

CITY COUNCIL MEETING
October 4, 1976
7 p.m.

COUNCIL CHAMBERS

1276th Meeting

The one thousand two hundred seventy-sixth meeting of the Council of the City of Milwaukie, Oregon, was held on the 4th day of October, 1976, with the following councilpersons present:

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

Also present:

Harold L. Schilling, City Manager	Cyrus Nims, Planning Director
J. Wayne Daigle, Dir. of P.W.	Dorothy E. Farrell, Secretary

The invocation was given by Councilwoman Joy Burgess, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - August 2 and 16, 1976
- b) League of Oregon Cities "Update" - 9/10 and 9/17
- c) Letter from Parks and Recreation Branch re Furnberg Park
- d) Letter to CRAG re Draft III Goals and Objectives
- e) Thank you letter from C. Swan
- f) Article on City Hall peach tree
- g) Memo re Boat Ramp grant

It was MOVED by Hutchison, SECONDED by Swan, to accept the Consent Calendar, with the exception of item c (requested by Burgess) and item g (requested by Hupp). MOTION CARRIED unanimously and so ordered.

- b) Council has received copies of the September 10 and September 17 "Information Update for Oregon Cities" published by the League of Oregon Cities.
- d) Council has received copy of Manager's letter to CRAG, dated September 21, with staff comments on the CRAG Markup Draft of Draft III Goals and Objectives, Framework Plan Text and Implementing Rules.
- e) Councilman Swan has written thank you letter to Council and city staff for gift he received while in the hospital.
- f) Council has received copy of article and picture from the Oregon State Department of Forestry "The Forest Log," on the peach tree in City Hall grounds.

AUDIENCE PARTICIPATION

1. H. R. Inman, 12023 SE 39th, complained about the condition of private street in front of his home. Mr. Inman was asked to discuss the situation later with the City Manager.
2. John W. Shields, 3837 SE Lake Road, concurred with Mr. Inman as to the condition of the street. Council asked for a report from the Manager after discussion with Mr. Inman and Mr. Shields.
3. Ralph Guerra, 8826 SE Regents Drive, described a controversy over a fence he has constructed in the public right-of-way adjoining his home. Mr. Guerra was asked to write a request to Council to allow the fence to remain in the public right-of-way, and Council will consider his request.

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4. Darrel Morrison, 12660 SE Shell Lane, asked what progress has been made in securing easement from Timothy Deggendorfer, as directed at September 20 meeting, in order to provide sewer service to the Morrison property. Manager reported the legal requirements are in process.

NEIGHBORHOOD COUNCIL REPORTS

1. Chairman of Neighborhood Council 1 Executive Board has written Council, dated September 21, formally requesting the issue of the proposed lease of a portion of city parking lot on Main Street be referred to the Neighborhood Council.
2. George Passadore has written Council, dated September 17, resigning his position as Chairman of Neighborhood Council Executive Board for NC#5, and also his position as a member of the Business License Review Committee. It was MOVED by Burgess, SECONDED by Hutchison, that Alice Measure be appointed to the Executive Board, and Marlene Graham be moved up into alternate position, and that a letter of appreciation be sent to George Passadore. MOTION CARRIED unanimously and so ordered.

MEMORANDUM RE WILLAMETTE SAVINGS & LOAN PAYMENT ON PARKING L.I.D.

Finance Director has written memorandum, dated September 28, concerning payment by Willamette Savings and Loan of \$181.50 toward their assessment for the downtown parking lot. Council has not spread the assessment, as the costs of the assessments are being paid from receipts from parking rental and from the General Fund. It was MOVED by Englund, SECONDED by Swan, that the city repay \$181.50 to Willamette Savings and Loan from the recommended line item--General Government. MOTION CARRIED unanimously and so ordered.

CONSENT CALENDAR (CONTINUED)

- c) Councilwoman Burgess asked for further explanation of letter from Parks and Recreation Branch, State Department of Transportation, dated September 10, concerning project amendment, Furnberg Park Development grant. Manager explained this is a technicality, the amendment deletes parking lot development from Phase I only.
 - g) Council has received staff report, dated September 28, in response to Riverfront Development Committee letter to Council requesting revenue sharing funds for possible cost overrun of the boat ramp grant. Mayor asked questions concerning completion date of the development.
- It was MOVED by Burgess, SECONDED by Hutchison, to accept items c and g of the Suspense Calendar. MOTION CARRIED and so ordered.

PUBLIC HEARING - FRANKO OIL APPEAL - C-74-11 (10655 SE McLOUGHLIN)

Notices mailed as required.

Public hearing was declared open at 8 p.m. The matter is a rehearing on an appeal from a Planning Commission denial of a request for conditional use approval to reopen a service station at McLoughlin Boulevard and Harrison Street. Franko Oil appealed the original Council denial to the Circuit Court upon a Writ of Review, and the judge set aside the Council action and remanded the matter back to the Council "to make proper findings of fact and a decision based upon those findings." Staff report was given by Planning Director. Videotape of area traffic in 1974 and 1976

was shown. Staff recommends upholding denial of conditional use approval by the Planning Commission, for the reasons given in the October 4 written staff report.

There has been no correspondence either in favor or against the appeal.

Speaking in favor of the appeal:

Raymond Bagley, attorney for Franko Oil

No one appeared to speak in opposition to the appeal.

Public hearing was declared closed at 9:15 p.m.

It was MOVED by Burgess, SECONDED by Swan, that the Council deny the appeal based on the following specific findings of fact:

1) Because of the traffic conditions and hazards that currently exist; that traffic problems would be generated in this area intersection that already has a recorded high injury and traffic accident rate;

2) That Franko Oil failed to prove the need for another gas station in this area where currently six gas stations are within 1000 feet of the proposed site;

e) That the site is too small to accommodate overflow customer conditions.

MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None.

(Meeting recessed at 9:15 p.m., reconvened at 9:25 p.m. with all present.)

STAFF REPORT ON LETTER FROM ATTORNEY FOR MILWAUKIE LUMBER

City Attorney and Planning Department have written memoranda on letter from James Redman, attorney for Milwaukie Lumber Company, to Mayor, dated September 8, 1976. It was MOVED by Swan, SECONDED by Hupp, that Council rehear the appeal on the Milwaukie Lumber Company sign at the earliest possible convenience. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess and Hupp. NOES: Hutchison. A hearing will be held at the first meeting in November. City Attorney was asked to research whether Section 15, paragraph 2 of the sign ordinance pertains to this situation.

MEMORANDUM REGARDING FESTIVAL DAZE IMPACT

Council has received memorandum, dated September 21, on assessment by city staff on Festival Daze impact. Staff will discuss the recommendations in the memo with the Festival Daze board.

RESOLUTION NUMBER 35-1976 - FRANCHISE FEES FOR GARBAGE COLLECTION

It was MOVED by Swan, SECONDED by Hutchison, that Resolution Number 35-1976 (A RESOLUTION ESTABLISHING FRANCHISE FEES FOR GARBAGE COLLECTION FRANCHISES WITHIN THE CITY OF MILWAUKIE) be read by title only, with the annual franchise fee being \$1500. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Resolution 35-1976. MOTION CARRIED unanimously and so ordered.

MEMO FROM COUNCILWOMAN BURGESS RE LIBRARY MEETING

Council has received memorandum, dated September 29, from Councilwoman Burgess concerning meeting on library situation. There was some feeling a meeting October 12 would be premature, and some

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councilmembers felt the County Caucus would be the proper group to initiate a meeting.

STAFF REPORT ON BANK PROPOSALS ON CITY PARKING LOT

Finance Director has written report, dated October 1, on parking lot lease proposals by Oregon Mutual Savings Bank and First State Bank. Councilman Swan suggested the matter be referred to all Neighborhood Councils if they are interested, and stated the question of additional parking should not be presented to Neighborhood Councils, as that is a City Council problem. Councilman Swan suggested the following specific questions be presented to the Neighborhood Councils, with the request they give a yes or no answer to each: 1) In their opinion is it reasonable that 95% of the tax base assume the cost of the existing lot, and we go on just like we are for the benefit of 5% of the tax base. 2) If they say "yes, it is reasonable that the entire town pick up the cost of the parking lot," then that could possibly be the end of the discussion--if they say "no," he would like the answer to the following questions: a) If we enter into a lease agreement which one should it be? b) If the feeling is it should remain in its current usage, should we spread the original assessment or should it just go ahead as it is now, with the entire city picking up the cost? There were no objections to the suggested questions. Mr. Swan also said he would like to know how many people were in attendance at the Neighborhood Council meeting when this is discussed, if any were non-residents of the area, and a tabulation of how many were in favor and how many against. The Neighborhood Councils are to be asked to have the answers by the first meeting in November, and if they cannot, to let the City Council know how much time they will need. The Neighborhood Councils will be furnished with a "fact sheet" and financial data.

OTHER BUSINESS

1. Business License Review Committee will meet at noon October 11. Finance Director has written memo, dated September 27 reporting on attendance and progress of the committee.
2. Region Traffic Engineer, Oregon State Highway Division, has written letter, dated September 27, to Public Works Department, concerning changing "walk times" at intersections on McLoughlin and Milwaukie Expressway.
3. City may be eligible for funding under Federal Safer Off-road Project program. Staff is investigating.
4. City Engineer has written memo, dated September 29, concerning cost of design of street profiles. This is one of the possible projects for Public Works Employment Act funding.
5. Finance Director has written memo, dated October 1, concerning fidelity and crime bond. It was MOVED by Swan, SECONDED BY Hutchison, that the city go to the higher limits recommended in the memo. MOTION CARRIED unanimously and so ordered.
6. Public Works Department has written informational memo, dated September 24, on September 22 Interim Transportation Committee meeting.

7. Public Works Director has written memo, dated September 29, giving progress report on Cole Addition Sanitary Sewer Local Improvement District. Staff is looking at the question of a pumping station, and will bring back a recommendation as to whether to proceed or spread the assessment on the Mary Court improvement only.

8. Budget Committee approved funding for Mason Lane storm sewer, bids have been received. Public Works Director has written memo, dated October 1, listing bids and recommending award to Wes Notz. It was MOVED by Swan, SECONDED by Burgess, to accept the low bid of Wes Notz Excavating, of \$5365 for base bid, and \$6625 for alternate. MOTION CARRIED unanimously and so ordered. It was noted the money can't be spent until Council formally approves the supplemental budget.

9. City has received letter from Oregon State Speed Control Board, dated September 30, 1976, stating designated speed will be 30 mph on SE 22nd Avenue from Pacific Hwy. East to SE Sparrow Street, on SE Sparrow Street from SE 22nd Avenue to SE River Road, and on SE River Road from Pacific Hwy. East to SE Sixth Street. Staff was requested to find out if the city did in fact request a change in the speed, and if so why, and Council indicated the possibility of requesting the speed be changed back to 25 mph. Manager noted that when the notice of consideration of speed change came to the city, it was referred to the affected Neighborhood Council, and there was no interest on their part in looking at the issue.

10. It was MOVED by Swan, SECONDED by Hupp, that more outlets be installed in Council Chambers. MOTION CARRIED unanimously and so ordered.

11. Result of Darrell Maple grievance has been forwarded to Council.

12. Councilman Hutchison recalled the Mayor had objected to the city hiring Donald S. Hattan to conduct an appraisal, in discussion of bills payable at the August 16, 1976 meeting. Mayor stated he questioned Hattan being hired, but did not mean to express an objection.

13. There was discussion of City Hall remodeling work.

14. Councilman Swan suggested starting Council meetings at 6:30 p.m.

15. Mayor asked if staff report on Dick Beatty driveway situation was ready, as requested on September 20. Manager responded that with limited staff, multiple projects and assignments would necessarily delay other projects and assignments.

PAYMENT OF BILLS

It was MOVED by Swan, SECONDED by Hutchison, to approve payment of bills listed for October 4, 1976 payment. MOTION CARRIED unanimously and so ordered.

The meeting adjourned at 11:40 p.m.

Bill Hupp
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Secretary

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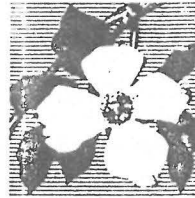
CITY COUNCIL AGENDA
 October 4, 1976
 7 p.m.

COUNCIL CHAMBERS

1276th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Emmett Samson, Milwaukie Church of God
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - August 2 and 16, 1976
 - b) League of Oregon Cities "Update" - 9/10 and 9/17
 - c) Letter from Parks and Recreation Branch re Furnberg Park
 - d) Letter to CRAG re Draft III Goals and Objectives
 - e) Thank you letter from C. Swan
 - f) Article on City Hall peach tree
 - g) Memo re Boat Ramp grant
5. AUDIENCE PARTICIPATION
 - a) Tim Deggendorfer - re sewer easement
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Letter from NC #1 Chairman
 - b) Letter from NC #5 Chairman
- p.m. 7. PUBLIC HEARING - Franko Oil appeal - C-74-11 (10665 SE McLoughlin)
8. CORRESPONDENCE
9. OLD BUSINESS
 - a) Staff reports on letter from attorney for Milwaukie Lumber
 - b) Memo re Festival Daze impact
 - c) Resolution No. _____ - Refuse collection franchise
 - d) Memo from Councilwoman Burgess re library meeting
 - e) Staff report on bank proposals on city parking lot
 - f) Memo re Willamette Savings & Loan payment on parking LID
10. CONSIDERATION
11. OTHER BUSINESS
12. PAYMENT OF BILLS
13. ADJOURNMENT

CITY OF MILWAUKIE



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

MEMORANDUM

September 21, 1976

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TO: CRAG Board of Directors

FROM: Harold Schilling, City Manager, Milwaukie

SUBJECT: CRAG Markup Draft - DRAFT III Goals and Objectives,
Framework Plan Text, Implementing Rules

RESPONSE:

RULES ADOPTING CRAG GOALS AND OBJECTIVES

SECTION 3. IMPLEMENTATION

This section does not indicate how implementation is to happen except by the word "designation and regulation." It would seem appropriate to expand that area to indicate how that is going to happen. Secondly, under this same section we need to know who decides on "significant regional impact."

RULES IMPLEMENTATION CRAG REGIONAL PLAN

SECTION 2. (b) Under subparagraph b of this section it does not indicate how additional regulations and requirements for implementation of each element can happen and whether or not public input will be invited prior to those happenings.

SECTION 3. (b) This deals with conformity with the Regional Plan. Conformity is defined as meaning, "lack of conflict or inconsistency." I would question what is the definition of "inconsistency" and who shall determine the inconsistency?

SECTION 4. CERTIFICATION OF MEMBER PLANS (c) This section deals with the matter of hearings and how the board takes action on certification of plans, and yet it does not allow the objecting party an oral hearing in front of the Board. I feel that since an Executive Director would be presenting the matter and have an opportunity to discuss his recommendation with the Board, the objecting party should have the same opportunities.

SECTION 7. MEMBER PLAN CHANGES (b) This section provides the Director has the power to order compliance, proposed change or noncompliance, yet only the Board can order an extension if the Director indicates there is noncompliance.

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It is also interesting that the Director has this power since only the Board can indicate whether or not one is in compliance with the original Comprehensive Plan, thus the Board has now delegated that power of compliance on a change basis to the Director, and shall so inform the members concerned above, giving reasons therefore.

(c) This section provides that the Board shall hold a hearing if the Director indicates a noncompliance in a proposed change, yet earlier under Section 4 (c) dealing with the original Comprehensive Plan it states, the Board may allow a hearing. There seems to be an inconsistency.

(c) There is no provision in these rules for an appeal of a Board's decision. Does an appeal go to LCDC, or directly to a Court as they would under the Administrative Procedure Act?

RULES FOR LAND USE FRAMEWORK

SECTION 3. REVIEW OF LAND USE ACTION (b) In receiving a proposed Land Use Action, the Director must make certain determinations, yet the Director is not required to make any findings of fact or conclusions for the basis for his decision.

(c) If there is an objection to the Director's denial of a change in the land use framework, that denial is placed, by the rules, on the Board's next meeting. However, the Board need not take action until the Board has received "reasonable notice," and then the Board sets a hearing. It seems to be a cumbersome process when they could have simply said that notice is given to the Board of an objection and that it is necessary to set a hearing.

(c) Provides that upon an objection to the Director's denial and after the Boards' hearing, the Board shall adopt findings and affirm or reverse the Director, yet this would be hard to do since the Director is not required to make any findings.

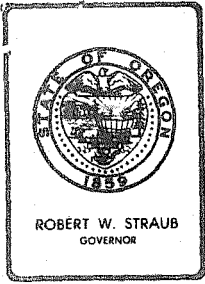
SECTION 5. BOUNDARY LINES (b) This section deals with the Executive Director working with Type 2 boundary lines submitted by members and that the Executive Director must see that they are in conformity, but they neglect to indicate as to conformity - "to what?"

SECTION 6. SPECIAL STUDY AREAS (a) This is the first mention of a "special study area." There is no further indication in these rules of what is a special study area; and under what procedures they are adopted.

PROCEDURAL RULES

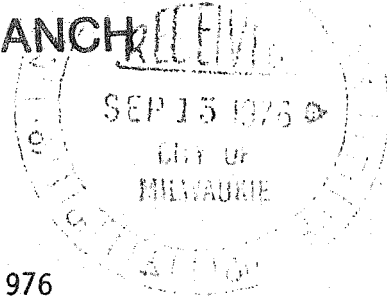
SECTION 4. REVIEW, REVISION AND AMENDMENT (b) In Section 4(a) the rules require for "effective citizen participation" and yet in this subsection, the Board has the power to deal with completed petitions in a summary fashion: "effective citizen participation" and "dealing with in a summary fashion" seem to be inconsistent in terminology.

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Department of Transportation
PARKS AND RECREATION BRANCH
525 TRADE STREET S.E., SALEM, OREGON 97310

*Clackamas
Park Comm
- Dave P.*



*HC
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September 10, 1976

Mr. Harold Schilling
City of Milwaukie
926 Main Street
Milwaukie, OR 97222

Dear Mr. Schilling:

Re: Project Amendment
Furnberg Park Development
Clackamas County OP 468
BOR 41-00362

The Bureau of Outdoor Recreation has approved the amendment to the project agreement for the above-named Land and Water project. A copy of the amendment is enclosed for your information and records.

Very truly yours,

Gary A. Scott
Gary A. Scott
State Recreation Director

GAS:tgs

Enclosure

cc: Richard B. Wilmot, County Liaison Officer

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation

State Oregon (Clackamas County)

Project Amendment No. 41-00362.1

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT TO Project Agreement No. 41-00362 is hereby made and agreed upon by the United States of America, acting through the Director of the Bureau of Outdoor Recreation and by the State of Oregon, pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above-mentioned agreement is amended by adding the following:

This amendment will delete the parking lot from the project agreement.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

THE UNITED STATES OF AMERICA

By Dale J. Hanson
(Signature)

For the Regional Director
(Title)

Bureau of Outdoor Recreation
United States Department of
the Interior

Date SEP 3 1976

STATE

Oregon
(State)

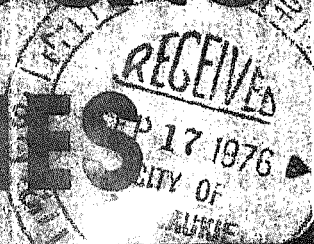
By Gary A. Scott
(Signature)

Gary A. Scott
(Name)

State Recreation Director
(Title)

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information update for OREGON CITIES



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VOL. 1, NO. 3

SEPTEMBER 10, 1976

DISTRIBUTION OF INFORMATION UPDATE. This is the third issue of *Information Update*. In order to keep down the costs of printing and distributing the new League publication, it is being sent to mayors and city managers or city recorders in all Oregon cities. It is hoped that these officials will share information contained in the publication with other city officials and city staff members. 4/6
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PUBLIC WORKS EMPLOYMENT ACT ANALYZED. Included with this issue of *Information Update* is a summary of the provisions of the Public Works Employment Act of 1976. The summary is based upon information gathered during a recent National League of Cities conference on the act. As this issue of *Information Update* went to press, the League received information that indicates that Congress will request that the Economic Development Administration make substantial changes in the proposed regulations for Title 1 of the act. The attached summary of the act should therefore be regarded as tentative information only. The League will provide additional information in *Information Update* and the *News Letter* as it becomes available.

ACTION TAKEN ON FEDERAL REVENUE SHARING. The Senate Finance Committee has ordered reported to the Senate floor a 5¼ year general revenue sharing bill. The committee-approved bill includes provisions which have been strongly supported by National League of Cities. As *Information Update* went to press, it was expected that the Senate would approve the bill on September 9. NLC has been lobbying to keep intact the version of the bill approved by the Senate Finance Committee. After the Senate approves the bill, it will be sent to a conference committee which will try to work out differences between the House and Senate versions of the bill. National League of Cities expects a tough battle to retain provisions of the Senate bill when it reaches the conference committee. The bill reported by the Senate Finance Committee extends revenue sharing for 5¼ years (January 1, 1977, to September 30, 1982), sets funding for fiscal year 1977 at \$6.9 billion with an annual increment of \$150 million beginning in fiscal year 1978 (October 1, 1977). The bill provides for entitlement financing and deletes from the current law both priority categories and the prohibition against using revenue sharing funds as matching funds for other federal grants.

LEAGUE LEGISLATIVE, EXECUTIVE COMMITTEES WILL MEET SEPTEMBER 17-18. Members of the 1977 League legislative committee will hold their first meeting on September 17-18 in Eugene at the Thunderbird Inn. The meeting will be held from 1:00 p.m.-5:00 p.m. on Friday, September 17, and from 8:30 a.m.-2:00 p.m. on Saturday, September 18. The committee will identify priority legislative issues for the League. The League executive committee will also meet on Friday, September 17, from 9:30 a.m.-12 noon, at the Thunderbird. The League executive committee welcomes attendance of interested city officials at either of these meetings.

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WOULD SB 100 REPEAL AFFECT GRANTS? Several cities have asked the League what the effect of repeal of SB 100 (Ballot Measure No. 10) would have on grants which cities and counties have received from LCDC. The League has posed this question to LCDC on several occasions. The only response to date has been that the answer is uncertain at this point. LCDC may request an opinion of the Attorney General in order to better advise cities and counties. Until that time, however, cities that are entering contracts with consultants to provide planning services may want to insert a provision in the contract that allows for cancellation of the contract if the repeal succeeds and state grant funds are withdrawn. If LCDC seeks an Attorney General's opinion, the League will advise cities of the results as soon as they are available.

LEAGUE SCHEDULES ADDITIONAL WORKSHOPS ON COASTAL GOALS. The League has begun a second round of workshops on the LCDC coastal goals program. Workshops have been held in Astoria and Tillamook, and arrangements have been made for workshops in Gold Beach and Astoria. A workshop will be held on September 22, at 7:30 p.m. at the Gold Beach City Hall. Another workshop will take place in Reedsport on September 29 in Reedsport at 8:00 p.m. at the Douglas County Office Building, 680 Fir Street. The program will include a review of both the federal and state coastal zone management programs. Draft Three of the LCDC Coastal Goals will also be discussed, including specific goals on estuarine resources, shorelands, beaches and dunes, and the continental shelf.

INTERIM COMMITTEE WILL DISCUSS STATE REVENUE SHARING SEPTEMBER 22. The Legislative Interim Committee on Intergovernmental Affairs will again turn its attention to the draft bill which would provide state revenue sharing for cities when it meets September 21-22 in Salem. The revenue sharing bill is scheduled for discussion at 10:00 a.m. on September 22. The meeting will be held in Room 321 of the State Capitol. The committee will also discuss a draft bill which would give cities and counties the option of preparing five-year budget projections. This bill is scheduled for discussion at 11:30 a.m. on September 22. The committee meeting on September 22 will be a work session, and the committee has indicated that public hearings on these draft bills will be held at a later date.

RESPONSE TO LEAGUE SURVEY ON LCDC LIMITED. In early July the League sent a letter to all cities explaining action taken by the League Executive Committee regarding LCDC. The letter requested that cities send the League documented information concerning past contacts with LCDC that had caused the city problems so that the League could pass those experiences on to the LCDC and, if necessary, the legislature. To date the League has received 21 responses. Approximately seven of those letters contain specific information which the League can use in working with LCDC. The remaining 14 letters generally express support for or opposition to LCDC but do not include documented information suggesting specific changes.

CALENDAR UPDATE

Sept. 15	Public Hearing: Oregon Coastal Management Program, Conducted by National Oceanic and Atmospheric Administration	7:30 p.m.	Oregon State University, Marine Science Center Auditorium, Newport
Sept. 16	Public Hearing: Oregon Coastal Management Program, Conducted by National Oceanic and Atmospheric Administration	7:30 p.m.	Multnomah County Courthouse County Commissioner's Chambers, 1021 S.W. 4th St., Portland
Sept. 17-18	League of Oregon Cities Legislative Committee Meeting	1:00 p.m.-5:00 p.m. (September 17) 8:30 a.m.-2:00 p.m. (September 18)	Thunderbird Inn, Eugene
Sept. 21-22	Legislative Interim Committee on Intergovernmental Affairs Note: Discussion of state revenue sharing for cities is scheduled at 10:00 a.m., September 22.	9:00 a.m. (both days)	Room 321, State Capitol, Salem
Sept. 22	League Workshop on LCDC Coastal Goals	7:30 p.m.	City Hall, Gold Beach
Sept. 29	League Workshop on LCDC Coastal Goals	8:00 p.m.	Douglas County Office Building, 680 Fir Street, Reedsport

information update for OREGON CITIES

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VOL. 1, NO. 4

SEPTEMBER 17, 1976

SENATE VOTES TO EXTEND FEDERAL REVENUE SHARING. The Senate voted overwhelmingly on September 14 to extend federal revenue sharing. In an 80-4 vote, senators approved extension of revenue sharing for 5½ years. The Senate Bill provides for \$6.5 billion in federal revenue sharing with annual increments of \$200 million. The bill expands civil rights protections and provides that 15,000 of the smallest jurisdictions receiving revenue sharing will get annual rather than quarterly payments. The bill now goes to Senate and House conferees who will work to reconcile differences between it and the bill approved earlier by the House.

LEAGUE'S GROUP INSURANCE PROGRAM NOT SUBJECT TO REVIEW BOARD LAW. The Public Contract Review Board has corrected a drafting oversight which had caused some cities to question whether their involvement in the League's group health insurance program was legal. As originally drafted, the board's administrative rules required that each city competitively bid all its insurance needs. The amendment approved at the board's September 14 meeting grants an exemption from the existing bidding requirements for employe benefit insurance and thereby removes both the League's Insurance Trust and individual cities from the provisions of the public contracting law, applicable to such insurance.

League insurance trustees will continue to seek competitive bids on a periodic basis in order to monitor prices and assure that cities are obtaining maximum benefits from pooling their purchases of employe benefit insurance through the League group insurance program.

COMPREHENSIVE GUIDE TO PUBLIC WORKS ACT AVAILABLE FROM NLC. The National League of Cities is preparing a guide to applying for funds under the Public Works Employment Act. The guide, which will be available around September 27, will contain a final analysis of the act, a special analysis of its environmental provisions, a chart giving final state entitlements, a copy of the act, a copy of the published regulations, and a copy of the application form with instructions for filling it out. Two copies of the guide will be available in the League office. Cities may order copies for \$5.00 each. To order the guide, write to Jobs/Guide, National League of Cities, 1620 Eye Street N.W., Washington, D.C. 20006.

IRD SEEKS PERMIT INFORMATION. The state Intergovernmental Relations Division this week mailed a questionnaire to all cities over 2,500 population to obtain information on city permit systems. The 1975 legislature, in creating a state one-stop permit system to aid citizens and units of government in getting state permits, also charged IRD with reviewing local permit systems and making recommendations, if necessary, for the improvement of city and county permit systems.

The purpose of the survey mailed this week is to obtain information on what attempts have been made locally to assist applicants through the permit process. Results of the survey will be shared with the League and the Association of Counties and will assist IRD in making recommendations to the 1977 legislature.

**Ornamental
Peach
Tree**

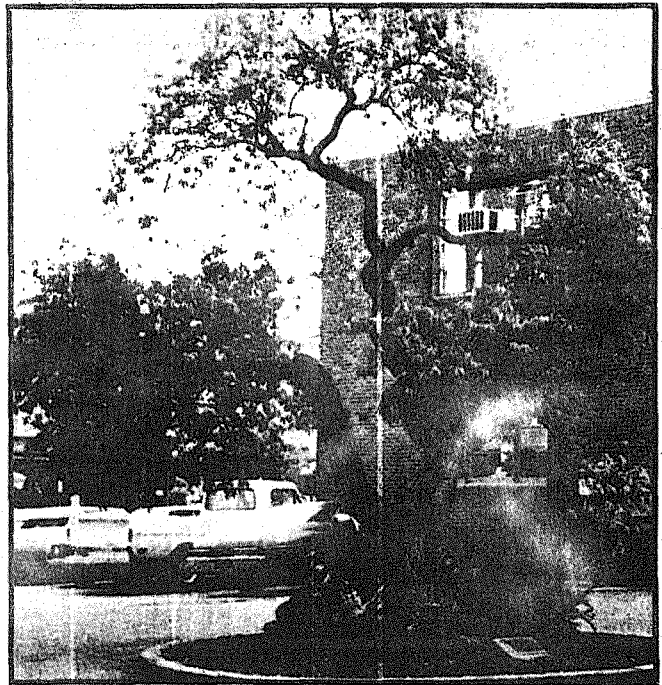


An ornamental peach tree, preserved behind the Milwaukie, Oregon, City Hall, was the first of its kind in the Northwest. It was sent from China in 1869 to Seth Luelling by Anson Burlingame, first American minister to China.

When the tree was 75-years-old, it was moved to City Hall because the Luelling home was being torn down.

In its new location the tree continues to blossom in the spring. A dead limb was removed this August.

Seth Luelling (his last name is also spelled two other ways) was the brother of Henderson Luelling. Henderson, with his son, Alfred, left Iowa in the spring of 1847 with a nursery stock consisting of 700 grafted fruit trees, berries and shrubbery which were planted in an open wagon. They arrived in the Willamette Valley, Nov. 17, 1847, and planted the



HR

trees in Milwaukie near the present Waverley Country Club.

The first fruit industries on the Pacific Coast were established by Alfred Luelling, Seth Luelling and Joseph H. Lambert.

Seth Luelling developed the Black Republican Cherry and the Bing Cherry. Lambert developed the Lambert Cherry. Many other species were developed by those men.

During the Gold Rush days, about 1853, they sold their apples for \$1 a pound and their peaches and plums for \$1.50 a pound, the Milwaukie Historical Society reports.



Contains
Recycled
Materials

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

Date: September 28, 1976

TO: City Manager

FROM: Dave Phelps *DP*

SUBJECT: Riverfront Committee - Boat ramp grant
Reaction to RFD letter to Council

Discussion with these two gentlemen, Jones on the 21st and Adams on the 22nd, centered upon their concerns over a possible cost over run of the boat ramp grant.

The costs for engineering have not yet been determined. These costs are going to exceed the estimate written within the grant. However, improvement of the parking surface has been given a temporary third place while the boat dock and ramp have been placed on the top of the "do now" list.

If the final figure for development exceeds the city's grant, I feel there are four possible options.

- 1) Ask the Marine Board for additional funds based upon a more accurate cost figure above the original estimate of \$13,550 without a change in project concept.
- 2) Proceed to expend the \$13,550 grant as far as it will go and explain to the Board that the grant did not take into account certain unforeseen costs. This could mean doing less than originally proposed or it could be due to a rearranging of specific item priorities and their relative costs. (eg. Boat dock cost exceeds that for extensive parking lot improvements.)
- 3) After having failed at obtaining an additional sum from the State Marine Board, approach B.O.R. or the Special Projects Fund to complete the project.
- 4) If B.O.R. will not provide support, then the RFD Committee would ask the City Council to finance the boat ramp completion.

Although no final estimate can be ascertained at this time for this project, primarily due to the engineering cost element and the ultimate design element, \$20,000 for the total project may be a ball park figure.

Dock	\$8200			
Ramp	\$3000			
Parking	\$2000			
Engineering	\$5000			
	\$ 18200	-	\$13550	= \$4650

DP/js

For OCT 4 Agenda
BWA

September 21, 1976

6a

CITY COUNCIL
City of Milwaukie
City Hall
Milwaukie, Oregon 97222

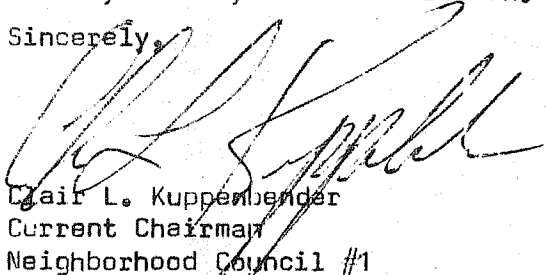
Dear Members of the Council:

In order to avoid any misunderstanding and to formally, in writing, to make our request known, even though agreed to at a recent City Council Meeting, it is the intent of Neighborhood Council #1 that the issue of the City Parking Lot now under negotiation be formally submitted to Neighborhood Council #1 and as many other Councils as would request this information, all information relative to said negotiations PRIOR TO THE SIGNING OF ANY LEASE. In fact, it should be given serious consideration that the entire matter be placed before the electorate as was done when the bonds were approved for the purchase of this piece of real estate for parking lot use.

We feel that this matter is of serious enough concern to have as many people know the entire facts as possible.

Thank you for your consideration.

Sincerely,



Chair L. Kuppenbender
Current Chairman
Neighborhood Council #1

Agenda

68

September 17, 1976

The Mayor and Members of the City Council
City of Milwaukie

Effective September 24, 1976

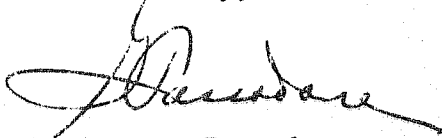
With deepest regret, I must resign my position as Chairman of
The Executive Board for NC#5 and also my position as a member
of The Business License Review Committee.

My employer, First National Bank of Oregon, has assigned me to
a special project in Los Angeles, California.

I have both enjoyed and benefited from my involvement in these
community affairs and hope to reestablish my participation upon
my return to Portland.

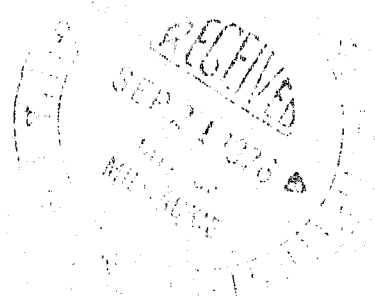
A special thank you to Janet Mandaville for her patience and
guidance.

Sincerely,



George Passadore

GP:tr



RECEIVED
SEP 21 1976
CITY OF MILWAUKIE

Memorandum
City of Milwaukie, Oregon

To: City Manager and City Council
From: Planning Department
RE: Franko Oil Case
Date: October 1, 1976

The Council has on their agenda for October 3 a public hearing concerning the Franko Oil appeal. In the agenda packet is considerable background information on this matter. Planning staff will present at the meeting a summary of the background of the case, updated information, alternative courses of action and a recommended course of action.

was A license Actually issued?

TH

City of Milwaukie

7
②

September 14, 1976

Dear Property Owner:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Milwaukie City Council at its meeting on Monday, October 4, 1976, at 8 p.m., in the Council Chambers, City Hall, 10722 SE Main Street, Milwaukie, Oregon, will consider the appeal

OF: Franko Oil Company

FROM: Ruling of the Milwaukie Planning Commission denying Conditional Use application C-74-11, to re-open an existing service station in C-L, Limited Commercial zone.

LOCATION: 10665 SE McLoughlin Boulevard, Milwaukie, Oregon, also described as Tax Lot 3100, T1S, R1E, Section 35AA.

Interested citizens and the general public are invited to attend this meeting or submit comments in writing prior to the hearing.

Very truly yours,

CITY OF MILWAUKIE

Dorothy E. Farrell

Dorothy E. Farrell
City Recorder

DEF:msh



10
1

City Of Milwaukie
Milwaukie, Oregon

FRANKO OIL COMPANY

P. O. BOX ~~2742~~ 2740

EUGENE, OREGON 97402

(503) 688-8011 4211

9

SUBJECT:

DATE: Aug. 7, 1974

7010 ↑

MESSAGE

Dear Sirs:

I am planning on opening the Exxon Service Station located on U.S. Hwy. 99E. & Harrison Street. Are there any restrictions regarding this location; also is a business license required and if so, would you please mail me the necessary forms.

Thank you.

SIGNED Frank Boresek

REPLY

DATE

SIGNED

GRAVAC CO., INC., BROOKLYN, N. Y. 11238

X

9/3/74

CITY OF MILWAUKIE
926 Main Street
Milwaukie, Oregon 97222

FOR CITY USE ONLY
License No. 7
Date Issued _____
Amount Paid _____
Receipt # _____

APPLICATION FOR BUSINESS LICENSE OR RENEWAL DUE
AND PAYABLE ON JANUARY 1.

NOTE: A 5 PER CENT PENALTY WILL BE ASSESSED AFTER FEBRUARY 1, DELINQUENT DATE

Application is required by Ordinance No. 489, as amended, for a BUSINESS LICENSE from the City of Milwaukie, Oregon, and applicant hereby represents that he is conducting a business, profession, pursuit or occupation in Milwaukie, Oregon, and will conduct such business in such a manner that it will comply with all the laws of the State of Oregon and the Ordinances of the City of Milwaukie, Oregon.

BUSINESS NAME: FRANKO OIL Co Phone No. 688-4211
BUSINESS ADDRESS: P.O. Box 2440, EUGENE, OREGON 97402 Zip Code 97122
TYPE OF BUSINESS: Service Station STATE LICENSE NO. _____
Authorized Representative Bill Cookson

Businesses operating from regular places of business in the City shall pay the City Rate, and the businesses not operating from regular places of business in the City shall pay the Outside City Rates as listed below:

	INSIDE RATE	OUTSIDE RATE
Individuals	<u>\$15</u>	\$22.50
Individuals	25	37.50
Individuals	40	60.00
Individuals	55	82.50
Individuals	75	112.50
Individuals	115	172.50
Individuals	150	225.00

NUMBER OF EMPLOYEES	
Owners or Proprietors (working in Milwaukie)	<u>0</u>
Other Employees (working in Milwaukie)	<u>2</u>
GRAND TOTAL	<u>2</u>
AMOUNT REMITTED	<u>\$1500</u>

was Lic. Actually issued?

APPROVED	By	Date	Remarks
Mayor	<u>[Signature]</u>	<u>9-5-74</u>	
City Clerk			
Police			

Retained a true copy of the whole thereof
City of Milwaukie, Oregon

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*Did Frank Actually pay for
land of Employees for Public Req and*

Did Applicant Actually Apply for Conditional Permit

*Do you Grant me dit. The Permit to
Return Safety & Pub. Need
You Repeat me my Times you didn't have
did Bradshaw Deven*

September 11, 1974

Frank Boresek
Franko Oil Company
P. O. Box 2440
Eugene, Oregon 97402

Dear Mr. Boresek:

It has been brought to my attention that you are planning to re-establish a service station at 901 S. E. McLoughlin Blvd and have applied for a business license. This property is in the C-L zone, in which the Milwaukie Zoning Ordinance permits a service station only as a conditional use if approved by the Planning Commission after holding a public hearing.

It is my understanding that a service station operated in this location for some years prior to the adoption of the current Zoning Ordinance (1968) and for some time after, but it has been vacant for the last 3 years approximately.

Section 6.010. of the Milwaukie Zoning Ordinance states: "In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with conditional uses."

Since the re-opening of a service station at this location will necessitate some alteration of structure (remodeling of the existing structure, installation of new gas pumps, etc.) and the property has been "vacant" for several years, I have determined with the concurrence of the City Attorney, that in order to utilize this site as a service station, conditional use approval will be required.

I am enclosing the application form and instructions for a conditional use application. If you have any questions, please feel free to contact this office.

Sincerely,

CITY OF MILWAUKIE

Rod Sandoz, City Planner

Certified a true copy of the whole ()
Certified a true copy of the whole ()
Recorder, City of Milwaukie, Oregon



FRANKO OIL COMPANY

PETROLEUM MARKETERS

September 18, 1974

Mr. Rod Sandoz, City Planner
City of Milwaukie
926 Main Street
Milwaukie, Oregon

Dear Sir:

Enclosed please find our application for a conditional use permit to re-open our service station property at 901 S. E. McLoughlin Blvd in Milwaukie.

We are also enclosing 15 copies of a plot plan and our check in the amount of \$90.00.

You will recall that we inquired of the City of Milwaukie before purchasing this property what was required on our part to re-open this station and we received a reply that as there was a service station on the property all that was necessary was that we apply for a business license. Later we received a letter saying we were in a conditional use zone and would have to apply for this conditional use permit.

Being a very small company the delay in opening is a hardship and we would appreciate any help that you could give us in approving this permit.

Very truly yours,

Franko Oil Co.

W.J. Cookson, Secy

WJC/gb
enc

Certified a true copy of the whole thereof.

Recorder, City of Milwaukie, Oregon

X

October 11, 1974

Dear Property Owner:

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Milwaukie Planning Commission at its meeting of 8:00 p.m. on Tuesday, the 22nd day of October, 1974, in the Council Chambers of City Hall, 926 Main Street, Milwaukie, Oregon, will consider the application

OF: Franko Oil Co.

FOR: Conditional Use (C-74-11)

Re-open an existing service station in C-L, Limited Commercial, zone

LOCATION: 901 S. E. McLoughlin Blvd., Milwaukie, Oregon, also described as Tax Lot 3100, T1S, R1E, Section 35AA.

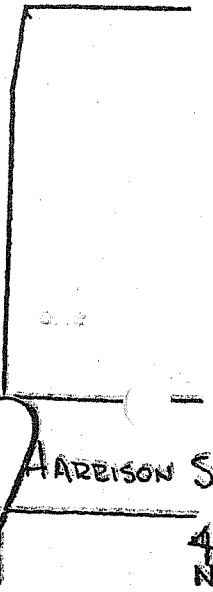
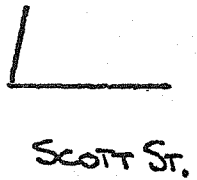
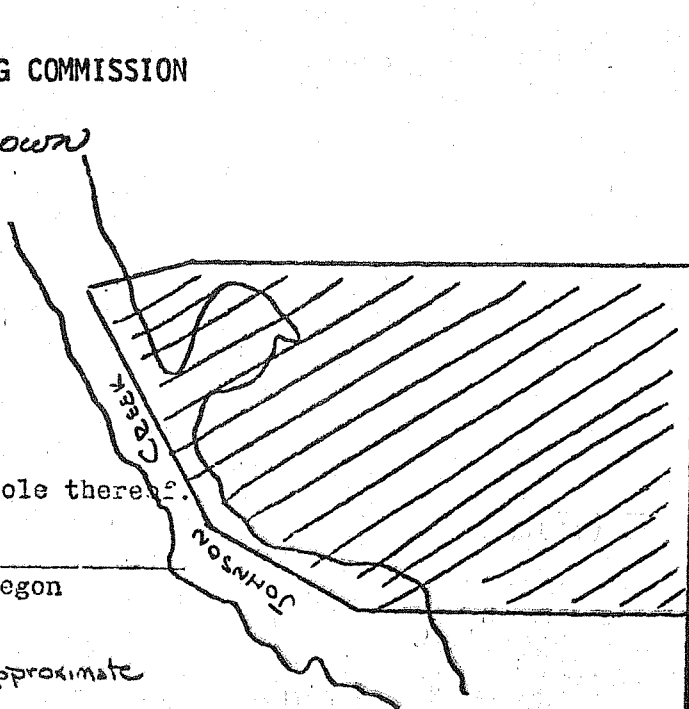
Interested citizens and the general public are invited to attend this meeting or submit comments in writing prior to the hearing.

Very truly yours,

MILWAUKIE PLANNING COMMISSION

Michelle Brown

Michelle Brown
Secretary



Certified a true copy of the whole thereof.

Recorder, City of Milwaukie, Oregon

Drawing approximate

September 8, 1976

Tim & Comm
Review
(Signature)

Pa
③

Mr. Bill Hupp, Mayor
City of Milwaukie
10722 SE Main Street
Milwaukie, Oregon 97222

Dear Mayor Hupp:

We represent Oregon Sign Corp. and Milwaukie Lumber Co. concerning the sign on the premises at 10998 SE 21st Avenue.

We previously requested reconsideration of the City Council's decision concerning this sign, and thereafter the Council requested that we submit in writing the additional information we referred to in asking for reconsideration.

On behalf of our clients we respectfully request that you consider the following information set out in this letter and the attached affidavits of Jack C. Clark and Robert Cathman of the Oregon Sign Corp.

1. The sign covers approximately the same area on the front of the building as was previously covered by a painted-on sign;

2. A city employee, Tim Holder, checked the application for the sign permit. He advised me that he was aware of the roof sign on the building but did not think of it at the time the application was presented. In addition, he has told me that he believes that Mr. Jack C. Clark, the applicant on behalf of Oregon Sign Corp., did not intentionally omit reference to the roof sign when filling in the application;

3. There has been no opposition to this sign from adjoining property owners;

4. The particular sign in question is hybrid in nature in that it neither projects from the building at

September 8, 1976

the usual 90 degree angle, nor is it flush or parallel to the surface on which it is mounted -- instead, it projects at an angle of approximately 45 degrees. As far as is known, there are no other signs of this type within the City of Milwaukee;

5. The cost of this sign is \$6,000, and its removal would result in a hardship on the applicant;

6. The sign was applied for on December 19, 1975, approved at that time and installed on January 23, 1976. The City, by letter dated February 4, 1976, notified our client that the sign was contrary to the sign ordinance No. 1310.

Would you please present the above information to the Council along with the attached affidavits. It may be that the sign can be permitted under Section 20, Variance Procedure, or Section 15, Paragraph 2.

In addition, we would ask you to consider our clients' past excellent reputation with the City over a period in excess of 40 years. This is the first time there has been a question of noncompliance with a City Ordinance on the part of our clients, and they have on numerous occasions, provided labor, material and equipment while working with the City on mutual endeavors.

Very truly yours,

James E. Redman

JER/nt

Enclosures

cc: clients

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AFFIDAVIT

STATE OF OREGON)
) ss.
County of Clackamas)

Pa
⑤

I, Robert Cathman, being first duly sworn, make this affidavit in support of a request for the City Council's reconsideration of its decision concerning the Milwaukie Lumber Co. sign located at 10998 SE 21st Avenue, Milwaukie, Oregon.

At the time of preparation of the application for a sign permit by Mr. Jack C. Clark, he was a part time semi-retired employee of Oregon Sign Corp. He was paid on an hourly basis, and received no compensation by way of commission.

The investment in this sign is \$6,000, and our company was unaware of any potential violation of City Ordinance 1310 until the City's letter dated February 4, 1976. The sign was installed on January 23, 1976.

Robert C. Cathman

Subscribed and Sworn to before me this 7th day of September, 1976.

Joe F. Ruscigno
Notary Public for Oregon
My Commission Expires 5-30-77

AFFIDAVIT

STATE OF OREGON)
) ss.
County of Clackamas)

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I, Jack C. Clark, being first duly sworn, make this affidavit in support of a request for the City Council reconsideration of its decision concerning the Milwaukie Lumber Co. sign located at 10998 SE 21st Avenue, Milwaukie, Oregon.

I prepared the application for the sign permit at City Hall with the assistance of Tim Holder, an employee of the City of Milwaukie.

Mr. Holder was consistently courteous, polite and cooperative in assisting with the preparation of this application.

I had not been to Milwaukie Lumber Co. except immediately prior to preparation of the application, and was not aware of the existing roof sign.

At the time I prepared this application on behalf of Oregon Sign Corp. and Milwaukie Lumber Co. I was age 66, semi-retired and working part time only.

Had I been aware of the roof sign at the time at the time I presented the application to the City of Milwaukie I would have so included it on the application.

Jack C. Clarke

Subscribed and Sworn to before me this 8th day of September, 1976.

Joe F. Rousignol
Notary Public for Oregon
My Commission Expires 5-30-78

CITY OF MILWAUKIE

Inter-Department Memorandum

TO: Hal Schilling

Date: September 30, 1976

FROM: Don Oblander

SUBJECT: COSTS OF ADMINISTERING REFUSE COLLECTION FRANCHISES

9c
①

As requested by the Council, I have generated estimated cost figures for the City's administration of garbage franchises. A brief discussion of the assumptions used follows the figures.

Finance Department	\$1,650
Administration Department	250
City Attorney	<u>100</u>
	2,000
Reduction for "average" year	<u>x .5</u>
Annual research, negotiation, etc. costs	\$1,000
Ongoing costs;	
Code Enforcement	350
Complaints (Receptionist, other followup)	<u>150</u>
	<u>\$1,500</u>

In addition, the annual cost of the City's garbage service has been estimated at \$1,291.80 by Milwaukie Sanitary Service. For round figures (remember these are estimates anyway) I recommend \$1,300 be used.

In arriving at figures for the Finance and Administration Departments and the City Attorney, I have used time records and estimates of our involvement with the issues this past year. I then used one half of this amount under the assumption that we will only be asked to make this substantial time commitment every two years. I am assuming further that little additional staff time will be spent on garbage franchises this year. If staff is to be asked to make exhaustive reports and engage in lengthy rate negotiations, the cost will naturally go up.

Ongoing costs are estimates based upon past experience with complaints. It is conceivable that such costs could go up sharply if there are, in fact, many violations of franchise privileges. In such case, court time and other expenses may be incurred, thereby raising the City's cost.

I should emphasize that my cost figures are estimates. The nature of the costs (primarily staff time) are such that they are not subject to exact quantification. Arguments could be made that the figures are 10% high or 10% low. Nevertheless, I feel they are reasonable and realistic, and meet the Council desire to cover our costs.

The net fee to the City of \$1,500 represents a reduction of \$4,755 from the prior formula and as much as \$9,000 from the proposed 3% formula. The larger difference (\$9,000) represents the equivalent of nearly 4¢ of the City's tax rate. Accordingly upward pressure on the tax rate is exerted due to the loss of this potential revenue.

The net franchise fee (if set at \$1,500) would be less than 75% of the average of the four Clackamas County cities previously used as examples (Lake Oswego, Gladstone, West Linn and Oregon City). Garbage rates, on the other hand, are only 4% lower than the average of these cities, all of which have raised their rates fairly recently. This implies that Milwaukie's rates have been very competitive in the recent past and, in fact, higher than those cities with which the franchisees have asked us to compare Milwaukie.

9c
②

Mr Harlan has previously indicated that keeping garbage rates as low as possible is the best way to encourage a cleaner, healthier community. Control of costs is one important factor in maintaining low rates.

The franchisees cannot reasonably expect to have the highest collection rates and lowest franchise fees (of comparable cities). They now have very low fees due to the Council's direction which substantially reduced their costs. I feel such action should have a significant mitigating impact on their need for a rate hike.

Our franchisees current rate of \$3.25 is slightly below average for Clackamas County cities. Nevertheless, it is substantially above the lowest local rates. Inasmuch as the Council has taken a position of reducing the franchisees' cost of doing business, it seems appropriate that the rates be held down.



DO/vam

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 annual franchise fee be established at a rate of \$ 1,500, beginning with fiscal year 1976-77. The franchise fee shall be payable in advance of each fiscal year, with the exception of 1976-77 for which the fee shall be payable within 30 days of adoption of this resolution. A penalty of 10% shall be added for payments received later than June 30 of the preceding fiscal year for all fiscal years beginning July 1, 1977 and later.

BE IT FURTHER RESOLVED that the 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. Said amount shall be payable within 30 days of adoption of this resolution.

BE IT SO RESOLVED.

Introduced and adopted by the City Council on this 4th day of October, 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

MEMORANDUM

September 29, 1976

TO: CITY COUNCIL MEMBERS AND CITY MANAGER

FROM: JOY BURGESS

SUBJECT: Meeting on library situation

I attended the Tuesday, September 28, meeting at Barlow Hall, Clackamas Community College, at 7:30 p.m., called by interested persons hoping to save a few specific county library services for the cities after the levy failure, and I discovered that a good majority of those present (over 100) were interested in creating a strong county-wide library system. After several speakers and over three-fourths of the way into the meeting, I stood up and told the audience that Milwaukie was very desirous of playing a leading role in initiating this effort, etc. Shortly after, some elected officials requested me, as a councilwoman in Milwaukie, to initiate the first meeting of elected officials from all cities in Clackamas County, to begin discussions at this level.

Today I have set the meeting date for Tuesday, October 12, 7:30 p.m., at Barlow Hall in the Theater Room (the number is M-119), Clackamas Community College. The location has been reserved and confirmed through the college today, and by telephone I have the assurance from Tom Telford and Bob Schumacher that they will be free to attend, and I expect and hope that Stan Skoko will also be free. It is my hope that all or most of us from our own Council will be able to attend and give input, as this is an important first in hopefully a series of constructive meetings to create for the benefit of all county residents an equitable and fair county-wide library system. If you can go, give me a call and maybe we can arrange a car pool.

df

9a (5)

PARKING LOT LEASE PROPOSAL
PROPERTY TAXES

OREGON MUTUAL SAVINGS BANK

FIRST STATE BANK

(Values to Nearest \$100)

	OREGON MUTUAL SAVINGS BANK				FIRST STATE BANK			
	(1) Building	(2) Personal Property	(3) Tax to Milwaukie	N. Clackamas School District (4)	(1) Building	(2) Personal Property	(3) Tax to Milwaukie	N. Clackamas School District (4)
1977	\$170,000	\$100,000	\$1,520	\$4,457	\$80,000	\$50,000	\$732	\$2,147
1978	183,600	97,000	1,580	4,633	86,400	48,500	759	2,226
1979	198,300	94,000	1,646	4,827	93,300	47,000	790	2,317
1980	214,200	91,000	1,718	5,038	100,800	45,500	824	2,416
1981	231,300	88,000	1,798	5,273	108,800	94,000	1,142	3,349
1982	249,800	85,000	1,885	5,528	117,500	91,000	1,174	3,443
1983	269,800	82,000	1,981	5,809	126,900	88,000	1,210	3,548
1984	291,400	79,000	2,085	6,114	137,100	85,000	1,250	3,666
1985	314,700	76,000	2,200	6,452	148,000	82,000	1,295	3,798
1986	339,800	73,000	2,324	6,815	159,900	79,000	1,345	3,944
1987	367,000	70,000	2,460	7,214	172,700	76,000	1,400	4,106
1988	396,400	67,000	2,609	7,651	186,500	73,000	1,461	4,284
1989	428,100	64,000	2,771	8,126	201,500	70,000	1,529	4,484
1990	462,300	61,000	2,946	8,639	217,600	67,000	1,602	4,698
1991	499,300	58,000	3,138	9,202	235,000	64,000	1,683	4,935
1992	539,300	55,000	3,346	9,812	253,800	61,000	1,772	5,196
1993	582,400	52,000	3,572	10,475	274,100	58,000	1,852	5,431
1994	629,000	49,000	3,817	11,193	296,000	55,000	1,976	5,795
1995	679,300	46,000	4,083	11,973	319,700	52,000	2,093	6,138
1996	733,700	43,000	4,373	12,824	345,300	49,000	2,220	6,510
			<u>\$51,852</u>	<u>\$152,055</u>			<u>\$28,109</u>	<u>\$82,431</u>

Assumptions:

1. Real property values will increase at 8% per year, 2% more than the annual projected living increase (6%)
2. Personal property (furniture and equipment) will depreciate by 3% of the purchase price per year.
3. Milwaukie's current estimated tax rate of \$5.63 is assumed to remain constant for 20 years.
4. North Clackamas School District's 1975-76 tax rate of \$16.51 is assumed to remain constant for 20 years.

The above assumptions are made on the basis of current and historical events and economic trends which are believed to be realistic indicators of future circumstances.

PARKING LOT LEASE PROPOSAL
TOTAL FINANCIAL CASH FLOW TO COMMUNITY

3
⑦

	OREGON MUTUAL SAVINGS BANK			FIRST STATE BANK		
	Milwaukie Lease Payments	N. Clackamas Tax Receipts	Total To Community	Milwaukie Lease Payments	N. Clackamas Tax Receipts	Total To Community
1977	\$5,652	\$1,520	\$4,457	\$6,012	\$732	\$8,891
1978	5,652	1,580	4,633	6,012	759	8,997
1979	5,652	1,646	4,827	6,012	790	9,119
1980	5,652	1,718	5,038	6,012	824	9,252
1981	5,652	1,798	5,273	6,012	1,142	10,503
1982	5,988	1,885	5,528	7,515	1,174	12,132
1983	5,988	1,981	5,809	7,515	1,210	12,273
1984	5,988	2,085	6,114	7,515	1,250	12,431
1985	5,988	2,200	6,452	7,515	1,295	12,608
1986	5,988	2,324	6,815	7,515	1,345	12,804
1987	7,188	2,460	7,214	9,018	1,400	14,524
1988	7,188	2,609	7,651	9,018	1,461	14,763
1989	7,188	2,771	8,126	9,018	1,529	15,031
1990	7,188	2,946	8,639	9,018	1,602	15,318
1991	7,188	3,138	9,202	9,018	1,683	15,636
1992	8,628	3,346	9,812	10,521	1,772	17,489
1993	8,628	3,572	10,475	10,521	1,852	17,804
1994	8,628	3,817	11,193	10,521	1,976	18,292
1995	8,628	4,083	11,973	10,521	2,093	18,752
1996	8,628	4,373	12,824	10,521	2,220	19,251
TOTALS	<u>\$137,280</u>	<u>\$51,852</u>	<u>\$152,055</u>	<u>\$165,330</u>	<u>\$28,109</u>	<u>\$275,870</u>

CITY OF MILWAUKIE

Inter-Department Memorandum

TO: Hal Schilling

Date: October 1, 1976

FROM: Don Oblander

SUBJECT: PARKING LOT LEASE PROPOSALS

98
①

The City recently received two proposals for development of a portion of the Municipal Parking Lot. Following is an analysis of the proposals.

1. Lease payments to City (Schedule 2)

According to the bids received, total lease payments to the City for a period of 20 years would be \$137,280 by Oregon Mutual or \$165,330 by First State. I have not attempted to go beyond the initial 20 year period due to the provision in F.S.B.'s proposal for renegotiation at that time. It is virtually impossible to predict the comparative impact of each party's lease payments for the 21st to 30th years. + 28,000

2. Tax payments to City

Based upon assumptions explained in Schedule 1, the direct tax revenue flowing to the City of Milwaukie during the twenty year period would be \$51,852 from Oregon Mutual or \$28,109 from First State. 23,000 Plus

3. Tax payments to local schools (Schedule 1)

Cash flow to North Clackamas School District as a result of proposed bank facilities would be \$152,055 from O.M.S.B. or \$82,431 from F.S.B. This figure is incorporated since the increased revenue to that district will allow it to moderate its need for increasing property tax assessments upon other properties. Accordingly, all properties within Milwaukie will benefit. *Poppy Cock - it will have little Actual Effect*

Schedule 2 indicates that the total financial benefit to the Community would be \$341,187 from Oregon Mutual or \$275,870 from First State. The difference of \$65,317 indicates that O.M.S.B.'s proposal would be more financially beneficial to the tune of an average exceeding \$3,265 per year, or \$272 per month.

One other factor to be considered is the reversion of the real property to the City upon termination of the lease. Since Oregon Mutual is proposing a building worth over twice First State's proposal, it can be reasonably assumed that the reversionary interest included in Oregon Mutuals bid would be worth a correspondingly greater amount in the future. Based upon the assumption of an 8% annual appreciation in value of real property, the City's interest in the property in 1996 would be \$733,700 (O.M.S.B.) as opposed to \$345,300 (F.S.B.). Thus, another plus for O.M.S.B. in the amount of \$388,400.

Overall, the proposal by O.M.S.B. is more revenue productive to the Community than F.S.B.'s by \$453,717 over the indicated 20 year period.

Other considerations:

1. Both parties agree to pay the cost of reconstructing the existing lot, but O.M.S.B. limits their exposure to \$1,000. This should be enough to cover the total cost, but it is conceivable that the City could be responsible for a small amount of outlay.

IF
useable
?

2. O.M.S.B. does not specifically agree to pay property assessments (i.e. sewer connections) as does F.S.B. This appears to be an oversight as both parties have indicated a desire to pay all costs related to the property (taxes, insurance, etc.)
3. O.M.S.B. includes an escape clause in the event of unresolved challenges to the legal right of the City to lease the property. F.S.B. does not. I assume that this would be an underlying feature of either lease. It is my understanding that no legal problems do, in fact, exist.

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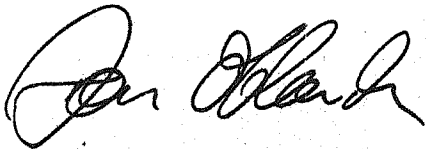
Conclusion

If the Council does decide to proceed with the lease of the property, I recommend that Oregon Mutual's proposal be accepted. From a purely financial viewpoint, their proposal is the most desirable for the City and for the Community.

FIRST - PRESENT BOTH PROPOSALS TO EACH NEIGHBORHOOD COUNCIL THAT WISHES THEM.

SECONDLY - CITY HAS AGREED TO PROVIDE AN ALTERNATIVE PARKING FACILITY WITHIN THE DOWNTOWN - PRIOR - TO THE TURNING ONE SPADE FULL OF EARTH ON CITY LOT. QUESTION ????? WHERE ??? AND HAS THE TAXPAYER'S COST OF THIS PROJECT BEEN ADDED IN TO BOTH PROPOSALS????

THIRDLY - WHAT EFFECT - IF ANY - WOULD LEASING A PORTION OF THE CITY PARKING LOT HAVE ON THE "LEIN" WHICH NOW EXISTS ON THE CORE PROPERTY ?????



DO/vam

CITY OF MILWAUKIE

Inter-Department Memorandum

TO: HAL SCHILLING

Date: SEPTEMBER 28, 1976

FROM: DON OBLANDER

SUBJECT: DOWNTOWN L.I.D. - PARKING LOT

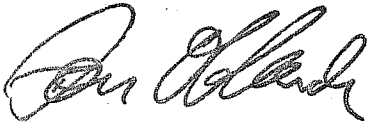
*Pay \$181.50
no interest*

*98
①*

In 1970, Willamette Savings and Loan paid \$181.50 toward their assessment for the downtown parking lot. As you will recall, the Council determined that the costs of the assessments would be paid by the City as the bonds matured. Accordingly, no amount should have been paid by Willamette even though a lien does exist on their property.

In January, 1974, a letter was written by the City to Willamette indicating our intent to refund the money as soon as possible. In the subsequent change of the City Manager, the issue apparently fell through the cracks and was forgotten. I recently received a request for a refund from their treasurer, Lois E. Stevenson, which brought the matter to light.

Inasmuch as no other property owner has had to make payments on this L.I.D., it is my recommendation that a refund be made immediately. I feel it would be appropriate for the Council to authorize reimbursement of \$181.50 to Willamette Savings and Loan for their past overpayment.



Don Oblander

DO:jk

September 28, 1976

*The City was ordered to Pay this
Years About 1 Foot should include interest
AS WELL AS THE 181.50*

*Approval Recommended
[Signature]*



January 25, 1974

See Over

9f.
②

Lois E. Stevenson, Treasurer
Willamette Savings and Loan Assn.
1100 - 21st Street
Milwaukie, Oregon 97222

Re: Municipal Parking Facility Roll 109

Dear Ms. Stevenson:

Please excuse the delay in responding to your letter of December 4, 1973. Acting in dual capacity for the city causes mail to get put aside and it does not get answered promptly, as was the case here.

I have been researching the matter, and although it is the Council's intention to reimburse you the \$181.50 which you paid, it is our position that it is not necessary for us to reimburse that until the parking lot facility bond has been completed.

However, it is our wish to clear this matter up as soon as possible, and I anticipate in the very near future we will be able to meet this demand and reduce this amount. If you have any questions, please contact me.

Very truly yours,

Myer Avedovech
City Manager pro tem and City Attorney

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

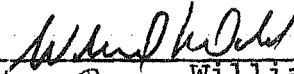
Re: Grievance of Darrell Maple

Dear Sir:

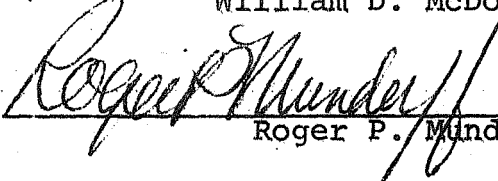
On September 16, 1976, the undersigned fact-finding committee members, appointed as a fourth-stage review committee pursuant to the stipulation of the parties, held a hearing wherein witnesses were sworn and gave testimony and wherein certain documents were entered into evidence; and, as a result of said hearing, the committee finds that:

1. Disciplinary action against Darrell Maple is proper and appropriate.
2. The penalty should be reduced to:
 - a. Suspension without pay during the period commencing at 8:00 a.m. on July 7, 1975, and terminating at 5:00 p.m. on July 18, 1975.
 - b. The salary should be reduced within the bargained salary range to Step "C," or \$875.00 monthly for the first three months of the fiscal year.

Dated this 22 day of September, 1976.



William D. McDonald



Roger P. Mundorff

cc: Mr. Myer Avedovech II
City Attorney

Mr. Darrell L. Cornelius
Attorney at Law
One Southwest Columbia Street
Portland, Oregon 97201

CITY OF MILWAUKIE

PERSONNEL ACTION FORM

NAME MAPLE, Darrell DEPT. Police CLASSIFICATION Traffic Office

Address Phone S. S. #

APPOINTMENT	SEPARATION	IN-SERVICE CHANGES
<input type="checkbox"/> Part-time <input type="checkbox"/> Temporary <input type="checkbox"/> Probationary <input type="checkbox"/> Permanent <input type="checkbox"/> Reinstated	<input type="checkbox"/> Dismissal <input type="checkbox"/> Resignation <input type="checkbox"/> Termination of appt. <input type="checkbox"/> Death <input type="checkbox"/> Other	<input type="checkbox"/> Suspension <input type="checkbox"/> Promotion <input type="checkbox"/> Demotion <input type="checkbox"/> Reclassification <input checked="" type="checkbox"/> Salary Change <input type="checkbox"/> Transfer <input type="checkbox"/> Leave of Absence <input checked="" type="checkbox"/> Other Change in 7/7/75 Personnel Action
Effective date _____	Effective date _____	Effective date <u>9/22/76</u>
Starting salary _____	Term. rate _____	Range <u>see below</u>
Range _____		Rate \$ <u>see below</u> \$ _____
		Change mandated by fact-finding committee (see attachment)

REASON FOR ACTION: (To be completed in all cases) Changes in disciplinary award of 7/7/75 mandated by factfinding committee, as follows: Salary change from step E to step C effective 7/1/75 through 9/30/75 (\$967 to \$875); step increase from C step to D step effective 10/1/75 (\$875 to \$919); cancel Personnel Action showing step increase from C to D effective 8/1/76.

(To be completed whenever applicable)

NAME OF LAST INCUMBENT: _____

Requested by: Arnold F. Jones
Department Head

[Signature]
City Manager

Date: 22 Sept. 1976

Consistent with civil service rules: DT
Budgeted position: RT

For use by:
CIVIL SERVICE COMMISSION

Approved for payroll certification:

Guruth J. Levestone
Chairman

Date: 9/29/76

White - Personnel
Pink - Finance

Yellow - Dep. Head
Green - Employee

CITY OF MILWAUKIE

Council

Inter-Department Memorandum

TO: Hal Schilling

Date: September 22, 1976

FROM: Don Oblander

SUBJECT: Personnel Action Form - Darrell Maple

As a result of changes mandated by the factfinding committee, Darrell Maple has back pay coming in the amount of \$426.20.

Pay according to factfinding committee:

July '75 - Sept. '75 (\$875 x 3)	\$2,625.00
Less 80 hrs. at \$5.05	(404.00)
Oct. '75 - Aug. '76 (\$919 x 11)	<u>10,109.00</u>
	<u>\$12,330.00</u>

Actual amounts paid:

July '75	484.80
Aug. '75 - July '76 (875 x 12)	10,500.00
Aug. '76	<u>919.00</u>
	<u>\$11,903.80</u>

Balance owed to Mr. Maple as of 8/31/76	<u>\$426.20</u>
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