

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION NOVEMBER 17, 2003

**Mayor Bernard** called the work session to order at 6:20 p.m. in the City Hall Council Chambers.

Councilors present: Barnes, Lancaster, Loomis, and Stone.

Staff present: City Manager Mike Swanson, Community Development & Public Works Director Alice Rouyer, Project Manager Jeff King, and City Attorney Gary Firestone.

#### Open Public Forum

No participants.

#### North Main Project Update

**Rouyer** introduced Mike Rossman, Peak Development, and Jeff Myhre, Myhre Group Architects. She briefly reviewed the project schedule that includes reconvening the North Main Developer Selection Committee, holding a community open house, submitting the plan to the Design and Landmarks Commission in March, and starting construction October 2004. Rouyer discussed the site design, parking supply, and access to the Ledding Library and Scott Park. In addition to the commercial/residential building facing Main Street, the current design calls for a residential structure on Harrison Street. The proposed structures will be 3 to 4 levels with underground parking at the north end of the Main Street unit, and there will be about 8,500 square feet of retail space. Project personnel are working to incorporate parking needs for existing businesses. The City Council will be asked to consider the draft Development and Disposition Agreement (DDA) in January and February 2004. Rouyer indicated the state has approved the City's Vertical Housing Tax Credit application.

**Mayor Bernard** said he had a list of persons interested in getting more information on the housing units, and **Rossman** said, if there is interest, more units would be sold as condos.

**Councilor Stone** asked Rossman to describe the condo floor plans and estimated selling price.

**Rossman** replied the focus is on 1 bedroom with a den and 2 bedroom units that are 950 to 1,300 square feet. The costs will be about \$130,000 to \$180,000, and he noted the tax abatements would also be extended to the condo owners.

**Councilor Barnes** asked Rossman if there is a vision for the retail space. She is particularly interested in the marketing aspect and the types of use.

**Rossman** said it is early in the project to think about specific tenants. The retail area of about 8,500 square feet would house 3 or 4 users. Businesses interested in renting space will begin looking once construction gets underway.

**Councilor Lancaster** asked if the underground parking would be expanded if all the units go as condos.

**Rossman** replied that would add about 2 years to the project. Some residents may be satisfied with surface parking. Condo units will be sold at a certain price, and buyers will have options for upgrading such things as carpeting, plumbing fixtures, and cabinets.

### **Milwaukie Pioneer Cemetery Maintenance**

**City Manager Mike Swanson** introduced **Dolly Macken-Hambright** and **Mark Neubauer** of the Milwaukie Pioneer Cemetery Association, Inc.

Macken-Hambright contacted Swanson about taking over maintenance of the Pioneer Cemetery by a non-profit organization. Records indicate the City had little to do with the cemetery up to the mid-1970's at which time the trustees requested the City annex the property and take over maintenance responsibilities. When the North Clackamas Parks and Recreation District was formed in the 1990's, the intergovernmental agreement authorized the District to take over property maintenance. In 1995, Leona Knutson left the City \$36,000 in her will for cemetery care and upkeep.

When this proposal was made, Swanson ordered a title search to find out who actually owned the property. He discovered the cemetery property was conveyed to three trustees in 1874 and were responsible for appointing their successors. According to the records, the last living trustee passed away about seven years ago without any successors being appointed.

Swanson recommends turning cemetery maintenance over to the non-profit and directing the city attorney to take action necessary to appoint trustees according to the original deed. The City has fiduciary responsibility because of the Knutson trust. Local Boy Scouts have been consistent in helping maintain the cemetery, and that group is represented in the non-profit organization.

Swanson has researched the proposal to this point with minimal expenditure of funds and is seeking Council direction on the next steps.

**Macken-Hambright** added the Cemetery Association has approved articles of incorporation and bylaws, and a request has been filed with the State Corporate Division for corporation status. She anticipates the Association will begin kick-off activities in January 2004. The group's interest is in preservation and restoration of headstone and monuments for historical interest. She discussed the probable make-up of the Board of Trustees. She is working on an inventory of the plots based on City records and a book published by the Milwaukie Museum in the 1980's.

**Councilor Barnes** asked what the group intends to do while waiting for its non-profit status.

**Swanson** replied at this time the Parks District has indicated it is amenable to transferring maintenance responsibilities, but he needs Council direction to begin the process. The City will be able to offer a modest amount of funding through the Knutson Trust. The disadvantage is that the Association cannot collect funds because it is not yet designated a non-profit organization. Trustees must still be appointed by the district court, but the Board can take over maintenance responsibilities immediately based on the limited funds the City can provide.

**Councilor Barnes** understands the attorney fees will be about \$1,000 and asked if that would come out of the trust.

**Swanson** said the trust is for care and upkeep, so he proposes attorney fees come from the regular city attorney budget.

**Mayor Bernard** added funds could come from various sources including Celebrate Milwaukie, Inc.

**Councilor Stone** understands the board manages the cemetery and is a voluntary effort. She asked if the board is accountable to the City.

**Swanson** explained that the trustees are basically accountable to each other and have fiduciary responsibilities under state law. The board could be sued over certain issues since it is essentially responsible for cemetery management. The City's responsibility is fiduciary under the Knutson trust.

**Councilor Loomis** said the condition of the cemetery is shameful and appreciates residents stepping forward to take on this project.

**Councilor Stone** commended everyone on their efforts.

**Swanson** said the board would be responsible for continuing the line of trustees. This is a different way of doing business, and he feels this meets the intent of the original donors when they gave responsibility to three citizen trustees. The line

of trustees ran out in 1994, and the original donors deserve to have their intentions honored.

**Councilor Lancaster** added it is critical to ensure continuation of this organization. Although he assumes the group will do so, he feels there should be a minimum maintenance standard established.

**Swanson** said the Milwaukie Police Department would be responsible for taking action if there were vandalism.

**Macken-Hambright** said typically vandalism repair takes years due to shortage of funds. Public service could be considered for those found guilty of vandalism. There was considerable damage to the Pioneer Cemetery during the 1960s and 1980s. Headstones are broken and missing as a result of vandalism and carelessness.

#### **Public Meetings and Records Training**

**City Attorney Gary Firestone** provided a brief Council training session on public meetings and public records.

#### **Other**

Council directed staff to put a copy of the Mayor and City Council Communication Agreements in the time capsule.

**Mayor Bernard** announced the City Council would meet in executive session immediately following adjournment of the work session pursuant to ORS 192.660(1)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations; and ORS 192.660(1)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation that is likely to be filed.

**It was moved by Councilor Lancaster and seconded by Councilor Barnes to adjourn the work session. Motion passed unanimously.**

**Mayor Bernard** adjourned the meeting at 7:45 p.m.

  
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Pat DuVal, Recorder

# AGENDA

## MILWAUKIE CITY COUNCIL WORK SESSION NOVEMBER 17, 2003

**WORK SESSION – Called to order immediately following adjournment of the regular session that begins at 6:00 p.m. – times below are approximate**

**MILWAUKIE CITY HALL  
10722 SE Main Street  
Second Floor Conference Room**

### Discussion Items

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	6:30 p.m.	Open Public Forum	Group
2.	7:00 p.m.	North Main Project Update	Jeff King
3.	7:15 p.m.	Milwaukie Pioneer Cemetery Maintenance	Mike Swanson
4.	7:45 p.m.	Public Meetings and Records Training	Gary Firestone
5.	8:15 p.m.	Adjourn	

### Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the preceding items.
- Executive Session: The Milwaukie City Council will go into Executive Session immediately following adjournment of the work session under the authority of ORS 192.660(d)—“To conduct deliberations with persons designated by the governing body to carry on labor negotiations,” and ORS 192.660(h)—“To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.”

All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information

discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.

- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Alice Rouyer, Director of Community Development & Public Works

**From:** Jeffrey King, <sup>JK</sup> Project Manager

**Subject:** North Main Redevelopment Project Update

**Date:** November 6, 2003 for November 17, 2003 Meeting

**Action Requested**

Review and comment on the North Main Redevelopment Project status report.

**Background**

Staff last updated the Council on July 15, 2003. At that time, Council approved a Memorandum of Understanding (MOU) with Peak Development and an application to the State for a Vertical Housing Development Zone. Since that date the city negotiating team<sup>1</sup> and project design consultant Mike McCulloch has met with the Peak Development team nearly every other Tuesday. Staff has been focused on making progress in four areas:

- Project Design and Mix of Residential and Commercial Uses
- Community Outreach
- Financial Issues
- Project Schedule

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<sup>1</sup> Community Development and Public Works Director Alice Rouyer, Project Manager Jeff King, project management consultant Kim Knox,

### Site Design

The developer delayed progress briefly in order to improve coordination and communication issues with his architectural firm, Myhre Group.

Staff has worked with the design team on several site design and use iterations. The goal is to have a site design that is financially feasible and compatible with the City's original project objectives. The latest design considered by the project team calls for one building facing Main Street and one facing Harrison Street between the Masonic Lodge and Ledding Library. The site design contains the following elements:

- The Main Street Building has two sections and contains areas for ground floor retail/restaurant, apartments and condominiums. Design details include the following:
  1. North Section: 23 condominium units on three floors with walk-up first floors and patios and underground parking.
  2. South Section: four floors, 8,500 square feet of commercial/retail on the first floor with 30 apartments above.
- The Harrison Street Building holds 12-18 apartments on three floors. The exterior design contrasts with Main Street building.
- On-site parking will be accessed from the 21<sup>st</sup> Street extension and/or Harrison St.
- A 20-foot wide pedestrian way between the Masonic Lodge and the project will connect Main Street with Ledding Library. It will also contain a small public plaza. The parking lot will be landscaped and may include a bioswale.
- The entire project will be completed in a single phase.

### Design Funding and Process

- The developer received a site design grant from Metro to evaluate different alternatives.
- The project team met once with Council appointed North Main Developer Selection Committee to evaluate site designs.

### Community Outreach

Staff has conducted the following community outreach tasks since July:

- Met with businesses, Masonic Lodge, and Ledding Library.
- Evaluation of parking alternatives for adjacent businesses and organizations.
- Provided updates to Neighborhood District Association chairs.

Council Staff Report, North Main Project Redevelopment Update  
November 17, 2003  
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- Planned a community open house for late fall or early winter.
- Planned a North Main Developer Selection Committee meeting and other outreach meetings for late fall.

### Financial Issues

Staff worked on the following financing issues since July:

- Communicated with taxing districts and completed the Vertical Housing Development Zone application: no tax districts have withdrawn from the zone.
- Continued to coordinate with Metro in securing at least \$250,000 in project funding.

### Projected Schedule

- Fall 2003: Site design completed.
- Late fall/early winter: community open house.
- January 2004: Development and Disposition Agreement (DDA) to be submitted for approval Council.
- Late March 2004: Formal submission to Design and Landmarks Commission.
- July 2004: submit for building permit.
- October 2004: start construction

Staff will provide a more detailed update and respond to any questions at the November 17<sup>th</sup> Council meeting.

### Concurrence

Community Development and Neighborhood Services staff and the City Manager's office have coordinated on the current process and schedule.

### Fiscal Impact

Staff will keep Council apprised of real estate transaction and project financing information, as more details become available in the coming weeks.

### Work Load Impacts

City staff and consultants are managing this project. The project is part of the existing Community Development staff work plan and budget.



**TO: Mayor and City Council**  
**FROM: Mike Swanson, City Manager**  
**DATE: November 5, 2003**  
**RE: Milwaukie Pioneer Cemetery Maintenance**

## **ACTION REQUESTED**

The action requested is Council review of the information presented and direction on how to proceed.

## **BACKGROUND**

Numerous facts and conclusions are presented in this memo. To facilitate an understanding of the issues I begin with a summary of the most important material, which will then be repeated in the course of the memo.

## **SUMMARY**

- The Cemetery was formally established in 1874 when Henry W. Eddy, Jane Eddy, William Meek, and Fidelia Meek conveyed the property to Joseph Lambert, Jacob Wills, and Seth Luelling as trustees. Successor trustees appear to have been appointed until the 1980s.
- The City has not been delegated either "ownership" or "overall management" responsibility in the Cemetery. Rather, it appears only to have assumed responsibility for maintenance pursuant to a request of the Board of Trustees in 1977. In 1995 the City received additional maintenance resources—and assumed a fiduciary responsibility—pursuant to a bequest of the Estate of Leona Knutson. The City transferred the only formal interest it had—namely, maintenance responsibility—to the North Clackamas Parks and Recreation District (NCPRD) in 1992. The City administers the

Knutson bequest as a trust fund within its annual budget and transfers a small amount to the NCPRD for annual maintenance.<sup>1</sup>

- A non-profit is forming and has proposed that it assume maintenance responsibilities.
- I am recommending that the City:
  - Request that the NCPRD transfer its interest in the Cemetery back to the City;
  - Negotiate an agreement with the non-profit delegating maintenance responsibilities to it; and
  - Direct the City Attorney to file a petition to appoint Cemetery Trustees pursuant to the 1874 deed. The Cemetery Trustees would be nominated by the non-profit.

With that summary as background, a history of the Cemetery follows:

- The first use of the property as a cemetery was in 1850 when Mary Meek—age 18--was interred. It was used as a cemetery thereafter under supervision of the Meek and Luelling families.
- On July 27, 1874 Henry W. Eddy, Jane Eddy, William Meek, and Fidelia Meek conveyed the cemetery property consisting of 1.77 acres to Joseph H. Lambert, Jacob Wills, and Seth Luelling as trustees. Use of the property is restricted by the deed to “a place of burial or grave yard for the use and convenience of the people of said Clackamas County lying in the vicinity thereof as well as of others in the neighborhood.” The deed further provides that a successor trustee be appointed by the survivors if any trustee were to die or leave the area. The appointee shall be “any citizen of said vicinity.” If the trustees fail to perform their obligations or if the positions become vacant, “it shall be within the power of the Circuit Court or any other court of the State of Oregon having jurisdiction of the said land to appoint trustees.”
- From that point forward, recorded trustees were as follows:
  - In 1890 the original trustees tendered their resignations. John Olsen replaced Jacob Wills, Alfred Luelling replaced Seth Luelling, and A.F. Miller replaced J.H. Lambert.
  - In 1896 John Olsen resigned and was replaced by William Wills.
  - In 1904 Alfred Luelling died, and in 1926 A.F. Miller died, leaving William Wills as sole trustee. E.O. Miller filled the vacancy left by his father’s death.
  - In 1939 E.O. Miller, as sole trustee, selected A.H. Zanders, who nominated M.J. Walsh.

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<sup>1</sup> The term “trustee” appears throughout this memo. One must be careful to distinguish between two distinct trustee roles. On the one hand, there is the role of Cemetery Trustee created by the 1874 deed. On the other hand, there is the role of fiduciary trustee assumed by the City pursuant to the Knutson bequest.

- In 1956 Miller resigned for health reasons, and I.L.Ornas was chosen to replace him.
  - In 1957 Mr. Zanders, as the sole remaining trustee, appointed Dan Birkenmeier and Nell Martin.
  - In 1963 Virginia Hill was chosen to replace her father, Mr. Zanders, upon his death.
  - In 1964 the Board of Trustees included Mrs. Martin, Mrs. Hill, and Zon Wells. In 1966 the Board of Trustees included Mrs. Hill, Mr. Wells, Verna Carlisle, and Robert Tabor. In 1970 the Board of Trustees included Mrs. Carlisle, Mrs. Hill, and Mr. Wells.
  - In 1980 the Board of Trustees included Mrs. Hill and Ernest Hager.
- To the best of my knowledge, Mrs. Hill and Mr. Hager were the last appointed trustees, and both are believed to be deceased.
  - In 1955 the Board of Trustees decided not to “take” any new burials but to honor the approximately sixty reserved graves.
  - In 1958 the City of Portland notified the trustees that it would no longer provide water. In 1971 the City of Milwaukie was persuaded to provide water.<sup>2</sup>
  - In 1977 the Cemetery Trustees asked the City of Milwaukie to annex the Cemetery and to assume maintenance functions. The property was annexed in June 1977. In February 1978 the City received a check from the Milwaukie Pioneer Cemetery Association in the amount of \$5,892.10. A letter from the Association’s attorney suggested that the funds be used for maintenance “over the next three or four years,” after which “the City will have to provide the resources from its own budget.” Neither the City nor any staff member was appointed as a trustee.<sup>3</sup>
  - In 1995 the City received approximately \$36,000 from the estate of Leona Knutson “for care and upkeep of (sic) Milwaukie Pioneer Cemetery.” The City deposited the funds in a trust account within its budget that continues to this day. The funds and interest earned are used to provide a minimal level of maintenance. The City’s annual audit for the year ended June 30, 2002 shows a fund balance of \$40,026 in the Leona O. Knutson Pioneer Cemetery Fund.
  - In an agreement between the City and the NCPRD dated August 20, 1992, the District agreed to “maintain all parks listed on Attachment #1 for district maintenance at a level equal to or better

<sup>2</sup> There is no record of the City having levied a charge for water use. The City’s Water Department has not identified any water use, and they have not been able to find any hose connections in the Cemetery. There is evidence in the Department’s “meter book” of the installation of a meter, but none has been found.

<sup>3</sup> I ordered a title report to clarify “ownership” of the Cemetery. It notes only the original 1874 deed and appointment of trustees. It cites Oregon statutes pertaining to the use and alteration of cemeteries as the only restrictions. The cost of the report was \$200.

than the Milwaukie maintenance standards on August 31, 1992." The "Pioneer Cemetery" is listed in Attachment #1 as a Milwaukie park "to be maintained and operated by the service district." The "Milwaukie maintenance standards on August 31, 1992" are as follows:

"The Cemetery is unique because it has a trustee. Before it became a City facility, an association operated the Cemetery. At that time, the trustee was Ernest Hager. When the Cemetery transferred, Mr. Hager continued to operate as a trustee. Generally, he raises money through donations. The money is used to cover all of the fertilizer and broad leaf control expenses. This provides two applications per year.

Mowing at the Cemetery is done on a weekly basis prior to Memorial Day. All stones are trimmed around and the moss removed at least twice within 5 weeks of Memorial Day. After Memorial Day, the Cemetery is mowed every three weeks or as needed. Weekly mowing resumes three weeks prior to Labor Day along with trimming around the stones. After Labor Day, mowing returns to a three week cycle."

- A couple of months ago I was contacted by Dolly Macken-Hambright representing a group of citizens who are incorporating as a non-profit for the purpose of maintaining the Cemetery. The group is well on its way to incorporating. Attached is the following information provided by the non-profit:
  - Mission statement;
  - List of people involved in the non-profit and their qualifications;
  - Powers of the non-profit;
  - Timetable for non-profit action; and
  - Minutes of the October 24, 2003 and November 1, 2003 meetings.

## **CONCLUSION AND RECOMMENDATION**

Upon first impression it appeared that the issue was simply whether or not to transfer the Cemetery to the City from the NCPRD followed by an agreement with the non-profit for maintenance services. Further research revealed a more complicated situation.

The Cemetery is without a Board of Trustees. The clear intent of the donors in 1874 was that the Cemetery be held in trust. In addition, the City has a strong interest as trustee for the Knutson Trust in knowing who has responsibility for the overall management of the Cemetery.

Absent a living trustee, the 1874 deed outlines the process to appoint trustees. In order to both maintain the intent of the original donors and to satisfy the City's interest in having an active Board of Trustees, I recommend that the City Attorney be directed to take the necessary action to appoint trustees pursuant to the 1874 deed. The deed does not identify or otherwise limit standing to make this request of the court. The City appears to be the only potential petitioner with both an interest in making the appointments and the resources to fund the action. I am estimating that the cost will be approximately \$1,000.<sup>4</sup> I also recommend that the non-profit forward nominee for consideration by the court.<sup>5</sup>

In addition, I recommend that staff be authorized both to transfer the Cemetery from the NCPRD back to the City and to negotiate an agreement with the non-profit for maintenance services consistent with the terms of the Leona Knutson Trust. There is a risk to the City in removing the Cemetery from the list of properties maintained by the NCPRD. On the one hand, the existing agreement with the NCPRD ensures that maintenance responsibility has been assumed by another organization. On the other hand, there is a group of volunteers that is willing to assume that function, but it requires that the City walk away from the certainty of the transfer to the NCPRD. Put differently, the risk is between continuing current operations or taking a chance on volunteer energy and commitment. I recommend the latter.<sup>6</sup> There is a great deal of talk about the need to "do things differently" in these days of budget constraints. This proposal presents an opportunity to follow through.

Thus far, I have invested a moderate amount of time and minimal funds to secure a title opinion. The non-profit is well on its way to finalizing its formation. It has an approved mission statement as well as by-laws that will be executed during the week of November 3, 2003. I have discussed this matter with the NCPRD Director, who is amenable to the change, but no action has been taken. We have not yet begun negotiations on an agreement with the non-profit. These next steps await direction from the Council.<sup>7</sup>

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<sup>4</sup> I am estimating two hours to prepare a petition, two hours of legal research, publication of a legal notice, minimal filing fees, and a maximum of two hours in court to appoint the trustees. My estimate is based on an assumption that there will be no challenge.

<sup>5</sup> The 1874 deed requires that a trustee be "any citizen of the vicinity," and "vicinity" refers to "Milwaukie." In addition, the original slate of trustees numbered three. The non-profit is forwarding the following three nominees for consideration by the court: Mark Neubauer, Madalaine Bohl, and Dolly Macken-Hambright.

<sup>6</sup> During the 1999 legislative session the Oregon Pioneer Cemetery Commission (Commission) was created within the Oregon Department of Parks and Recreation. It had originally been within ODOT. The Commission is generally charged with assisting in the identification, restoration, renovation, and maintenance of the State's pioneer cemeteries. One strategy they employ is grants. The non-profit is already looking into this option as well as private donations.

<sup>7</sup> This memorandum relies in part on my independent research, but it is also dependent on information I have received from both Dolly Macken-Hambright and Madalaine Bohl. Their research on the Cemetery has been critical in completing this puzzle.



**Meeting Minutes—Oct. 24, 2003—**

1. In attendance—Mark Neubauer, formative President; Madalaine Bohl, Historical Soc./Museum rep.; Dolly Macken-Hambright, formative sec/treas.; Rob Hambright, cemetery consultant.
2. Information provided by Milwaukie City Manager, Mike Swanson, was presented and discussed: possibility of removing the cemetery from the County Parks contract with City Council's agreement and annual reporting to the City of Knutson funds as used by the Association. Both items passed as necessary to proceed.
3. Discussion about proposed Mission Statement, Logo and Bylaws.  
Bylaws passed as so far written except that a section needs to be added regarding "gifts" to the Association. Dolly will write before next meeting. Mission Statement and Articles of Incorporation passed as written. Logo approved unanimously.
4. Discussion regarding the forming of the non-profit corporation, both Bank of the West and Mike Swanson have agreed to help with paperwork. It was agreed this should be at least started prior to next meeting. Dolly and Mark will pursue.
5. Scope of future work to be done was discussed and prioritized.
  - A. Madalaine will prepare cemetery info. for council meeting when we discuss removing cemetery from contract with county. There was also discussion regarding a news release in January to advise people as to what is happening, how to participate, etc. This will need to be discussed at future meetings and depends on how ownership and tax-exempt status is coming along at that time.
  - B. Vegetation maintenance. Mark and Rob will check on getting Scouts to do clearing of fence and surrounding area, securing Kelley vault for use as equipment storage, at least temporarily, and Dolly will check with Grove Homeowner's Assoc. regarding use of debris trailer to haul brush to McFarlane's.
  - C. Complete inventory of headstones, including plotting on large map, photographing stones remaining and completing data base entries needs to be done. Dolly and Madalaine will seek volunteers for this work, but will probably take as much as a year to complete.
  - D. Jay Saatkamp has been contacted regarding meter for water and availability depends on City. Who is to pay for water used? Will a backflow prevention assembly be needed? Dolly will check with Jay and discuss with Mike Swanson as to water issues.
  - E. Repair/restoration/cleaning of existing stones, using curator-approved methods, and considering markers for graves missing headstones using maps, burial records, etc. are more long-term items to be discussed at future meetings and will be ongoing issues.
  - F. Controlling vandalism, esp. over Halloween, 2003. Mark will chain man-gate at night on Friday and Saturday and see that cemetery is open Saturday and Sunday mornings. This issue will be addressed further on an ongoing basis. Milw. PD to be advised.
6. Memorial Day preparations and participation in Oregon Historical Cemetery Assoc. activities. It was decided that preparation for Memorial Day should begin now as to clean-up, in-

ventory, etc. and we should have an Association representative at the cemetery for all 3 days over the Memorial Day weekend to hand out flyers and provide information. This will be an on-going planning/discussion item. It was considered too premature to commit to any functions such as proposed by the Oregon Assoc. for this coming year, but perhaps in upcoming years.

7. **Next meeting will be November 19th, 7:00PM, at the Elks' Annex**—Meeting adjourned.

Minutes by Dolly Macken-Hambright

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**Additional information for council:** approved mission statement & logo

**Milwaukie Pioneer Cemetery Association, Inc.  
provides for restoration projects and  
ongoing maintenance of the cemetery  
and helps to sustain a part of the history  
of the City of Milwaukie's people into the future.**



**This tax-exempt corporation solicits funds from such sources as corporations, businesses and groups, historical preservation entities, grant and funding programs established for this purpose, and private individuals, and organizes volunteer efforts in order to preserve, restore and sustain the Milwaukie Pioneer Cemetery.**

**Currently we have actual or tacit support from the following:**

Boy Scouts—who have cleaned the cemetery prior to Memorial Day since the mid-1960's and have performed a flag raising and lowering ceremony there each year and have contributed various projects for the betterment of the cemetery since that time.

American Legion—has expressed interest.

Girl Scouts—have expressed interest to do much the same as the Boy Scouts.

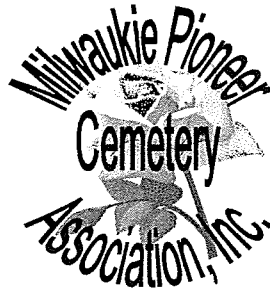
Joan Young, Director of Milwaukie Center—has suggested some possible events involving the Center in conjunction with the Pioneer Cemetery Association.

Elks—Have donated meeting space to date, and may further their commitment in the future.

City Employees—some city employees have voiced a desire to become involved with research and on-going efforts, on their own time, to further the interests of the cemetery and the Association.

Milwaukie Historical Society—Madalaine Bohls, Director of the Milwaukie Museum, is currently on the formative Board of the Association and through her ongoing efforts, will keep contact between the Association and the Society and Museum flowing.

Bank of the West—Has agreed to help with paperwork to establish the non-profit corporation and to handle the banking and any financial planning needs of the corporation into the future.



**Meeting Minutes—Nov. 1, 2003—**

1. In attendance—Mark Neubauer, formative President; Madalaine Bohl, Historical Soc./Museum rep.; Dolly Macken-Hambright, formative sec/treas.; Rob Hambright, cemetery consultant.
2. Minutes from Oct. 24 meeting approved.
3. Articles of Incorporation were reviewed with the additions of language about the Trustees. Articles were re-approved.
4. Bylaws were reviewed. Additional language reading (Art. V) “Trustees shall make final determination regarding application for new interments and shall grant permission for same or not as applicable.” to be added. Bylaws approved with additional language.
5. Practices and Procedures were discussed as to contacting Wilbert Vault Company for information about digging, service set-up, fees to be charged to families for same through funeral homes and etc. It will be noted that Trustees shall have the authority to require any future burials be done by a certain company and in an approved way so as to preserve the integrity of the cemetery in general. All future burials and removals must be done through a funeral home anyway, per state law, so we need to make sure funeral homes are advised of the Association and cemetery status at the first of the year.  
Also, the Association needs to make an assessment of over-grown vegetation and possibly remove some plantings that have obscured gravesites. This will be determined on a case-by-case basis, along with establishing some procedures for future planting at the cemetery.
7. The week of November 3, Mark and Dolly will set up a meeting regarding filing of the tax-exempt status with Jason at Bank of the West. Also, we will check with Mike Swanson as to whether or not the County will return Knutson funds paid by the city to the county for fiscal year 2003-4, since the last known work done by the county was most likely May, 2003, and the fiscal year runs from July through June. If funds can be returned, this would be enough operating capitol to get started on the work to the grounds that should be accomplished this coming spring.
8. **Next meeting will be November 19th, 7:00PM, at the Elks’ Annex—Meeting adjourned.**

Minutes by Dolly Macken-Hambright

**People currently involved in formation of the Association and their qualifications:**

Madalaine Bohls, as mentioned above, has the historical reference points covered as Director of the Museum and her involvement with the Milwaukie Historical Society. Her husband has relatives buried at the cemetery, as well. She has agreed to act as Trustee.

Mark Neubauer is a local Boy Scout leader, has ancestors buried at the cemetery and has been involved with the cemetery as a former Boy Scout for many years. His commitment is one of the strongest as he is one of the youngest members of the formative Board, President, in fact, and therefore will provide the long-term connection with future generations. He has agreed to act as Trustee.

Rob Hambright worked for Lincoln Memorial Park for over 40 years and will lend his on-going knowledge and expertise to the maintenance and preservation aspects of the work to be done, acting both as a consultant and hands-on worker/overseer.

Dolly Macken-Hambright is involved due to the recent compiling of the Milwaukie Centennial Memories book and the deplorable state of the cemetery noticed while attending the Memorial Day events of 2003. She has joined the Oregon Historical Cemeteries Association, the state group, in order to learn how to further the interests of this Association/Cemetery, and provide future participation as part of larger historical cemetery efforts. Her commitment is to act as Trustee, set up the non-profit corporation and perform on-going duties as required as formative secretary/treasurer.

**Powers of the non-profit Milwaukie Pioneer Cemetery Association:**

Powers of the Corporation will be to solicit dues-paying members from the community, coordinate volunteer efforts on all fronts for maintenance, inventory, restoration and ongoing historical and educational events.

The non-paid Board of Directors will be elected by the membership at annual meetings with staggered Board terms and will perform the regular duties as expected of most non-profit organizations (ie; run the business of the corporation, contract and pay for items and services as needed, stage and advertise events and work with other organizations in order to keep involvement and awareness in the cemetery available for the Neighborhood Associations and the surrounding community).

Trustees, once formally appointed by the Circuit Court, will perpetuate themselves by appointing new trustees as needed, and be a voting part of the Association Board of Directors. The number of trustees may fluctuate between 3 and 5, which is intended to provide for the sustainability of the Association generally and to curtail the risk of the cemetery becoming untended into the future.

Annually the Board will submit to the City of Milwaukie, a treasurer's report on the use of funds provided for by the Knutson Trust Fund for the previous year and a budget for use of any of

those funds for the upcoming year needed for projects as determined by the membership and Board of Directors.

**Time Table of Milwaukie Pioneer Cemetery Association, Inc.:**

- Approve bylaws, which should be completed at a meeting of the formative Board of Directors on Nov. 1 or 2. This meeting does not change the meeting date set for the 19th of November, but will move the pace of incorporation for the non-profit group ahead significantly.
- Complete the paperwork for the non-profit corporation, the first week of November. This will be done with the help of Bank of the West. Paperwork shall be submitted as necessary immediately upon completion unless Trustees must be appointed first.
- Requests from the City Council:

That the City Manager be directed to petition to Oregon Circuit Court to have Trustees appointed for the cemetery.

Accept the Milwaukie Pioneer Cemetery Association, Inc. as the body which will work with the Knutson Fund to the furtherance of the Milwaukie Pioneer Cemetery.

Consider an agreement which allows for water usage at the cemetery at no cost to the Association or the Knutson fund. Since this may be a unique situation, this may take additional time to sort out details, but some provisions need to be made which do no harm to corporation or deplete trust funds and provide a much needed resource for use at the cemetery.

That the first two requests be done as quickly as possible since the corporation intends to begin soliciting members, voting in actual Board members and preparing to do maintenance, inventory and recording as of January, 2004.

- Begin inventory of monuments and headstones at the cemetery for inclusion on a map which is intended to be available as part of the Memorial Day events of 2004. Restoration, photographing of existing monuments/headstones, replacements of missing items and other projects will be ongoing and, as research and investigation take considerable time, this portion may be ongoing for a period of up to five years.

**Suggestions for ongoing community involvement:**

Solicit involvement from the community, not just as dues-paying members, but to clean and tidy brush, plant (depending on water sources) some replacement plants for those that may need to be removed due to lack of care in the past, to continue maintenance once the initial work is done, create a new sign for the cemetery, begin restoration of graves sites as funds and manpower allow, plan and attend events about or at the cemetery.

Suggested events for the future: Kick-off for the Association, most likely January, 2004, and most likely at Milwaukie Center; Boy Scout Memorial Day event and an attendee from the Association on hand over that weekend to solicit members and provide information about the cemetery (probably in conjunction with Milwaukie Historical Society); hold a workshop during the summer regarding how to effect acceptable monument/headstone restoration and the current thoughts about replacing missing markers, summer, 2004; and holding a "family tree" day which will allow folks to fill in a "tree" and leave a copy of same with the museum to further museum records, most likely in the fall/early winter of 2004.