

4271

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
MARCH 5, 2002

**Call to Order**

The 1881<sup>st</sup> meeting of the Milwaukie City Council was called to order by City Recorder DuVal at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King  
Jeff Marshall

Brian Newman

**Staff present:**

Gary Firestone,  
City Attorney  
Larry Kanzler,  
Police Chief

Brion Barnett,  
Associate Engineer  
Alice Rouyer,  
Community Development Director

**PLEDGE OF ALLEGIANCE**

In the absence of both Mayor Bernard and Council President Lancaster, Councilor Marshall was elected by a majority of those present to act as chair person at this session.

**CONSENT AGENDA**

It was moved by Councilor King and seconded by Councilor Newman to adopt the consent agenda consisting of:

- A. City Council Minutes of February 19, 2002;
- B. OLCC Application for Roswell Market, 8929 SE 42<sup>nd</sup> Avenue (change in ownership); and
- C. Resolution 4-2002: A Resolution of the City Council of Milwaukie, Clackamas County, Oregon, Establishing Sewer Service Charges Effective Date.

Motion passed unanimously among the members present.

**AUDIENCE PARTICIPATION**

**Russell Dillon**, 4602 SE Harrison Street, Milwaukie. He spoke in objection to the City's utility billing procedure. As a disabled, retired person, he does not pay his utility bill until he receives his pension check. He recommended extending the time before which a payment becomes delinquent.

**Councilor Marshall** said City Manager Swanson would contact Mr. Dillon.

**PUBLIC HEARING -- None scheduled**

**OTHER BUSINESS****Abandoned Vehicle Ordinance Amendment**

**Kanzler** requested the City Council adopt amendments to Municipal Code Chapter 10.40 -- Abandoned Vehicles. This amendment would bring the City into conformance with state laws and change some existing convoluted ordinance language. Vehicles would be removed from City streets much more quickly through this amendment.

**It was moved by Councilor Newman and seconded by Councilor King to read the ordinance amending Milwaukie Municipal Code Section 10.40.010 and repealing Sections 10.40.020 - 10.40.070 for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.**

**It was moved by Councilor King and seconded by Councilor Newman to read the ordinance amending Milwaukie Municipal Code Section 10.40.010 and repealing Sections 10.40.020 - 10.40.070 for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.**

**It was moved by Councilor Newman and seconded by Councilor King to adopt the ordinance amending Milwaukie Municipal Code Section 10.40.010 and repealing Sections 10.40.020 - 10.40.070 for the first time by title only. Motion passed unanimously among the members present.**

**ORDINANCE NO. 1898:**

**AN ORDINANCE AMENDING MILWAUKIE MUNICIPAL CODE SECTION 10.40.010 AND REPEALING MILWAUKIE MUNICIPAL CODE SECTIONS 10.40.020 THROUGH 10.40.070.**

**Downtown Traffic Management and Parking Plan Update**

This item was postponed to a later meeting.

**Board and Commission Appointments**

**Councilor Marshall**, with the consensus of Council, made the following advisory board appointments: David Aschenbrenner and Lamar Buckelew to the Budget Committee; Deborah Barnes, Sherri Campbell, and Al Dorsey to the Cable Access Studio Ad Hoc Committee; Janet Witter and Molly Hanthorn to the Center/Community Advisory Board, and David Ewton to the Traffic Safety Board.

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**Councilor Marshall** announced the City Council would meet in Executive Session immediately following adjournment to discuss litigation pursuant to ORS 192.660.

### **Adjournment**

It was moved by **Councilor King** and seconded by **Councilor Newman** to adjourn the meeting. Motion passed unanimously among the members present.

**Councilor Marshall** adjourned the meeting at 6:15 p.m.

*Pat DuVal*

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Pat DuVal, Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
MARCH 5, 2002**

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**1881<sup>ST</sup> MEETING**

**REGULAR SESSION - 6:00 p.m.**

- I. CALL TO ORDER**  
**Pledge of Allegiance**
- II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- III. CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
  - A. City Council Minutes of February 19, 2002**
  - B. OLCC Application for Roswell Market, 8929 SE 42<sup>nd</sup> Avenue (Change in Ownership)**
  - C. Sewer Service Charges -- Resolution (Smith)**
- IV. AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*
- V. PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

**None Scheduled**
- VI. OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
  - A. Abandoned Vehicle Ordinance Amendment -- Ordinance (Kanzler)**
  - B. Downtown Traffic Management and Parking Plan Update (Barnett)**
  - C. Board and Commission Appointments (Mayor Bernard)**
- VII. INFORMATION**

**Center/Community Advisory Board Minutes, January 11, 2002**

**VIII. ADJOURNMENT**

**EXECUTIVE SESSION** -- *At the end of the regular meeting, the Council may hold an Executive Session under the authority of Oregon Revised Statutes 192.660 as needed.*

*For assistance/service per the Americans with Disabilities Act (ADA), dial TDD 786-7555.*

***The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.***

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
FEBRUARY 19, 2002

III. A.   1  

**Call to Order**

The 1880<sup>th</sup> meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Mary King

Brian Newman

Staff present:

Mike Swanson,  
City Manager

Alice Rouyer,  
Community Development Director

Gary Firestone,  
City Attorney

Kenneth Kent,  
Associate Planner

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATIONS, AND SPECIAL REPORTS**

**Swanson** announced Alice Rouyer's appointment to the Community Development/ Public Works Director position. Rouyer was selected from a field of 29 applicants.

**CONSENT AGENDA**

It was moved by Councilor Newman and seconded by Councilor King to approve the City Council minutes of February 4 & 5, 2002. Motion passed unanimously among the members present.

**AUDIENCE PARTICIPATION**

**Wayne Schumacher**, Executive Director, Oregon Optometric Association, 4404 SE King Road, Milwaukie, clarified a statement he made at an earlier Council meeting and spoke to the cooperation of Interim Planning Director John Gessner and other City employees.

**Teresa Bresaw**, 12744 SE Weedman Court, and **Paul Anderson**, 4284 SE Somewhere Drive, spoke on behalf of the Lake Road Neighborhood District Association (NDA). Anderson read a letter into the record relating the Association members' unanimous vote at the February 13 meeting to request funds for a neighborhood park on the Palm property. The parcel is as yet undeveloped, and residents believe 4 lots would create a good-sized park for what has been identified as an under-served area of the City.

**Bresaw** understands from Metro Councilor Bragdon there is about \$53,000 available in Local Share money. She will also look at grant funds and other money sources. Mayor Bernard suggested talking to the North Clackamas Parks and Recreation District.

**Anderson** commented on the neighborhood's desire to preserve a row of cedar trees on the east side of the Palm property.

### III. A. 2

#### **PUBLIC HEARING -- None Scheduled**

#### **OTHER BUSINESS**

#### **Downtown Parking and Traffic Management Plan**

This agenda item was postponed to March 5.

#### **Urban Forestry Ad Hoc Committee Report**

**Kent**, joined by Committee member Roger Cornell, reviewed the charge and discussed the group's problem in reaching consensus on regulating trees on private property. Most of the members agree it is appropriate to have a process for tree cutting and maintenance on public property. The Committee supports planting new trees and preserving valuable, existing trees.

**Councilor Newman** commented on the Lake Road Neighborhood's desire to preserve established trees on the Palm property and asked if the Committee had any recommendations related to groves of trees on undeveloped property.

**Cornell** said there was a lot of discussion about development on private property, but the Committee did not find a satisfactory answer. The group will look at the issue again if asked to do so.

**Mayor Bernard** noted, though public, School District property is not regulated.

**Cornell** said there was no discussion of exempting any public entities.

**Councilor Newman** found the public property recommendation acceptable but would like more work done on large, developable parcels with groves of trees.

The group discussed mitigation under the current application process, and **Kent** explained there is no mechanism for protecting trees prior to application.

**Cornell** would support re-planting requirements.

**Councilor Newman** suggested a developer might be required to preserve the tree cover as part of the variance process.

**Firestone** said variances are generally subject to the municipal code and must meet established criteria which could include limiting the impact to existing trees.

**Councilor Newman** summarized the comments. He understands there is support for regulating trees on public property. Although it is not desirable to regulate small projects, there are issues related to larger subdivision projects and preservation of groves of trees in neighborhoods.

**Councilor King** does not wish to regulate on private property but supports a public education program and a replanting program.

**Cornell** pointed out there are countless ways to circumvent regulations including removing only a few trees over a period of years.

**Swanson** cautioned against mixing 2 separate issues. The Lake Road NDA has made a request, and the applicant is meeting with the neighbors essentially to hear concerns and secure assistance at the time of application. That might be the appropriate time to address maintaining that stand of trees. The urban forestry issue has been a difficult process with disagreements stemming from deeply held philosophies. The Committee produced its report on those issues upon which it does and does not agree. He suggested the Council make its determination on March 4 when Councilor Marshall is present.

#### **Budget Process and Schedule**

**Swanson** reviewed the proposed budget process which would begin with a Budget Committee work session on April 15. The formal process will begin in May.

#### **Other Items**

**Sharon Van Horn** and **Roz Geise** provided information on the annual Festival Daze event to be held June 14 - 16.

**Mayor Bernard** announced the City of Portland's Environmental Overlay Open House schedule.

**Councilor King** asked for volunteers for the March 10 Feed the Hungry dinner at St. John's Episcopal Church.

#### **Adjournment**

**It was moved by Councilor King and seconded by Councilor Newman to adjourn the meeting. Motion passed unanimously among the members present.**

**Mayor Bernard** adjourned the meeting at 7:10 p.m.

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Pat DuVal, Recorder



**To:** Mayor Bernard and Milwaukie City Council  
**Through:** Mike Swanson, City Manager  
**From:** Larry R. Kanzler, Chief of Police *LRK*  
**Date:** February 19, 2002  
**Subject:** **O.L.C.C. Application – Roswell Market – 8929 S.E. 42<sup>nd</sup> Avenue**

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**Action Requested:**

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Roswell Market – 8929 S.E. 42<sup>nd</sup> Avenue.

**Background:**

We have conducted a background investigation and find no reason to deny the request for liquor license.



III. C. 1

To: Mayor and City Council  
Through: Mike Swanson  
From: Steve Smith, Finance Director  
Date: February 22, 2002  
Subject: Effective Dates Winter Average Monthly Volume

I. Action Requested

This is a house keeping issue. Change effective date for winter average monthly volume billing from April 1 through March 30 of the following year to effective July 1 through June 30 of the following year.

II. Background

1. Key Issues

- a. Printing of additional inserts will add to cost of monthly billings.
- b. Setting all rate structure dates to the same date.
- c. Software manufacturer recommends changes, as it will decrease the amount of data entry time.
- d. City of Tigard is using proposed changes and recommends using them.

2. History

On September 15, 2001 the City Council passed resolution 29-2001 establishing April 1st as the effective date for the new average monthly volume period. Also established was the new rate structure to be effective July 1st for the next three years.

MILWAUKIE CITY HALL  
10722 SE MAIN STREET  
MILWAUKIE, OREGON 97222  
PHONE: (503) 786-7555 • FAX: (503) 652-4433

### III. C. 2

#### III. Concurrence

Involved departments include City Attorney and Community Development Administration.

#### IV. Fiscal Impact

Fiscal impact will result in an insert printing savings of \$400 – \$500. The existing resolution will require an additional printing to explain the new winter average monthly volume to be inserted in the April and May billings. Combining the effective dates will eliminate this extra printing and envelope stuffing.

#### V. Work Load Impacts

Combining the effective dates, some time will be saved in explaining rate changes. In addition, the explanation to customers regarding the rate changes and new winter average at one time should make it easier for the customer to understand.

#### VI. Alternates

The Council may accept, modify, or reject the proposal outlined in this report.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,  
CLACKAMAS COUNTY, OREGON ESTABLISHING SEWER SERVICE  
CHARGES EFFECTIVE DATE.**

**WHEREAS,** Milwaukie Municipal Code Section 13.12.070A authorizes the City Council to establish sewer service charges by resolution; and

**WHEREAS,** the City Council has previously established sewer service charges; and

**WHEREAS,** on September 4, 2001, a public meeting was held, and Resolution No. 29-2001 passed by the City Council.

**WHEREAS,** The City Council finds that the recommended effective date results in a uniform application of procedures and a cost savings to the City;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of The City of Milwaukie, Clackamas County, Oregon that for residential accounts, including low-income residential accounts, the volume on which the monthly charge is based shall be the average monthly volume for the four month period beginning December 1 and ending March 30 of each year, which volume shall remain in effect from July 1 through June 30 of the following year.

Introduced and adopted by the City Council on March 5, 2002.

\_\_\_\_\_  
Jim Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
RAMIS, CREW, CORRIGAN & BACHRACH

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

~~CANNED~~

To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Larry Kanzler, Chief of Police

Subject: Proposed Change to Abandoned Vehicle Ordinance

Date: February 1, 2002

#### Action Requested

Adopt an ordinance amending Municipal Code Section 10.40.010 and repeal Municipal Code Sections 10.40.020 through 10.40.070.

#### Background

The problem identified with the City of Milwaukie's Abandoned Vehicle Ordinance was one of unresponsiveness to citizens' reports of abandoned vehicles. In actuality, the problem was not one of responsiveness, but the perception of responsiveness.

Specifically, the wording in the Municipal Code Chapter 10.40, Section 10.40.030, paragraph B, line two reads; "If the owner is known, the manager shall make personal contact or mail notice by certified mail, requesting that the vehicle be moved." This has become policy and "owner" has been interpreted as the current registered owner. This has led to a certified letter being sent to the registered owner prior to the vehicle being processed and removed as abandoned. This creates a down time of seven to thirty days to send the letter and receive a response. Often we get no response and the vehicle sits for an extended period and thus, creates the citizen's perception of the Police Department being unresponsive.

Although a Municipal Code can be more restrictive than Oregon Revised Statutes, after reviewing both the code and Oregon Revised Statutes (819.100-819.270) the staff's opinion is that our current code may have been a

## VI. A. 2

misinterpretation of requirements for notification and not necessarily an attempt to make the code more restrictive. Our current code creates a process that is more restrictive when compared to statutory requirements, including providing 48 hours after notice to move the car, a provision that excludes weekends and holidays. State Statute allows for towing 24 hours after notice and includes weekends and holidays.

City Attorney Gary Firestone was contacted and his conclusion was as follows: there is no legal precedent or case law requiring that a certified letter be sent prior to towing as required by our City Ordinance. In fact, by sending this letter, it affords the City very little additional protection from litigation in the event the car is wrongfully towed. One certified letter stating that an abandoned vehicle *has been* towed in accordance with state statute is all that is required and protects the City adequately from potential litigation.

Our research indicates that the vast majority of cities, large and small, who have effective abandoned auto procedures have either adopted the State Statute or have crafted an ordinance that replicates the State Statute. By adopting the State Statute the City of Milwaukie will not be forced to maintain city ordinance updates every time the Statute changes and therefore will be less likely to incur liability because of process or procedural failures. Legislative changes to ORS are automatically provided to every police department in the state through the Department of Public Safety Standards and Training and the Attorney General's Office.

In brief the process would be as follows:

- Complaint received
- Investigation, determination of potential abandonment according to Oregon Revised Statutes.
- Place notice to be towed on vehicle and mark/annotate vehicle location
- Return after 24 hours and tow if the vehicle is still in the marked position
- Follow post-tow procedures as provided in ORS Chapter 819
- Attempt to notify the complainant that the vehicle was towed

Following this process would go a long way to improve responsiveness to citizen complaints of this type.

### Concurrence

- Police Department staff
- City Attorney

Fiscal Impact

- Savings of Records staff time
- An estimated savings of \$300 per year (postage on an average of 70 “pre-tow” certified letters)
- Current tow contract eliminates any additional towing/storage fees incurred by the city

Work Load Impacts

- Decreased workload for Records staff – no longer required to send out the “pre-tow” letters

Alternatives

- Amend current code and repeal listed sections
- Advise staff to continue to enforce the Abandoned Vehicle Ordinance as currently adopted

Attachments

- Draft Ordinance amending Municipal Code Section 10.40.010 and repealing Municipal Code Sections 10.40.020 through 10.40.070
- Oregon Revised Statutes 819.100 – 819.270
- Copy of the City’s “Notice of Abandoned Vehicle”

VI. A. 4

ORDINANCE NO. \_\_\_\_\_  
MILWAUKIE, OREGON

AN ORDINANCE AMENDING MILWAUKIE MUNICIPAL CODE SECTION 10.40.010 AND REPEALING MILWAUKIE MUNICIPAL CODE SECTIONS 10.40.020 THROUGH 10.40.070

WHEREAS, Chapter 10.40 of the Milwaukie Municipal Code governs the towing, storage and disposal of abandoned vehicles;

WHEREAS, ORS Chapter 819 provides minimum standards for the towing, storage and disposal of abandoned vehicles;

WHEREAS, Chapter 10.40 as currently drafted is cumbersome and results in abandoned vehicles being left in City rights of way for long periods of time;

WHEREAS, the standards set forth in ORS Chapter 819 provide adequate protection for owners of vehicles;

WHEREAS, the City is not required to establish standards different from those set in ORS Chapter 819; and

WHEREAS; the City Council has determined that there is no need for standards regulating the towing, storage and disposal of abandoned vehicles other than as imposed by ORS Chapter 819, now, therefore;

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1: Milwaukie Municipal Code Section 10.40.010 is amended to read:

**10.40.010 Abandoned Vehicles**

The towing, storage, and disposal of vehicles determined to be abandoned in rights of way in the City of Milwaukie shall be in accordance with state statutes, including ORS 819.100 through 819.270.

Section 2: Milwaukie Municipal Code Sections 10.40.020 through 10.40.070 are repealed.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the Council on \_\_\_\_\_.

ORDINANCE NO. \_\_\_\_\_

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Pat DuVal, City Recorder

APPROVED AS TO FORM:  
RAMIS, CREW, CORRIGAN &  
BACHRACH, LLP

\_\_\_\_\_  
City Attorney

## Oregon Revised Statutes - 1999 Edition

## Chapters 819.100 – 819.200

## ABANDONED VEHICLES

## (Offense)

819.100 Abandoning a vehicle; penalty. (1) A person commits the offense of abandoning a vehicle if the person abandons a vehicle upon a highway or upon any public or private property. (2) The owner of the vehicle as shown by the records of the Department of Transportation shall be considered responsible for the abandonment of a vehicle in the manner prohibited by this section and shall be liable for the cost of removal and disposition of the abandoned vehicle. (3) A vehicle abandoned in violation of this section is subject to the provisions for removal of abandoned vehicles under ORS 819.110 and 819.120 and to being sold as provided under ORS 819.210 or 819.220. (4) The offense described in this section, abandoning a vehicle, is a Class B traffic violation. [1983 c.338 s.677; 1995 c.758 s.7]

## (Custody and Removal)

819.110 Removal and sale of abandoned vehicle; general provisions. (1) After providing notice required under ORS 819.170 and, if requested, a hearing under ORS 819.190, an authority described under ORS 819.140 may take a vehicle into custody and remove the vehicle if:

- (a) The authority has reason to believe the vehicle is disabled or abandoned; and
- (b) The vehicle has been parked or left standing upon any public way for a period in excess of 24 hours without authorization by statute or local ordinance.

(2) The authority in this section to remove and take vehicles into custody is in addition to any authority to remove and take vehicles into custody under ORS 819.120. (3) Subject to ORS 819.150, vehicles and the contents of vehicles removed and taken into custody under this section are subject to a lien as provided under ORS 819.160. (4) An authority removing a vehicle under this section shall cause the vehicle to be appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.230. (5) Vehicles removed and taken into custody under this section are subject to sale under ORS 819.210 or 819.220 if the vehicles are not reclaimed as provided under ORS 819.150 or returned to the owner or person entitled to possession under ORS 819.190. [1983 c.338 s.417; 1995 c.758 s.8]

819.120 Immediate custody and removal of vehicle constituting hazard. (1) An authority described under ORS 819.140 may immediately take custody of a vehicle that is disabled, abandoned, parked or left standing unattended on a road or highway right of way and that is in

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such a location as to constitute a hazard or obstruction to motor vehicle traffic using the road or highway.

(2) As used in this section, a "hazard or obstruction" includes, but is not necessarily limited to:

(a) Any vehicle that is parked so that any part of the vehicle extends within the paved portion of the travel lane.

(b) Any vehicle that is parked so that any part of the vehicle extends within the highway shoulder or bicycle lane:

(A) Of any freeway within the city limits of any city in this state during the hours of 7 a.m. to 9 a.m. and 4 p.m. to 6 p.m.;

(B) Of any freeway within 1,000 feet of the area where a freeway exit or entrance ramp meets the freeway; or

(C) Of any highway during or into the period between sunset and sunrise if the vehicle presents a clear danger.

(3) As used in this section, "hazard or obstruction" does not include parking in a designated parking area along any

highway or, except as described in subsection (2) of this section, parking temporarily on the shoulder of the highway as indicated by a short passage of time and by the operation of the hazard lights of the vehicle, the raised hood of the vehicle, or advance warning with emergency flares or emergency signs.

(4) After taking a vehicle into custody under this section an authority taking custody of a vehicle is required to give the notice described under ORS 819.180 and, if requested, a hearing described under ORS 819.190.

(5) The authority in this section to remove and take vehicles into custody is in addition to any authority to remove and take vehicles into custody under ORS 819.110.

(6) Subject to ORS 819.150, vehicles and the contents of vehicles removed and taken into custody under this section are subject to a lien as provided under ORS 819.160.

(7) An authority removing a vehicle under this section shall cause the vehicle to be appraised within a reasonable time by a person authorized to perform such appraisals under ORS 819.230.

(8) Vehicles removed and taken into custody under this section are subject to sale or disposition under ORS 819.210 or 819.220 if the vehicles are not reclaimed under ORS 819.150 or returned to the owner or person entitled thereto under ORS 819.190.

(9) The Oregon Transportation Commission, by rule, shall establish additional criteria for determining when vehicles on state highways, interstate highways and state property are subject to being taken into immediate custody under this section. [1983 c.338 s.418; 1985 c.77 s.1; 1991 c.464 s.1; 1995 c.758 s.9]

819.130 [1983 c.338 s.419; 1985 c.16 s.221; 1993 c.385 s.4; repealed by 1995 c.758 s.23]

819.140 Agencies having authority to remove vehicles; powers of agency taking custody. (1)

This section establishes which agency has the authority to remove and take vehicles into custody under ORS 819.110 and 819.120. The agency with authority for removal is responsible for notice and hearings under ORS 819.170 to 819.190 and for the sale or disposal of the vehicle under ORS 819.210 or 819.220. Authority for removal of a vehicle depends on the location of the vehicle as described under the following:

(a) If a vehicle is upon the right of way of a state highway, on an interstate highway that is part of the National System of Interstate and Defense Highways established under section 103(e), title

23, United States Code or on state property, the Department of State Police may provide for a vehicle to be taken into custody. When the Department of State Police exercises powers described in this section, the department shall notify either the sheriff or an appropriate authority of the county in which the vehicle is located. The agency notified by the Department of State Police shall exercise the powers described in this section in lieu of the Department of State Police and shall exercise authority over the vehicle. Action taken by the Department of State Police under this subsection is not subject to ORS 183.310 to 183.550. The authority actually providing for the removal of the vehicle is subject to the appropriate procedures upon removal and sale or disposal of the vehicle.

(b) If the vehicle is upon the right of way of a county road or any other highway or property within the boundaries of a county, the sheriff of the county or a county agency with appropriate authority may take the vehicle into custody and exercise the powers relating to authority over the vehicle described in this section.

(c) If the vehicle is on a city street or alley, on an interstate highway or other highway within the boundaries of the city or on any other property within the boundaries of a city, the city police or a city agency with appropriate authority may take the vehicle into custody and exercise the powers relating to authority over the vehicle described in this section.

(2) Except as otherwise provided by this section, an agency taking custody of a vehicle under ORS 819.110 or 819.120 may:

(a) Use its own personnel, equipment and facilities for the removal and preservation of such vehicles; or

(b) Hire or otherwise engage other personnel, equipment and facilities for that purpose. [1983 c.338 s.420; 1985 c.16 s.222; 1995 c.758 s.10]

819.150 Rights and liabilities of owner. The owner, a person entitled to possession or any person with an interest recorded on the title of a vehicle taken into custody under ORS 819.110 or 819.120:

(1) Is liable for all costs and expenses incurred in the removal, preservation and custody of the vehicle and its contents except that:

(a) The owner, a person entitled to the vehicle or any person with an interest recorded on the title is not liable for nor shall be required to pay storage charges for a period in excess of 20 days unless the person has received a written notice under ORS 819.160. In no case shall a person be required to pay storage charges for a storage period in excess of 60 days.

(b) A security interest holder is not liable under this subsection unless the security interest holder reclaims the vehicle.

(2) May reclaim the vehicle at any time after it is taken into custody and before the vehicle is sold or disposed of under ORS 819.210 or 819.220 upon presentation to the authority holding the vehicle of satisfactory proof of ownership or right to possession and upon payment of costs and expenses for which the person is liable under this section.

(3) If the vehicle is taken into custody under ORS 819.110 or 819.120, has a right to request and have a hearing under ORS 819.190 or under procedures established under ORS 801.040, as appropriate.

(4) If the vehicle is sold or disposed of under ORS 819.210, 819.215 or 819.220, has no further right, title or claim to or interest in the vehicle or the contents of the vehicle.

(5) If the vehicle is sold or disposed of under ORS 819.210, has a right to claim the balance of the proceeds from the sale or disposition as provided under ORS 819.260.

VI. A. 9

(6) Has no right to a hearing if the vehicle is disposed of under ORS 819.215. [1983 c.338 s.421; 1985 c.316 s.2; 1993 c.233 s.64; 1993 c.385 ss.5,5a; 1995 c.79 s.378; 1995 c.758 s.11]

819.160 Lien for towing. (1) Except as otherwise provided by this section, a person shall have a lien on the vehicle and its contents if the person, at the request of an authority described under ORS 819.140, tows any of the following vehicles:

(a) An abandoned vehicle appraised at a value of more than \$500 by a person who holds a certificate issued under ORS 819.230.

(b) A vehicle taken into custody under ORS 819.110 or 819.120, unless it is an abandoned vehicle appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.230.

(c) A vehicle left parked or standing in violation of ORS 811.555 or 811.570.

(2) A lien established under this section shall be on the vehicle and its contents for the just and reasonable charges for the towing service performed and any storage provided. However, if the person who tows the vehicle fails to comply with the notice requirements of subsection (3) of this section, the amount of any lien claimed under this paragraph shall be limited to an amount equal to the just and reasonable charges for the towing service performed and storage provided for a period not exceeding 20 days from the date the vehicle and its contents were placed in storage. The lien shall be subject to the provisions for liens under ORS 98.812 (3). The person holding the lien may retain possession of the vehicle and contents until the charges on which the lien is based are paid. A lien described under this section does not attach:

(a) To the contents of any vehicle taken from public property until 15 days after taking the vehicle into custody.

(b) To the contents of any vehicle that is taken into custody for violation of ORS 811.555 or 811.570.

(3) A person who tows any vehicle at the request of an authority under ORS 819.110 or 819.120 shall transmit by certified mail, within 20 days after the vehicle and its contents are placed in storage, written notice, approved by the authority, containing information on the procedures necessary to obtain a hearing under ORS 819.190. The notice shall be provided to the owner, a person entitled to possession or any person with an interest recorded on the title to the vehicle. This subsection does not apply to a person who tows an abandoned vehicle that is appraised at a value of \$500 or less by a person who holds a certificate issued under ORS 819.230. [1983 c.338 s.422; 1985 c.16 s.223; 1993 c.326 s.5; 1993 c.385 s.6; 1995 c.79 s.379; 1995 c.758 s.12]

819.170 Notice prior to removal; methods; contents. If an authority proposes to take custody of a vehicle under ORS 819.110, the authority shall provide notice and shall provide an explanation of procedures available for obtaining a hearing under ORS 819.190. Except as otherwise provided under ORS 801.040, notice required under this section shall comply with all of the following:

(1) Notice shall be given by affixing a notice to the vehicle with the required information. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody. The 24-hour period under this subsection includes holidays, Saturdays and Sundays.

(2) Notice shall state all of the following:

(a) That the vehicle will be subject to being taken into custody and removed by the appropriate authority if the vehicle is not removed before the time set by the appropriate authority.

- (b) The statute, ordinance or rule violated by the vehicle and under which the vehicle will be removed.
- (c) The place where the vehicle will be held in custody or the telephone number and address of the appropriate authority that will provide the information.
- (d) That the vehicle, if taken into custody and removed by the appropriate authority, will be subject to towing and storage charges and that a lien will attach to the vehicle and its contents.
- (e) That the vehicle will be sold to satisfy the costs of towing and storage if the charges are not paid.
- (f) That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal if a hearing is timely requested.
- (g) That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.
- (h) The time within which a hearing must be requested and the method for requesting a hearing. [1983 c.338 s.423; 1985 c.316 s.3; 1993 c.385 ss.7,7a; 1995 c.758 s.13]

819.180 Notice after removal; method; contents. (1) If an authority takes custody of a vehicle under ORS 819.120, the authority shall provide, by certified mail within 48 hours of the removal, written notice with an explanation of procedures available for obtaining a hearing under ORS 819.190 to the owners of the vehicle and any lessors or security interest holders as shown in the records of the Department of Transportation. The notice shall state that the vehicle has been taken into custody and shall give the location of the vehicle and describe procedures for the release of the vehicle and for obtaining a hearing under ORS 819.190. The 48-hour period under this subsection does not include holidays, Saturdays or Sundays.

- (2) Any notice given under this section after a vehicle is taken into custody and removed shall state all of the following:
- (a) That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle and the statute, ordinance or rule under which the vehicle has been taken into custody and removed.
  - (b) The location of the vehicle or the telephone number and address of the appropriate authority that will provide the information.
  - (c) That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice and the daily storage charges.
  - (d) That the vehicle and its contents are subject to a lien for payment of the towing and storage charges and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.
  - (e) That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.
  - (f) The time within which a hearing must be requested and the method for requesting a hearing.
  - (g) That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority. [1983 c.338 s.424; 1985 c.316 s.4; 1993 c.385 s.8; 1995 c.758 s.14]

VI. A. 11

819.185 Procedure for vehicles that have no identification markings. If there is no vehicle identification number on a vehicle and there are no registration plates and no other markings through which the Department of Transportation could identify the owner of the vehicle, then an authority otherwise required to provide notice under ORS 819.170 or 819.180 is not required to provide such notice and the vehicle may be removed and disposed of as though notice and an opportunity for a hearing had been given. [1995 c.758 s.22]

819.190 Hearing to contest validity of removal and custody. A person provided notice under ORS 819.170 or 819.180 or any other person who reasonably appears to have an interest in the vehicle may request a hearing under this section to contest the validity of the removal and custody under ORS 819.120 or proposed removal and custody of a vehicle under ORS 819.110 by submitting a request for hearing with the appropriate authority not more than five days from the mailing date of the notice. The five-day period in this section does not include holidays, Saturdays or Sundays.

Except as otherwise provided under ORS 801.040, a hearing under this section shall comply with all of the following:

- (1) If the authority proposing to remove a vehicle under ORS 819.110 receives a request for hearing before the vehicle is taken into custody and removed, the vehicle shall not be removed unless the vehicle constitutes a hazard.
- (2) A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.
- (3) Upon receipt of a request for a hearing under this section, the appropriate authority shall set a time for the hearing within 72 hours of the receipt of the request and shall provide notice of the hearing to the person requesting the hearing and to the owners of the vehicle and any lessors or security interest holders shown in the records of the Department of Transportation, if not the same as the person requesting the hearing. The 72-hour period in this subsection does not include holidays, Saturdays or Sundays.
- (4) If the appropriate authority finds, after hearing and by substantial evidence on the record, that the custody and removal of a vehicle was:
  - (a) Invalid, the appropriate authority shall order the immediate release of the vehicle to the owner or person with right of possession. If the vehicle is released under this paragraph, the person to whom the vehicle is released is not liable for any towing or storage charges. If the person has already paid the towing and storage charges on the vehicle, the authority responsible for taking the vehicle into custody and removing the vehicle shall reimburse the person for the charges. New storage costs on the vehicle will not start to accrue, however, until more than 24 hours after the time the vehicle is officially released to the person under this paragraph.
  - (b) Valid, the appropriate authority shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the party claiming the vehicle. If the vehicle has not yet been removed, the appropriate authority shall order its removal.
- (5) A person who fails to appear at a hearing under this section is not entitled to another hearing unless the person provides reasons satisfactory to the appropriate authority for the person's failure to appear.
- (6) An appropriate authority is only required to provide one hearing under this section for each time the appropriate authority takes a vehicle into custody and removes the vehicle or proposes to do so.

(7) A hearing under this section may be used to determine the reasonableness of the charge for towing and storage of the vehicle. Towing and storage charges set by law, ordinance or rule or that comply with law, ordinance or rule are reasonable for purposes of this subsection.

(8) An authority shall provide a written statement of the results of a hearing held under this section to the person requesting the hearing.

(9) Hearings held under this section may be informal in nature, but the presentation of evidence in a hearing shall be consistent with the presentation of evidence required for contested cases under ORS 183.450.

(10) The hearings officer at a hearing under this section may be an officer, official or employee of the appropriate authority but shall not have participated in any determination or investigation related to taking into custody and removing the vehicle that is the subject of the hearing.

(11) The determination of a hearings officer at a hearing under this section is final and is not subject to appeal. [1983 c.338 s.425; 1985 c.16 s.224; 1985 c.316 s.5]

819.200 Exemption from notice and hearing requirements for vehicle held in criminal investigation. A vehicle that is being held as part of any criminal investigation is not subject to any requirements under ORS 819.170 to 819.190 unless the criminal investigation relates to the theft of the vehicle. [1983 c.338 s.426; 1993 c.385 s.9]

10.40.010

**Chapter 10.40****ABANDONED VEHICLES****Sections:**

- 10.40.010** Prohibited.
- 10.40.020** Towing—Lien.
- 10.40.030** Towing—  
Investigation—Notice  
requirements.
- 10.40.040** Notice to owner after  
towing.
- 10.40.050** Redemption of vehicle.
- 10.40.060** Hearing—Request.
- 10.40.070** Hearing—Findings.

**10.40.010 Prohibited.**

No vehicle shall be abandoned on any public right-of-way in the city or on public or private property. A vehicle shall be deemed abandoned if it is disabled or left standing for a period in excess of twenty-four hours. (Ord. 1566 (part), 1984; Ord. 1360 § 11(1), 1977)

**10.40.020 Towing—Lien.**

Any vehicle in violation of Section 10.40.010 may be towed and held at the owner's expense. Any person towing a vehicle shall have a lien on the vehicle and its contents for just and reasonable towing and storage charges and may retain the vehicle until the charges are paid. A lien on a vehicle valued at over seven hundred fifty dollars may be foreclosed in the manner provided in ORS 87.152 to 87.212. Vehicles valued at seven hundred fifty dollars or less may be disposed of by the police according to the procedure provided by ORS 483.395. (Ord. 1584 § 1(B), 1986; Ord. 1566 (part), 1984; Ord. 1360 § 11(2), 1977)

**10.40.030 Towing—Investigation—  
Notice requirements.**

A. Before towing any vehicle the police shall make a routine investigation to locate the owner. If the owner is known, the police shall make personal contact or mail notice by registered mail, requesting that the vehicle be moved. If the owner cannot be immediately located or does not remove the vehicle, the police shall place a notice on the vehicle stating:

1. That the vehicle is in violation of this chapter;
2. That the vehicle must be removed within forty-eight hours (not including weekends or holidays) or it will be towed;
3. That the person towing the vehicle will have a lien on the vehicle and its contents for just and reasonable towing and storage charges and may retain the vehicle until the charges are paid or sell the vehicle to satisfy the towing and storage charges;
4. That the owner may request a hearing on the validity of the tow and the creation and amount of the lien;
5. How and where the owner can get further information.

B. The notice in subsection A of this section is not required when the vehicle is abandoned within the public right-of-way where it may be a traffic hazard. In such cases, the police may have the vehicle towed immediately upon its discovery.

C. After the notice required by subsection A of this section has been posted and the owner has still not removed the vehicle or requested a hearing, the police may order the vehicle towed, using their

own personnel, equipment or facilities or those of others. (Ord. 1566 (part), 1984; Ord. 1360 § 11(3—5), 1977)

**10.40.040 Notice to owner after towing.**

The police shall send notice to the owner by registered mail, if the owner is known, within forty-eight hours after the tow (not including weekends and holidays). If the owner is not known, the notice shall be published once in a newspaper of general circulation in the city not more than ten days after the tow. The notice shall contain:

A. The reason for the tow;

B. The location of the vehicle, current towing and storage charges and an estimate of future charges;

C. The appraised value of the vehicle;

D. A statement that the person towing the vehicle has a lien on the vehicle and its contents for just and reasonable towing and storage charges, may retain the vehicle until the charges are paid and may sell the vehicle to satisfy the lien;

E. The procedure necessary to redeem the vehicle;

F. A statement that the owner may request a hearing on the validity of the tow and on the creation and amount of the lien within five days after receipt of the notice, and that failure to do so shall act as a waiver of the right to a hearing;

G. Information regarding who to contact for further information. (Ord. 1566 (part), 1984; Ord. 1360 § 11(6), 1977)

**10.40.050 Redemption of vehicle.**

The owner may redeem a towed vehicle before sale and disposition by submitting evidence of ownership and

paying all towing and storage charges to the date of redemption. Upon redemption, a receipt shall be issued to the owner and the vehicle released. No redemption will be allowed after the vehicle is sold or disposed of. (Ord. 1566 (part), 1984; Ord. 1360 § 11(7), 1977)

**10.40.060 Hearing—Request.**

Upon the request of the owner, a hearing shall be held before the city manager or his designee where the owner may contest the validity of the tow and the creation and amount of the lien. The hearing shall be held within forty-eight hours after receipt of a written request (not including weekends and holidays), unless requested otherwise by the owner and approved by the city. If a request for hearing is received prior to towing the vehicle, the vehicle shall not be removed pending the outcome of the hearing, unless it constitutes a traffic hazard. (Ord. 1566 (part), 1984; Ord. 1360 § 11(8), 1977)

**10.40.070 Hearing—Findings.**

If the hearings officer determines that the tow was invalid, he shall find that the owner is not liable for any towing and storage charges and order the vehicle released to the owner and the refund of any charges already paid. If the hearings officer finds the tow was valid, he shall determine the amount of just and reasonable towing and storage charges which shall be a lien on the vehicle. If the owner does not appear at the hearing, the hearings officer may enter an order supporting the tow and the creation and amount of the lien. The decision of the hearings officer is final. (Ord. 1566 (part), 1984; Ord. 1360 § 11(9), 1977)



DATE: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dear Vehicle Owner:

The below listed vehicle is registered to you and been identified as an abandoned vehicle.

Vehicle Year: \_\_\_\_\_  
 Vehicle Make: \_\_\_\_\_  
 License Number: \_\_\_\_\_

The vehicle is abandoned at \_\_\_\_\_

Enclosed is a copy of the Milwaukie City Ordinance that pertains to abandoned vehicles. Before we can tow an abandoned vehicle we are required to locate the vehicle's owner and request that the vehicle be moved. If we cannot locate the owner, or if the owner does not remove it, we can then tow the vehicle.

You have the right to request a hearing to determine the validity of the tow. In order to exercise this right, immediately contact the Milwaukie Police Department at 786-7400.

Sincerely,

Aggie Eckert  
 Records Department by  
 Larry Kanzler, Chief of Police



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager  
Alice Rouyer, Interim Community Development/Public Works Director *ACR*

**From:** Dennis Lively, Director of Engineering *DNL*  
Brion Barnett, Associate Engineer

**Subject:** Downtown Parking and Traffic Management Plan

**Date:** February 22, 2002, for the March 5 City Council meeting

**Action Requested**

Authorize staff to proceed with the Request for Proposal (RFP) process to select a consultant for the project. Review and feedback on draft project scope of work.

**Background**

During the October 15, 2001 Council work session, staff recommended and received Council direction to proceed with a Town Center Traffic and Parking Management Plan. The key goal of this project is to produce a plan that allows the City to address and mitigate traffic and parking impacts related to development in the greater downtown area and neighborhoods east of downtown. Ultimately, this plan will be formally adopted into the City's Comprehensive Plan, Transportation System Plan and incorporated into the Capital Improvement Plan.

The project will address potential impacts from future developments associated with the adopted downtown plan. The final plan will also reference possible impacts associated with transit options being considered with Metro's South Corridor project.

The proposed project approach provides for key stakeholder input at critical points during the project. The project study area is bounded by Highway 224 to the north, McLoughlin Blvd. to the west, Lake Road to the south, and Highway 224 (to Washington/Oak Streets) and 34<sup>th</sup> Avenue (from Washington/Oak Streets to Lake Road) to the east. The proposed scope of work currently includes the following work tasks:

## VI. B. 2

### Report – Downtown Parking and Traffic Management

Page -- 2

1. Project Kick-Off - Consultant attendance at a meeting with key stakeholders to identify existing problems.
2. Data Collection - Collect traffic and parking data in the residential areas (including Monroe Street and Washington Street) needed to analyze volumes, speed, and circulation patterns. Existing data collected in June 2000 during the Downtown Plan process will also be used.
3. Data Analysis - Analysis of the existing traffic and parking patterns and projection of future patterns accounting for downtown/riverfront development, regional growth, and options considered under the South Corridor project.
4. Project Recommendations and Review of Draft Report - Consultant development of a draft report addressing existing conditions, future conditions, key findings, recommended short-term and long term traffic/parking mitigation strategies (including costs), and related phasing for these measures. Although a detailed funding analysis for the strategies will not be performed, an overview of typical strategies used by various Cities will be provided.
5. Stakeholder Meeting - Consultant will present preliminary findings and draft recommendations report to key stakeholders. Staff and Consultant will collect comments from the stakeholders and incorporate suggested amendments into the draft report.
6. City Council Work Session - Consultant attendance at a Council work session to provide technical support during staff presentation of draft recommendations report (all key stakeholders would be invited to this meeting). Staff and Consultant will collect work session comments and incorporate amendments into the final report.
7. City Council Work Session - Consultant attendance at a Council work session to provide technical support during staff presentation of final recommendations report (all key stakeholders would be invited to this meeting).
8. Plan Adoption – Staff and consultant participation, as needed, for adoption of final plan.

A tentative project schedule follows:

- Finalize/Advertise RFP - March 2002
- Consultant Selection - April 2002
- Award Contract - April 2002
- Consultant Work - April – June 2002
- Adoption of Plan - June – July 2002
- Implementation of Plan Elements - Subject to Council Direction

**Concurrence**

Community Development, Planning, Engineering, and Neighborhood Services Departments all support moving forward with a RFP based on the draft scope of work presented above. A staff team from these departments will manage the project.

**Fiscal Impact**

Staff estimates that the total cost of the consultant contract will be in the range of \$40,000 to \$50,000 funded equally from the Engineering Fund and the Neighborhood Services Fund. Funding for this project was approved in the 2002 budget and allocated to the Engineering and Neighborhood Services Departments.

**Work Load Impacts**

The Engineering Department will manage the project consultant with support from Neighborhood Services during the public involvement process. The project is part of the work program for both departments.

SCANNER



**NORTH  
CLACKAMAS**  
PARKS & RECREATION  
DISTRICT

February 8, 2002

To: City of Milwaukie  
Mayor and City Council members

From: Joan Young, Director *Joan Young*  
Milwaukie Center, division of N.C.P.R.D.

Re: Center/Community Advisory Board re-appointment

The Center/Community Advisory Board (C/CAB) has been actively recruiting for new members who reside in the City of Milwaukie to serve on the Board. Currently four of the nine City-appointed positions are open on the Board (Board roster attached).

Two City-appointed members, Janet Witter and Molly Jo Hanthorn, have terms ending March 2002 and both have applied for reappointment to the Board (applications attached). At the February 8, 2002 C/CAB meeting, the Board voted unanimously to recommend approval of Janet Witter's and Molly Jo Hanthorn's applications for membership.

On behalf of the Center/Community Advisory Board, I request that the City of Milwaukie City Council consider Janet Witter's and Molly Jo Hanthorn's re-applications for Center/Community Advisory Board membership and take action on the Board recommendation.

If there are any questions regarding the applications or process, please contact me.

Thank you.

[www.co.clackamas.or.us/ncprd](http://www.co.clackamas.or.us/ncprd)

Administration Office  
11022 SE 37th Avenue  
Milwaukie, OR 97222  
503-794-8002  
fax: 503-794-8005

Aquatic & Recreation Services  
7300 SE Harmony Road  
Milwaukie, OR 97222  
503-794-8080  
fax: 503-794-8085

Milwaukie Center  
5440 SE Kellogg Creek Drive  
Milwaukie, OR 97222  
503-653-8100  
fax: 503-794-8016

Parks Maintenance Office  
9909 SE 40th Avenue  
Milwaukie, OR 97222  
503-794-8030  
fax: 503-794-8087

A service district  
of Clackamas County

VI. C. 2

Center/Community Advisory Board  
 Membership Status  
 2001-2002

City Appointments  
Positions 1 thru 9

<u>POSITION</u>	<u>Term Expires</u>
Position 1 Alice Neely 5925 SE Kent Milwaukie 97222	3/04 503-654-7178
Position 2 Molly Jo Hanthorn 12014 SE 19th Milwaukie 97222	3/05 503-654-3587
Position 3  Milwaukie 97222	3/03
Position 4 Joan Staley 10905 SE 52 Ave Milwaukie 97222	3/04 503-654-3036
Position 5  Milwaukie 97222	3/05
Position 6  Milwaukie 97222	3/03
Position 7 Sharon Phillips 11028 SE 28 <sup>th</sup> Ave Milwaukie 97222	3/04 503-653-8926
Position 8 Janet Witter 4515 SE Adams Milwaukie 97222	3/05 503-654-0342
Position 9  Milwaukie 97222	3/03

District Appointments  
Positions 10 thru 18

<u>POSITION</u>	<u>Term Expires</u>
Position 10 Kim Buchholz 12705 SE River Rd Milw Milwaukie 97222	10/02 (w) 503-652-6233
Position 11 Mary Siberz 8595 SE Fuller Rd. #3 Portland 97266	10/03 503-771-4734
Position 12 James (Jim) McCreedy 15650 S.E. Hanwood Lane Milwaukie 97267	10/03 503-654-1048
Position 13 Joan Newman 13557 SE Kuehn Rd Milwaukie 97222	10/04 503-654-4502
Position 14 Carol Storment 2975 S.E. Walta Vista Ct. Milwaukie 97267	10/03 503-654-0931
Position 15 Eleanor Johnson 4343 SE Robin Rd. Milwaukie 97267	10/03 503-654-4420
Position 16 Judith Garvey 13630 SE 145 <sup>th</sup> Ave Clackamas 97015	10/04 503-558-0299
Position 17 Ben Tabler 14741 SE 132 <sup>nd</sup> Ave. Clackamas 97015	10/02 503-698-3640
Position 18 Marc Burnham 315 W Fairfield St. Gladstone 97027	10/03 503-807-9955

MILWAUKIE CENTER

A division of North Clackamas Parks and Recreation District  
5440 SE KELLOGG CREEK DRIVE  
MILWAUKIE, OR 97222  
(503) 653-8100

APPLICATION – CENTER/COMMUNITY ADVISORY BOARD

NAME JANET WALDRON WITTER

ADDRESS: 4515 SE ADAMS, MILWAUKIE, OR 97222

TELEPHONE: 503-654-0342 E-MAIL: \_\_\_\_\_

ADDRESS IN: City of Milwaukie  Parks District Outside City

PREVIOUS APPOINTMENTS, OFFICES, BOARD EXPERIENCE: \_\_\_\_\_

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: Retired teacher,

elementary + junior high, NC 12 (and Cairo, Egypt; Salem, Oregon)

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: Life member Library friends,

Milwaukie Historical, Clackamas County Historical associations, Milwaukie Garden Club, Arts Guild

ARE YOU AVAILABLE FOR REGULAR MEETINGS: YES

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR THE CENTER: To be

strong in outreach and a center for community gathering + a  
source of information about senior opportunities + welfare. A  
place to learn and have fun + to volunteer for others.

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS

BOARD OR COMMITTEES: I think I've been active on this

Board for almost 20 years - I really believe in its  
mission and the value to the Center.

This information will be kept on file. Please feel free to attach any additional background information you think would be of value.

Thank you.

Janet W. Witter  
Signature

2-7-02  
Date

VI. C. 4

MILWAUKIE CENTER

A division of North Clackamas Parks and Recreation District  
5440 SE KELLOGG CREEK DRIVE  
MILWAUKIE, OR 97222  
(503) 653-8100

APPLICATION - CENTER/COMMUNITY ADVISORY BOARD

NAME Molly Jo Hanthorn  
ADDRESS: 12014 SE 19th 97222  
TELEPHONE: 503-654-3587 E-MAIL: taieseh@hotmail.com  
ADDRESS IN: City of Milwaukie  Parks District Outside City \_\_\_\_\_  
PREVIOUS APPOINTMENTS, OFFICES, BOARD EXPERIENCE: CCAB/2yrs  
as chair, Clack. County Children's Comm. (Head Start) Bd.  
EMPLOYMENT OR PROFESSIONAL ACTIVITIES: retired teacher

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: CAC for N. Clack  
parks dist., Island St. Neighborhood Assoc.  
ARE YOU AVAILABLE FOR REGULAR MEETINGS: yes

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR THE CENTER: Maintain  
high quality programs and services for an  
increasingly diverse population. Continue to  
offer opportunities for people of all ages to volunteer.  
OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS  
BOARD OR COMMITTEES: \_\_\_\_\_

This information will be kept on file. Please feel free to attach any additional background information you think would be of value.

Thank you.

Molly Jo Hanthorn  
Signature

1-31-02  
Date

North Clackamas Parks and Recreation District  
**Milwaukie Center**  
**Center/Community Advisory Board**  
Minutes of Friday, January 11, 2002

Members Present: Joan Newman, Dolly Macken-Hambright, Kim Buchholz, Joan Staley, Molly Hanthorn, Sharon Phillips, Alice Neely, Eleanor Johnson, Jim McCready, Stan Keltz, Ben Tabler, Mary Siberz

Excused: Janet Witter, Carol Storment, Marc Burnham

*W W II* Guests: Eleanor Ribbon was introduced by Alice Neely who states they have been long time friends since ~~1971~~. Eleanor has volunteered her grant writing expertise for the Center in several areas in the last few years.

Staff Present: Joan Young, Cheryl Nally

**Call to Order:** Chair Eleanor Johnson called the meeting to order at 10:06 am.

**Minutes:** The minutes of Dec 14, 2001, were moved to be approved by Molly Hanthorn and seconded by Dolly Macken-Hambright. Molly Hanthorn requested an addition to the minutes to include that "Milwaukie Yesterday" can also be seen on other cable channels outside the City of Milwaukie.

**Correspondence:** None.

**Board and Committee Reports:**

North Clackamas Parks and Recreation Advisory Board (DAB) reported by Eleanor Johnson. The Board of County Commissioners has approved Marc Burnham to serve as the C/CAB representative to the District Advisory Board.

Oregon Trail Park development is progressing with the District going out for construction bids. The park will include a playground area for small children, a small basketball area, an older children activity area, picnic tables and a quiet area for adults and seniors. The neighborhood park is located at SE 155<sup>th</sup>, SE Oregon Trail and Park Tree Drive.

In an effort to improve communication between Center Advisory Board members, Neighborhood Park Advisory members and the District residents, a proposed list of suggestions was discussed.

Alice Neely asked for more information regarding the future park site on 82<sup>nd</sup> Avenue and Harmony Rd. Joan stated the District only owns 4 of the acres and will overlay a park on the site. First phase will be a trail system. Due to pollution issues, a large part of the parcel is not available at this time.

Budget/Finance – Jim McCready – No report.

## VII. 2

Programs and Services – Molly Hanthorn states Pat Kennedy discussed the 2000-2001 Recreation and Education activity numbers: stating people made 59,000 trips to the Center during that year to participate in classes, trips, activity and interest groups.

Cheryl completed a Crystal Reports computer training to help make useable reports from the NAPIS database.

Cheryl handed out brochures promoting the Diabetes Education Fair to be held on Saturday, January 26, 2002 from 8:30 am to 2:00 pm at the Center.

The Travel Program reports slower participation in overnight trips since Sept. 11. Planning of more local one-day trips sponsored by Milwaukie 39ers is in the future.

Nutrition – Ben Tabler reported there is an urgent need for drivers delivering Meals on Wheels to “shut ins”. Routes currently have too many clients.

Building Review – Stan Keltz reported the Parks District’s insurance company is requesting each facility to have a committee for facility safety issues.

Chuck is looking at the necessary replacement of stacking chairs for the north side rooms. A sliding window for the program office is being considered.

Stan submitted his resignation from the Board. He would like to focus on his work with St. Vincent De Paul. We will continue to see him at the Center in various activities, and he will continue to volunteer with the Tax Aide program.

History – In Janet Witter’s absence, Molly Hanthorn reported that Pat Kennedy has been working to finalize the 20<sup>th</sup> Anniversary history booklet. Molly mentioned that the City of Milwaukie will be asking for input from the Center for their Centennial Celebration.

### **Other Reports:**

Friends of the Milwaukie Center, Inc. – Eleanor Johnson reported. Plans are underway for the annual Spaghetti Dinner to be held on March 9, 2002, from 5-7 pm. Volunteers are needed and everyone is asked to attend the event.

Eleanor announced a proposed new fund-raiser for June 1, 2002, a “Gala Dinner Theatre.” She asked everyone to keep this in mind.

### **Director’s Report:**

Joan Young reported that the Governor’s Budget Report has been unveiled to the public with the following potentials:

O.P.I. (Oregon Project Independence) will be cut. Joan explained Oregon Project Independence’s goal is aimed to help people remain in their own homes. These are people above poverty level, not eligible for Medicaid or welfare, but cannot afford private help. O.P.I. has sliding scale for payment for aid. Medicaid may be cut. Special Transportation funding is uncertain.

At the federal level, the Older American Act will start funding caregiver programs including Foster Grandparents and Senior Companion Programs.

Joan asked Board members to think of potential members for the C/CAB. The City of Milwaukie has three openings for representatives on the Board.

Cheryl Nally distributed the Milwaukie Center's Annual Report for 2000-2001. She reviewed and explained several areas of the report. Dolly Macken-Hambright asked for the possibility of having information regarding profit and loss of each of the programs included in the report. Joan mentioned that any breakdown by program would be a "best guess" of staff regarding their time allocation for each program or service.

**Information/Announcements:**

Dolly Macken-Hambright announced a Landlord Training Program conducted by representatives from the Clackamas, Sherwood and Gladstone Police Departments, to be held at Milwaukie Public Safety Building on Jan 29, 2002, at 7-8:30 pm.

**Adjourn:** Meeting adjourned at 11:10 am by Eleanor Johnson.

Submitted by: Mary Siberz, Secretary

North Clackamas Parks and Recreation District  
**MILWAUKIE CENTER DIVISION**  
Monthly Report for January, 2002

Program/Services:

To date, the Program Office has a total of 446 active enrollments for Winter Term, 2002. Participation is spread over thirty different titles (and 41 class sections): Arts (74 students), Computers (72), Fitness (73), Dance & Music (81), Education (83), Language & Writing (63). Fees collected from classes have totalled \$14,750 (gross) during Winter Term-- an average of \$42 per enrollment.

Over 200 older adults attended the Diabetes Education Fair on Saturday, January 26 at the Milwaukie Center. Diabetes is nearing national health epidemic proportions, five and 1/2 million people are not aware that they have the disease. Participants learned about the many health problems associated with diabetes such as blindness, kidney disease, amputations, heart disease and stroke. The Fair was co-sponsored by Milwaukie Center, Northwest Primary Care and PacificCare/Secure Horizons.

Like the industry in general, the Center Travel Program has seen a decline in trip registrations that reaches back to late summer. Besides safety concerns raised by Sept 11, it appears that lowering interest rates have eaten into the discretionary money available for travel of our primary customers. In response, the volunteers are staging more smaller (18-20 people) and shorter day trips.

In the month of January, the Transportation Program provided 254 Medical escort rides. This service is provided through the use of volunteer drivers. By using this method, we provide a service that is extremely cost effective and user-friendly. It would cost over \$5,000 for the 53 older adults and people with disabilities who used this service in January if it was provided by taxis rather than volunteers.

The Nutrition Program office received new cabinets for storage to replace the open shelves. The Friends of the Milwaukie Center Gift Nook paid for the necessary changes, which both secured and professionalized the office.

North Clackamas Parks and Recreation District sponsored a Red Cross Blood Drive at the Center on January 3, bringing several dozen community members into the Center.

Fund-raising:

The Transportation Program started its annual See's Candy sale mid-January ... just in time for Valentine gifting! Proceeds from this sale benefit Senior/Disabled Transportation throughout the North Clackamas Parks and Recreation District. Candy will be available for purchase through Valentine's Day.

Date 3/5/02

I wish to address City Council on Agenda Item #

WATER  
~~WATER~~ BILLING

Name

Russell Dillon

Organization

Address

4602 HARRISON

Phone

503 794 9075

Speaking in Support

Speaking in Opposition

Raising Questions

Providing Information

Comments

WATER DEPT. BILLING / DOES NOT LIKE  
USED TO RECEIVE @ LAST DAY OR MONTH  
DELINQUENT AFTER 15 DAYS / IMPACTS HIM  
IS THERE SOMETHING WE CAN DO FOR HIM.