus free city service)	\$500	\$500
Pendleton	\$2.50	Flat	\$250	\$250
Roseburg	\$2.25	Per Truck	(2)	\$3000
The Dalles	\$2.50	Per Truck	\$100	\$500
Average	\$2.87			\$9983

1. Astoria bills customers, collects statements and retains a portion of collective revenue.
2. Information not available in survey.
3. No payment received since spring of 1974 in the absence of an authorizing resolution.

Source: Local Government Notes and Information (November 1975)

Local Counties

Clackamas	% of Gross	2%	\$28,045
Washington	% of Gross	3%	(2)
Multnomah	(2)	(2)	(2)

RESOLUTION NUMBER _____

11 a
⑤

A RESOLUTION ESTABLISHING FRANCHISE FEES FOR GARBAGE COLLECTION FRANCHISES WITHIN THE CITY OF MILWAUKIE.

WHEREAS, Section 21 of Ordinance 1301 dated October 7, 1974 provides that the City Council shall establish compensation for the contract rights to garbage franchises and for the use of City streets, and

WHEREAS, no rates have been established subsequent to that date, resulting in no collection of franchise fees for the period from May, 1975 to the present.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie that the franchise fee be established at 3% of gross revenues derived from garbage service provided within the city limits of Milwaukie, retroactive to May 11, 1975.

BE IT FURTHER RESOLVED that the fee be reported and collected on a calendar year basis, with payment due no later than April 15 of the following year, with a penalty of 1% per month for payments after that date.

BE IT FURTHER RESOLVED that the fee for May through December 1975, representing 2/3 of calendar 1975, be 2/3 the regular rate, that is, $2/3 \times 3\%$ or 2% of gross receipts for calendar 1975.

BE IT FURTHER RESOLVED that the Finance Director shall be provided on request such supporting documentation as may be required to substantiate gross revenues and other financial information. Said documentation shall include, but not be limited to, financial statements and tax returns of the franchises.

BE IT SO RESOLVED.

Introduced and adopted by the City Council on this _____ day of _____, 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

CITY OF MILWAUKIE
Inter-Department Memorandum

Date: July 16, 1976

TO: Hal Schilling

FROM: Don Oblander

SUBJECT: RESOLUTION URGING THE STATE OF OREGON TO ADOPT A STATE INCOME TAX
TAX REVENUE SHARING PROGRAM

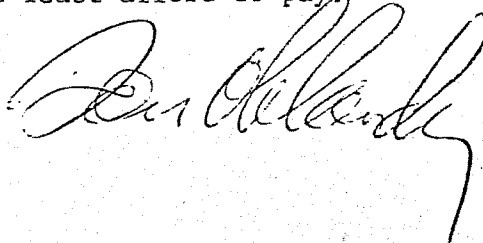
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①

The attached resolution is a formal appeal by the City Council to the State of Oregon to establish a Revenue Sharing Program through the income tax structure. You'll notice figures indicated as revenue shortfalls for the next two fiscal years. Following assumptions were made in arriving at those figures.

First of all I assumed an 8% annual increase this would represent increases due to inflation and any changes in our basic program. No major expansions of service are anticipated in this projection. I also assumed that revenues other than property taxes would also increase by 8%. Other assumptions are that there is no increase in the tax base other than the 6% annual rate and also that we have no substational annexations to the city.

The shortfall indicated is basically the amount of tax levy that would be required outside the 6% limitation to maintain the level of operations indicated by the assumptions previously mentioned. You'll note that there is a substational increase from this year to next and another increase the following year. The major part of this increase is due to revenue losses which we can reasonably anticipate. The first of these is federal revenue sharing funds which as yet have not been approved. We are currently supplementing the general fund budget by \$75,000 of revenue sharing funds. In addition a recent survey done by Portland State indicated a loss of population translating into a revenue loss at approximately \$30,000 annually. Both of these figures have been adjusted upwards for inflation at the aforementioned 8%. While it may not necessarily be true that we actually lose this much money, the fact is that we could and in our continuing effort to maintain conservative outlook I think that we have to allow for that possibility.

The amounts outside the 6% limitation are substantial and substantial increases from the current year. It is conceivable that we can continue to aggressively generate new revenue sources which would cut this over ride. Nevertheless that's speculation. At present we have to go with what we have and can reasonably expect to receive. I think that it can be easily seen that the impact upon the city of future increases and costs over and above new revenues is going to have a substantial impact on taxes if efforts are not made to generate new revenue sources. A state income tax sharing program can be a substational new source of revenue and may in our case actually be able to cut our property taxes below what they are now. For the past couple of years the city has had a policy of cutting property tax rates and this past year has actually reduced the tax levy. I think that if we can get a program such as state revenue sharing we will be able to continue that trend and reduce the burden upon the people who own the property and, in many cases, can least afford to pay.



A RESOLUTION URGING THE STATE OF OREGON TO ENTER INTO A PROGRAM OF SHARING INCOME TAX REVENUES WITH OREGON CITIES.

WHEREAS, the fiscal problems of the City of Milwaukie continue to increase, despite efforts to hold the line on new programs and services, improve productivity and achieve economies and efficiencies; and

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②

WHEREAS, local revenue sources are limited by the Oregon Constitution and a combination of other factors, and projections for the two year period 1977-79 indicate for the City of Milwaukie a revenue shortfall of \$618,000 in 1977-78 and \$685,000 in 1978-79; and

WHEREAS, Statewide analysis has indicated that factors beyond the control of cities, such as growth, inflation, and state and federal mandates, add significantly to the fiscal burden of cities; and

WHEREAS, cities urgently need access to income tax revenues, the one significant untapped source of revenue for cities, because of its unique ability to respond to growth and inflation in a manner that no other revenue source now available to cities can accomplish; and

WHEREAS, statewide collection of income tax revenues with allocation to cities on a formula basis is a far superior means of giving cities access to this revenue source when compared to development of a crazy-quilt pattern of numerous local income taxes with their resulting tax payer inconvenience, possibilities for overlapping and double taxation and higher administrative costs;

NOW, THEREFORE, BE IT RESOLVED, that the council of the City of Milwaukie does earnestly petition that the State of Oregon, by legislative and concurring executive action, enter into a program for sharing state income tax revenues with Oregon cities as the most practical means of helping to alleviate the critical fiscal crisis of Oregon cities; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Governor of the State, to each of the legislators representing the House and Senate districts which include this city, and to the League of Oregon Cities.

Be it so resolved.

Introduced and adopted by the City Council of the City of Milwaukie on this 19th day of July, 1976, at a regular meeting of the City Council.

Bill E. Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney