

CITY COUNCIL MEETING
August 16, 1976
7 p.m.

COUNCIL CHAMBERS

1274th Meeting

The one thousand two hundred seventy-fourth meeting of the Council of the City of Milwaukie, Oregon, was held on the 16th day of August, 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 Dorothy E. Farrell, Secretary
Myer Avedovech, City Attorney

The invocation was given by the Reverend Howard E. Harmon, Clackamas Park Friends Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- b) Thank you letter from Ann Hupp
- c) Letter from Senator Fadeley re state revenue sharing
- d) BOR Grant application

It was MOVED by Burgess, SECONDED by Hutchison, to accept the consent calendar, with the exception of item d. MOTION CARRIED unanimously and so ordered.

- b) Council and staff have received thank you letter from Ann Hupp, received August 10, 1976.
- c) Council has received copy of letter from Senator Fadeley, dated August 5, concerning Milwaukie's support of a state revenue sharing plan.

AUDIENCE PARTICIPATION

Elder Michael Hanson, The Church of Jesus Christ of Latter Day Saints, asked Mayor Hupp to sign proclamation making September Family Unity Month in the City of Milwaukie, and after reading the proclamation, Mayor Hupp signed it and presented it to Elder Hanson.

Jim Redman, attorney representing Oregon Sign Company and Milwaukie Lumber Company, asked that the matter of his request for Council to rehear their decision of May 3, 1976 on Milwaukie Lumber Company sign, be held over until the next meeting. He was reminded that Council had requested the "new evidence" Mr. Redman referred to in his request for rehearing dated June 28, be furnished in writing and that has not yet been done.

Robert Dutcher, representing Southland Corporation and Seven-eleven Food Stores, asked Council approval of liquor license for a package store license for proposed 7-11 store on the northeast corner of Linwood and Harmony, on the basis that one of the prerequisites Southland Corporation specifies is that the license be approved. Manager pointed out that the company is not in control of the property in question, merely holding an option, and that there could be some question as to who operates the store after it is built. Police Chief has written memo stating he has completed investigation of the applicant and can find no reason to recommend denial of the application.

It was MOVED by Burgess that this matter be delegated to staff to further investigate the design review process, the impact of a grocery store selling wine and beer within this residential area, and to present Council with a staff report and recommendation as to the action the Council will take on the approval or denial of this application. MOTION FAILED for lack of a second.

It was MOVED by Hutchison, SECONDED by Burgess, to refer the matter to staff for further study and detail gathering and a report back at the next meeting. Burgess requested an amendment to in that the application appear before the site design review board before Council gives approval. Hutchison withdrew the original motion.

It was MOVED by Hutchison, SECONDED by Swan, that it be the position of the Council that providing applicant meet all city, county and state regulations, satisfactorily complete design review procedure, and receive approval from the Neighborhood Council most immediately adjacent to the location, that Council be on record as not opposing the application. MOTION CARRIED unanimously and so ordered.

PUBLIC HEARING - PRC-76-1 - SOUTHERN PACIFIC REQUEST TO RESOLVE CONFLICT BETWEEN COMPREHENSIVE PLAN MAP AND ZONING MAP AT 37TH AND MONROE

Public hearing was declared open at 7:30 p.m. Notices published and mailed as required. Southern Pacific has asked to have the conflict resolved by changing the Comprehensive Plan Map designation to Industrial, in M-L, Limited Manufacturing zone. Staff report was given by Planning Director.

Speaking in favor:

Dave Baldwin, Southern Pacific

No one spoke in opposition, and no correspondence was received. Public hearing was declared closed.

It was MOVED by Burgess, SECONDED by Hutchison, that the City Council approve the Planning Commission recommendation that Council approve PRC-76-1, with the following conditions:

(from May 25, 1976 staff report)

" Adoption of following development policy guidelines to be used during subsequent site design and buffer area reviews, when specific building proposals are considered. Guidelines shall apply to entire industrial site north of rail line from Oak Street to 37th Avenue.

"A. Building setback of 60 feet from Monroe Street and 37th Avenue.

"B. Twenty foot landscaped setback from property line to any paved parking areas, or other at grade improvements or construction.

"C. Excavation and grading of building site so that overall slope across the entire site toward railroad line does not exceed 2 percent.

"D. Buffer area treatment along Monroe and 37th Avenue, where subject site fronts A-2 zoning, to consist of:

"1. Twenty foot wide bermed planting strip along property line, to be planted with trees and shrubbery.

"2. Site obscuring fence six to eight feet high along inner edge of 20 foot planting strip.

"3. Sloping bank of approximately two to one slope, or retaining wall, along inner side of planting strip and fence, to accommodate change in grade from street level to final graded site level.

"4. Maximum height of any building to be two stores, or 30 feet, whichever is less.

"5. No vehicular access to site between the north line of SE Washington Street and the west line of the alley, extended, between SE 34th and SE 36th Avenues.

"E. Improvement of west side of 37th Avenue adjacent to site, as prescribed by Public Works Dept. and to accommodate proposed Bike/Footway."

(from June 22, 1976 staff report)

"Based upon information obtained since the last meeting of the Planning Commission, the following revision to the staff's previously recommended development policy guideline 2.D.5 would be appropriate:

"5. Access to the site shall be located and designed to minimize traffic problems in the vicinity of Oak and Monroe Street and at Railroad Avenue and 37th Avenue. No vehicular access to the site between the north line of SE Washington Street and the west line of the alley, extended between SE 34th and SE 36th Avenues.", and that these conditions all must be met in regard to any future development upon that property.

MOTION CARRIED unanimously and so ordered.

PUBLIC HEARING - ORDINANCE NUMBER 1344 - DESIGN REVIEW

Public hearing was declared open at 8 p.m. Notice published as required. Staff report was given by Planning Director.

Questions asked:

Ted Havlicek, 1520 SE Eton Lane

It was the consensus of Council to make the following corrections: On page 3, Section 1.030, subsection 4, add the sentence: "Provision for non-vehicular circulation shall be included in the project unless the applicant can satisfy the board that such accommodation is not needed."

On page 4, Section 2.030, line 7, delete: "The balance of".

Public hearing was declared closed.

It was MOVED by Burgess, SECONDED by Hutchison, to read Ordinance Number 1344 (AN ORDINANCE ADOPTING DESIGN REVIEW REGULATIONS FOR THE CITY OF MILWAUKIE, OREGON) the first time by title only, as amended. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to read Ordinance 1344 the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1344. Ordinance 1344 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1344 passed the Council and was so declared by the Mayor.

AUDIENCE PARTICIPATION

Clair Kuppenbender, 1026 - 28th, complained about garbage collection procedures.

NEIGHBORHOOD COUNCIL REPORTS

1. James Miller, Neighborhood Council 3, presented petitions asking for a uniform zip code throughout the city. It was MOVED by Hutchison, SECONDED by Swan, that staff be directed to draft a resolution in support of such a change. MOTION CARRIED unanimously and so ordered.

000309

2. Walter Huber, Neighborhood Council 1, stated that Council No. 1 had never been asked for input on the proposal to lease a portion of the city parking lot on Main Street, and that Council No. 1 would like to look at that situation and provide input.

3. Clair Kuppenbender, Neighborhood Council 1, presented reports dated August 11, requesting sidewalk repair near Lake Road and Main Street, and requesting action on skateboarding.

There was discussion of whether or not to refer the concept leasing a portion of the city parking lot on Main Street to the Neighborhood Councils, and Councilman Englund mentioned that at a previous meeting the Chairman of Neighborhood Council 1 had rejected the idea of that Neighborhood Council considering the matter. There was discussion of what aspects of the subject might be considered by the Neighborhood Councils.

It was MOVED by Hutchison, SECONDED by Burgess, to turn the problem of the sidewalk repair near Lake Road and Main Street over to the Manager to make a determination and find out whose responsibility it is, and bring a report back at the next meeting. MOTION CARRIED unanimously and so ordered.

It was MOVED by Burgess, SECONDED by Swan, that Council request a staff report and recommendation on the matter of skateboarding. MOTION CARRIED unanimously and so ordered.

4. Neighborhood Council 5 has reported in a memorandum dated August 12, on the subject of Sundial Court and east-west corridor. Manager is to inform NC 5 that further information on the subject of east-west corridor will be provided them when it is available.

CORRESPONDENCE

1. Council has received letter from Ken Levstone, dated August 6, asking to be appointed as Milwaukie representative to the Clackamas County Sub-area Health Advisory Council. It was MOVED by Swan, SECONDED by Hutchison, that Council nominate Mr. Levstone to this position, and that a letter be prepared so stating. MOTION CARRIED and so ordered.

PROPOSALS ON LEASING PORTION OF CITY PARKING LOT

Proposals have been received from First State Bank and Oregon Mutual Savings Bank, in response to call for proposals authorized by the Council. Manager stated staff has analyzed the proposals and both meet criteria outlined in Council motion.

It was MOVED by Hutchison, SECONDED by Swan, that Council accept and certify these two proposals as having met the established minimum criteria. MOTION CARRIED unanimously and so ordered.

It was Council consensus to have a work session at 7 p.m. on August 23, invite First State Bank and Oregon Mutual Savings Bank to make presentations, separately at half-hour intervals, and then Council will go into executive session to set guidelines for further negotiation.

REFUSE COLLECTION FRANCHISE FEE

Council has received the following:

1. Memo from Finance Director dated 8/10, on Franchise fee for refuse collection, with attachments,
2. Letter from Dale Harlan, dated 7/27,
3. Memo from Dale Harlan, dated 8/13, on Franchise fee for refuse collection,
4. Memo signed by Don Oblander and Dale Harlan, dated 8/13,
5. Memo from Don Oblander, dated 8/16, on response to Dale Harlan's memo to City Council dated 8/13,
6. Memo from Dale Harlan, dated 8/16, on some legal aspect solid waste franchise fees,
7. Memo from Dale Harlan, dated 8/16, on franchise fee for refuse collection.

After discussion, it was Council consensus to hold a work session at 7 p.m. on August 31.

ORDINANCES 1345 and 1346 - AMENDING STREET VACATION ORDINANCES

It was MOVED by Burgess, SECONDED by Swan, to read Ordinance Number 1345 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1342 BY ADDING METES AND BOUNDS LEGAL DESCRIPTIONS AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Swan, to read Ordinance 1345 the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Swan, to adopt Ordinance 1345. Ordinance 1345 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1345 passed the Council and was so declared by the Mayor.

It was MOVED by Burgess, SECONDED by Swan, to read Ordinance Number 1346 (AN ORDINANCE AMENDING ORDINANCE 1343 BY ADDING METES AND BOUNDS LEGAL DESCRIPTION AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Swan, to read Ordinance 1346 the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Swan, to adopt Ordinance 1346. Ordinance 1346 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1346 passed the Council and was so declared by the Mayor.

RECOMMENDATION RE SIDEWALK REPAIR BIDS - CITY HALL

Council has received memorandum from City Attorney, dated August 3, concerning legal aspects of sidewalk repair bid when no bids are received. Staff has talked to contractors who might submit a price for the work, and if price is reasonable, will proceed with the project.

RESOLUTION NUMBER 30-1976 - AMENDING ANNEXATION RESOLUTION

This resolution was passed at the last Council meeting, without being formally presented, and is in the agenda for Council information. (Resolution 30-1976, A RESOLUTION FORWARDING A REQUEST FOR ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MILWAUKIE)

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MEMO REGARDING PUBLIC WORKS EMPLOYMENT ACT AND PUBLIC WORKS FACILITY
Council has received copy of staff memo, dated August 6, concerning Public Works Employment Act. At the last meeting Council discussed two possible projects for grant applications--engineering and design of drainage system, and construction at city shop site. Public Works Director has written memo, dated August 6, concerning shop site development.

It was MOVED by Englund, SECONDED by Burgess, that staff be authorized to expend a sum not to exceed \$4500 for master planning and preliminary plan for the shop at the site in question. MOTION CARRIED unanimously and so ordered.

REPORT ON FURNBERG PARK

Council has received memo from staff to Manager, dated August 12, on Furnberg Park subcommittee of Neighborhood Council 5 report.

MEMO RE HOUSING AND COMMUNITY DEVELOPMENT COORDINATOR

Council has received staff report, dated August 9, on proposed position of Housing and Community Development Coordinator. The position is totally funded by the Housing and Community Development grant program, and will be on a contract basis, as approved by the City Attorney.

It was MOVED by Burgess, SECONDED by Hutchison, that Council authorize the Manager to hire for the new position someone qualified to be the Housing and Community Development Coordinator, under contract, to be paid by federal funds. MOTION CARRIED unanimously and so ordered.

REQUEST BY CHURCH TO PAINT HOUSE NUMBERS ON CURBS

First United Pentacostal Church has requested permission to paint house numbers on curbs as a fund-raising project. Council has received memo from Public Works Director, dated July 30, on the subject. It was MOVED by Hutchison, SECONDED by Englund, that the request be approved in conformity with the Public Works Director's drawing, and that they be required to deliver to each person a notification stating it is not a substitute for officially-required house numbers. MOTION CARRIED, with the following roll-call vote: AYES: Englund, Swan, Hutchison and Hupp. NOES: Burgess.

It was MOVED by Burgess Council continue its deliberations until matters on the agenda are finished. MOTION FAILED for lack of a second. It was MOVED by Swan, SECONDED by Hutchison, to continue the meeting for not to exceed the hour of 11:45 p.m. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Hutchison and Hupp. NOES: Burgess.

MEMOS FROM NEIGHBORHOOD COUNCILS RE PARKS AND RECREATION COMMISSION

As requested, Neighborhood Councils have recommended members of the city's Parks and Recreation Commission. Interviews will be held at 8 p.m. August 31.

MEMORANDUM RE COMPREHENSIVE PLANNING STEERING COMMITTEE

Neighborhood Council Coordinator has written memo, dated August 12, on the Comprehensive Planning Steering Committee. Nine names have been submitted for eight at-large appointments.

The following appointments were made:

Karen Swedburg, 4805 SE Winworth Court
 Bob Wagner, 12003 SE Lake Road, Apt. 3
 Rev. Jim Tomlin, 4610 SE Logus Road
 Virginia Hill, 2703 SE Monroe
 Marian Beckman
 Katie Orlando
 Nova Young
 Kay Lattos, 12849 SE Freeman Road

LIBRARY WHITE PAPER

Staff has prepared a "Library White Paper" dated August 11, 1976, on the Library funding situation, and the serial levy to be voted on August 31, as proposed by the County.

It was MOVED by Hutchison, SECONDED by Swan, to read Resolution Number 31-1976 (A RESOLUTION OPPOSING THE CLACKAMAS COUNTY LIBRARY AND PARKS MEASURE) be read by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 31-1976. MOTION CARRIED unanimously and so ordered.

REPORT ON OPEN-SPACE PRESERVATION MEETING

Council has received memo from Planning Director, dated August 12, on meeting held July to discuss open space preservation.

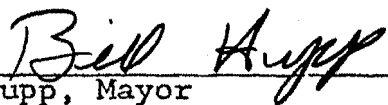
RESOLUTION SETTING MEETING DEADLINE

Councilman Hutchison proposes setting meeting deadline at 10:30 p.m. It was MOVED by Hutchison, SECONDED by Swan, to read Resolution (A RESOLUTION TO EXPEDITE COUNCIL BUSINESS MEETINGS AND IMPROVE CITIZEN PARTICIPATION) by title only, with a change in the vote to extend meetings changed to 2/3 affirmative vote. MOTION FAILED to pass with the following roll-call vote: AYES: Swan and Hutchison. NOES: Englund, Burgess and Hupp.


PAYMENT OF BILLS

It was MOVED by Swan, SECONDED by Hutchison, that the bills listed for August 16, 1976 payment be approved for payment. MOTION CARRIED unanimously and so ordered.

The meeting adjourned at 11:50 p.m.


 Bill Hupp, Mayor

ATTEST:


 Dorothy E. Farrell, Secretary

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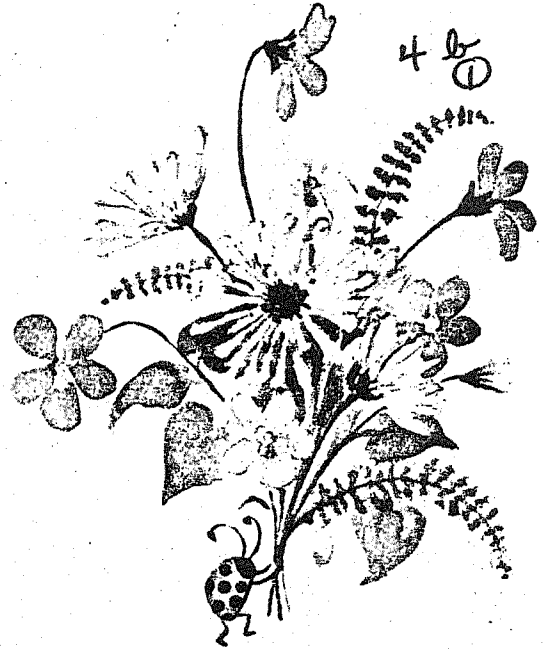
CITY COUNCIL AGENDA
August 16, 1976
7 p.m.

COUNCIL CHAMBERS1274th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Howard E. Harmon, Clackamas Park Friends Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - b) Thank you letter from Ann Hupp
 - c) Letter from Senator Fadeley re state revenue sharing
 - d) BOR Grant application
5. AUDIENCE PARTICIPATION
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) NC 1
 - b) NC 2 and 3
 - c) NC 5
7. CORRESPONDENCE
 - a) Letter from K. Levstone re Health Advisory Council
8. PUBLIC HEARING - PRC-76-1 - Southern Pacific request to resolve conflict between Comprehensive Plan map and zoning map at 37th and Monroe
9. PUBLIC HEARING - Design Review ordinance
10. OLD BUSINESS
 - a) Presentation of proposals received on city parking lot
 - b) Discussion of refuse collection franchise fee
 - c) Ordinances No. _____ and No. _____ - amending street vacation ordinances by adding metes and bounds descriptions
 - d) Recommendation re sidewalk bids
 - e) Resolution No. _____ - amending annexation resolution
 - f) Memo re Public Works Employment Act and Public Works facility
 - g) Report on Furnberg Park
 - h) Memo re Housing and Community Development Coordinator
 - i) Memo re painting house numbers on curbs
 - j) Memos from Neighborhood Councils re Parks and Recr. Comm.
 - k) Memo re Comprehensive Plan Steering Committee
 - l) Library "White Paper"
 - m) Report on open-space preservation meeting
11. CONSIDERATION
 - a) Resolution No. _____ re meeting deadline
 - b) Memo re Receptionist position
 - c) Stearns Addition
11. OTHER BUSINESS
12. PAYMENT OF BILLS
13. ADJOURNMENT



Thank you so much...



Hallmark

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MILWAUKEE, WIS.

Milwaukee City Council
& Staff

My heartfelt thanks,
to you all for the
beautiful Yellow Rose,
Beauty and Progress
always help for a speedy
recovery.

...for being so nice.

Thank you all
Ann Hupp

SEN. EDWARD N. FADELEY
CHAIRPERSON
SEN. CHARLES J. HANLON
SEN. LOYAL LANG
SEN. FRANK ROBERTS
SEN. CLIFFORD W. TROW
SEN. BLAINE WHIPPLE
BARBARA A. MITCHELL
ADMINISTRATIVE ASSISTANT



Comal Ageman

REP. ALBERT H. DENSMORE
VICE CHAIRPERSON
REP. MARY M. BURROWS
REP. JAMES H. CHREST
REP. DREW DAVIS
REP. CLINTON D. FORBES
REP. VERA KATZ
REP. TOM MARSH
REP. MARY RIEKE
LEA JENNY
COMMITTEE CLERK

INTERIM COMMITTEE ON
INTERGOVERNMENTAL AFFAIRS

ROOM 318, STATE CAPITOL
SALEM, OREGON 97310
378-8820

August 5, 1976

40



Harold L. Schilling, City Manager
City of Milwaukie
City Hall
10722 SE Main Street
Milwaukie, Oregon 97222

Dear Mr. Schilling:

Your expression of support of a state revenue sharing plan through the resolution adopted by the Milwaukie City Council is appreciated.

Many hours of deliberation have been chalked up by the members of this interim committee as they have searched for the most equitable distribution formula to share state income tax revenues with Oregon's financially troubled cities. While there are still factors to be decided, a bill draft is developing and will be ready for consideration by the 1977 Legislative Assembly. An overall legislative package is anticipated that will also speak to school finance and county finance. The latter measure, which would provide assistance for the expense of the judicial system, is also in this committee. The concept is approved, but the methodology for providing this assistance is still undecided.

It is hoped that this three-pronged approach will bring a measure of relief to units of local government as they contend with their fiscal dilemma, and to Oregon's taxpayers who face steadily mounting property taxes. The next meeting scheduled for further consideration of these issues is August 30, 321 Capitol Building, Salem.

Thank you for your support.

Sincerely,

Edward N. Fadeley

Edward N. Fadeley

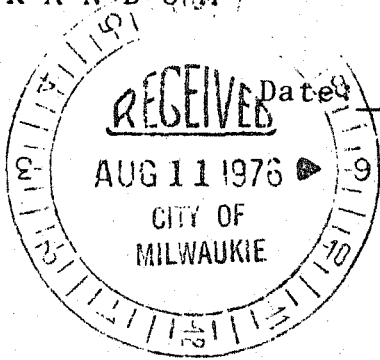
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See Neish. Council Report

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

agrees

TO: City Manager
FROM: Dave Phelps
SUBJECT: BOR Grant Applications



Date August 10, 197

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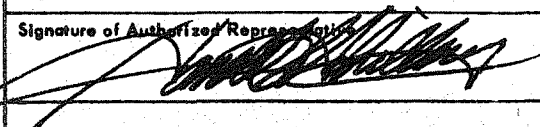
These are the Furnberg and Scott Park Grant Applications and transmittal letters for CRAG, County, State and State Clearinghouse. Copies will be xeroxed and mailed to the above and available for Council for their information. It is not necessary to sign the application.

Cy and Wayne have reviewed the applications.

I am available to discuss any aspect of the application if there are questions.

DP/js

Ad
2

APPLICATION FOR FEDERAL ASSISTANCE (FOR CONSTRUCTION PROGRAMS) PART I		1. State Clearinghouse Identifier	
		2. Applicant's Application No.	
3. Federal Grantor Agency <u>U.S. Department of the Interior</u> Organizational Unit <u>Bureau of Outdoor Recreation</u> Administrative Office Street Address - P.O. Box City State Zip Code		4. Applicant Name <u>CITY OF MILWAUKIE</u> Department Division <u>10722 S.E. Main Street</u> Street Address - P.O. Box <u>Milwaukie</u> <u>Clackamas</u> City County <u>Oregon</u> <u>97222</u> State Zip Code	
5. Descriptive Name of the Project <u>Furnberg Park, Phase II Development</u>			
6. Federal Catalog No. <u>15.400</u>		7. Federal Funding Requested <u>\$ 8,850.00</u>	
8. Grantee Type State, County, <input checked="" type="checkbox"/> City, Other (Specify)			
9. Type of Application or Request New Grant, <input checked="" type="checkbox"/> Continuation, Supplement, Other Changes (Specify)			
10. Type of Assistance <input checked="" type="checkbox"/> Grant, Loan, Other (Specify)			
11. Population Directly Benefiting from the Project		13. Length of Project	
12. Congressional District <u>3rd Congressional District</u>		14. Beginning Date Date of Approval of Project Agreement	
b. <u>3rd Congressional District</u>		15. Date of Application <u>9 August, 1976</u>	
16. 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. <u>Harold L. Schilling</u> <u>City Manager of Milwaukie</u> <u>659-5171</u>			
Typed name		Title	
Signature of Authorized Representative 		Telephone Number	
		AREA CODE	NUMBER
For Federal Use Only			

PART II

PROJECT APPROVAL INFORMATION SECTION A

4d
3

Item 1.
Does this assistance request require State, local, regional, or other priority rating? _____ Yes _____ No

Name of Governing Body _____
Priority Rating _____

Item 2.
Does this assistance request require State, or local advisory, educational or health clearances? _____ Yes _____ No (Attach Documentation)

Name of Agency or Board _____

Item 3.
Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? _____ X _____ Yes _____ No

(Attach Comments)
Columbia Region Association of Governments (CRAG) is the name of the local COG for A-95 processing

Item 4.
Does this assistance request require State, local, regional or other planning approval? _____ Yes _____ No

Name of Approving Agency _____
Date _____

Item 5.
Is the proposed project covered by an approved comprehensive plan? _____ X _____ Yes _____ No

Check one: State
Local
Regional
Location of plan City Planning Department

Item 6.
Will the assistance requested serve a Federal installation? _____ Yes _____ No

Name of Federal Installation _____
Federal Population benefiting from Project _____

Item 7.
Will the assistance requested be on Federal land or installation? _____ Yes _____ X _____ No

Name of Federal Installation n/a
Location of Federal Land _____
Percent of Project _____

Item 8.
Will the assistance requested have an impact or effect on the environment? _____ X _____ Yes _____ No

See instruction for additional information to be provided.

Item 9.
Will the assistance requested cause the displacement of individuals families, businesses, or farms? _____ Yes _____ X _____ No

Number of:
Individuals _____
Families _____
Businesses _____
Farms _____

Item 10.
Is there other related Federal assistance on this project previous, pending, or anticipated? _____ X _____ Yes _____ No

See instructions for additional information to be provided.
BOR 41-00261 - - Acquisition, complete
BOR 41-00362 - - Development, complete

INSTRUCTION

PART II - SECTION B

11. SITES AND IMPROVEMENTS: _____ Not required, <input checked="" type="checkbox"/> Attached as exhibits Applicant intends to acquire the site through: _____ Eminent domain, _____ Negotiated purchase, _____ Other means (specify)	4d ①
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: <input checked="" type="checkbox"/> Applicant, _____ Agency or institution operating the facility, _____ Other (specify)	
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: <input checked="" type="checkbox"/> Fee simple title, _____ Leasehold interest, _____ Other (specify)	
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest _____, and number of years to run _____ b. Is lease renewable? _____ Yes _____ No c. Current appraised value of land \$ _____ d. Annual rental rate % _____	
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.	N/A
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.	
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.	
18. ATTACH PLOT PLAN.	
19. CONSTRUCTION SCHEDULE ESTIMATES _____ Not required, _____ Being prepared, _____ Attached as exhibits Percentage of completion of drawings and specifications at application date: Schematics _____ % Preliminary _____ % Final _____ %	
20. TARGET DATES FOR: Bid Advertisement _____ Contract Award _____ Construction Completion _____ Occupancy _____	
21. DESCRIPTION OF FACILITY: _____ Not required <input checked="" type="checkbox"/> Attached as exhibits Drawings - Attach any drawings which will assist in describing the project. Specifications - Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)	

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY; THEREFORE, NO INSTRUCTIONS ARE PROVIDED.

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No. 15,400

2. Functional or Other Breakout

SECTION B - CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense			\$ 800.00
2. Preliminary expense			n/a
3. Land, structures, right-of-way			n/a
4. Architectural engineering basic fees			n/a
5. Other architectural engineering fees			n/a
6. Project inspection fees			n/a
7. Land development			n/a
8. Relocation Expenses			n/a
9. Relocation payments to Individuals and Businesses	NONE ON THIS PROJECT		-0-
10. Demolition and removal			n/a
11. Construction and project improvement			16,645.00
12. Equipment			n/a
13. Miscellaneous			255.00
14. Total (Lines 1 through 13)			17,700.00
15. Estimated Income (if applicable)			n/a
16. Net Project Amount (Line 14 minus 15)			17,700.00
17. Less: Ineligible Exclusions			
18. Add: Contingencies			n/a
19. Total Project Amt. (Excluding Rehabilitation Grants)			17,700.00
20. Federal Share requested of Line 19			8,850.00
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			8,850.00
23. Grantee share			8,850.00
24. Other shares			NONE
25. Total project (Lines 22, 23 & 24)			\$ 17,700.00

4d.
5

SECTION C – EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded from Contingency Provision (2)
26.		
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g.		
26. Totals	\$	\$

4d
6

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	\$ 8,850.00
a. Securities	-0-
b. Mortgages	-0-
c. Appropriations (By Applicant)	8,595.00
d. Bonds	-0-
e. Tax Levies	-0-
f. Non Cash	-0-
g. Other (Explain)	255.00
h. TOTAL – Grantee share	8,850.00
28. Other Shares	-0-
a. State	-0-
b. Other	-0-
c. Total Other Shares	-0-
29. TOTAL	\$ 8,850.00

SECTION E – REMARKS

27 c. Budgeted amount
 27 g. Assembly and installation of picnic tables, benches and trash recepticals will be done through volunteer donations of labor, with city assistance. Manhour costs will be based upon Clackamas County Manpower labor rate of \$2.50 per hour not to exceed 40 hours.

1. Under Phase II development the major park improvements are to include a parking facility for up to four cars, a walkway, wood climbing play structure, tot-lot equipment, and dresser curbing around the playground areas. Also to be included are picnic tables, several benches, two drinking fountains, trash recepticals and additional lighting for safety.

Recent community involvement in this park's phase II development have made some major impacts upon the previous master plan. The parking has been adjusted from a ten car lot to a four car facility providing a turn-around. The lot will be of gravel construction. Work will be contracted. The placement of the walkways has been determined by the park users through actual use. Thus, "the shortest distance" rule applies to the placement of the walk. This construction will also be contracted.

In addition to the wood play structure, will be a large slide and a tot-lot pre-school swing. Playground uses are emphasised in the master plan. Assembly of these items will be contracted, as equipment and personnel are not available from city resources.

Landscape plantings receiving major emphasis in this park will be native varieties found in Oregon. Certain other types of plantings which will serve as noise, sight, and physical barriers will be employed as necessary, primarily along the easterly property line and around the pond. It is intended that the landscaping under this project shall be functional serving as safety and control type "barriers" at certain locations. Major aesthetic-type landscaping will be accomplished under future proposals.

Water and irrigation exist within the park. Sanitary sewer is unnecessary as restroom facilities are not within the scope of the master plan.

2. The items under phase II development were reviewed, discussed and selected by a seven member park subcommittee formed from the local Neighborhood Council and guided by city staff.
3. Furnberg Park is a designated site for park and open space in the local comprehensive plan. This park is a neighborhood park of 2.64 acres serving a neighborhood of approximately 2000 people. The major users will be the youth of the community, although a play field, the pond and picnic facilities will provide diverse opportunities and experiences for all ages. School grounds are the nearest playground-park-open space opportunities in the community.
4. The topographic and physical description of the site can best be stated as a 2.64 acre rectangular piece of open land sparsely dotted with cottonwood trees and with a large half-acre pond in its center. The land is flat with lawn and grass ground cover. The park has three active springs from mid-October through mid-April. Effort to locate sources and to safely channel water to the pond is becoming necessary with increased park use.

4d
⑦

4. (cont.)

Utilities, including electric, water and storm drainage are all underground.

5. The land uses and zoning of the area to the east, south and west is single family residential, R-7 zone. The land to the north is outside the city's limits and is zoned by the county as single family residential, R-10. Its use at present is agricultural.

6. Phase II development will substantially complete this park's master plan. However, the concerns expressed by the Neighborhood Council about the size, shape and design of the pond may see additional requests for development of a ball field at a future time.

7. The park received its initial design from a consultant with citizen and city involvement in 1972. Prior to the phase II grant request, major design and park use concept changes were presented to the city by a park sub-committee of property owners from the park area Neighborhood Council.

Construction method shall be by contract. The city will maintain the park facility.

8. Previous development grant, Grant #41-00362, was implemented in 1972. Major improvements completed include site grading, lawn and irrigation, play ground devices, and one-third of the lighting as planned. No other work is presently underway. Future development anticipated at this site depends upon certain changes which may occur in the pond design. The changes may increase the available land area to permit a ballfield.

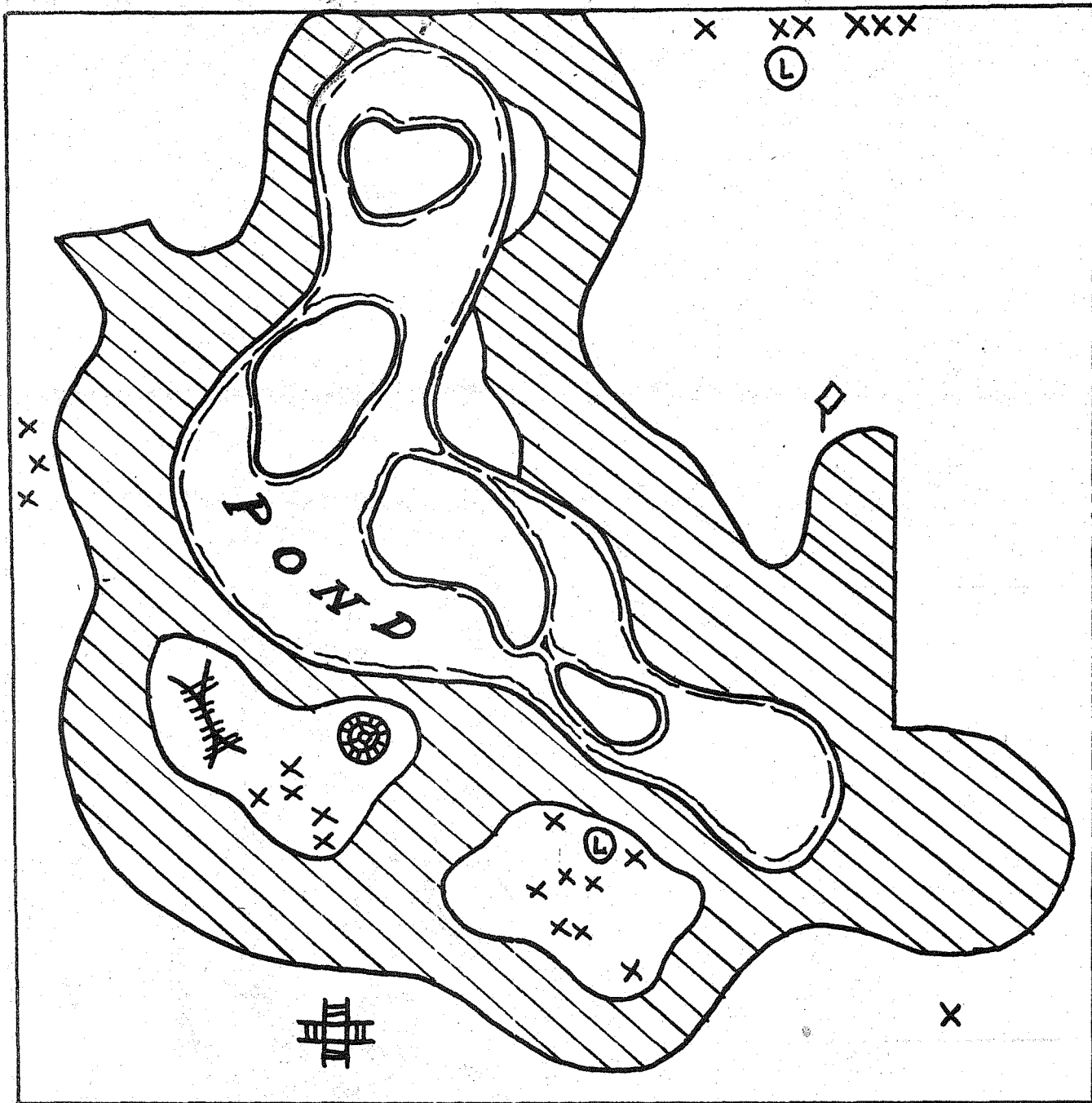
4d
8

1. Under this project proposal the following improvements for Furnberg Park phase II development are to be done:
 - + Graveled parking lot
 - + Drinking fountains (2)
 - + Picnic tables and bench seating
 - + Walkways
 - + Curbing around play areas
 - + Plantings and materials (30%)
 - + Playground equipment; wooden climbing structure, slide, tot-lot swing.
2. The park site is a large open field with an irrigation system for existing grass lawn and proposed shrub and planting beds. A large pond dominates the center of the park. A dozen cottonwood trees dot the park. Three sides of the park site are residential, the east side is a large truck farm. The site is only partially developed following completion of a B.O.R. grant for initial development.
3. The impacts upon the elements and surrounding neighborhood are expected to be minimal. Installation of walkways and a parking facility are construction activities which may cause some disturbance to the community and environment. As all items proposed for installation are completed, useage will increase. Home owners immediately adjacent will be impacted by this increased useage. It is hoped that through the city's neighborhood council organizations this increased park useage will be done with community cooperation. Increased use could also cause added interest to be paid to the farm to the east. A hedge row may serve as an adequate deterrent as the present use of the vacant narrow strip of land which divides the park from the farm is a traveled way for school students to the nearby high school (LaSalle Catholic High). This traveled way is dedicated as a future street right-of-way.
4. The preceived adverse impact upon the farm resulting from increased park use will require the installation of a hedge row along this easterly portion of the park. If this becomes inadequate, a restraining fence will be installed.
5. Increased use of the park will increase the noise level at the park. This may become a problem to adjacent property owners and can not be avoided. A hedge row will be planted along the easterly most boundary.
6. Short-term use of the environment will require minimal use of the soils and plantings as parking and walkways are a minor area of the park land. On the long-term, a parking lot will relieve the on-street parking in front of residences.
7. Under this project, the parking area could be removed if the need arose. No trees are to be removed as the park has been designed around existing natural features.

4d
9

8. Items selected were intended to be permanent, long life structures requiring a minimum of maintenance. Off street parking for park users was mandatory in this residential area, thus provisions on the site were made. Due to the small size of this park and the large school ball fields available, other types of recreation facilities were considered e.g. swimming pool, tennis court. Tot lot and playground equipment were the major features for this small sized neighborhood park.
9. The design of this park was agreed to be the City Council and the Parks and Beautification Committee, a citizen group appointed by the Council in 1972. A landscape architect was hired to determine the sites best use and to plan the site. Development was divided into phases, with phase I funded by B.O.R. grant #41-00362. This project is phase II. The specific items of improvement under this grant were discussed with a volunteer citizens group consisting of local property owners from May thru July 1976.
10. The COG, Columbia Region Association of Governments (CRAG) will review this proposal through A-95.


Ad.
⑩



4d
 (12)


FURNBERG
 STREET

EXISTING IMPROVEMENTS


 LAWN (WITH SPRINKLER SYSTEM)


 SPRINKLER CONTROL


PLAYGROUND EQUIPMENT

 SWING

 CLIMBER

 CLIMBER

 LIGHTS

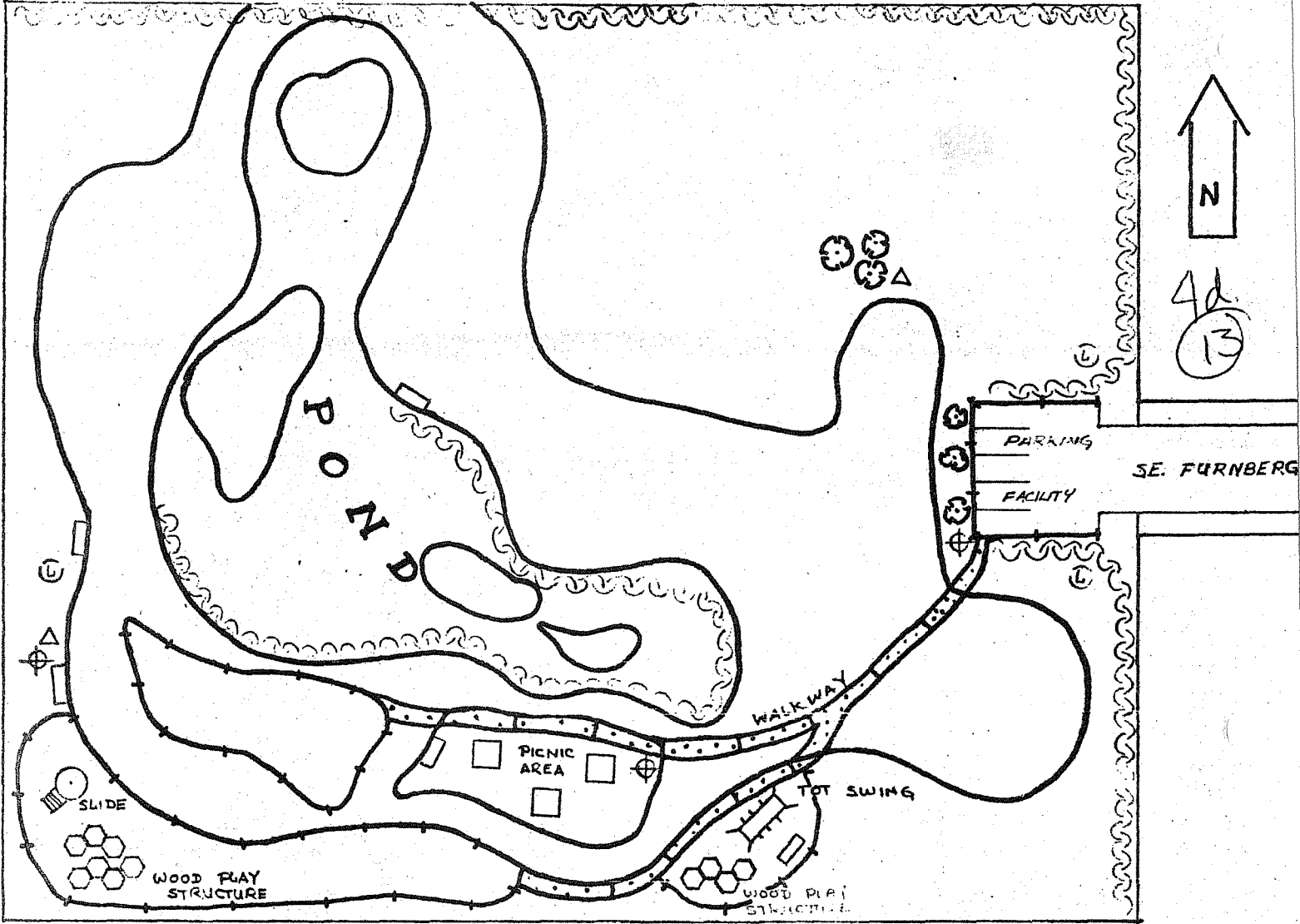
 TREES

FURNBERG PARK





PHASE I DEVELOPMENT

1975


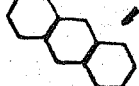
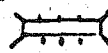
FURNBERG PARK: PHASE II DEVELOPMENT








PROPOSED IMPROVEMENTS

-  TRASH
-  BENCHES
-  PICNIC TABLES
-  DRINKING FOUNTAIN


PLAYGROUND EQUIPMENT

-  SLIDE
-  WOOD STRUCTURE
-  TOT-LOT SWING

-  WALKWAY
-  PARKING FACILITY
-  LIGHTING
-  SCREEN PLANTINGS
-  WOOD CURBING

-1976-

42
14

APPLICATION FOR FEDERAL ASSISTANCE (FOR CONSTRUCTION PROGRAMS) PART I		1. State Clearinghouse Identifier		
		2. Applicant's Application No.		
3. Federal Grantor Agency <u>U.S. Department of the Interior</u> Organizational Unit <u>Bureau of Outdoor Recreation</u> Administrative Office Street Address - P.O. Box City State Zip Code		4. Applicant Name <u>CITY OF MILWAUKIE</u> Department Division <u>10722 S.E. Main Street</u> Street Address - P.O. Box <u>Milwaukie, Clackamas</u> City County <u>Oregon 97222</u> State Zip Code		
5. Descriptive Name of the Project <u>Scott Park Development Phase I</u>				
6. Federal Catalog No. <u>15.400</u>		7. Federal Funding Requested <u>\$ 3050.00</u>		
8. Grantee Type State, County, <input checked="" type="checkbox"/> City, Other (Specify)				
9. Type of Application or Request <input checked="" type="checkbox"/> New Grant, Continuation, Supplement, Other Changes (Specify)				
10. Type of Assistance <input checked="" type="checkbox"/> Grant, Loan, Other (Specify)				
11. Population Objectives Relating to the Project		13. Length of Project		
12. Congressional District <u>3rd Congressional District</u>		14. Beginning Date Date of Approval of Project Agreement		
b. <u>3rd Congressional District</u>		15. Date of Application <u>August 4, 1976</u>		
16. 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. <u>Harold L. Schilling</u> <u>City Manager of Milwaukie</u> <u>659-5171</u>				
Typed name <u>Harold L. Schilling</u>		Title <u>City Manager</u>	Telephone Number	
Signature of Authorized Representative 		AREA CODE	NUMBER	EXT.
		<u>503</u>	<u>659-5171</u>	<u>24</u>
For Federal Use Only				

PART II

PROJECT APPROVAL INFORMATION SECTION A

Item 1.
 Does this assistance request require State, local, regional, or other priority rating? _____
 _____ Yes _____ No

Name of Governing Body _____
 Priority Rating _____

Item 2.
 Does this assistance request require State, or local advisory, siting, or health clearances? _____
 _____ Yes _____ No (Attach Documentation)

Name of Agency or Board _____

Item 3.
 Does this assistance request require clearinghouse review in accordance with OMB Circular A-95? _____
 _____ X Yes _____ No

(Attach Comments)
 Columbia Region Association of Governments (CRAG) is the name of the local COG for A-95 processing

Item 4.
 Does this assistance request require State, local, regional, or other agency approval? _____
 _____ Yes _____ No

Name of Approving Agency _____
 Date _____

Item 5.
 Is the proposed project covered by an approved comprehensive plan? _____
 _____ X Yes _____ No

Check one: State
 Local
 Regional
 Location of plan City Planning Department

Item 6.
 Will the assistance requested serve a Federal installation? _____
 _____ Yes _____ No

Name of Federal Installation _____
 Federal Population benefiting from Project _____

Item 7.
 Will the assistance requested be on Federal land or installation? _____
 _____ Yes _____ X No

Name of Federal Installation N/A
 Location of Federal Land _____
 Percent of Project _____

Item 8.
 Will the assistance requested have an impact or effect on the environment? _____
 _____ X Yes _____ No

See instruction for additional information to be provided.

Item 9.
 Will the assistance requested cause the displacement of individuals, families, businesses, or farms? _____
 _____ Yes _____ X No

Number of:
 Individuals _____
 Families _____
 Businesses _____
 Farms _____

Item 10.
 Is there other related Federal assistance on this project previous, pending, or anticipated? _____
 _____ Yes _____ X No

See instructions for additional information to be provided.

INSTRUCTION

PART II - SECTION B

11. SITES AND IMPROVEMENTS: _____ Not required, <input checked="" type="checkbox"/> Attached as exhibits Applicant intends to acquire the site through: _____ Eminent domain, _____ Negotiated purchase, <input checked="" type="checkbox"/> Other means (specify) Donated land for park - deed with Application
12. TITLE OR OTHER INTEREST IN THE SITE IS OR WILL BE VESTED IN: <input checked="" type="checkbox"/> Applicant, _____ Agency or institution operating the facility, _____ Other (specify)
13. INDICATE WHETHER APPLICANT/OPERATOR HAS: <input checked="" type="checkbox"/> Fee simple title, _____ Leasehold interest, _____ Other (specify)
14. IF APPLICANT/OPERATOR HAS LEASEHOLD INTEREST, GIVE THE FOLLOWING INFORMATION: a. Length of lease or other estate interest _____, and number of years to run _____ b. Is lease renewable? _____ Yes _____ No c. Current appraised value of land \$ _____ N/A d. Annual rental rate \$ _____
15. ATTACH AN OPINION FROM ACCEPTABLE TITLE COUNSEL DESCRIBING THE INTEREST APPLICANT/OPERATOR HAS IN THE SITE AND CERTIFYING THAT THE ESTATE OR INTEREST IS LEGAL AND VALID.
16. WHERE APPLICABLE, ATTACH SITE SURVEY, SOIL INVESTIGATION REPORTS AND COPIES OF LAND APPRAISALS.
17. WHERE APPLICABLE, ATTACH CERTIFICATION FROM ARCHITECT ON THE FEASIBILITY OF IMPROVING EXISTING SITE TOPOGRAPHY.
18. ATTACH PLOT PLAN.
19. CONSTRUCTION SCHEDULE ESTIMATES: _____ Not required, _____ Being prepared, _____ Attached as exhibits Percentage of completion of drawings and specifications at application date: Schematics _____ % Preliminary _____ % Final _____ %
20. TARGET DATES FOR: Bid Advertisement _____ Contract Award _____ Construction Completion _____ Occupancy _____
21. DESCRIPTION OF FACILITY: _____ Not required <input checked="" type="checkbox"/> Attached as exhibits Drawings - Attach any drawings which will assist in describing the project. Specifications - Attach copies of completed outline specifications. (If drawings and specifications have not been fully completed, please attach copies or working drawings that have been completed.)

NOTE: ITEMS ON THIS SHEET ARE SELF-EXPLANATORY; THEREFORE, NO INSTRUCTIONS ARE PROVIDED.

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No. 15,400

2. Functional or Other Breakout

SECTION B - CALCULATION OF FEDERAL GRANT

Cost Classification	Line only for cost items		Total Amount Required
	Original Approved Amount	Adjustment (+/-)	
1. Administration expense			\$ 500.00
2. Preliminary expense			n/a
3. Land, structures, right-of-way			n/a
4. Architectural engineering basic fees			n/a
5. Other architectural engineering fees			n/a
6. Project inspection fees			n/a
7. Land development			n/a
8. Relocation Expenses			n/a
9. Relocation payments to individuals and businesses			n/a
10. Demolition and removal			n/a
11. Construction and project improvement			5375.00
12. Equipment			n/a
13. Miscellaneous			225.00
14. Total (Lines 1 through 13)			6100.00
15. Estimated Income (if applicable)			n/a
16. Net Project Amount (Line 14 minus 15)			6100.00
17. Less: Ineligible Exclusions			
18. Add: Contingencies			n/a
19. Total Project Amt. (Excluding Rehabilitation Grants)			6100.00
20. Federal Share requested of Line 19			3050.00
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (Lines 20 & 21)			3050.00
23. Grantee share			3050.00
24. Other shares			None
25. Total project (Lines 22, 23 & 24)			\$ 6100.00

SECTION C - EXCLUSIONS

Classification	Include for Participation (1)	Excluded from Contingency Provision (2)
26		
a.		
b.		
c.		
d.		
e.		
f.		
g.		
Total	\$	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	
a. Securities	\$ 3050.00
b. Mortgages	X
c. Appropriations (By Applicant)	X
d. Bonds	2825.00
e. Tax Levies	X
f. Non Cash	X
g. Other (Explain)	225.00
h. TOTAL - Grantee share	X
28. Other Shares	3050.00
a. State	X
b. Other	X
c. Total Other Shares	X
29. TOTAL	X
	\$ 3050.00

SECTION E - REMARKS

27-c. Budgeted amount
 27 g. Assembly will be done through City labor for tables, benches and trash recepticals. Manhour costs will be based upon Clackamas County Manpower labor rate of \$2.50 per hour not to exceed 40 hours.

APPLICATION ITEM 2

"PROGRAM NARRATIVE"

1. This park's development will include installing an irrigation system to serve the existing lawns and proposed shrubs. The installation of benches will add to the quiet and contemplative atmosphere of a library grounds park. Due to its relative immediacy to the downtown business area, picnic facilities will be added - tables, drinking fountain, and trash recepticals. City water is available from an existing service line. Sewer will not be required. This park is adjacent to existing Library grounds designated as park and open space on the City's Comprehensive Plan.
2. Land was donated to the City of Milwaukie in May 1975 to be used as a public park. (Items were selected based upon 1.) need as determined by the Park and Beautification Committee and 2.) low cost, low maintenance and low vandal effect.
3. The land is a contiguous extention and a generous addition to Milwaukie's Library grounds. It is the intent of the City to carry out the serene atmosphere of a Library park. It will increase the public picnic facilities in a peaceful, natural setting for both Library users, downtown shoppers and persons visiting Milwaukie, picnickers or those who like to feed the ducks in the large duck pond. The development of Scott Park will not compete with any existing similar private development.
4. Scott Park is a .58 acre rectangular shaped piece of land which slopes gently toward a half acre duck pond on the site. Mature trees of various species surround the park. Concrete walkways circle newly placed lawns. No overhead utilities exist on this site. Electric lines will be underground.
5. Scott Park is adjacent to the Milwaukie Library within an "Apartment-Business Office Residential Zone, A-1-B". It is adjacent to "Central Commercial Zone, C-C" and "General Commercial Zone, C-G". It serves as an esthetic focal point to residents and visitors alike.
6. Removal of four fruit trees, shrub bed and soil preparation, shrub planting and equipment installation will be done by city crews, while the irrigation system is installed by contract. Lighting will also be contracted installation.
7. Design of park site was done in conjunction with the City's Parks and Beautification Committee, with consultation for irrigation from a landscape architect. Irrigation and lighting work will be contracted. The city will perform maintenance.
8. It is anticipated that this site will be completed with this work. This is the only federal assistance used on this project.

APPLICATION ITEM 3

"AN ENVIRONMENTAL ASSESSMENT"

1. The site will receive: Irrigation on 30% of the park area, benches, and picnic facilities, to include tables, trash cans and water fountain.
2. Site was previously cleared, with concrete walkways and lawns installed in 1975. The site contains mature growth trees to include tulip, cherry, dogwood, cedar, cottonwood, hawthorne and holly. Terrain slopes gently from west to east toward a 2 acre duck pond.
3. Project construction will be limited to installation of irrigation having very little social or biological impact. Fruit tree removal will reduce maintenance time. There will be no increased access to the duck pond for people as a result of this project nor will this project tend to inhibit existing duck natural habitats.. Increased open space with picnic facilities and its nearness to the library will be a social plus to those who frequent the library or downtown businesses.
4. In our estimation, fruit tree removal will not significantly reduce food sources for birds, as several fruit trees remain in the area.
5. Completion of an already existing park will inherently encourage use.
6. The addition of an irrigation system will decrease the time now spent on watering. The addition of picnic facilities would add to use of the site and add to maintenance requirements. Enhancement will increase greatly while maintenance may increase only slightly. However, there is an overall benefit to the public user.
7. Of all the items of equipment to be installed under this proposed project, only the irrigation system would take time to retrieve.
8. Alternative site choice was not an option. The site was given to the city for park purposes in perpetuity.
9. This project was initiated by the sponsor. Design and planning of site was carried by a citizen committee appointed by the City Council.
10. Letter from Columbia Region Association of Governments (CRAG) is attached. The comment is supportive.

MILWAUKIE EXPRESSWAY

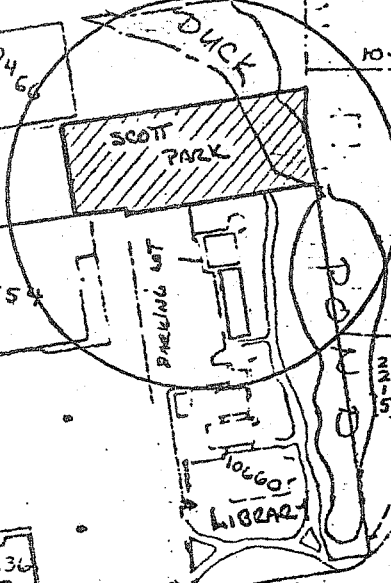
10282

10300

10306

S.E. 23rd Avenue

S.E. Llewellyn



10416

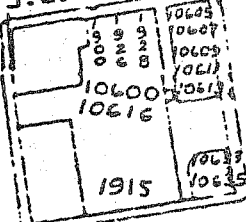
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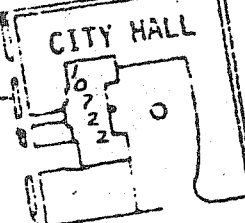
S.E. Scott St

10701



10636

S.E. Harrison Street

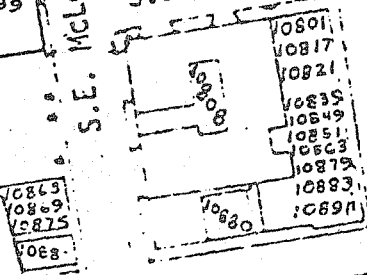


Milwaukie Jr. High School
2300

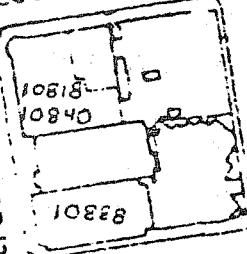
S.E. McLoughlin Blvd.

10787
10799

S.E. Jackson Street



ain Street



21st Avenue

6a
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MEMORANDUM

August 11, 1976

TO: CITY COUNCIL
FROM: NEIGHBORHOOD COUNCIL #1 Executive Board

Our board hereby requests action be taken to repair the sidewalk area near Lake Road and Main Street on property to the best of our knowledge owned by Southern Pacific Railway.

Sincerely,

Clair Kuppenbender
NC #1 Chairman

CK:msh

August 11, 1976

TO: CITY COUNCIL

FROM: NC #1

SUBJECT: Skateboarding

At our August 3 meeting, a concern for skateboarding as a hazard to pedestrians and drivers was expressed.

Discussion included concern that youngsters be provided safe areas for this kind of recreational activity. The suggestion was made to approach North Clackamas School District to attempt to cooperate in providing safe and supervised area for skateboarding.

Also discussed was the need to eliminate skateboarding activity on sidewalks, of particular concern was the downtown area and the major throughfare of Lake Road.

Excerpt from minutes of Aug. 3, 1976 meeting:

"The motion was made and seconded to send to the City Council request to control skate boarders on the sidewalks in the Milwaukie area. Maybe as an answer to the problem, communications could be made with the North Clackamas School District as to an area that might be made available to the kids to skateboard. The motion was passed unanimously with 17 members present."

Sincerely,

Clair Kuppenbender
NC #1 Chairman

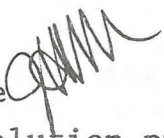
6 a
②

MEMORANDUM

Aug. 12. 1976

62
①

TO: City Manager

FROM: Janet Mandaville 

SUBJECT: Zip Code resolution presentation to City Council August 16

The resolution passed by Areas 2 and 3 supporting the zip code changes in those areas now 97202 and 97206 within Milwaukie to conform to the rest of Milwaukie zip code 97222 is attached.

The petitions signed thus far in support of this change by affected residents area also attached.

Several of the persons who have worked on this project from the two neighborhoods are: James Miller, Diane Miller, Thomas Snowhill, Letty Barrett, Myrna Brumage, Shirley Ewald, Letty Barrett. Some of those persons will be attending the City Council meeting on Monday the 16th.

It is hoped that the City Council will act formally to support this effort as is requested in the attached resolution.

WHEREAS, the Neighborhood Councils of areas #2 and #3 have identified the variant zip codes of 97202 and 97206 in the City of Milwaukie to be of major concern, and

WHEREAS, the citizens of the affected areas have signed petitions circulated by Neighborhood Council representatives supporting a change, and

WHEREAS, it is believed that creating uniformity of zip codes in the City of Milwaukie would alleviate confusions in matters related to fire, police, and voter registration as well as substantially improving postal services,

NOW, THEREFORE, BE IT RESOLVED that Neighborhood Council #2 and Neighborhood Council #3 support the petitioners request to the United States Postal Service that the 97202 and 97206 zip codes in the city be changed to conform with 97222 zip code used in the remainder of the city.

BE IT FURTHER RESOLVED that Neighborhood Council #2 and Neighborhood Council #3 request that the effort of the two areas to effect this zip code change be supported by the City Council of Milwaukie.

ADOPTED the 15th day of July, 1976 at a regular meeting of Neighborhood Council #3.

Arli Brown

Neighborhood Council # 3 Chairman

By consensus on the 20th day of July, 1976 at a regular meeting of Neighborhood Council #2, agreed to present resolution supported by petitions. Meeting lacked quorum necessary to formal adoption of resolution.

Mai Kii gemagi

Neighborhood Council # 2 Chairman person

PETITION TO CREATE A MORE UNIFORM ZIP CODE FOR THE CITY OF MILWAUKIE

We the undersigned citizens being of the City of Milwaukie and residents of the zip code areas 97202 and 97206 do hereby petition for a change in zip codes to provide uniformity with the rest of the Milwaukie area in order to maintain community identity.

Additionally, the change to a uniform zip code would eliminate problems of mail delays currently suffered, would alleviate the difficulties often encountered in voter registration, and would enable public services such as the police and utilities to easily distinguish areas of responsibility.

HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 8846 REGENTS DR 97206	F. W. PETERSON	F. W. Peterson
2) 8916 SE Regents Dr 97206	J. Burns J. Burns	J. Burns
3) 8825 SE Regents Dr 97206	MARILYN DAY	Marilyn Day
4) 8825 SE REGENTS DR 97206	EUGENE DAY	Eugene Day
5) 8905 S.E. REGENTS DR. 97206	DARLENE HAGEDORN	Darlene Hagedorn
6) 9005 SE Regents Dr 97206	Roland Wittren ROLAND WITTREN	Roland Wittren
7) 5273 SE Brookside DR 97206	SUSAN RUSTVOLD	Susan Rustvold
8) 5273 SE Brookside Dr 97206	JIM RUSTVOLD	Jim Rustvold (W) 5 R
9) 5249 SE Brookside Dr 97206	RON SAMMERTFELT	Ron Sammertfelt
5249 SE Brookside Dr 97206	Joyce Sammertfelt	Joyce Sammertfelt

PETITION TO CREATE A MORE UNIFORM ZIP CODE FOR THE CITY OF MILWAUKIE

We the undersigned citizens being of the City of Milwaukie and residents of the zip code areas 97202 and 97206 do hereby petition for a change in zip codes to provide uniformity with the rest of the Milwaukie area in order to maintain community identity.

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
9145 SE Rainbow Cir. 97206	Cheryl L. Hunker	<i>Cheryl L. Hunker</i>
5126 SE Rainbow Lane 97206	Linda M. Dickerson	<i>Linda M. Dickerson</i>
5174 S.E. Rainbow Lane 97206	Diana S. Shill	<i>Diana S. Shill</i>
5384 SE Rainbow Lane 97206	Paula S. Davis	<i>Paula S. Davis</i>
5466 S.E. Rainbow Ln 97206	Martha S. Bailey	<i>Martha S. Bailey</i>
5476 S.E. Rainbow Ln 97206	Gayle L. Schneider	<i>Gayle L. Schneider</i>
5301 S.E. Rainbow Ln 97206	Kathleen M. Lamont	<i>Kathleen M. Lamont</i>
5135 SE Rainbow Lane 97206	Robin C. Brooks	<i>Robin C. Brooks</i>
9145 SE Rainbow Cir 97206	Dan Hunker	<i>Dan Hunker</i>
8936 Regency Dr 97206	Shirley Gilliland	<i>Shirley Gilliland</i>

1. PETITION TO CREATE A MORE UNIFORM ZIP CODE FOR THE CITY OF MILWAUKIE

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 5237 S.E. Brookside ⁹⁷²⁰⁶	Josephine Martin	Josephine Martin
2) 5227 S.E. Brookside Dr ⁹⁷²⁰⁶	Neil T. Burley	Neil T. Burley
3) 5225 SE Troutridge Dr ⁹⁷²⁰⁶	ROBERT D. HAY	Robert D Hay
4) 5225 SE Brookside Dr ⁹⁷²⁰⁶	CATHI HAY CATHI HAY	
5) 5201 S.E. Brookside Dr ⁹⁷²⁰⁶	V VIOLET B SPENCER	Violet B Spencer
6) 5201 S.E. Brookside Dr ⁹⁷²⁰⁶	DORIS H. SPENCER	Doris H. Spencer
7) 5045 - S.E. Brookside Drive ⁹⁷²⁰⁶	Egon Mascher	E. Mascher
8) 5045 S.E. Brookside Drive ⁹⁷²⁰⁶	Adelheid Mascher	H. Mascher (F) 97
9) 5025 S.E. Brookside Drive ⁹⁷²⁰⁶	Cheryl Johnson	Cheryl Johnson
10) 4935 S.E. Brookside Drive ⁹⁷²⁰⁶	Sharon Stanton	Sharon Stanton

PETITION TO CREATE A MORE UNIFORM ZIP CODE FOR THE CITY OF MILWAUKIE

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 4925 SE Brookside Dr. 97206	Susan Valdes	<i>Susan Valdes</i>
2) 4835 SE Brookside 97206	Jeanette L. Wilson Jeanette L. Wilson	<i>Jeanette L. Wilson</i>
3) 4665 SE Brookside 97206	Elicia Perciso Diana Perciso	<i>Diana Perciso</i>
4) 4815 SE Brookside Dr. 97206	Kirk M. Robinson Sheryl A. Robinson	<i>Sheryl A. Robinson</i>
5) 4815 SE Brookside Dr. 97206	Kirk M. Robinson	<i>Kirk M. Robinson</i>
6) 4865 SE Brookside Dr 97206	CLIFFORD F LOWELL	<i>Clifford F. Lowell</i>
7) 4725 SE Brookside ^{Dr.} 97206	ANNETTE PERCISO	<i>Annette Perciso</i>
8) 4725 SE Brookside Dr. 97206	Robert J Perciso	<i>Robert J Perciso</i>
9) 4705 SE Brookside Dr 97206	FRANCIS E. KOWALSKI	<i>Francis E. Kowalski</i>
4705 SE Brookside Dr 97206	FRANCIS E KOWALSKI	<i>Francis E. Kowalski</i>

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 4655 SE Brooks Dr. 97206	SANDRA COILA	<i>Sandra Coila</i>
2) 4665 SE " " 97206	EDWARD SCIPIO	<i>Edward Scipio</i>
3) 4675 S.E. Brookside Dr. 97206	DEBRA COX	<i>Debra Cox</i>
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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
4685 S.E. Brookside Dr. 97206	DENNIS E BRUNER	<i>Dennis E Bruner</i>
4685 SE Brookside dr. 97206	DIANA G. BRUNER	<i>Diana G Bruner</i>
4805 S.E. BROOKSIDE DR. 97206	SHARON A. LOWELL	<i>Sharon A. Lowell</i>

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
4925 S.E. RAINBOW LANE 97206	ROBERT R. EWALD	Robert R. Ewald
4925 S.E. Rainbow Lane 97206	Shirley J. EWALD	Shirley J. Ewald
5226 Rainbow Ln 97206	BARBARA H. PECK Barbara H Peck	Barbara H Peck
4781 SE RAINBOW LN 97206	LYLE G KING	Lyle G King
4915 S.E. Rainbow Ln 97206	JUDY L. BUTTERFIELD	Judy L. Butterfield
4986 S.E. Rainbow Ln 97206	Betty DuBose	Betty M. DuBose
4986 S.E. Rainbow Ln 97206	MAXINE DU BOSE	Maxine Du Bose
5044 S.E. Rainbow Ln 97206	Sandra Feagin	Sandra Feagin (6)
5044 S.E. Rainbow Ln 97206	Carl E. Feagin	Carl E. Feagin
4981 SE RAINBOW LN - 97206	BARBARA M KING	Barbara M. King

PETITION TO CREATE A MORE UNIFORM ZIP CODE FOR THE CITY OF MILWAUKIE

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 5012 SE RAINBOW LN. 97206	KARIDEANE S. BAUDER	Karideane S. Bauder
2) 5012 SE RAINBOW LN. 97206	GREGORY K. BAUDER	Gregory K. Bauder
3) 4935 S.E. Rainbow Ln. 97206	Joyce A. Helvey	Joyce A. Helvey
4) 4935 S.E. Rainbow Ln. 97206	CLINTON M. HELVEY	Clinton M. Helvey
5) 5025 SE Rainbow Ln. 97206	Barbara Edeline	Barbara Edeline
6) 5025 S.E. Rainbow Ln. 97206	John J. Edeline	John J. Edeline
7) 5035 S.E. Rainbow Ln. 97206	Kathy Lay	Kathy Lay
8) 5115 Rainbow Lane 97206	Charles J. Dolance	Charles J. Dolance
9) 9102/5116 Rainbow Cir. 97206	Scarlett J. Eastenday	Scarlett J. Eastenday
9102/5116 Rainbow Cir 97206	GAIL G EASTENDAY	Gail G. Eastenday

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 9206 S.E. Regents 97206	WANITA Fogel	Wanita Fogel
2) 9225 S.E. Regent 97206	JANE LANE	Jane Lane
3) 1215 SE Regents Dr 97206	Melba Kelner	Melba J Kelner
4) 4506 S.E. Fieldcrest 97206	Mr. Todd Fawcett	Mr. Fawcett
5) 9125 SE Regents Dr. 97206	Audrey Augustyn	Audrey Augustyn
6)		
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8)		
9)		

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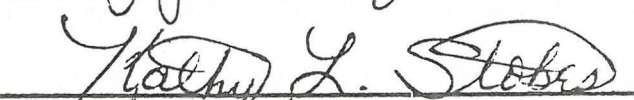
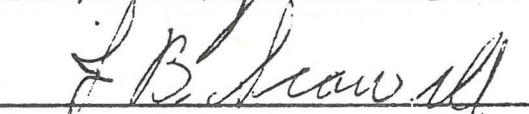
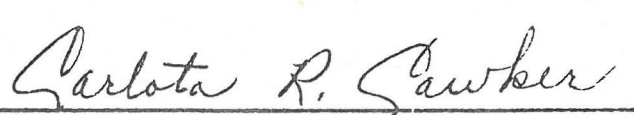
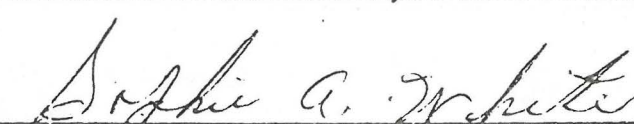
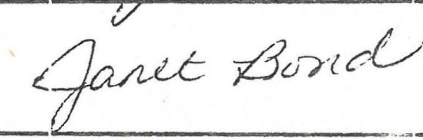
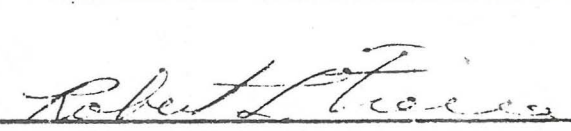
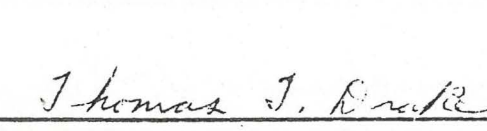
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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 4816 SE Brookside Dr 97206	George Kolibaba	Mrs. Geo. Kolibaba
2) 4800 S.E. Brookside Dr. 97206	Diane Tomlin	Diane Tomlin
3) 4716 S.E. Brookside Dr. 97206	FRANK R. GUERRA SR.	Frank R. Guerra Jr.
4) 4706 SE Brookside Dr 97206	LARRY M HEITZLER	Larry M Heitzler
5) 4706 SE Brookside Dr 97206	BETTY A HEITZLER	Betty A Heitzler
6) 4702 SE BROOKSIDE DR 97206	MARLA S. DEARING	Marla S. Dearing
7) 4702 SE BROOKSIDE DR. 97206	THOMAS C. DEARING	Thomas C Dearing
8) 4696 SE Brookside Dr. 97206	K WESLEY HARWOOD	K. Wesley Harwood
9) 4686 SE Brookside DR 97206	GARY WADDLE	Gary Waddle

PETITION TO CREATE A MORE UNIFORM ZIP CODE FOR THE CITY OF MILWAUKIE

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
5016 SE Brookside Dr 97206	Stephen A Stokes	
" " 97206	Kathy L. Stokes	
5006 Brookside Dr 97206	J. B. SEAWELL	
5004 Brookside DR 97206	Jean Seawell	JEAN SEAWELL
4926 Brookside Dr. 97206	Carlota R. Cawker	
4916 Brookside Dr 97206	Sophia White	
4906 SE Brookside Dr 97206	Janet Bond Janet Bond	
4836 S.E. Brookside 97206	Robert L. Pierce	 (8)
4826 S.E. Brookside Dr. 97206	Thomas J. Drake	
4826 S.E. Brookside Dr. 97206	Marilyn L. Drake	Marilyn L. Drake

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 5226 BROOKSIDE 97206	NELLO ANGERIKI	Nello Angerilli
2) 5202 S.E. Brookside Dr. 97206	CONRAD A. GALSTER	Conrad A. Galster
3) 5202 SE Brookside Dr 97206	ALBERTA L. GALSTER	Alberta L. Galster
4) 5146 SE Brookside Dr. 97206	DANIEL J. MAY	Daniel J. May
5) 5146 S.E. Brookside Dr. 97206	BONNIE C. MAY	Bonnie C. May
6) 5136 SE Brookside Dr. 97206	IRENE A THOMPSON Irene A. Thompson	Irene A. Thompson
7) 5126 SE Brookside Dr. 97206	RAMONA NOTZ	Ramona Notz
8) 5126 SE Brookside Dr. 97206	ALBERT NOTZ	Albert Notz
9) 5106 Brookside Dr. 97206	MICHELLE ELLSWORTH	Michelle Ellsworth

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 9025 Regents Dr 97206	KARLON PETERS	Karlton Peters
2) 9030 Regents 97206	Astellia Haber	Astellia Haber
3) 9105 Regents 97206	CAROL LINGG	Carol Lingg
4) 9115 REGENTS 97206	GEORGE LUTHELAND	George Luteland
5) 9115 Regents 97206	LILLIAN PEDERSON	Lillian Pederson
6) 97206	MAXINE RANSON	Maxine Ranson
7) 5035 S.E. Mason Ln 97206	MARJAN RAMSON	Marjan Ramson
8) 5035 S.E. Mason Ln 97206	THOMAS RAMSON	Thomas Ramson
9) 5071 S E MASON LANE 97206	ZEHAN R. MOORE	Zehan R. Moore (9)
10) 5147 SF MASON LN 97206	DAVE CONRAD	Dave Conrad
11) 5070 S E MASON LN 97206	LORREI F. GRESSE	Lorrei F. Gresse

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
25205 SE MASON LANE 97206	Sharon A Cook	Sharon A. Cook
25306 SE Mason Lane 97206	Marjorie J. Ochs Marjorie J. Ochs	Marjorie J. Ochs
9394 SE MASON CIRCLE 97206	NEIL J JENSEN	Neil Jensen
9394 SE Mason Circle 97206	Nancy A Jensen	Nancy A. Jensen
9332 SE Mason Circle 97206	Florence HANSON	Florence Hanson
9395 SE Mason Circle 97206	Gloria Bolan	Gloria Bolan
9395 SE Mason Circle 97206	DALE D. BOLAN	Dale D. Bolan
5116 S.E. Mason Lane 97206	Donald D. Young	Donald D. Young
5070 - SE MASON Lane 97206	Roger W. GIESSEMAN	Roger W. Giesseman
5036 S.E. Mason Lane 97206	Bonnie L. GARRISON	Bonnie L. Garrison

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HOUSE NUMBER, STREET, ZIP CODE	PRINTED NAME	SIGNATURE
1) 9816 SE Regents 97206	Patricia J. Parker	<i>Patricia J. Parker</i>
2) 8816 SE Regents Dr. 97206	James M. Parker	<i>James M. Parker</i>
3) 8815 SE REGENTS DR 97206	STANLEY G. CRAIG	<i>Stanley G. Craig</i>
4)		
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MEMORANDUM
August 12, 1976

6c

TO: City Manager
FROM: Neighborhood Council Coordinator
SUBJECT: Area # 5 reports for City Council meeting August 16.

SUNDIAL COURT

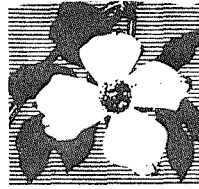
The Executive Board of Area 5 met on August 4th and continued to agree that Sundial Court annexation seemed most logical; the broader questions of city boundary goals and annexation in general will be addressed at a future general meeting.

EAST-WEST CORRIDOR

The Executive Board at its August 4th meeting considered the City Council's request for input on an east-west corridor and decided that without a great deal more information this topic could not be brought to the general membership. The board unanimously agreed that the City Council and city staff be asked for all relevant data - various alternatives under consideration, any studies made, technical and engineering material, traffic safety information, etc. When this information is available, the board will know how best to treat this question in a general membership meeting.

George Passadore will probably be at the August 16th meeting to answer any questions the City Council may have.

CITY OF MILWAUKIE



7a
OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

August 6, 1976

Mayor and City Council
City of Milwaukie
Milwaukie, Oregon

Gentlemen and Mrs. Burgess:

The Clackamas County Comprehensive Health Planning Council has been dissolved recently as a result of Public Law 93-641, and is to be redesignated "Clackamas County Sub-area Health Advisory Council."

The Council will consist of representative consumers and providers from the various municipalities, in order that broad representation may be effected.

I hereby request that I be favorably considered to be nominated to that Council to represent the City Council and the City of Milwaukie as a consumer representative.

Best personal regards,

Ken Levstone
BT
Ken Levstone

KL:df

*Financially As well?
How a Govt.
motivated by Dwyer*

CITY OF MILWAUKIE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Milwaukie City Council at its meeting at 7:30 p.m. on Monday, August 16, 1976, in the Council Chambers, City Hall, 10722 SE Main Street, Milwaukie, Oregon, will consider PRC-76-1 , a request by Southern Pacific to resolve the conflict between the Comprehensive Plan Map and Zoning Map on property located on the southwest corner of 37th Avenue and Monroe Street by changing the Comprehensive Plan Map designation to Industrial, in M-L, Limited Manufacturing, zone.

Interested citizens and the general public are invited to attend this meeting.

Dorothy E. Farrell, City Recorder

Publish August 4 and 11, 1976

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

9
②

July 30, 1976

TO: City Council
FROM: Planning Commission
SUBJECT: Design Review Ordinance

Early in 1974, the City Council and Planning Commission recognized the need for design review. An interim design review ordinance establishing the Planning Commission as the interim Design Review Board was adopted by the City Council on October 20, 1975, after a favorable recommendation by the Planning Commission. At that time, the Council directed staff to develop an ordinance which would establish a design review board separate from the Planning Commission.

On January 22, 1976, the Planning staff submitted to the Planning Commission a preliminary draft of a permanent Design Review Ordinance which is largely an adaptation of the model ordinance prepared by the American Institute of Architects. This draft went through several revisions, and the Planning Commission held a public hearing on February 24, 1976. No person appeared to speak regarding the issue and no correspondence was received. The Commission decided to have the City Attorney and Planning Director review the proposed ordinance and submit written recommendations for changes for Planning Commission consideration before a recommendation was made to the Council regarding the proposed ordinance. The draft was further revised to include these recommendations.

At its meeting held July 27, 1976, the Planning Commission voted unanimously to recommend approval of the Design Review Ordinance as revised.

Attached is a copy for your consideration.

m

*Nat E. ...
or Jay*

For Council agenda August 16, 1976

CITY OF MILWAUKIE
NOTICE OF PUBLIC HEARING

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1

Notice is hereby given that the Milwaukie City Council at its meeting at 8 p.m. on Monday, August 16, 1976, in the Council Chambers, City Hall, 10722 SE Main Street, Milwaukie, Oregon, will consider an ordinance adopting design review regulations for the City of Milwaukie, Oregon.

Interested citizens and the general public are invited to attend this meeting.

Dorothy E. Farrell, City Recorder

Publish August 11, 1976.

CITY OF MILWAUKEE
Inter-Department Memorandum

Date: August 10, 1976

TO: City Manager
FROM: Finance Director
SUBJECT: Franchise Fee for Refuse Collection

106
①

In a recent meeting, Dale Harlan and I agreed in principal to recommend a franchise fee based upon a cost of living formula which would generate revenues substantially identical to those which would be derived using a 3% of gross revenue formula, if a mutually acceptable format could be arrived at. He was to prepare a draft for the consideration of the City Attorney as well as you and I. The draft received was neither complete nor was it an acceptable format. It is my feeling that Mr. Harlan has attempted to "force" the City's position by "selling" his draft to the franchisees prior to the City's response.

Following are the reasons we have previously discussed for not favoring the draft:

1. The proposal contains much unnecessary verbiage. I fail to see the need for a recitation of the past history of the franchises and franchise fees.
2. The retroactive fee specified under the previous formula has been understated by approximately \$350.
3. The statement that the retroactive payment is "consideration" for establishing a formula for future payment and agreeing not to change said formula until 1994. The implication is that the past payment is not required and is merely being made to "buy" favorable future consideration. Nonsense! Under Ordinance 1301 payment is required, but the resolution establishing the amount has not yet been enacted. That is the purpose of the work now being done. Further, any "trade off" of future revenue for lesser amounts received currently cannot fail to hurt the City in the long run (ala New York). Consideration of any such proposal is not in the City's interests, and is not recommended in any way, shape or form.
4. His franchise fee formula is written loosely, and can be interpreted in such a way as to disallow any cumulative effect of cost of living increases thereby circumventing the intent of the fee. Consideration of financial impact of various proposals will be made later.
5. The draft specifically states that the franchise fee shall be divided between the franchisees on the basis of the percentage of gross business each does within the City in relation to the total business done under the Franchises. In my mind, this refutes the argument that the franchises are unable to determine their gross revenue within and without the City, despite Mr. Harlan's contention that they will make such calculations on their "feel" for the gross business conducted. It should be noted that even under the previous fee schedule, the fee was divided on the basis of gross business in the City.

6. Last, and perhaps most important, is the contract itself which ties the City down for 20 years. Our ordinance calls for a resolution establishing fees. After our discussions, I feel a contract is unnecessary and not in the best interest of Milwaukee. As to the 20 year commitment, not even the franchise itself necessarily runs 20 years. The provision for termination at the expiration of each 5 year period would indicate that any "Commitment" to a fee formula should be at least reviewed at 5 year intervals. Accordingly, provision for changes effective October 1, 1979 should be incorporated. Absence of a contract would allow such a review at either party's option should the need become apparent.

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②

Alternatives

Schedule 1 analyzes the financial impact of six different methods of franchise fees. Schedule 2 lists the assumptions used to generate the forecasts and Schedule 3 documents the calculations of future gross revenues. Following is a brief review of each method:

Prior Method - Based upon a flat fee to be adjusted for the cost of living. Inasmuch as the base fee is relatively low, this method is the least remunerative of the six, representing only 1.59% of gross revenues.

3% of Gross Revenues - A flat percentage of gross revenues which would seem to me the most effective in matching costs to benefits derived from the franchise privileges. The 3% figure is one commonly used and would be the best revenue source of those explored.

Flat Rate Plus Cost of Living - There are three separate methods here, each using the assumption that the new base rate will approximate 3% of current estimated gross:

1. Non cumulative - (One interpretation of Dale Harlan's proposal)
The \$10,000 flat fee would be increased each year by only the cost of living for the preceding 12 months. Accordingly, the fee would be effectively frozen after the second year.
Net result - less than a \$14,000 revenue gain over the 11 year period surveyed or an equivalent of only 1.8% of total gross revenues.
2. Cumulative with immediate payment - This assumes that payment is made prior to any increase in rates. In the past, payment has been made in advance and this would continue that tradition. The revenue generated is a substantial improvement over the previous formula, but still only 80% of the target 3%.
3. Cumulative with payment at year end - Mr. Harlan's proposal features payment at year end rather than in advance. Inasmuch as a rate increase will most likely be approved prior to that time, an equivalent of 3% of the gross would be somewhat higher than \$10,000. It is not unreasonable to expect that said request for a rate increase will be in the vicinity of 50¢ per month, an increase of slightly over 15%. Applying 15% to the current figures would raise the base fee to \$11,500. Over the forecast period the effective rate would be 2.92%, or some \$5,000 less than the 3% of gross.

Flat Rate Plus the Cost of Living Plus a Growth Factor of 3% -
It is obvious that the straight cost of living increase on top of a \$10,000 base falls far short of the percent of gross method. The reason is that the gross business within Milwaukie can be expected to grow faster than the cost of living due to development. Further, any significant annexation could drastically impact such business, even though none is projected in my assumptions. Building in a growth rate will more closely equate the revenue to the 3% of gross method. The revenue would be only \$1,158 less over the 11 year period for an effective rate of 2.98%. This is predicated upon a payment in advance as has been past practice.

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Recommendations

I have previously expressed the opinion that Milwaukie should be generating more revenue from its garbage franchise fees. My opinion has not changed. The above methods represent effective ways of dealing with the question of fees. They also raise one crucial question as to any increase.

What of the impact upon the citizen using garbage service? Believe it or not, the residential customer will benefit to a small degree! The increase of moving from the previous method to 3% of the gross is \$3,395. If this cost were passed on it would mean an increase of 1.03% in the existing rate or 40.2¢ per year ($\$3.25 \times 1.03\% \times 12$ months). Offsetting this would be the property tax savings. Collection of \$3,395 less taxes would result in a reduction of \$3,836 in taxes assessed due to the 13% adjustment for taxes not expected to be collected (required by Oregon law). Using the estimated assessed valuation of \$235,000,000, the savings per \$1,000 T.C.V. would be 1.63¢ resulting in a total savings of 48.9¢ on a \$30,000 home. Savings would increase with property value.

Who then pays the difference if the costs are passed on? Large garbage service users in part. To the extent their use is disproportionately high compared to their assessed valuation, their costs would increase. Again it should be remembered that the increase would be only 1.03% as a result of the fee change.

Also, to a very real extent, the increase is paid for by "nobody" as there are real savings. The provision for uncollectable taxes is necessary only because of individuals who do not pay their taxes currently. As a result, conscientious property owners are paying a penalty for their less responsible neighbors. This is a corollary point of some significance. To the extent a government agency can shift its revenue sources from property taxes to charges equated with services used, The overall burden is eased except for those who squander the services they receive.

Based upon the research done to date, I continue to believe that a franchise fee based upon 3% of gross revenue is fair and reasonable. I have checked with three other cities I regard as comparable to Milwaukie which do use this method (Beaverton, Gresham & Hillsboro). Of the three, none provides any significant service to their franchisees beyond the privilege of doing business in the community without competition. All three regard the fee as primarily a revenue source. As a matter of fact, Gresham, which had only had a 3% rate for a few short years, recently raised their fee to 4%.

Following are the percentage rates and budgeted revenue for our other franchisees for 1976-77:

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Pacific Northwest Bell	3%	\$ 46,000
Northwest Natural Gas	3%	38,000
Portland General Electric	3.5%	110,000

I still fail to understand why a garbage franchise should be treated any differently from the above franchisees.

The budget for 1976-77 incorporates an estimate of \$14,000 from garbage franchise fees. Insufficient research existed at the time of budget preparation to adequately gauge the actual collections which would be forthcoming. About \$6,700 will be collected in retroactive fees using the previous formula, leaving a balance of \$7,300. Additional collections would run from zero to \$10,000 + depending upon whether or not a method is selected which would require payment before year end. Thus, the fee is a critical element in meeting our budgeted revenues.


I acknowledge Mr. Harlan's claim that requiring a percentage of the gross is inconvenient. Based upon our correspondence and the 2% fee now being paid to Clackamas County, I dispute any contention that the fee is not compatible with their accounting records and would impose a severe hardship.

Should these problems seem insurmountable, I would be willing to accept either of the methods which are substantially equivalent to 3% of the gross (columns E and F). Despite the fact that they generate slightly less revenue, I consider them to be of equal value inasmuch as they provide for a more favorable cash flow. That is to say, we would get more money faster, allowing such funds to be invested earlier, resulting in more revenue overall and a corresponding relief from reliance upon property taxes for our citizens. I recommend that these three methods be prioritized in declining order of total income produced. The remaining three methods should not be seriously considered unless it is decided to accept less revenue.

As per our conversations, an underlying assumption of adopting higher franchise fees is that the City of Milwaukie no longer receive free service from the franchisees. This is in keeping with the arrangements with our other franchisees and seems to be reasonable.

Whichever method is adopted, certain other provisions should apply, specifically:

1. Payment shall be due 30 days from date of billing by City.
2. A late penalty of 1% per month shall be charged for each month (or part thereof) by which a payment is late.
3. Cost of living changes (if applicable) shall run from May to May to enable timely computation of the rate.
4. Under a percentage of gross revenue method (if applicable) the financial records and tax returns of the franchisees shall be made available upon request by the City.
5. The retroactive fee for the period May 11, 1975 to June 30, 1976 shall be \$6,719, the pro rata amount as computed under the previously established formula. New rates shall become effective July 1, 1976.


DO/Var

ANALYSIS OF VARIOUS FRANCHISE FEE METHODS
CITY OF MILWAUKIE
1976-77 THROUGH 1986-87

YEAR	A	B	C		E	F
	PRIOR METHOD USED	3% OF GROSS REVENUE	FLAT RATE PLUS NON CUMULATIVE (1)	C. O. L. CUMULATIVE IMMEDIATE (2)	YEAREND (3)	C.O.L. PLUS 3% GROWTH RATE (4)
1976-77	\$6,255	\$10,650	\$10,000	\$10,000	\$11,500	\$10,000
1977-78	6,755	11,730	10,800	10,800	12,420	11,100
1978-79	7,296	12,900	10,800	11,664	13,414	12,321
1979-80	7,879	14,100	10,800	12,597	14,487	13,676
1980-81	8,510	15,810	10,800	13,605	15,646	15,180
1981-82	9,191	17,610	10,800	14,693	16,897	16,850
1982-83	9,926	18,120	10,800	15,869	18,249	18,704
1983-84	10,720	21,480	10,800	17,139	19,709	20,762
1984-85	11,578	22,110	10,800	18,510	21,286	23,045
1985-86	12,504	25,740	10,800	19,990	22,988	25,580
1986-87	<u>13,504</u>	<u>26,520</u>	<u>10,800</u>	<u>21,859</u>	<u>24,827</u>	<u>28,394</u>
TOTAL	<u>\$104,118</u>	<u>\$196,770</u>	<u>\$118,000</u>	<u>\$166,456</u>	<u>\$191,423</u>	<u>\$195,612</u>
Effective percentage of gross revenue	<u>1.59%</u>	<u>3.0%</u>	<u>1.80%</u>	<u>2.54%</u>	<u>2.92%</u>	<u>2.98%</u>

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SCHEDULE 1

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ANALYSIS OF VARIOUS FRANCHISE FEE METHODS
CITY OF MILWAUKIE
1976-77 THROUGH 1986-87

- (1) The contract prepared by Dale Harlan did not specify that the cost of living be cumulative.
- (2) An assumption of this approach is that the flat fee will be established to approximate 3% of gross revenues. Annualized gross income as of 7/1/76 is estimated at \$330,000 resulting in a \$10,000 fee if the fee is paid in advance as has been past practice.
- (3) If the fee is not paid until yearend, the annualized income will have increased to an estimated \$380,000 due to an estimated 15% rate increase, resulting in a 15% increase in the base fee.
- (4) Assumes a base fee of \$10,000, adjusted for the cost of living plus the assumed 3% annual rate of increase in customers served.

SCHEDULE 1A

ANALYSIS OF VARIOUS FRANCHISE FEE METHODS
GENERAL ASSUMPTIONS UTILIZED

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- A. The annual cost of living increase for the period analyzed will be 8%.
- B. Garbage business will increase at an annual rate of 3% due to development within the present Milwaukee City limits.
- C. No significant annexations will occur.
- D. Gross revenues within the City of Milwaukee are estimated to be \$330,000 (at the present \$3.25 per month rate) on an annualized basis.
- E. Rate increases, approximately the cost of living, will become effective as follows:

January 1, 1977	\$3.75	(15.4%)
January 1, 1979	\$4.25	(13.3%)
January 1, 1981	\$5.00	(17.6%)
July 1, 1983	\$5.75	(15%)
July 1, 1985	\$6.50	(13%)

COMPUTATION OF GROSS REVENUE ESTIMATE
 REFUSE COLLECTION
 CITY OF MILWAUKIE
 1976-77 THROUGH 1986-87

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<u>YEAR</u>	<u>ANNUALIZED RATE</u>	<u>PERIOD (MONTHS)</u>	<u>GROWTH FACTOR</u>	<u>GROSS REVENUE</u>
1976-77	\$330,000	6	-	\$165,000
	380,000	6	-	190,000
				<u>\$355,000</u>
1977-78	\$380,000	12	1.03	<u>\$391,000</u>
1978-79	\$380,000	6	(1.03) ²	\$202,000
	430,000	6	(1.03) ²	228,000
				<u>\$430,000</u>
1979-80	\$430,000	12	(1.03) ³	<u>\$470,000</u>
1980-81	\$430,000	6	(1.03) ⁴	\$242,000
	506,000	6	(1.03) ⁴	285,000
				<u>\$527,000</u>
1981-82	\$506,000	12	(1.03) ⁵	<u>\$587,000</u>
1982-83	\$506,000	12	(1.03) ⁶	<u>\$604,000</u>
1983-84	\$582,000	12	(1.03) ⁷	<u>\$716,000</u>
1984-85	\$582,000	12	(1.03) ⁸	<u>\$737,000</u>
1985-86	\$658,000	12	(1.03) ⁹	<u>\$858,000</u>
1986-87	\$658,000	12	(1.03) ¹⁰	<u>\$884,000</u>

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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 Milwaukee that the franchise fee for fiscal year 1976-77 be established at a base rate of \$11,500, representing an estimate of 3% of annualized gross revenues from franchised operations as of June 30, 1977. Payments for future years shall be that base rate plus an annual adjustment for the percentage change in the consumer price index for the Portland Metropolitan Area for the preceding 12 months.

BE IT FURTHER RESOLVED that changes in the consumer price index shall be measured from May 31 to May 31 of each year to ensure timely computation. Payments shall be made at the end of each fiscal year, within 30 days of billing by the City. A penalty of 1% per month shall be charged for each month or part of a month for which a payment is late.

BE IT FURTHER RESOLVED that the retroactive fee for the period May 11, 1975 to June 30, 1976 shall be \$6,719, the pro rata amount as computed under the previously established formula, such amount to be payable within 30 days of billing by the City.

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 E. Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

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(10)

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 11, 1975 to the present.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukee that the franchise fee be established at 3% of gross revenues derived from service provided within the city limits of Milwaukee under terms of franchises created pursuant to Ordinance 1301. Such fee shall be retroactive to July 1, 1976.

BE IT FURTHER RESOLVED that the fee be reported on a fiscal year basis, with payment due no later than August 15 for the year ended the previous June 30. A penalty of 1% shall be charged for each month or part of a month for which a payment is late.

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 related financial information. Said documentation shall include, but not be limited to, financial statements and tax returns of the franchises.

BE IT FURTHER RESOLVED that the retroactive fee for the period May 11, 1975 to June 30, 1976 shall be \$6,719, the pro rata amount as computed under the previously established formula, such payment to be payable within 30 days of billing by the City.

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 E. Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

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

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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 Milwaukee that the franchise fee be established at an annual base rate of \$10,000 for fiscal year 1976-77. Future payments shall be increased annually by the percentage change in the consumer price index for the Portland Metropolitan Area for the preceding 12 months, plus 3%, representing the estimated amount of new development within the City. (For example, an annual charge of 6% in the consumer price index would result in a 9% increase in the franchise fee.)

BE IT FURTHER RESOLVED that the cost of living shall be measured from May 31 to May 31 of each year to ensure timely computation. Payments shall be made in advance for each fiscal year and shall be payable within 30 days of billing by the City. A penalty of 1% shall be charged for each month or part of a month for which a payment is late.

BE IT FURTHER RESOLVED that the retroactive fee for the period May 11, 1975 to June 30, 1976 shall be \$6,719, the pro rata amount as computed under the previously established formula, such amount to be payable within 30 days of billing by the City.

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 E. Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

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

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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 Milwaukee that the franchise fee be established at an annual base rate of \$10,000 for fiscal year 1976-77. Future payments shall be increased annually by the percentage change in the consumer price index for the Portland Metropolitan Area for the preceding 12 months, plus 3%, representing the estimated amount of new development within the City. (For example, an annual charge of 6% in the consumer price index would result in a 9% increase in the franchise fee.)

BE IT FURTHER RESOLVED that the cost of living shall be measured from May 31 to May 31 of each year to ensure timely computation. Payments shall be made in advance for each fiscal year and shall be payable within 30 days of billing by the City. A penalty of 1% shall be charged for each month or part of a month for which a payment is late.

BE IT FURTHER RESOLVED that the retroactive fee for the period May 11, 1975 to June 30, 1976 shall be \$6,719, the pro rata amount as computed under the previously established formula, such amount to be payable within 30 days of billing by the City.

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 E. Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

C O N T R A C T

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1 RECITALS-

(a) The City of Milwaukie has Franchised six Solid Waste Collection firms under six Solid Waste and Waste Franchises pursuant to Ordinance No. 1301 adopted by the Council on the 7th day of October, 1974.

(b) Said Franchises were issued for a period of 20 years for described areas of the City under date of October 21, 1974.

(c) Section 21. of Ordinance No. 1301 provides as follows:

"Section 21. Franchise Fee.

As compensation for the Contract rights to Franchisees and for the use of the streets, the Franchisees under the Ordinance shall pay the City of Milwaukie such sum or sums at such times as may be set by Resolution of the Council. In setting such Franchise Fee, due consideration shall be given to the service provided to the City by the Franchisees. The Franchise Fee payable by persons Franchised under this Ordinance shall be set by City Council Resolution."

(d) No Resolution has been passed establishing a Franchise Fee for those Franchised under the Ordinance.

(e) The last Franchise Fee was paid to the City on June 12, 1974, for the 12 months beginning May 11, 1974. The sum paid was \$5,310 which was divided by the Franchisees in accordance with their proportion of the total gross solid waste business in the City. Said payment and prior payments were in accordance with the Refuse Collection Agreement Addendums of March 9, 1970, and April 1, 1971, which were Addendums to the Refuse Collection Agreement dated May 11, 1959. The 1959 Refuse Collection Agreement was superseded by the Franchises issued under Ordinance Number 1301.

2. AGREEMENTS-

In accordance with Section 21. of Ordinance Number 1301, the City Council has by Resolution Number _____, authorized the Mayor to enter into the following Agreement with the Franchised Firms, and this Agreement shall be binding upon the execution of this Contract by the authorized representatives of said Franchised Firms and upon signature of the Mayor:

(1) Franchisees are to pay the sum of \$6,367.40 as and for a Franchise Fee for the period from May 11, 1975, through June 30, 1976. Such sum is arrived at by the parties on the basis of the formula in effect under the Refuse Collection Agreement Addendum of April 1, 1971.

(2) In consideration of the Franchisees making the foregoing payment and of the Franchisees agreeing to the formula set forth herein for future payments, the City agrees not to change the Franchise Fee during the 20 year Franchise period under the Franchises issued to each of the six firms on October 21, 1974.

(3) The Franchise Fee for the fiscal year beginning July 1, 1976, shall be the sum of \$10,000. For the fiscal year beginning July 1, 1977, and for subsequent fiscal years, the Franchise Fee shall be \$10,000 plus the increase in the cost of living as shown by the U.S. Department of Labor Consumer Price Index for the Portland Metropolitan Area. The Franchise Fee for that portion of a year beginning with the fiscal year July 1, 1994, shall be pro-rated to take into account the expiration date of the Franchises. The Consumer Price Index calculation shall be based on the report for the month of May each year.

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(4) The billing for the Franchise Fee shall be sent to SCA Services of Oregon, Inc., dba Milwaukie Sanitary Service or its successor. Said firm and the other Franchisees agree to divide the responsibility for payment of the Franchise Fee with said payments to be based on the percentage of gross business each firm has in the City of Milwaukie in relation to the total gross Solid Waste business the firms have collected for from operations under their Franchise for the preceding calendar year or other 12 month period agreed to by the Franchisees. The City, if requested by written notification by April 30th of each year, shall bill each of the firms in accordance with the percentage of the Franchise Fee to be billed to said firm as set forth in such written notification from the agent of all the Franchised Firms. The Franchise Fee shall be due and payable within 30 days of the billing by the City, and in the event it is not paid within said time, shall entitle the City to collect a penalty of one percent (1%) per month for payments after said 30 days.

THIS CONTRACT is made and executed this ___ day of August, 1976.

CITY OF MILWAUKIE

Mayor

FRANCHISEES

Deines Bros Sanitary Service, Inc.

Mel Deines Sanitary Service Inc.

Oak Grove Disposal Co., Inc.

P. Deines Garbage Service

SCA Services of Oregon, Inc. dba
Milwaukie Sanitary Service

Wichita Sanitary Service, Inc.

DALE M. HARLAN
ATTORNEY, P.C.
2146 S.E. LAKE RD.
MILWAUKIE, OREGON 97222
654-9533



July 27, 1976

MR. DON OBLANDER
Finance Director
City of Milwaukie

MRS. DOROTHY E. FARRELL
Council Secretary
City of Milwaukie

Dear Don and Dorothy:

I have Don's letter of July 15th and Dorothy's letter of July 21st. We are preparing for a meeting today at 3:00 PM. with the City Manager and the City Finance Director. Let me say first that I will do my best to provide financial information to the City Council on August 2nd, but at the present time, considering the request in the letter of Mrs. Farrell of July 21st, I am a little bit at a loss to know what is meant by "pertinent financial data" for the City Finance Director. I turned over a summary of all the data available at our April 14th meeting, and Mr. Oblander was to write me a specific letter as to what additional information he wanted.

I would say that the information I have already furnished the City is comprehensive information showing total revenue for the firms involved to the best of my ability to get those figures for the periods covered by the Memorandum turned over to Mr. Oblander on April 14th. Such a furnishing of information has always proved adequate for the County which has a long history of ability to work from such figures and arrive at a just rate without the Franchisees having to turn over personal records such as profit and loss statements or income tax returns.

For the purpose of this letter, I think it is more pertinent to reply to some of Mr. Oblander's Memorandum to the City Manager under date of July 14th, which Memorandum apparently went to the Council for its meeting on July 19th in my absence. Mr. Oblander attached a sheet of information from a Bulletin prepared by the League of Oregon Cities in 1975. Much of that information had become stale before it was printed, and some of it was no more informative than trying to analyze the Federal Budget from just the figures involved. There have been many changes in rates since that information was compiled.

On the particular list of Franchise Fees for cities in Oregon between 10 and 25,000, Mr. Oblander correctly notes in Footnote 3. with reference to Milwaukie "that no payment was received since Spring of 1974 in the absence of an Authorizing Resolution". That is where we are at at the present time. The payment made in June, 1974, was for the year to end May 11, 1975. I wrote the City Manager on April 30, 1975, saying that we should get together and try to agree on a Franchise Fee and he indicated the matter had been turned over to Mr. Oblander. Mr. Schilling said in his letter of May 8, 1975, referring to Mr. Oblander's work on the matter, that "When his initial draft is done, I suggest that we sit down and discuss his recommendations." Apparently the Memorandum of July 14th is his initial draft, and we are here to sit down and discuss the matter.

MEMORANDUM TO MEMBERS OF MILWAUKIE CITY COUNCIL

Subject: FRANCHISE FEE FOR REFUSE COLLECTION

Date : August 13, 1976

About Noon today, the City Finance Director had delivered to my office a short letter dated today, along with a Memorandum dated August 10th. The Memorandum is addressed to the City Manager on the above subject. He had promised me a copy of the Memorandum two or three days ago. The lateness of receiving it, of course, makes it difficult to give a very complete response for your study in consideration of this matter which will be on Monday night's Agenda. Incidentally, I was only informed yesterday that it would be on the Agenda, and I have to try to get ahold of my six clients and talk with them on Monday, along with all my other schedule.

The Finance Director never ceases to amaze me. We have negotiations in good faith and then I find him writing communications with a lot of unnecessary verbiage and a lot of misstatements of facts.

It was planned that this matter would be before the Council at its meeting of Monday, August 2nd. However, Mr. Oblander and I met on Thursday, July 29th, and it was the firm understanding that he was speaking for the City Administrative staff in saying that he would recommend the \$10,000 flat fee Franchise Fee if I would recommend it to my clients and get them to go along with it. I did my job. Apparently his recommendation carried little or no weight with his superiors in what the Administration would present to the Council. Yet, Mr. Oblander says in his opening draft that "It is my feeling that Mr. Harlan has attempted to force the City's position by selling his draft to the Franchisees prior to the City's response."

I drafted a proposed Contract for the new and higher fee because I thought that was agreed between the City and the Franchisees as to what would be recommended to the Council. The final decision would be up to the Council. I did not want to see my clients pay \$10,000 plus Consumer Price Index Increases, but I thought it was a reasonable compromise, to save a lot of Council time and hard feelings under the circumstances. I have never felt and do not feel that Franchise Fees are a very appropriate way of raising substantial amounts of revenue when the Franchise Fee is on a consumer product such as garbage service. The Franchise Fee is nothing more than a Gross Sales Tax---a tax which Oregon Voters have overwhelmingly rejected on eight occasions, the last time being when I was serving in the Legislature and every daily newspaper in Oregon supported the tax as the least of the evils to try to solve a financial crisis, particularly in education.

After I drafted the proposed Contract and sent it to Mr. Oblander, he did call and we discussed the draft. I thought we pretty much agreed that the first page was fine. He now finds all sorts of complaints about it, and complains of unnecessary verbiage. I agreed with him that the second page should be redrafted to make clearer that the Consumer Price Index did apply each year on top of the flat fee, and I agreed to a couple other changes. I offered to redraft the Contract. He said he would get it redrafted and get it to me the first of this week. Of course I have seen nothing from his office until this late blast.

He now says in Item 6. on Page 2. of his Memorandum, "After our discussions (presumably his discussions with the City Manager), I feel a Contract is unnecessary and not in the best interest of Milwaukie." This is the first I have heard of this position. It is the first I have heard of Mr. Oblander's feelings in this regard. I thought he was unable to convince his superior, the City Manager. Apparently he changes with the winds and thus it is impossible to have fruitful negotiations unless he is able to keep his word.

Much of his discussion on the third page of his Memorandum of August 10th about what this will do with regard to property taxes and so on is more or less nonsense. He tries to explain away a proposal that would extract a Gross Sales Tax from the people of Milwaukie who use garbage service by saying, "Also, to a very real extent, the increase is paid for by 'nobody' as there are real savings." Yet, he computes Gross Revenue for the City into tens of thousands of dollars. The people who will be paying it are the people who care enough about their property and environment to use garbage services. The people who do not care to provide services for themselves or have it provided by the Franchised Collectors will not be paying any portion of this fee.

A prominent City Commissioner in Portland said the other day that the Franchise Fee idea is getting so far out of bounds that he expects anyday to see a proposal for a Franchise Fee on goldfish to finance birdwatching benches. I think your Franchisees can tell you that that is about the way they feel about these proposals of Mr. Oblander's. They, also, feel that some sort of a Contract is needed because they have had commitments from the City on two prior occasions in this decade as to a Franchise Fee that would be honored in future years. Now the City again proposes to depart from the formula that was established in those earlier years when the Franchisees consented by Contract to a big increase in Franchise Fees.

It was only a little over 30 years ago that the City was begging garbage collectors to come into the City and establish good service. There was no real thought of the City making money on the proposal and for years the City got by with a \$25 Franchise Fee, realizing that if it tried to perform the service the cost would be prohibitive in investment and the service would probably not be nearly as good as that provided by private enterprise.

I am somewhat apologetic for the short, blunt nature of this Memorandum, but in order to try to get it to you with your packet, I have no time for even proofreading due to the lateness of the City furnishing me with their position in this matter--a position which is diametrically opposed to that Mr. Oblander said he was going to recommend and which I reaffirmed on two or three occasions in our meeting as being a recommendation he fully expected City Staff would carry forward to the City Council if I would only try to convince the Franchised Collectors that it was somewhat of a reasonable proposal under the circumstances.

Respectfully submitted,



DALE M. HARLAN, Attorney for
MILWAUKIE SOLID WASTE COLLECTORS

DH:e

TO: MILWAUKIE CITY COUNCIL

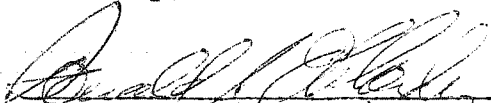
Date: August 13, 1976.

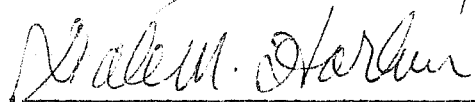
The Memorandum of August 10th containing Mr. Oblander's criticisms of the rough draft was not meant as an assault on Mr. Harlan's work or intentions, but was intended only to show the short-comings of the first draft. Mr. Harlan did offer to revise the draft to meet objections or questions raised by Mr. Oblander.

We met late Friday afternoon and agreed we want the Franchise Fee resolved on its merits rather than be beclouded by any differences as to honest attempts by both of us to agree on a recommendation.

Likewise, Mr. Harlan's response to the Council is not really intended to question Mr. Oblander's good faith.

Sincerely,


DONALD J. OBLANDER, Finance Director


DALE M. HARLAN, Attorney for Solid Waste Franchisees of Milwaukie

MR. DON OBLANDER, Finance Director
 MRS. DOROTHY FARRELL, Council Secretary

July 27, 1976

106
 (15)

The Summary attached to Mr. Oblander's Memorandum of 7/14/76 indicates that six cities of the general size of Milwaukie are paying a fixed annual fee as a garbage Franchise Fee. The total payment in the six cities is \$1,330 or an average of \$220 per year. The rest of the cities are on a percentage basis. In many instances these other cities provide additional services for the Franchise Fee. This may be in the form of a Landfill or cooperating with the County for a Landfill and relieving the garbage collector of that very substantial expense. For instance, Landfills are publicly owned and provided by either city or county in Baker County, Benton, Columbia, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Hood River, Jefferson, Josephine, Lake, Marion, Morrow, Polk, Tillamook, Umatilla, Union, Walldla, Wasco, and Yamhill Counties. In some instances, there is no charge to either the public or the collector. In other instances there is no charge to one, but a charge to the other. These differences make comparisons on Franchise Fees rather meaningless.

Some cities in Oregon charge no Franchise Fees, realizing that a very valuable public service is being provided. Other cities seem to realize that the amount of traffic, the condition of the streets, the location of the Landfill, the free service provided the City, and all has a great bearing on Franchise Fees. In Milwaukie, the City is provided with free service.

Some of the Franchise Fees in surrounding cities are as follows:

Oregon City	\$750 per year
Lake Oswego	33¢ per year per person
Gladstone	\$360 per year
Canby	\$ 10 per year
Estacada	30¢ per person per year
Molalla	\$ 75 per year

It seems to me that the formula used under the prior Solid Waste Agreement was perfectly adequate and returned the City a good Franchise Fee that could be adjusted with the Cost of City Government because it was tied to the Consumer Price Index. That formula was agreed to by the Franchisees and the City on April 1, 1971, and was to continue until the expiration of the then Franchise which would be the year ending May 11, 1979. We feel the City has the moral commitment to honor that prior Agreement between the Council and the Franchisees. Mr. Oblander wrote on May 3, 1976, wanting \$5,850 which would be for the year beginning May 11, 1975. If that was a just formula then, it is a just formula now and the same formula ought to be used and agreed to and approved by Resolution for the balance of the Franchise period, and in addition paid for the current period.

These are my personal thoughts. I have not had time to go over them with all of the Franchisees. These would be my recommendations at this time.

Very truly yours,

Dale M. Harlan

DALE M. HARLAN, Attorney for
 MILWAUKIE SOLID WASTE FRANCHISEES

DH:e

AN ORDINANCE AMENDING ORDINANCE NUMBER 1342 BY ADDING METES AND BOUNDS LEGAL DESCRIPTION AND DECLARING AN EMERGENCY.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Amends Section 1 of Ordinance Number 1342 by adding thereto the following metes and bounds legal description:

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

1. Thence Southerly parallel with the centerline of S.E. 29th Ave. (formerly Ardenwald Ave.), 86.06 feet to the beginning point of a 15.0 foot radius curve to the left;
2. Thence Southeasterly along said 15.0 foot radius curve to the left, thru a central angle of $86^{\circ} 29'$, 22.64 feet to a point of tangency;
3. 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 13.56 feet West of the Southeast corner of said Lot 13;
4. Thence Northwesterly along a 100 foot radius curve to the right thru a central angle of $88^{\circ} 53' 15''$ to the Northwest corner of said Lot 13 and the point of beginning.

Section 2. Inasmuch as this Ordinance is immediately necessary for the preservation of public health, peace and safety of the City of Milwaukie, Oregon, and the inhabitants thereof, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the City Council and signing by the mayor.

Read the first time this 16th day of August, 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 16th day of August, 1976.

ATTEST:

Bill Hupp, Mayor

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

AN ORDINANCE AMENDING ORDINANCE NUMBER 1343 BY ADDING METES AND BOUNDS LEGAL DESCRIPTION AND DECLARING AN EMERGENCY.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Amends Section 1 of Ordinance Number 1343 by adding thereto the following metes and bounds legal description:

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), 84.22 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 24.48 feet to a point of tangency;
3. Thence Westerly parallel with the North line of the afore mentioned lot 1, 92.13 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.

Section 2. Inasmuch as this Ordinance is immediately necessary for the preservation of public health, peace and safety of the City of Milwaukie, Oregon, and the inhabitants thereof, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage by the City Council and signing by the mayor.

Read the first time this 16th day of August, 1976, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 16th day of August, 1976.

ATTEST:

Bill Hupp, Mayor

Dorothy E. Farrell, Recorder


Approved as to form:

Myer Avedovech, City Attorney

MEMORANDUM

August 3, 1976

TO: HAL

FROM: MYER 

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RE: Sidewalk repair bid

I have checked the ORS 279 (dealing with public agency purchasing) and find the only mention of this general area of no-bids to be ORS 279.035 which reads as follows:

"Rejection of bids. The public contracting agency may reject any bid not in compliance with all prescribed public bidding procedures and requirements, and may reject all bids if in the judgment of the agency it is in the public interest to do so. In any case where competitive bids are required and all bids are rejected, and the proposed contract is not abandoned, new bids may be called for as in the first instance."

This section might indicate that you would have to go back and start the bid process over, except it deals with bids being received and rejected.

I called John Osborn, City Attorney for Portland and member of the committee which drafted the new public contracts and purchasing law (ORS 279) and he indicated that the above section is very specific and deals only with rejected bids. That he attempted to get the committee to deal with the situation of no bids, but was unsuccessful. He said Portland has a specific charter provision to cover a no-bid problem.

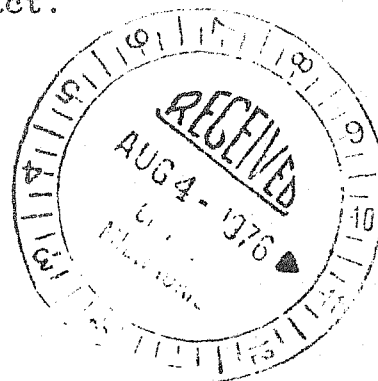
His advise was to simply go ahead and attempt to negotiate a contract to have the work done.

We both felt the city could not be faulted since we did offer the job and specs for bid.

If we should change the job and/or specifications we will have to re-bid the job but as long as it is the same, then we can go ahead and negotiate for a contract.

cc: J. Wayne

MA/lja



*What is Name
of Area*

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 constitutes 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.

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.

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(2)

Section 3. BE IT FURTHER RESOLVED by the Council of the City of Milwaukie, Oregon, that this resolution repeals Resolution 27-1976.

Be it so resolved.

Introduced and adopted by the City Council on the 16th day of August, 1976, at a regular meeting of the City Council.

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

MEMORANDUM

August 6, 1976

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TO: CITY MANAGER
FROM: David Nemo

SUBJECT: Public Works Employment Act

* * * * *

History and Synopsis of Law: See attached article.

Analysis: The thrust of this legislation (I will direct this memo almost exclusively to Title I of the bill) is to channel money into the national economy to encourage new employment. The focus will be on public works projects administered by state and local governments. To have an impact on the economy, the legislation was written to "get the money moving" as soon as possible. These three factors together form the script for a rather momentous "one-act play." An outline of the anticipated time line for application and grant awards should make it quite clear that if we aren't ready when the play starts, we likely won't see any of the action.

- (1) Rules and regulations for the administration of the programs are required (by the law) to be completed by August 23.
- (2) No applications will be accepted until an appropriations bill has been passed. This will likely happen before the end of August. I will assume September 1.
- (3) Applications accepted September 1.
- (4) The Secretary (of Commerce, acting through the Economic Development Administration) has five days from the time an application is received to evaluate it for "completeness" and either begin processing the application or return it with notes and comments.
- (5) The Secretary has 60 days from the time an application is received to either approve or disapprove an application for funding. No action by the end of this period will mean (according to the law) approval. Approval could occur anytime between September 1 and October 31 for applications made September 1.

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- (6) Actual implementation of the project (construction) must begin within 90 days after grant award. This could be anywhere from December 1 to February 1.

Related to this time frame and the three major factors of the law, certain unavoidable constraints are likely to guide EDA's grant approval decisions.

- (a) Encouragement of Employment: While allowing funds to be spent on engineering designs and plans, they will quite likely be giving preference to projects which have a significant emphasis on providing many jobs.
- (b) State and Local Projects: Oregon will be receiving a minimum of \$10 million (with a full authorization of \$2 billion for Title I) and possibly \$20-\$30 million depending on such factors as unemployment in the state which is to be taken into consideration. All the applications will be considered with no (as yet) requirements for "equitable" distribution throughout the state.
- (c) Funding Process: My guess is that an attempt will be made to "spread" the money out somewhat, however the time frame will probably put in effect a modified first-come-first-served approach. With such little time to review projects, EDA will not likely consider projects of a small amount, less than \$50-\$75,000. With the federal funding ratio of 100%, you can bet there will be a flood of applications for some pretty grandiose plans. EDA will be under some pressure to get money out as soon as possible, so applications received early will likely be better off (when there is still a large pot of money) than those received a month or two after the program has started (when most of the money is likely to be already committed).

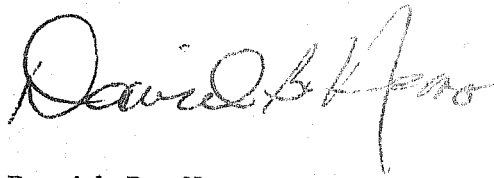
Summary: This law and the anticipated appropriations has most local governments drooling at the thought of 100% federal funding for some "pet projects" which have been on the drawing board, and most likely on the shelf for some time. I have heard of some of the thoughts of other cities which range from water systems, sewer improvement, civic centers, to street improvements. Most of the projects are large in scope and have big price tags. Some have detailed plans and specifications and others are fairly "conceptual" in nature at this time.

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Staff has identified several ideas which could be expanded into applications for funds.

- (1) Storm drainage - Island Station area
- (2) City facilities construction - on city property off of expressway
- (3) Street profile
- (4) Water system improvements

These ideas are being addressed in a separate memorandum. They all lend themselves to the finer points of the legislation which at this time seems to be more critical for receiving funding than the actual priority a community has placed on a particular project.



David B. Nemo
Administrative Assistant
to the City Manager

DBN:msh

New public works law faces one more hurdle

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Construction labor and management groups, bolstered by the lobbying efforts of state and local government officials, are moving to nail down the preliminary victory they won last week when Congress overturned President Ford's veto of a \$3.9-billion public works program.

A new battle, however, is looming over the next legislative step—appropriating the money to carry out the programs the bill authorizes.

In a statement after his veto was overridden, Ford said Congress "has badly misjudged the real public interest in enacting this bill." He said he hopes Congress will not appropriate the money and made clear he will throw another inflation charge at Congress if it does. Still maintaining that the bill's job-creating potential is far less than Congress claims, Ford reiterated that it is unwise to spend \$3.9 billion for "temporary, government-funded jobs" rather than "let the same dollars go to work in the private sector to produce real, rewarding, lasting jobs."

The bill (S. 3201), which has now become law, consists of amendments to the Public Works and Economic Development Act of 1965. It authorizes the expenditure of \$2 billion in job-creating public works projects, \$700 million in additional funds for wastewater treatment programs and \$1.2 billion in countercyclical revenue-sharing assistance to help state and local governments restore public services cut back because of the recession.

Robert A. Georgine, president of the AFL-CIO Building and Construction Trades Department, claims more than 200,000 of the 325,000 jobs the bill is designed to generate "will be created in the construction industry alone." He says his department has surveyed mayors of 75 cities in 35 states and that this group alone has \$2.5 billion worth of projects for which funding under the new law will be sought.

Appropriations tactics. Despite Ford's threat to torpedo the law's implementation, supporters of the legislation are confident they will get a full appropriation relatively soon.

Early indications are that this will

happen. The law has the strong backing of the Democratic leadership of both the Senate and House and will be pushed as part of the party's strategy for making employment a key issue in the November elections.

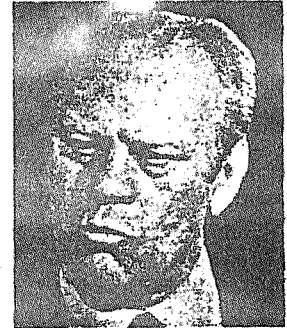
The appropriations probably will be handled on a speeded-up basis, starting in the House Appropriations Committee, and in such a manner as to make it difficult for Ford to resort to a veto again. Rather than following the normal course of referring the three elements of the bill to separate committees, the Appropriations Committee is expected to act on it as a package and approve the full amount. The proposed spending has already been taken into account in setting the spending targets approved by Congress.

The Democrats are also considering folding the money into a broader catch-all supplemental appropriations bill that will include appropriations for money that Ford wants and would find difficult to veto.

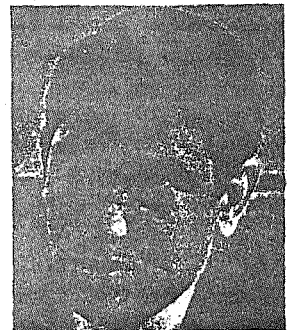
Military and housing. Although Congress rebuffed Ford on the jobs issue, it sustained his veto of a \$3.3-billion military construction bill (H.R. 14232). Ford had rejected it, not because he opposed the scope of spending, but because Congress included a provision restricting his authority to close military bases without a prior, year-long congressional review. The likelihood is that Congress will drop the review requirement and reenact the bill.

In a construction-related action, Congress approved and sent to Ford the Housing Authorization Act of 1976 (S. 3259), providing for a major expansion of housing subsidies, including new money for programs frozen by former President Nixon in 1973.

The bill calls for \$2.5 billion of direct Treasury lending for the construction of housing for the elderly and \$100 million for the construction of additional public housing projects, although a deal has apparently been made to appropriate only \$75 million of the latter. It also authorizes \$576 million for planning grants, plus funding for urban homesteading and the National Institute of Building Sciences.



President Ford
Opposes appropriations.



Labor's Georgine
Wants to move quickly.

The Administration at first strongly opposed some of the bill's provisions. These were revised and indications last week were that Ford will sign it.

Public works implementation. In the absence of appropriations for the public works law, the affected agencies made no move last week to implement the legislation.

The public works section will be administered by Commerce, wastewater treatment by the Environmental Protection Agency and revenue sharing by Treasury.

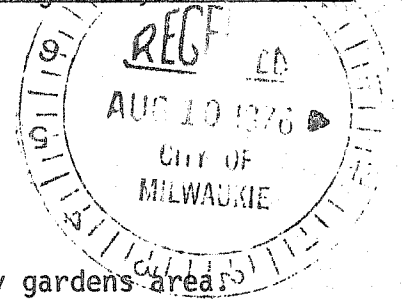
The \$2 billion for public works has a Sept. 30, 1977, cut-off date and can be used only for projects on which site work can begin within 90 days of approval. Unemployment in the area must be considered in the approval process. The money can be used to fund 100% of the cost of approved projects or the completion cost of plans for such projects or to cover the local share of previously approved projects not yet begun because of lack of financing.

Davis-Bacon rates will apply on all projects.

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

Date: August 6, 1976

TO: City Manager
FROM: Director of Public Works
SUBJECT: Shop site development
Your Memo #00229



The city owns approximately 8 acres of land in the celery gardens area. This land was purchased after a land use study indicated that the public works complex could be located in the area zoned as light manufacturing. Our present facility is located in an R-7 zone (residential). For many years there has been concern of citizens living adjacent to the present complex about noise, early and/or late hours of operation and in general the activity associated with this type facility in a residential zone.

The proposed facility will consist of a shop, storage, and covered parking for equipment as the fundamental elements.

That portion devoted to shop site will contain the mechanics facilities- i.e. automotive hoists, pits, lubrication facilities, overhead hoist, and auxiliary components for equipment maintenance and repair. Included in the facility will be water meter repair facilities, i.e. test bench, component storage and cleaning equipment.

The storage facilities will be for automotive parts, water components- meters, fittings, piping, tubing and spare parts and all the lesser mobile equipment, i.e. compressors, spreaders, mixers, etc.

Storage of equipment, trucks, tankers, scoop, pickups, and like equipment will be under cover and out of the weather. These storage areas within the "Shop" can be utilized in the future as closed bays when the need arises.

The plan that has been laid out now consists of a series of bays 40' X 24' for an initial unit of 40' X 240' for 9600 sq.ft. Approximately 50% of this area will have a surfaced (concrete) floor and the remaining only a gravel surfacing. The building will be a metal structure supported on piles and insulated in accordance to the initial use of the bays.

We have contacted other municipalities to learn some of their needs, some short-comings, and some things that need to be improved to better understand, project, and plan for the City of Milwaukie.

The greatest uncertainty to date is the foundation. Soil tests must be taken to determine the underpinning of the structure.

It is entirely possible to have some office space above the fixed storage area to greater utilize roof and floor space. The utility bays will be drive thru with overhead doors on two sides. The storage bay need not have doors at this time.

MEMO - Shop site development
8/6/76
page 2

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The structure should be equipped with a sprinkler system from the very beginning.

Access and utilities to the site will be via Hays street and 2nd Ave. off Oak street, neither of which are improved at this time.

Use of the existing facility should be determined by what we can get for the metal structure. The wooden bays will be utilized on the new site. The block building at the shop site should be razed, as should the metal building. There may be salvage value from the metal building. The water facilities should be enclosed in an attractive block structure adequate for that use only. The front of the fire house and concrete reservoirs should be properly landscaped compatible with that use. That portion of the present site westerly of the concrete reservoir could be disposed of as surplus water department property.

One unanswered question remains that does not now need to be answered is 'Should a city communication center be constructed upon the same parcel as the shop site?'. Maybe the communication center should go where the present metal building is. Food for thought.

Estimated building cost \$180,000.00 to \$200,000.00.
Shop site development \$50,000.00 to \$60,000.00

JWD
JWD/js

enclosure - 1

Watch this

MEMORANDUM

August 12, 1976

TO: CITY MANAGER
FROM: David Nemo

SUBJECT: Clarification of Public Works Bill

* * * * *

Question: Would the completion of engineering and design studies and plans qualify for funding under this bill?

Answer: As I read the legislation, and as stated by those more familiar with the bill, such a project would meet the provisions of the bill. To quote the legislation:

Title I

Section 103(a) The Secretary is authorized to make grants to any State or local government for construction (including demolition and other site preparation activities), renovation, repairs, or other improvement of local public works projects including but not limited to those public works projects of State and local governments for which Federal financial assistance is authorized under provisions of law other than this Act. In addition the Secretary is authorized to make grants to any State or local government for the completion of plans, specifications, and estimates for local public works projects where either architectural design or preliminary engineering or related planning has already been undertaken and where additional architectural and engineering work or related planning is required to permit construction of the project under this Act.

One provision of the legislation could possibly affect this type of proposal.

It deals with the time constraint placed on project activity.

Section 106(d) Grants made by the Secretary under this Act shall be made only for projects for which the applicant gives satisfactory assurances, in such manner and form as may be required by the Secretary and in accordance with such terms and conditions as the Secretary may prescribe, that, if funds are available, on-site labor can begin within ninety days of project approval.

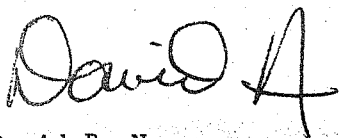
There is no clear-cut interpretation of the effect this would have on such a project. As is obvious from the language, the "manner, form, terms and conditions" are all forthcoming. My interpretation would be that:

- 1) If on-site labor is defined as any work that is part of the project, engineering, surveying, testing, etc. would constitute such on-site labor and the project acceptable.

2) If on-site labor is defined to be construction of whatever the plans and specifications (developed by the engineering study) call for, then the project might not be acceptable.

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We will not get a better understanding until the rules and regulations for this bill are published August 23, and only then if they address this situation.



David B. Nemo
Administrative Assitant to
the City Manager

DBN:msh

August 12, 1976

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TO: City Manager

FROM: Dave Phelps

SUBJECT: Furnberg Park Sub-committee N.C. #5: Report

A total of four meetings were held with the seven members of the Neighborhood Council #5, Furnberg Park sub-committee. Their concerns centered on the park's master plan, i.e. the pond, the tennis court, parking facilities, etc. and when the park was expected to be completed. It was felt that the small size of the park restricted the kinds of activities which could be permitted on the site. The present Master Plan drawn by John Herbst was felt to be too broad in scope and did not make wise use of the land.

The pond was a major issue. Its size and shape physically cuts the site in two. The pond also represents an alledged hazard, as children play in the water of the pond. For these reasons discussion centered on whether the pond could be either reduced in size or filled in completely. Since the pond was constructed with B.O.R. funds any major changes would have to be done without federal assistance and after B.O.R. is cognizant of the proposed changes. One member of the sub-committee has stated he would inquire of the National Guard for possible involvement as a public project. The fact that re-shaping of the pond and related hydraulics could be engineered was relayed to the committee by staff. The sub-committee felt that the final disposition of the pond would determine what other uses the site could provide.

A second major issue focused on what the intended use of this park should be. Construction of parking lots for fifteen vehicles and a tennis court was felt to be premature at this time. Staff pointed out that changes in use or design concept different from that outlined in the present master plan would have to 1) consider items already purchased with federal dollars, and 2) be based upon a segment of the park users more broad than the park sub-committee members. One sub-committee member contacted Oregon State for some possible assistance in conducting a park needs assessment in the NC #5 area. Financing of such a survey was discussed.

The third issue dealt with the phase II B.O.R. grant application. The sub-committee was asked to select the park furniture, picnic tables, benches, etc. and to provide input on the type of playground equipment and cost limits. These activities received good response from the entire sub-committee. The phase II development grant has been prepared with this group's assistance. (Funds not utilized from the total \$11,900.00 allocation were redistributed to Scott Park, with county and State concurrence. A \$3050.00 developmental grant has been prepared for Scott Park and \$8850 for Furnberg Park.) No date is set for further meetings. However, the pond remains high on the list of concerns as any changes in size and shape will affect alternative uses of the increase in available land at Furnberg Park.

City of Milwaukee
MEMORANDUM



10 h
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TO: City Manager through the Planning Director
FROM: Assistant Planner
SUBJECT: Housing and Community Development Program
Proposed Position of Housing and Community Development Coordinator

Housing and Community Development Program

As you know, HUD has indicated that Milwaukee will probably receive \$233,000 for 1976. The 1975 approval was for \$47,500. The dollars allocated for project and for administration are as follows:

	Cost	
	<u>Project</u>	<u>Administration</u>
1975 Approval:		
Housing rehabilitation loans	\$ 47,000	\$ 500
1976 Tentative Commitment:		
Housing rehabilitation loans	50,000	7,000
Storm sewer	100,000	7,000
Sewer hookup loans	15,000	2,000
Property acquisition and demolition	35,000	5,000
Comprehensive planning and management development	--	12,000
	<u>\$247,000</u>	<u>\$33,500</u>

Because the administration of 1975 housing rehabilitation program is a time consuming activity and other projects have had higher priority, I have not been able to administer the program in as timely a fashion as the project deserves. The 1976 program will take even more time. However, the 1976 tentative commitment includes \$21,500 for administration and \$12,000 for comprehensive planning and management development (an administrative type activity).

Proposed Position: Housing and Community Development Coordinator

I propose the creation of a new position called "Housing and Community Development Coordinator." A draft of the job announcement is attached.

If the procedures for creating and filling the position are started now, the person could start as soon as the money is available. The money will probably be available by October 1976.

Part of the \$33,500 for administration could be spread over 1½ to 2 years of a position. It would be part of the responsibility of the position to apply for funding for successive years and to include costs for administration. Also, some of the \$33,500 should be used for clerical assistance, leasing additional office space, and office supplies. The coordinator will no doubt have to push a great deal of paper. Existing clerical help is already overloaded. The space in virtually all of City Hall is too cramped to add another person.

TH/me 74



JOB ANNOUNCEMENT

102

HOUSING AND COMMUNITY DEVELOPMENT COORDINATOR

- General Description** Prepares and implements City's housing and community development program; works within the Planning Department and coordinates activities with Public Works and other departments.
- Description** Assists in determining needs and in developing goals and plans for housing and community development in the City and its neighborhoods. Develops community development strategies and programs. Prepares applications for assistance to carry out needed projects.
- Administers programs and projects related to housing and community development; manages, monitors and evaluates activities to insure progress and effective implementation; coordinates programs and activities with other City departments and affected agencies.
- Works with citizens and community groups in developing and implementing housing, community development, and other neighborhood improvement programs.
- Knowledge of: city planning principles; state and federal housing programs; financial aspects of housing loans and grants; property acquisition and disposition procedures; general understanding of public improvement procedures for streets, sewers, drainage, parks, etc.
- Ability to establish and maintain positive relations with citizens, other staff members, and external agencies.
- Education, Training, Experience** Graduation from an accredited college with degree in urban planning, public or business administration, or related field; one year experience in administering housing and/or community development programs or in related field; or any satisfactory equivalent combination of experience.
- Examination** Equal rating of education, training, and experience (50%) and interview (50%).
- Salary** Commensurate with experience and training.
- Deadline** November 1, 1976.
- NOTE:** The position is dependent on annual federal funding and will be filled under an annual contract with the City.

"AN EQUAL OPPORTUNITY EMPLOYER"

CITY OF MILWAUKIE

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

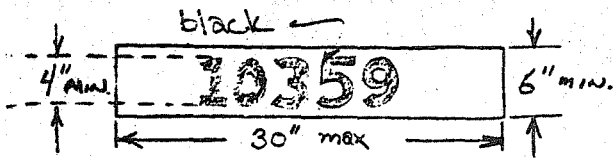
102

Date: July 30, 1976

TO: City Manager
FROM: Director of Public Works
SUBJECT: Your Memo #00189

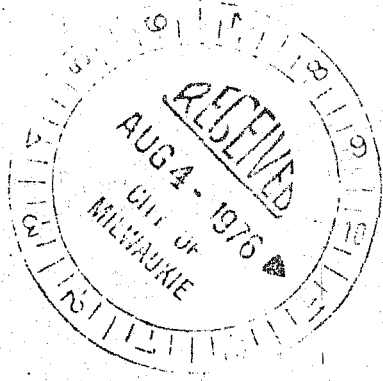
Allowing house numbers to be painted on curbs is not a problem for this department. However, it should be made clear to home owners that painted address numbers on the curb is not an alternative to address numbers posted on a structure, and that all numbers painted should be the NEW house numbers.

Recommend numbering to be as in the following example:



Numbers are to be centered on white background.

JWD/DP/js



MEMORANDUM

August 5, 1976

10 j
①

TO: ALL NEIGHBORHOOD COUNCILS
FROM: CITY RECORDER
SUBJECT: Applicants for city Parks and Recreation Commission

* * * * *

Listed below are persons who have indicated an interest in appointment to the city's Parks and Recreation Commission, identified as to Neighborhood Council Area. The City Council asked that this list be forwarded to you, and stated that you may, if you desire, recommend for appointment to this Commission someone from the list below who resides in your council district. The Council asked that you respond within 40 days from the date of this memorandum.

- NCF 4 - Frank Mello 11153 SE 40th Avenue
- 1 - George Van Bergen 12366 SE Guilford Drive
- 1 - Clair Kuppenbender 10746 SE 28th Avenue
- 4 - Fred Kondo 4207 SE Franklin Street
- 3 - Eloise Hobson 9416 SE Winsor Drive
- 2 - Betty Stephens 3323 SE Filbert Street
- 5 - Virginia Stabenow 6605 SE Hemlock Street
- 5 - Glen Van Schoiack 6915 SE Furnberg Street
- 5 - Virginia Van Schoiack 6915 SE Furnberg Street
- 5 - Betty Haglan 11506 SE Beckman Avenue
- 4 - Virginia Coyne 11110 SE Home Avenue
- 2 - David Graf 10190 SE 38th Avenue
- 3 - Bob Hay 5213 SE Brookside Drive

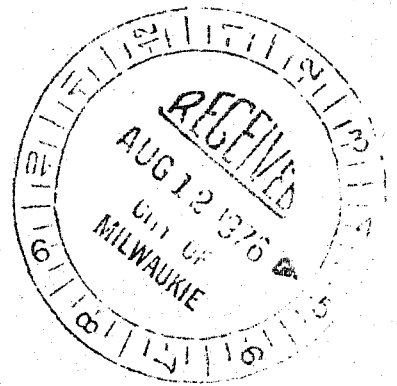
msh

Dorothy: This memo has been circulated to the Neighborhood Councils. Their various replies are attached — JMM 8/12/76

TO: Dorothy Farrell
FROM: Neighborhood Council #1 Executive Board
SUBJECT: Parks and Recreation memo of August 5th

The board has suggested an additional name to the list which was circulated. That is Mrs. Leo Beckman (Marian) of 3200 SE Washington. She has been contacted by Janet H. Mandaville and is indeed interested in serving if appointed. I myself feel too committed to other groups at this time to remain in consideration for the Parks Commission.

SIGNED:  Clair Kuppenbender, NC 1 Chairman



(see Marian Beckman's application attached) -JMM

August 11, 1976

Neighborhood Council
City of Milwaukie
Milwaukie, Oregon

To Whom it May Concern:

Just a brief note to let you know I would be willing to serve on the Parks and Recreation Commission of the Neighborhood Council. I was asked to serve by Acting Chairman, Clair Kuppenbender, of the Neighborhood Council.

I've lived in Milwaukie since 1941 except for several years in the Portland metro area. Milwaukie, however, was never far away since our relatives and friends are here. I'm interested in our community and have been most active in the Milwaukie Historical Society, helping Mrs. McDonald on museum and Society efforts. Also, I've read of the activities of the Council in the Press and Milwaukie Review, and have been desirous of becoming involved.

I would be pleased to serve.

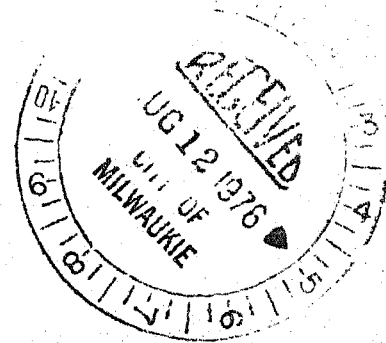
Thank you.

Sincerely,

Marian M. Beckman

(Mrs.) Marian M. Beckman

3200 S.E. Washington St.
Milwaukie, Oregon 97222
654-3997
775-2551



TO: Dorothy Farrell for the City Council
FROM: NC # 2
SUBJECT: Parks and Recreation Committee

David Graf is a member of our board and we know him to be very able and very committed to the questions of parks and recreational facilities on a city-wide basis,

Sincerely,

Mai Kiigemagi

Mai Kiigemagi
Chairperson

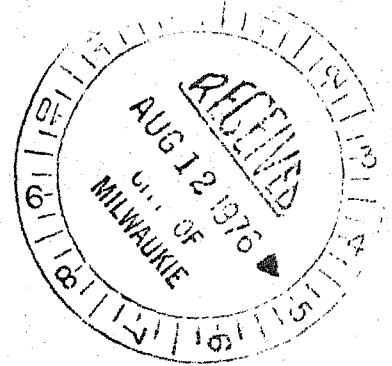
FOR THE CITY COUNCIL IN REPLY TO THE AUGUST 5TH REQUEST CONCERNING
PARKS AND RECREATION COMMITTEE

At the last general meeting of Neighborhood Council #3 volunteers to work on a neighborhood area park survey were requested and Bob Hay was one of the volunteers. At the subsequent Executive Board meeting, which Bob attended, it was felt by the Area 3 board that Bob would most excellently represent our area if appointed and his application to the Parks Committee was then forwarded to the City Manager.

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5

Archie Brown

Archie Brown, Chairman, NC#3



MEMORANDUM
August 13, 1976

TO: City Recorder
FROM: Janet H. Mandaville *JHM*
SUBJECT: Area 4 response concerning Parks and Recreation Commission

At the Area 4 general meeting last evening, vice-chairman Duke Fuggitt announced the request from City Council concerning representatives for the Parks and Recreation Commission.

The action of the general membership was recorded by the secretary Chet Wolters. An excerpt from the minutes follows:

Frank Mello, Fred Kondo, and Virginia Coyne have applied for the Parks and Recreation Commission and all reside in area # 4. Citizens present recommended that all three would ably represent the area.

105
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MEMORANDUM
August 10, 1976

To: Dorothy
From: Jan
Subject: City Council request concerning Parks and Recreation Commission

Area 5

A telephone poll of Area 5 board members not on vacation agreed that all of the area 5 names on the Parks list were very well qualified and that any or all, having worked so well on the Furnberg Park Task Force, would be excellent choices for the city's Parks and Recreation Commission.

Those Area 5 persons are: Virginia and Glen vanSchoiack, Betty Haglan, and Virginia Stabenow.

11a

RESOLUTION NUMBER _____

A RESOLUTION TO EXPEDITE COUNCIL BUSINESS MEETINGS AND IMPROVE CITIZEN PARTICIPATION.

WHEREAS, the City Council is desirous of conducting its meetings and executing the business of the city in an efficient and productive manner, and

WHEREAS, the Council believes that long and unnecessarily protracted meetings work as a deterrent to citizen participation and effective community relations, and

WHEREAS, the Council believes that a fixed and reasonable time for mandatory conclusion of Council business will serve to expedite meetings, and enhance citizen participation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Milwaukie, Oregon, that future meetings of the City Council shall conclude by 10:30 p.m., except that where a ~~four-fifths~~ *majority* affirmative vote is taken, the mandatory conclusion time may be extended.

BE IT FURTHER RESOLVED, by the Council of the City of Milwaukie, Oregon, that this resolution repeals Resolution Number 40-1975.

Be it so resolved.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on the 16th day of August, 1976, at a meeting of the City Council.

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney

MEMORANDUM

112
①

August 12, 1976

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: City Manager
SUBJECT: Request for cancellation of position and establishment of new position.

Chief Donald R. Jones has requested that Dorene Marchant, Clerk Typist II, be transferred from the Administration Department to the Police Department to fill the new position of Clerk Typist II to perform clerical assignments in support of the Traffic Division activities, under the Federal grant.

This Clerk Typist II position was originally classified as Receptionist. That position called for primary duties to be answering the phone and acting as receptionist in the Manager's office. In addition clerical duties were to be performed. Miss Marchant later requested that the position be reclassified to Clerk Typist, and when the U. S. Civil Service Commission conducted the wage and classification study in 1973, the position was recommended to be changed to Clerk Typist II, which was subsequently done.

With the office rearrangement and Miss Marchant's move out into the main hall to act as building receptionist and handle the phones, the amount of clerical duties she can perform has been cut drastically, since she has more in-person inquiries to answer in that location, and it is inconvenient, in fact almost impossible, for her to do any filing or clerical work in connection with civil service files, as she had done in the past. Two clerical functions she originally performed have now been, or soon will be, transferred into the Finance Department. The position has thus gone back to about the same percentage of clerical work that the former Receptionist position entailed.

It is therefore felt that the person who sits at the reception desk in the hall should be classified as Receptionist, rather than Clerk Typist, to accurately reflect the duties of that position. Chief Jones' request would allow a lateral transfer for Miss Marchant, allowing her to continue in her Clerk Typist II classification, and would allow, without impact on any present employee, the establishment of position of Receptionist.

The cost savings to the city after this action would be as follows:

Receptionist salary for 12 months (\$535 6 mo./526 6 mo.) =	\$6582
Clerk Typist II salary for 12 months (\$765 6 mo./819 6 mo.) =	9504
Difference	\$2922

116
2
Plus six months PERS savings not experienced with new employee
(\$3210 @ 8.38%)

\$ 257

12 months savings

\$3179

RECOMMENDATION: That the City Council cancel one budgeted position of Clerk Typist II in the Administration Department, and establish the position of Receptionist in the Administration Department.

Harold L. Schilling
City Manager

HLS:msh

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

112
①

August 9, 1976

TO: City Manager
FROM: Planning Director
SUBJECT: Appeal Filed on Stearns Addition, S-76-4

On July 27, 1976, the Planning Commission approved a preliminary plat for Stearns Addition. On August 6, 1976, Mr. Diess filed an appeal of the Planning Commission action. (See attached.) A map showing the area of Stearns Addition, existing and proposed rights of way is attached also.

Section 9, paragraph 4, of the Subdivision Ordinance reads as follows:

- 4. Appeal.
 - a. An interested person may appeal to the City Council from a decision or requirement made by the Planning Commission. Written notice of the appeal must be filed with the City within ten days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.
 - b. The City Council shall hold a hearing on the appeal within forty days from the time the appeal is filed. The Council may continue the hearing for good cause. Following the hearing the City Council may affirm, overrule, or modify the decision or requirement made by the Planning Commission if the decision of the Council complies with the intent of this Ordinance. The disposition of the appeal shall be final.

Although there are a number of ways in which this could be handled, in this instance I believe it would be appropriate for the Council to:

1. Set a date for a public hearing for the meeting Tuesday, September 7.
2. Send notice of the hearing to all owners of property abutting Stearns Addition and to all residents who are not owners of property abutting Stearns Addition.
3. Notify Neighborhood Council No. 5 of the hearing.
4. Provide those notified and interested parties with a report which summarizes and provides pertinent information on the question.

A substantial amount of information is pertinent in this situation and will be provided to you prior to the meeting September 7.

CN/TH/me



Milwaukie City Council
City Hall
926 Main Street
Milwaukie, Oregon

11c
②

Subject: STEARNS ADDITION
PRELIMINARY PLAT S-76-4

Gentlemen:

The undersigned hereby appeal(s) the decision of the Planning Commission concerning the subject case. The decision to (approve) (deny) the application was made at the meeting held on JULY 27, 1976.

Please set a date for the required public hearing at your earliest convenience. The appeal fee of ~~20~~ is attached.

\$35

The reasons for this appeal are:

I want the Planning Commission to make a decision on when my 25' will be taken, and at what price I will receive? before any construction is to begin, it's not fair for them to know where they stand and I don't, if the city is going to take my 25' x 142'. I want it done now and the city or developer to make any improvements on said road right of way and pay me now. Because I was here first (addresses) not them (signatures)

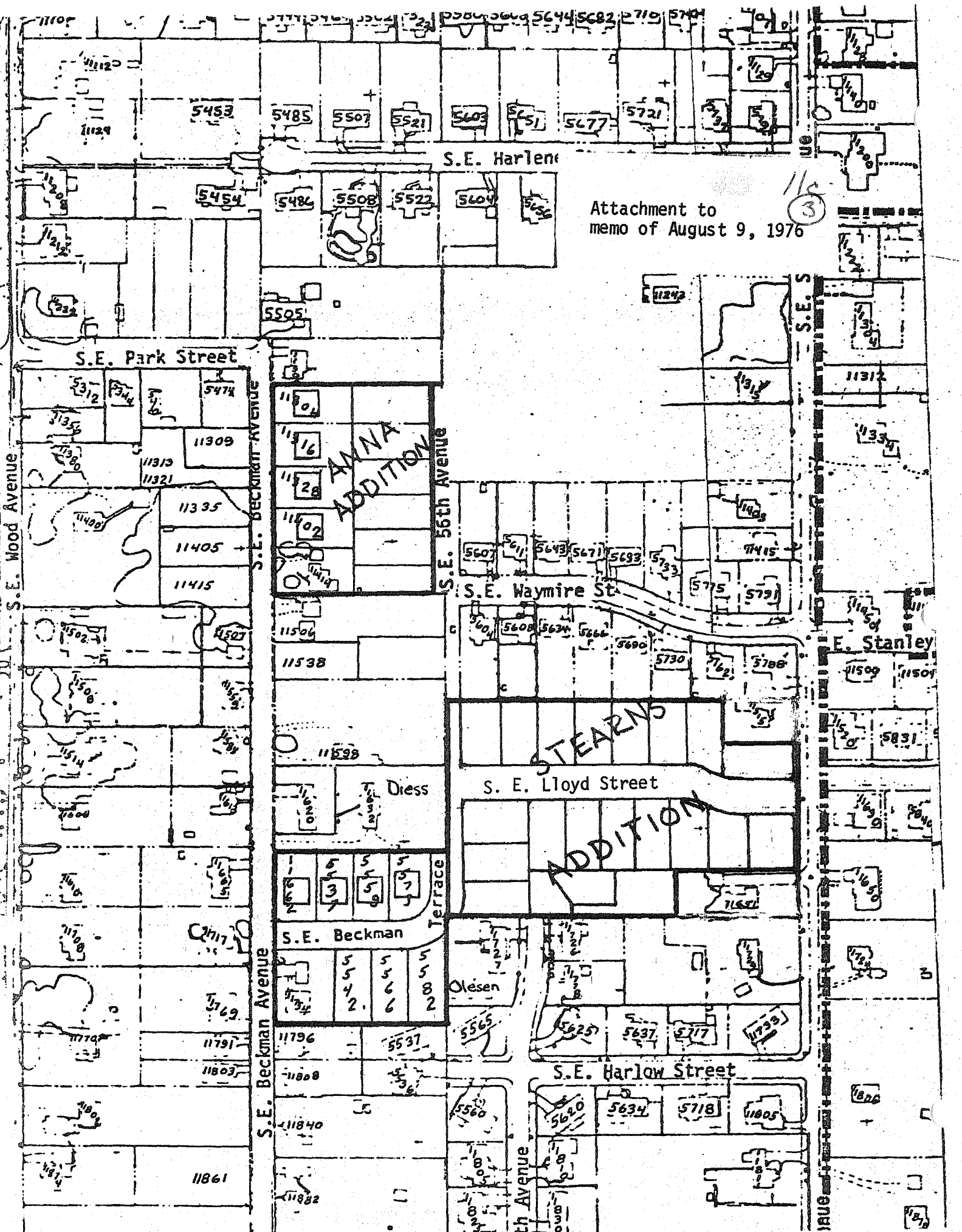
further more the way I understood it 56th st. was originally to go kitty corner and miss my property completely so I pray you send the Stearns Addition project back to the drawing board.

or
Take my property and pay me now, a price to be agreed upon together with the city or developer pay all improvements, so I know exactly where I stand and when it will happen

Thank you
Fred L. Diess Jr.

Fred L. Diess Jr. 11632 SE Beckman Ave Milw Oregon





Attachment to
memo of August 9, 1976

3

AMANA
ADDITION

STEARNS
ADDITION

S.E. BECKMAN AVENUE

S.E. 56th AVENUE

S.E. S

S.E. WOOD AVENUE

S.E. Park Street

S.E. Waymire St.

S. E. Lloyd Street

S. E. Beckman

S. E. Harlow Street

E. Stanley

S.E. Beckman Avenue

th Avenue

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