

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 18, 1996**

The one thousand seven hundred and forty-fifth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki, Mayor Rick Farley	Jean Schreiber Rob Kappa Don Trotter
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Also present:

Dan Bartlett, City Manager Ted Baird, City Attorney Charlene Richards, Assistant to the City Manager Angus Anderson, Finance Director	David Wheaton, Public Works Director Linda Mullen Neighborhood Services Coordinator Brent Collier, Police Chief John Hipes, Police Officer Wes Johns, Fire Captain
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**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Mullen** discussed the partnership between the City of Milwaukie, the Parks District, and the business community in this sixth annual Young Milwaukians event.

**Kate Demsky**, North Clackamas Parks and Recreation District, introduced the first place winners of the *1996 Young Milwaukians*.

**CONSENT AGENDA**

**Items B.1 and B.2 were moved from the Consent Agenda for discussion.**

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to approve the following consent agenda items: City Council Minutes of May 21, 1996. Motion passed unanimously.**

**AUDIENCE PARTICIPATION**

**Mayor Lomnicki** introduced Dave Barenburg from the League of Oregon Cities.

## PUBLIC HEARING

### 1996 - 1997 Budget Hearing

**Mayor Lomnicki** called the public hearing on the 1996 - 1997 budget to order at 7:12 p.m. The purpose of the hearing was to consider ordinances and resolutions required to be enacted prior to the beginning of fiscal year 1996 - 1997. He reviewed the conduct of the hearing.

**Anderson** presented the staff report. The Budget Committee approved the proposed budget on April 30, 1996, and notice of this final action for the fiscal year 1996 - 1997 budget was published according to budget law.

He reviewed the ordinances and resolutions brought forward for City Council approval. These included: a resolution adopting the budget, making appropriations, and levying and categorizing taxes; an ordinance establishing and levying taxes for the MDDA; an ordinance accepting state revenue funds; a resolution certifying services provided for revenue sharing funds; and a resolution authorizing redemption of bonds and authorizing elimination of the Improvement Bond Sinking Fund. Total appropriations for 1996 - 1997 are \$30,572,621 with a total tax levy of \$6,337,744.

**Councilmember Farley** noted the contingency in the State Gas Tax/Street Repair Fund seemed very low. **Anderson** responded there were considerable funds allocated for capital projects, and the revenue was not as great as the City would have liked.

**Councilmember Farley** asked if the property owners' tax base would be higher or lower. **Anderson** replied the dollars per thousand should be lower assuming the assessed value increase is comparable to previous years.

**Councilmember Farley** referred to the Public Safety Fund -- Police Services and asked why it was so low. **Anderson** pointed out Police Services are also in the General Fund. The only portion shown in the Public Safety Fund are grant moneys. **Bartlett** discussed funding from the Universal Hiring Program but added the City has not received any formal recognition of the actual amounts. The City met the federal qualifications because of available matching funds. Milwaukie will receive up to \$150,000 for hiring for a three-year period. The City will have to cover the amount until a later date, and the budget law allows for this type of grant situation.

**Councilmember Kappa** discussed the philosophy of a program vs. a line item budget. He saw a benefit in the project-type budget, but found it difficult to track funds. **Anderson** responded the budget is developed on a line item basis, but the presentation format takes the individual items by fund and department and shows them in a specific

program. The program budget presentation is done in a summarized format to show actually what the City is doing in the way of programs and projects. The summary program is designed so the majority of citizens can be shown City operations in a more meaningful way from the fund and department line item.

**Councilmember Schreiber** commented on the Budget Committee meetings.

**Anderson** said the Budget Committee began meeting in February, and the last meeting was held on April 30, 1996, at which time the budget was approved.

Correspondence: There was no correspondence on any of the related resolutions or ordinances.

Audience Testimony: There was no testimony on any of the related resolutions or ordinances.

Resolution to adopt the Budget, Make Appropriations, and Levy and Categorize Taxes

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the 1996 - 1997 Budget, make appropriations, and declare a tax levy. Motion passed unanimously.**

**RESOLUTION NO. 22-1996:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARING THE AD VALOREM TAX LEVY FOR FISCAL YEAR 1996 - 1997.**

Establish the Tax Rate for the Economic Improvement District MDDA and Levy Taxes -- Ordinance

This ordinance determined the Economic Improvement District assessments for 1996 - 1997. **Anderson** discussed the funding sources, one of which is the property tax surcharge levied on downtown property owners based on assessed value. This year's rate, \$0.7461, is about ten cents less than last year. He briefly discussed exempt properties.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the ordinance determining the Economic Improvement District assessment for fiscal year 1996 - 1997 for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.**

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the ordinance determining the Economic Improvement District assessment for fiscal year 1996 - 1997 for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the ordinance determining the Economic Improvement District assessment for fiscal year 1996 - 1997. Motion passed unanimously.

**ORDINANCE NO. 1804:**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DETERMINING THE ECONOMIC IMPROVEMENT DISTRICT ASSESSMENTS FOR FISCAL YEAR 1996-97 AND DIRECTING THAT THEY BE CERTIFIED TO THE CLACKAMAS COUNTY TAX ASSESSOR FOR COLLECTION.**

Accept State Revenue Sharing Funds -- Ordinance

**Anderson** said the City receives some state revenues such as cigarette, gas, and liquor taxes. State law requires this ordinance be adopted in order to receive these funds.

**Councilmember Farley** asked if all types of alcohol were included. **Anderson** said that was correct.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to read the ordinance declaring the City's election to receive state funds for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance declaring the City's election to receive state funds for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the ordinance declaring the City's election to receive state funds. Motion passed unanimously.

**ORDINANCE NO. 1805:****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.**Certify Services Provided with Revenue Sharing -- Resolution

**Anderson** said this resolution certifies that certain services are provided by the City of Milwaukie in order to receive state revenue sharing funds.

**It was moved by Councilmember Trotter and seconded by Councilmember Kappa to adopt the resolution certifying services provided for state revenue sharing. Motion passed unanimously.**

**RESOLUTION NO. 23-1996:****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING SERVICES PROVIDED FOR STATE REVENUE SHARING.**Bond Redemption and Elimination of Improvement Bond Sinking Fund -- Resolution

**Anderson** said the City of Milwaukie issued general obligation improvement bonds in 1986 in the amount of \$182,423. The early call date on these bonds is October 1996. Adoption of this resolution would allow pay off of these bonds and would free up the balance of Fund 51 to go into the general fund. The Budget Committee was informed of this proposed action, and bond counsel prepared the resolution.

**Councilmember Farley** asked if there was any penalty for early payment. **Anderson** said there would be no penalty since the bonds will have reached their call date.

**Councilmember Kappa** asked how this general fund increase will be shown. **Anderson** replied the increase will be shown in the beginning fund balance in parks land acquisition.

**It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the resolution authorizing the redemption of bonds and authorizing the elimination of the improvement bond sinking fund. Motion passed unanimously.**

**RESOLUTION NO. 24-1996:****A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON,  
AUTHORIZING THE REDEMPTION OF BONDS AND AUTHORIZING  
THE ELIMINATION OF THE IMPROVEMENT BOND SINKING FUND.**

**Mayor Lomnicki** closed the public testimony portion of the hearing at 7:42 p.m.

**OTHER BUSINESS****Bid Award for 1996 Public Works Projects -- Waterline Construction and Street Overlay Project**

These items were brought forward from the Consent Agenda for discussion.

**Councilmember Kappa** asked if street repair costs due to waterline construction were included in the \$80,765 bid.

**Bartlett** said the City's contractors receive a street permit to do the work and are required to bring the street back to standards, and the franchisees are charged for these repairs.

**Councilmember Farley** referred to page seven of the staff report on the street overlay project and the \$4,500 allocated for excavation. He asked how much excavation would be needed for an overlay. **Wheaton** responded not a great deal was necessary; however, there is some needed to increase the edge width.

**Councilmember Farley** asked the anticipated life of an overlay. **Wheaton** replied an overlay of this magnitude is just under a total street reconstruction and will provide a good-wearing surface. **Councilmember Farley** commented on problems with studded tires.

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to award the contract for the 1995 - 1996 Waterline Upsizing Project, Alternate "B" with Wystan Brown Excavating in the amount of \$80,765 and the 1996 - 1997 Street Overlay Project to K.F. Jacobsen Paving Co. in the amount of \$158,832.52.**

**Collective Bargaining Agreement -- MEA, MPEA, IAFF**

**Richards** presented the staff report. She discussed the process of mutual gains bargaining that resulted in the preparation of three contracts. All parties worked toward open communications, problem solving, and mutually gaining within the City.

Significant changes included: all three contracts are organized in the same manner; the first article of each contract contains a compact incorporating the City's vision, mission, and values and establishes ground rules; reference to specialty pay for MPEA and IAFF; reduction of overtime expenses; and implementation of the market study. She congratulated all parties at the table for their hard work. MEA/AFSCME and IAFF ratified five-year contracts which will expire on June 30, 2001. MPEA ratified a three-year contract and is polling its members regarding a five-year contract.

**John Hipes**, MPEA Vice President, said he and Chris Wright went into the process with the goal of improving relationships, and he felt big strides have been made. He said he was pleased with the contract and believed the process went well.

**Wes Johns**, IAFF Chief Negotiator, expressed appreciation for the mutual gains process. He was pleased to see all the bargaining units working collaboratively to serve Milwaukie citizens better.

**Mayor Lomnicki** agreed there was progress in the relationship between labor and management. There are good people on all sides of the table working to do what is right for labor, management, and the citizenry.

**Councilmember Trotter** said this was a great example of teamwork and shows growth and understanding of others' positions. Instead of spending all of our time on negotiations, the City can work on providing better services.

**Councilmember Kappa** felt the five-year contract was foresight on the unions' parts and would be reflected in the morale of the organization.

**Councilmember Farley** agreed a good job was done.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to authorize the Mayor and City Manager to sign, on behalf of the City, five-year contracts for IAFF and MEA/AFSCME and either a three- or five-year contract with MPEA. Motion passed unanimously.**

#### **Community Service Work Projects Policy Paper -- Resolution**

**Wheaton** presented the staff report in which the City Council was requested to adopt a resolution authorizing the Code Compliance staff to organize Community Service Work Projects as necessary, throughout the City, to assist with code abatement projects. This program will not require additional staff, and there will probably be six of these activities in a given year.

**Councilmember Kappa** asked if the work project was a one-time offer. **Wheaton** said that would be taken into consideration in the review process.

**Councilmember Farley** asked about the City's liability for volunteer projects. **Baird** said this concern was addressed through workers compensation. It would be a matter of maintaining a list of volunteers and tracking their volunteer activities. The property owner must sign a waiver and hold harmless agreement for volunteers to enter the property and perform work as part of the project.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the resolution establishing a community service work project program.**

**Councilmember Farley** did not believe this type of work project should be taken on by the City since churches and scouts have similar programs.

**Councilmember Trotter** said he did not necessarily agree with that comment because he believed this was a good mechanism for a code enforcement worker to solve community problems without punishing people.

**Mayor Lomnicki** agreed with Kappa's comments. The code enforcement worker would coordinate volunteer resources for those who need help.

**Councilmember Farley** felt the program would take too much time from the employee's regular work.

**Councilmember Kappa** understood Farley's concern, but he also felt there were people in the City who need help but might otherwise get overlooked. This program indicates a strong, proactive approach to the abatement problem and formalizes a program.

**The motion to adopt the resolution establishing a community service work project program passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; no abstentions.**

#### **RESOLUTION NO. 25-1996:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A COMMUNITY SERVICE WORK PROJECT PROGRAM.**

#### **Proposed Core Area and Transit Zone Exclusion Ordinance**

**Collier** presented the staff report in which the City Council was requested to adopt an exclusion ordinance for the City's core area and transit zone. He gave an overview of the problem of criminal and disruptive activity in the downtown area. The Milwaukie Police Department finds itself arresting many repeat offenders in this area. The ordinance give the City Manager, Police Chief, or designate the ability to serve the

offender with an exclusion notice for up to 90 days. If the individual violates that notice, he or she may be arrested for criminal trespass. He added the proposed ordinance was discussed with other Clackamas County agencies who might be impacted and Tri-Met police.

**Councilmember Kappa** expressed concern about the cost to the Milwaukie Police Department. **Collier** said any increase in expenses would be minimal compared to the benefit. **Councilmember Kappa** felt Tri-Met was receiving a benefit from this ordinance and should help fund enforcement activities.

**Councilmember Kappa** referred to page one of the staff report and asked if the City Manager would be making arrests. **Collier** said, as he understood the ordinance, the City Manager and the Police Chief could designate specific persons, including Tri-Met officers, who would have the ability to enforce the ordinance.

**Councilmember Kappa** asked if the list of those excluded from the zone would be a public record. **Baird** said the list would be public record. He also pointed out ordinance Section 9.20.030 which authorized certain personnel to issue exclusion or warning notices.

**Bartlett** briefly discussed delegation of code enforcement citing authority. He and others can make citations, if necessary; however, it is best done by those who do it on a daily basis.

**Councilmember Kappa** said he was concerned about the small segment of the population that uses in-line skates as a form of transportation. **Collier** commented the exclusion notice would be given only after an arrest.

**Councilmember Schreiber** said her biggest concern was the ability to track the notices. **Collier** said a log of violations is kept. **Bartlett** added his role as the City Manager was to make sure the process and training is in place. Milwaukie will have a tracking system in addition to Tri-Met's. This ordinance comes about as a part of the clean and safe downtown plan to creatively solve safety and security problems that were raised last fall. Milwaukie has tried to take the best ideas from the jurisdictions using this type of ordinance.

**Councilmember Farley** asked if the zone also included Elk Rock Island. **Bartlett** said Elk Rock Island is under City of Portland jurisdiction, and Milwaukie would need authorization from the Portland Parks Bureau.

**Councilmember Farley** commented on graffiti. **Collier** agreed it was difficult to catch people in the act, but there has been a decrease in the past year.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance amending the municipal code by adding Chapter 9.20 -- Exclusion for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the ordinance amending the municipal code by adding Chapter 9.20 -- Exclusion for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the Ordinance amending the municipal code by adding Chapter 9.20 -- Exclusion. Motion passed unanimously.

ORDINANCE NO. 1806:

AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING THE  
MILWAUKIE MUNICIPAL CODE BY ADDING CHAPTER 9.20  
EXCLUSION.

**Waverly/Downtown Neighborhood Association Name Change -- Resolution**

**Mullen** presented the staff report in which the City Council was requested to adopt a resolution approving the Waverly/Downtown's request for a name change to "Historic Milwaukie Neighborhood Association. She noted a letter from the Historic Resources Commission recommending other name options. She agreed this neighborhood was an historic area and supported the neighborhood's request.

**Councilmember Kappa** asked if she thought the intent of the NDA was to apply for historic status. **Mullen** said she did not know of any such intent.

**Councilmember Kappa** asked the City Attorney if there would be a conflict with the Central City concept if the NDA applied for historical status. **Baird** did not see any official designation that would be prejudiced by this action.

**Councilmember Schreiber** asked if the neighborhood was considering a boundary change. **Mullen** did not know any activity. She commented on the historic nature of the Waverly area.

No NDA members were present in the audience to comment on the proposal.

It was moved by Councilmember Farley and seconded by Councilmember Kappa to adopt the resolution changing the name of the Waverly/Downtown Neighborhood Association to the Historic Milwaukie Neighborhood Association.

**Councilmember Trotter** was pleased to hear the City Attorney comments on the name change.

**Motion passed 4 - 0 - 1 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Kappa, and Councilmember Trotter aye; no nays; Councilmember Schreiber abstained.**

**RESOLUTION NO. 26-1996:**

**A RESOLUTION OF THE CITY OF MILWAUKIE TO CHANGE THE NAME OF THE WAVERLY/DOWNTOWN NEIGHBORHOOD ASSOCIATION TO THE HISTORIC MILWAUKIE NEIGHBORHOOD ASSOCIATION.**

**Proposed Standard Bylaws for Boards and Commissions**

**Bartlett** presented the staff report in which the City Council was requested to adopt model bylaws subject to review by the individual advisory boards and commissions. He pointed out correspondence from Center Director Joan Young regarding the Center/Community Advisory Board's basic concurrence with the model bylaws. City Attorney Pam Beery made recommendations to the Planning Commission bylaws providing for continuance of a matter and ending times for meetings.

**Councilmember Kappa** recommended Citizens Utility Advisory Board Article V.D be amended to be consistent with other board and commission bylaws. **Mayor Lomnicki** commented this was language from the original bylaws when the CUAC was first formed, and one original member is still serving. **Councilmember Kappa** indicated he had spoken with one of the current members who agreed there should be consistency. He felt the change in the language should be made to reflect the change in attitude.

**Councilmember Farley** stated for clarification that the City Council was adopting these model bylaws subject to review by the boards and commissions.

**Councilmember Trotter** recommended leaving the model bylaws in this form and have the staff liaison bring it to the board for comment rather than making an assumption.

**Councilmember Kappa** agreed with that proposal but wanted to give staff direction to address the issue at the next CUAB meeting. He felt it was important to have consistency.

**Mayor Lomnicki** suggested asking the CUAB for input and if the members would be agreeable to a more standardized section on bylaw changes.

**Councilmember Schreiber** recommended distributing the draft bylaws and asking for a response from each board and commission within a certain time period.

**It was moved by Councilmember Trotter and seconded by Councilmember Schreiber to adopt the model bylaws subject to review by the individual advisory boards and commissions with changes to the Planning Commission bylaws proposed by the City attorney. Motion passed 4 - 0 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; and Councilmember Farley abstained.**

**It was Council consensus that Wheaton review CUAB bylaw article V.D at the next meeting and to discuss the end of meeting options with the Planning Commission.**

### **Management, Non-Represented Salary Schedule**

**Richards** presented the staff report in which the City Council was requested to direct the City Manager to adopt by directive the management, non-represented, and seasonal employee salary schedule effective July 1, 1996. She discussed the previous class study in 1989 - 1990 and the recommendation that the City of Milwaukie be no more than 5% below its comparable. She added management increases are based on merit.

**Councilmember Farley** asked how this would impact the budget. **Richards** said this is the smallest group of employees in the City. Funds will either come from contingency or other areas of the program budget.

**Councilmember Farley** asked if seasonal employees begin at the bottom of the pay scale. **Richards** said that was correct, and they begin one step higher with each year they return.

**Councilmember Kappa** asked if this helps the City be more competitive with the private sector. **Richards** said it would help, but every issue is not addressed.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to direct the City Manager to adopt by City manager directive the management and non-represented salary schedule effective July 1, 1996. Motion passed unanimously.**

### **City Manager's Compensation**

**Mayor Lomnicki** discussed the recent City Manager's evaluation. Included in the evaluation was information from each department head on his or her perception of Bartlett's managerial skills. Executive session discussions indicated the City Manager

was doing a very good job for the City in areas including: collaborative bargaining and improved relations with the unions; managerial skills and ability to apply them in the public sector; respect by his peers; financial management and allocation of resources; and ability to accomplish City Council Goals.

He discussed Bartlett's salary as compared with other cities in the metropolitan area in addition to the internal organization pay scale. Bartlett's current wages total \$5,629, and the average city manager/administrator salary was \$6,889. Mayor Lomnicki indicated City Council continued to believe it was important to keep Milwaukie wages at 95% of average.

**Councilmember Kappa** asked the percentage of increase for the total package. **Bartlett** noted the increase was 22%.

**Councilmember Trotter** indicated the belief that Bartlett's technical expertise and understanding of land use planning has helped the citizens of Milwaukie by giving them the best possible opportunities. The understanding of regional issues and the workings of bureaucracy has proven invaluable. He did not feel the percentage was important. The budget is now in good shape, and it is important to get to the average salaries in the region.

**Councilmember Farley** said he found only three cities used in the salary survey that had similar populations. He added he had not been able to attend the executive session.

**Councilmember Schreiber** expressed the belief Milwaukie's city manager was above average, but he was only being offered average pay. Bartlett committed to making a better community system. This increase would bring him up to the average of his peers.

**Councilmember Kappa** said it was difficult for him to separate personal issues from what Bartlett has done for the City. Services have been increased rather than reduced. He saw some of Bartlett's activities as visionary such as department heads acting as Neighborhood Association liaisons, using World Class Management to help build teamwork within the organization, the budget process, and working toward five-year bargaining agreements. There were some issues he shared with Kent Layden in which he hoped to see some serious improvements. He added he did not personally see anyone worth a 22% increase; however, he would vote for it.

**It was moved by Mayor Lomnicki and seconded by Councilmember Trotter to increase the City Manager's salary from \$5,629 total wages per month to \$6,889 per month and allow Bartlett to determine how it would be split. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; no abstentions.**

### **Amend Municipal Code Chapter 2.04, Council Rules -- Ordinance**

**Baird** presented the staff report in which the City Council was requested to consider an amendment to the Municipal Code Chapter 2.04 by adding a section entitled "Confidentiality." The two main issues covered by the ordinance were a reminder of the importance of maintaining confidentiality under state law and how to appoint a representative to impart information outside of the executive session.

**Councilmember Kappa** asked the legal ramifications of executive session "leaks." **Baird** said there could be significant financial ramifications in the areas of collective bargaining and property acquisition. There is also a potential for individual liability.

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance amending Municipal Code Chapter 2.04 by adding a section entitled "Confidentiality" for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.**

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the ordinance amending Municipal Code Chapter 2.04 by adding a section entitled "Confidentiality" for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.**

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the ordinance amending Municipal Code Chapter 2.04 by adding a section entitled "Confidentiality." Motion passed unanimously.**

**ORDINANCE NO. 1807:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
AMENDING CHAPTER 2.04, COUNCIL RULES, OF THE MUNICIPAL  
CODE BY ADDING A SECTION TITLED CONFIDENTIALITY.**

### **Suspension of Council Rules**

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to suspend City Council rules to consider a resolution approving budget appropriation transfers. Motion passed unanimously.**

**Anderson** presented the staff report in which the City Council was requested to adopt a resolution increasing appropriations in the City Council category by \$5,000. This amount would assure no appropriation categories were exceeded. He said much of this was attributed to increased photocopying charges.

It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to adopt the resolution approving budget appropriation transfers. Motion passed unanimously.

**RESOLUTION NO. 27-1996:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING BUDGET APPROPRIATION TRANSFERS.**

**Councilmember Kappa** said he felt it was time Tri-Met helped the City out financially since it was receiving a benefit from the enforcement of an exclusion ordinance. He suggested negotiating with Tri-Met. He also recommended looking at enlarging municipal court since the City was adopting more ordinances regarding public safety.

**Councilmember Farley** commented the City does not have the facilities for a larger court, and there were not additional funds to pay for an expansion.

**Councilmember Schreiber** pointed out the City would have to plan for the necessary space for jury trials in addition to holding and transport facilities. This might be something to look at if a new City Hall were built, and she indicated she would be happy to listen to new ideas.


**Councilmember Kappa** talked about Milwaukie police officers having to travel to Oregon City.

**Councilmember Trotter** suggested a work session on Kappa's proposals on municipal court and Tri-Met. He felt it should be discussed in greater detail before directing staff to do any work. **Mayor Lomnicki** agreed.

**INFORMATION**

**Councilmember Farley** reminded the audience of Milwaukie Festival Daze beginning June 21 and encouraged people to attend.

**Mayor Lomnicki** adjourned the meeting at 9:35 p.m.

  
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Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
JUNE 18, 1996**

**MILWAUKIE CITY HALL**

10722 SE Main Street

**1745th MEETING**

**EXECUTIVE SESSION (ORS 192.660)**

4:00 - Labor Relations

**WORK SESSION**

5:00 - Information Sharing

5:30 - Garbage and Recycling Rates (JoAnn Herrigel)

6:00 - Senate Bill 122 (Dan Bartlett)

**REGULAR SESSION**

7:00 p.m.

**I. CALL TO ORDER**  
**Pledge of Allegiance**

**II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Introduce 1996 Young Milwaukians**

**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 June 4, 1996**

**B. Bid Awards for 1996 Public Works Projects (Dave Wheaton)**

**1. Waterline Construction**

**2. Street Overlay Project**

**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.)*

Carla  
7544

**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.*)

**1996 - 1997 Budget Hearing (Angus Anderson)**

1. Adopt the Budget, Make Appropriations, and Levy and Categorize Taxes -- **Resolution** - 22-1996
2. Establish the Tax Rate for the Economic Improvement District (MDDA) and Levy Taxes -- **Ordinance** + 1804
3. Accept State Revenue Sharing Funds -- **Ordinance** - 1805
4. Certify Services Provided with Revenue Sharing Funds -- **Resolution** - 23-1996
5. Bond Redemption and Elimination of Improvement Sinking Fund -- **Resolution** - 24-1996

**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. Collective Bargaining Agreement -- MEA, MPEA, IAFF (Charlene Richards)
- B. Community Service Work Projects Policy Paper -- **Resolution** - 25-1996 (Rich Atkinson)
- C. Proposed Core Area and Transit Zone Exclusion **Ordinance** 1806 (Craig Stensrud)
- D. Waverly/Downtown Neighborhood Association Name Change -- **Resolution** (Linda Mullen) 26-1996
- E. Proposed Standard Bylaws for Boards and Commissions (Dan Bartlett)
- F. Management, Non-Represented Salary Schedule (Charlene Richards)
- G. City Manager's Compensation (Mayor Lomnicki)
- H. Amend Municipal Code Chapter 2.04, Council Rules -- **Ordinance** - 1807 (City Attorney)

**VII. INFORMATION**

- A. Planning Commission Minutes, May 28, 1996 (draft)
- B. Island Station NDA Minutes, April 5, 1996
- C. Linwood NDA Minutes, May 23, 1996
- D. Boundary Commission Memorandum

**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.*

**CITY OF MILWAUKIE  
CITY COUNCIL WORK SESSION  
JUNE 4, 1996**

**Mayor Lomnicki** called the work session to order at 5:05 p.m. in the second floor conference room in City Hall.

Present were Councilmembers Farley, Schreiber, Kappa, and Trotter; Dan Bartlett, City Manager; Charlene Richards, Assistant to the City Manager; Maggie Collins, Community Development Director; and Dave Wheaton, Public Works Director.

**Information Sharing**

**Public Safety Programs**

**Councilmember Kappa** discussed a ride along program with corrections officers and a grant program meeting in West Linn on June 13.

**Sewerage Task Force**

**Councilmember Trotter** shared cost figures recently released on proposed sewage treatment options. Rates in the district will go up significantly with any of the alternatives; but the highest increase, about \$27 per month, would be for constructing Site K and eliminating the Kellogg Treatment Plant. He will attend a meeting on June 5 to review these figures, and he anticipated at least another meeting due to the volume of information. He reported he received a letter from the Ardenwald NDA requesting Option 4B, decommissioning the Kellogg Plant and constructing of Site K, be retained through the evaluation process and submitted for approval by all jurisdictions involved. He added it was possible someone got advance information on the rate increase but not the entire NDA.

**Councilmember Schreiber** expressed concern the people at the meetings do not actually represent the entire neighborhood.

**Councilmember Kappa** said he had already heard the rates could be raised by as much as \$26 with the Site K option.

**Councilmember Farley** asked when these changes would take place.

**Councilmember Trotter** replied the bonds would not go on sale until needed and added these amounts are a projection based on today's construction costs. He discussed the arbitrary cost estimates for visual mitigation which are about \$16 million.

**Councilmember Kappa** asked what the discussion had been on SDCs for new development. **Councilmember Trotter** replied the minimum would be about \$2100 per residential unit with a maximum of about \$3200 although charges will vary throughout the district.

**Councilmember Kappa** asked which scenario would offer the most long-term solution. **Councilmember Trotter** said, in theory, all of the options are equal and are designed to take care of sewage treatment needs until 2020. In addition to equipment repair and replacement is upkeep to the buildings themselves. Concrete structures have about a 50-year life.

**Councilmember Farley** asked if build out was being considered.

**Councilmember Trotter** responded all the planning is based on 2040.

Technically, the systems are overloaded right now. Engineering is scheduled to begin January 1997, so a decision has to be made on the options. The Board of County Commissioners will make that decision. He reviewed conversations that have taken place in the Riverfront Planning Committee (RPC) meetings and how the decision will impact Milwaukie's waterfront. That committee will have to come up with a recommendation for the best use of the riverfront which is not a sewage treatment plant. The City will likely have a master plan before the decision is made on the sewage treatment plant. Since the decision will probably be political, Milwaukie will have to take a very strong stance.

**Councilmember Schreiber** said the Board of County Commissioners will make a decision that will cost the people more money. The City Council's job is to keep residents informed and make sure assessments are income based.

**Councilmember Kappa** strongly recommended following a reduced rate plan in addition to making sure other entities are aware of the City's intent on the riverfront.

**Councilmember Trotter** pointed out the County Commissioners currently in office will be making the decision.

**Mayor Lomnicki** was concerned that the City not take a position before all the facts are available. The Riverfront Steering Committee needs to be careful of the process it follows.

**Councilmember Schreiber** pointed out there was a separation of the potential use and the political reality. The City Council and Steering Committee are responsible for keeping track of the issues in the broadest sense.

**Councilmember Kappa** commented Milwaukie would be the only regional center with a sewage treatment plant. He felt the rest of the region should make accommodations for a regional center.

**Councilmember Trotter** said the issue will be dollars. The RPC must develop the best plan with existing constraints. The Committee may determine the best use is to remove the treatment plant, but part of the recommendation should contain a caveat that the decision is not under the control of the City of Milwaukie.

**Councilmember Schreiber** said there is a lot of monitoring in the process. If it needs adjustment, it will occur during the process. The Steering Committee did not commit to fully implementing the RPC's recommendation.

**Councilmember Farley** pointed out the Milwaukie riverfront will be a regional facility.

**Councilmember Trotter** commented Milwaukie will have to push very hard to show the value of the riverfront as a regional facility rather than a treatment plant location. He added it would be very difficult for the Board of County Commissioners to agree with the City of Milwaukie.

**Councilmember Schreiber** said if we are committed to developing a regional center, there will be other funding issues. This is a process of introducing progress to the community.

**Councilmember Kappa** pointed out Milwaukie has gone through the community vision process, developed the TSP, become a part of the Parks District, and restructured its boards and commissions. He felt the region needs to realize how hard Milwaukie has worked on these issues.

**Councilmember Trotter** said the three County Commissioners are very supportive of the City of Milwaukie and the regional center process. Their decision on the treatment plant will directly impact the City of Milwaukie.

**Councilmember Schreiber** urged working closely with the neighborhoods so they will be informed.

**Councilmember Trotter** said the members of the Sewerage Committee will have a better understanding of the rate structure. He guessed everything would still be on the table at the conclusion after tomorrow night's meeting.

**Councilmember Schreiber** announced West Linn believes it will be able to meet its housing and employment numbers but is asking that some work be done on Hwy. 43 to meet these numbers.

## 2040 Plan Comments

**Collins** reviewed information from the last 2040 Plan hearing. Most of the comments were about the environmental element of Title 3 -- Water Quality and Flood Management Conservation. She added the City of Milwaukie has these elements in its Zoning Ordinance for protection and conservation of open spaces.

Other testimony at the hearing was from the Retail Task Force. Members felt the zoning regulations were too restrictive to bring in enough jobs and employment. Few cities made any testimony. The next hearing was scheduled for June 12, 1996. The first draft should be considered at a Metro Council hearing near the first or middle of July.

**Collins** reviewed comments from other cities on their ability to meet housing and employment projections. Some feel they can handle their fair share, while others, like Hillsboro, are bowing out and indicating they do not agree with the strategy. Almost every community has done an assessment and made a general indication of what it would be able to do. Beaverton, Portland, and Gresham are highly involved, but Tigard is not. There is not a coherent view of impacts to unincorporated Clackamas County. She felt about two-thirds of the regional jurisdictions are working within Metro's guidelines.

**Councilmember Kappa** expressed his frustration with the process. Livability is the issue, and development is taking place faster than the plan can be implemented. He asked where it was decided Milwaukie could accept 3,500 dwelling units and 7,478 jobs.

**Collins** said livability means different things to different people, and is defined by the people within the region. The region is saying use the resources within the growth boundary more effectively, bring people's homes closer to their work, and retain some kind of green space or open space atmosphere.

**Councilmember Kappa** was concerned the region was sacrificing its air and water quality.

**Councilmember Schreiber** added livability is defined by each of us. Policy makers have to look at the numbers of people, their ages, and their lifestyle. She did not believe asking for infill would make us give up anything other than old concepts.

**Councilmember Kappa** felt livability was sacrificed for density. He said it was important to keep an open mind.

**Councilmember Trotter** thought water quality was addressed in the Regional Framework Plan. Title 3 addressed and tries to enhance and improve water quality in the region. From the density standpoint, he felt the City of Milwaukie was very close to its numbers already. A significant part of the regional center portion of Milwaukie is already zoned for the highest density allowed. The economics have not driven redevelopment. The Regional Framework Plan is trying to address the livability, water quality, and density issues.

**Mayor Lomnicki** agreed with Councilors Schreiber and Trotter. Issues will have to be addressed whether we expand to the Urban Growth Boundary or not. It is possible transportation and water and air quality issues may be more expensive to address in another way, and the quality of life may still be less. He used the examples of what has taken place in major cities like Los Angeles. We do not want the urban area to collapse from the inside. Major investments have been made in the City of Portland, and its City Council does not want to see a flight to the suburbs. He did not feel the impact would be as negative as some think.

**Councilmember Farley** pointed out it was easier to find solutions to problems before they get too big. He discussed housing prices and suggested controlling trucks and cars coming into the region from other areas.

**Councilmember Schreiber** said her main concern at this point was Milwaukie has had the zoning for more intensive development than it actually has. Only a few changes will have to be made. Metro is only asking us to be prepared. The market will decide if property is purchased and how it is developed, and the people who own the land will decide if it is sold.

**Collins** discussed implementation and population density concerns expressed by some jurisdictions. Others feel the 2040 Plan should be implemented immediately to protect air quality and open spaces. She added the Lewelling NDA has begun its Master Plan process.

**Councilmember Kappa** felt the City should re-evaluate its infill policy. He discussed open spaces, flag lots, and the trees ODOT cut down in the Greenway. Collins said ODOT cut the trees for its highway improvements. She said Milwaukie can still meet its infill quota in 20 years without causing major problems.

**Councilmember Farley** put forth a concern about increased traffic. **Collins** said people may have to deal with more congestion, but, ideally, we would move away from using the automobile. Community Development's initial count indicated we could meet all their targets.

**Councilmember Kappa** commented the longer those numbers stay in print, the more it is assumed these are the numbers we will accept.

**Councilmember Schreiber** said Milwaukie already has zoning that will allow major density, and the market will bring about the changes.

**Bartlett** pointed out when Metro adopted its Housing Rule, all Milwaukie did at that time was to approve the Kellogg Lake Apartments. The City is in compliance with the Housing Rule without really doing much. It will mean about one more house per block.

**Mayor Lomnicki** discussed the Pennywood subdivision on Lake Road. The area was zoned R-10, but the home builder sued the City. From that, an R-8.5 was negotiated. As a City Councilor at the time, he thought it was the worst thing that could happen to Milwaukie, but now he felt he was probably wrong at the time. Residents are happy living in the development, and it is one of the nicest areas of town. In the Visual Preference Study, people liked the Ladds Addition and Laurelhurst areas. The lots are small, but people like the available amenities such as street trees and transit. He felt that is what Milwaukie needed to do in its land use pattern.

**Councilmember Kappa** said these amenities were disappearing with accelerated growth. He recommended a design ordinance.

**Collins** said there should be a draft of the Regional Center Design Review at the end of the year. If the City builds up and meets its density, things should be done well. The methodology for developing design standards will be transferred to the NDAs. Everyone will, theoretically, have a chance to talk about what designs they like and what they do not like.

**Councilmember Farley** asked what will happen if land purchases begin accelerating in the Urban Growth Boundary.

**Bartlett** said staff could prepare a moratorium ordinance if City Council directed.

**Collins** added there was a local review process prior to moratorium. In the meantime, Milwaukie has its own design standards.

**Councilmember Schreiber** commented there will be competition between people with money for the most desirable areas to live.

**Collins** said she assumed at a point in time the Milwaukie City Council will comment on Metro's Growth Management Functional Plan draft and asked if another work session would be necessary.

**Mayor Lomnicki** and **Councilmember Trotter** agreed more than a 30-minute work session was needed.

**Councilmember Kappa** stressed the importance of air and water quality.

**The group agreed on a two-hour time block to continue this discussion in the next two to three weeks.**

**Councilmember Trotter** requested summary sheets be distributed to City Council prior to the work session.

**Bartlett** discussed the feasibility of a joint work session with the Riverfront Steering Committee.

### **World Class Management**

**Bartlett** discussed scheduling City Council interview with World Class Management. The consultant will be asking Councilors what they hear in the community, and what outcomes and service deliveries customers would like to see with the available funds.

### **Board and Commission Model Bylaws**

**Bartlett** said there are some drafting clarifications recommended by the City Attorney in the Model Bylaws. These clarifications included ORS citations, duties of the chair, and other organizational procedures. He asked if Council had other specific questions. He recommended considering this item at the June 18 regular session instead of tonight's meeting.

**Councilmember Kappa** remarked that specific concerns were: making the CUAB consistent with other board and commission bylaws and mentioning reimbursement for training in the general ordinance.

**Bartlett** said the staff liaison would be responsible for taking care of expenditures. Reimbursements for training are not considered compensation by the IRS.

**Councilmember Kappa** recommended adding reference to reviewing funding for road programs to the CUAB's duties.

**Bartlett** noted previous discussions about future rate structures and pointed out anything could be added to the board and commission's work plans.

**Mayor Lomnicki** adjourned the work session at 6:50 p.m.

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Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 4, 1996**

The one thousand seven hundred and forty-fourth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,  
Mayor  
Rick Farley

Jean Schreiber  
Rob Kappa  
Don Trotter

Also present:

Dan Bartlett,  
City Manager  
Ted Baird,  
City Attorney

Charlene Richards,  
Assistant to the City Manager  
David Wheaton,  
Public Works Director

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Mayor Lomnicki** read a proclamation honoring CCI Enterprises for the *Fourth Annual Run for the Challenge* held May 18, 1996.

**CONSENT AGENDA**

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to approve the following consent agenda items:**

**City Council Minutes of May 21, 1996**

**Motion passed unanimously.**

**AUDIENCE PARTICIPATION**

**Linda Hatlelid** spoke to City Council about the Johnson Creek Boulevard Improvement Project. Her concerns included: increased traffic and speeding as a result of wider travel lanes; bike lanes for people who could just as easily use the Springwater Corridor; loss of old neighborhood trees; bus turnouts; costs associated with street lights and storm sewer installations; and driveway accessibility. She said the Milwaukie City Council had talked about keeping Johnson Creek Boulevard a narrow street, not one as wide as proposed. Over 12,000 vehicles use that street every day since completion of the Tacoma overpass and the I-205 interchange. A lot of attention has been given to making Johnson Creek Boulevard a multi-modal area, but what about the residents' desire to keep the road improvements in the existing right-of-way? Why

jeopardize families living on Johnson Creek Boulevard? Mulvey Johnson, Project Manager for the City of Portland, has not responded to her requests for project updates. She added the Board of Commissioners have not given up jurisdiction on Clackamas County's portion of the street. She urged the Milwaukie City Council to vote "no" on any further improvements to Johnson Creek Boulevard.

## **PUBLIC HEARING**

None scheduled.

## **OTHER BUSINESS**

### **Proposed Core Area and Transit Zone Exclusion Ordinance**

This item was postponed until a later meeting.

### **Intergovernmental Agreement with Clackamas County for Plumbing and Electrical Services -- Resolution**

**Wheaton** presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to sign an ORS 190 Intergovernmental Agreement (IGA) with Clackamas County to provide plan review, inspection, and enforcement of the State of Oregon Building, Plumbing, and Electrical Codes.

He discussed the goal of the Johnson Creek facility becoming a one-stop permit center. In January, City Council authorized staff to conduct its own electrical program and to proceed with assuming a plumbing program. The state approved the procedures prepared by City of Milwaukie staff with only some modification of verbiage. The program will probably be implemented July 1, 1996. If the terms of the IGA were applied to the fees Clackamas County collected in 1995, Milwaukie would have collected approximately \$7,000. Permits will be issued at the Johnson Creek facility, and the customer will not have to travel to Clackamas County offices for permits. The result will be improved service to the community.

**Councilmember Trotter** asked how a customer would arrange for inspection service. **Wheaton** responded the person would call the Johnson Creek office when they were ready for an inspection, and City staff would make sure the inspection services were done in a timely manner by a County employee.

**Councilmember Trotter** pointed out the resolution authorized the City Manager to sign the IGA, but the signature block on the draft agreement was for the Mayor's signature. **Bartlett** explained the City's practice was for the City Manager to sign this type of document.

**Councilmember Kappa** asked if the City would break even with such a small amount of revenue generated. **Wheaton** indicated the City would retain about 12% of the fees.

**Councilmember Schreiber** asked for clarification if this IGA applied only to property within the City limits. **Wheaton** said that was correct.

**Councilmember Schreiber** asked if there had been any discussion of setting the facility up as a regional permit center. **Bartlett** responded a satellite permit center may be a long-term goal for Milwaukie and Happy Valley. This is the first, interim step.

**Councilmember Schreiber** wanted to be sure people understood this permit program was for property owners in the City of Milwaukie. **Bartlett** said staff typically develops brochures to inform people on how to apply for a permit.

**Councilmember Farley** asked how many Building Officials the City has. **Wheaton** replied the City of Milwaukie has one Building Official and one inspector.

**Councilmember Farley** asked if staffing was the reason for the IGA. **Bartlett** responded that a one-stop permit center has been a long-term goal. We want to give the customer the service of processing and paying for all permits at one location. The actual way the service is delivered will not change, but that part will be transparent to our customers.

**It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the resolution authorizing the City Manager to sign an Intergovernmental Agreement with Clackamas County to provide plan review, inspection, and enforcement of the State of Oregon Building, Plumbing, and Electrical Codes.**

**Councilmember Trotter** said the IGA deals only with the City being responsible for electrical and plumbing permits. **Bartlett** responded some of the Building Codes are also included.

**Motion passed unanimously.**

**RESOLUTION NO. 21-1996:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF MILWAUKIE AND CLACKAMAS COUNTY TO PROVIDE PLAN REVIEW, INSPECTION, AND ENFORCEMENT OF THE STATE OF OREGON BUILDING, PLUMBING, AND ELECTRICAL CODES.**

## Proposed Standard Bylaws for Boards and Commissions

This item was postponed until a later meeting.

## National Night Out

**Councilmember Kappa** discussed the location for *National Night Out* and the action City Council should take to change the meeting location.

## INFORMATION

**Councilmember Farley** said the fourth annual CCI Run for the Challenge made \$7,000 this year and encouraged more participation this year. He also discussed issues before the Community Action Board.

**Councilmember Trotter** announced the North Clackamas Sewerage Facility meeting at the Milwaukie Center to discuss the financing package.

**Councilmember Schreiber** announced the Riverfront Planning Town Hall meeting on June 12 from 5 to 8 p.m. at the Public Safety Building.

**Councilmember Kappa** announced a presentation by Gordon Graham on June 11 at the Corrections Facility on McBrod.

**Councilmember Schreiber** encouraged prospective applicants for the City's appointed advisory boards and commissions.

**Bartlett** brought City Council's attention to the Community Development staff report on the progress of the Urban Forestry Program. Public meetings are scheduled for July with a City Council work session in August or September to review Planning Commission recommendations. He also announced there were still several opportunities for volunteer host families for the Japanese Exchange Student Program.

**Mayor Lomnicki** announced an Executive Session for consultation with legal counsel. He adjourned the meeting at 7:35 p.m.

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Pat DuVal, Recorder/Secretary

## **EXECUTIVE SESSION**

The Mayor and Council met with the City Manager and Ted Baird representing the City Attorney's Office. Councilmember Kappa advised the Council why he asked the City Attorney to prepare a memo on executive sessions. Baird reviewed the memo, and Councilors discussed the memo. Staff agreed to bring proposed ordinance language for Council consideration at the next Council meeting.

The meeting was adjourned at 8:36 p.m.

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Dan Bartlett, City Manager

C I T Y O F  
  
MILWAUKIE  
MEMORANDUM

**TO:** Mayor and City Council

**THRU:** Dan Bartlett, City Manager *DB*  
Dave Wheaton, Public Works Director *DW*

**FROM:** Paul Roeger, Civil Engineer *PR*

**RE:** '95 - '96 Waterline Upsizing Project  
Bid Award

**DATE:** June 7, 1996

**ACTION REQUESTED**

City Council authorize the City Manager to sign a contract for the 1995-1996 Waterline Upsizing Project, Alternate "B", with Wystan Brown Excavating for the bid amount of \$80,765.00.

**BACKGROUND**

The Water Department has identified waterlines that need to be upgraded to improve fire protection and domestic water flows. All of the main replacements in this project have been identified in the "Public Facilities Plan, 1988-2008" as high or moderate priority and have been identified in this years CIP. Funds are budgeted in this years Water Fund for these improvements.

Nase Court has an existing 2-inch galvanized line that serves six single family residences. This will be replace with a 4-inch line to improve available volume and eliminate a rusty line.

25th Avenue has an existing 2-inch galvanized line that connects to a 6-inch line at Monroe Street and a 10-inch line at Washington Street and serves the St. Johns Catholic School irrigation system and a residence owned by the Catholic Church. This will be replaced by an 8-inch line with a fire hydrant about half way between Washington and Monroe to improve fire protection for both the Church and the School.

The buildings on the west side of McLoughlin Blvd. are currently served by a 2-inch galvanized line in McLoughlin Blvd. that has been repaired many times. Service to these buildings will be replaced by a 12-inch line installed from Jefferson Street north on the old Portland Traction right-of-way behind the buildings and back out to McLoughlin Blvd. and 17th Ave. on what will eventually be a bike path. The service to the Antique Mall will need to be re-plumbed near the northwest corner of the building. This will be done by a separate plumbing contractor.

27th Avenue from Washington Street south to Willard Street has two active City water mains. All services are off of an old 6-inch line which has been repaired many times. This project will transfer those services to a 10-inch line that has been in place since 1969 and is in excellent condition.

Fire hydrants will be placed per City standards for improving fire protection and new service lines will be installed to all the existing meter locations and new meters and meter setters will be installed.

I have attached vicinity maps to help show the layout. Advertising was done as required. Seven sets of plans went out to contractors for bidding and three bids were received on June 6, 1996 for opening at 2:00PM at the Johnson Creek Facility. The bid summary of all bids is attached including the engineers estimate.

Two alternatives were bid. Alternative "A" was for Class 52 ductile iron pipe and alternative "B" was for C-900 PVC pipe.

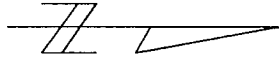
Low bidder was Wystan Brown Excavating. Public Works has verified the bidders extensions and checked references from the pre-qualification application. City's they have done work for in the past indicate good quality work and cooperation with City inspectors.

### **RECOMMENDATION**

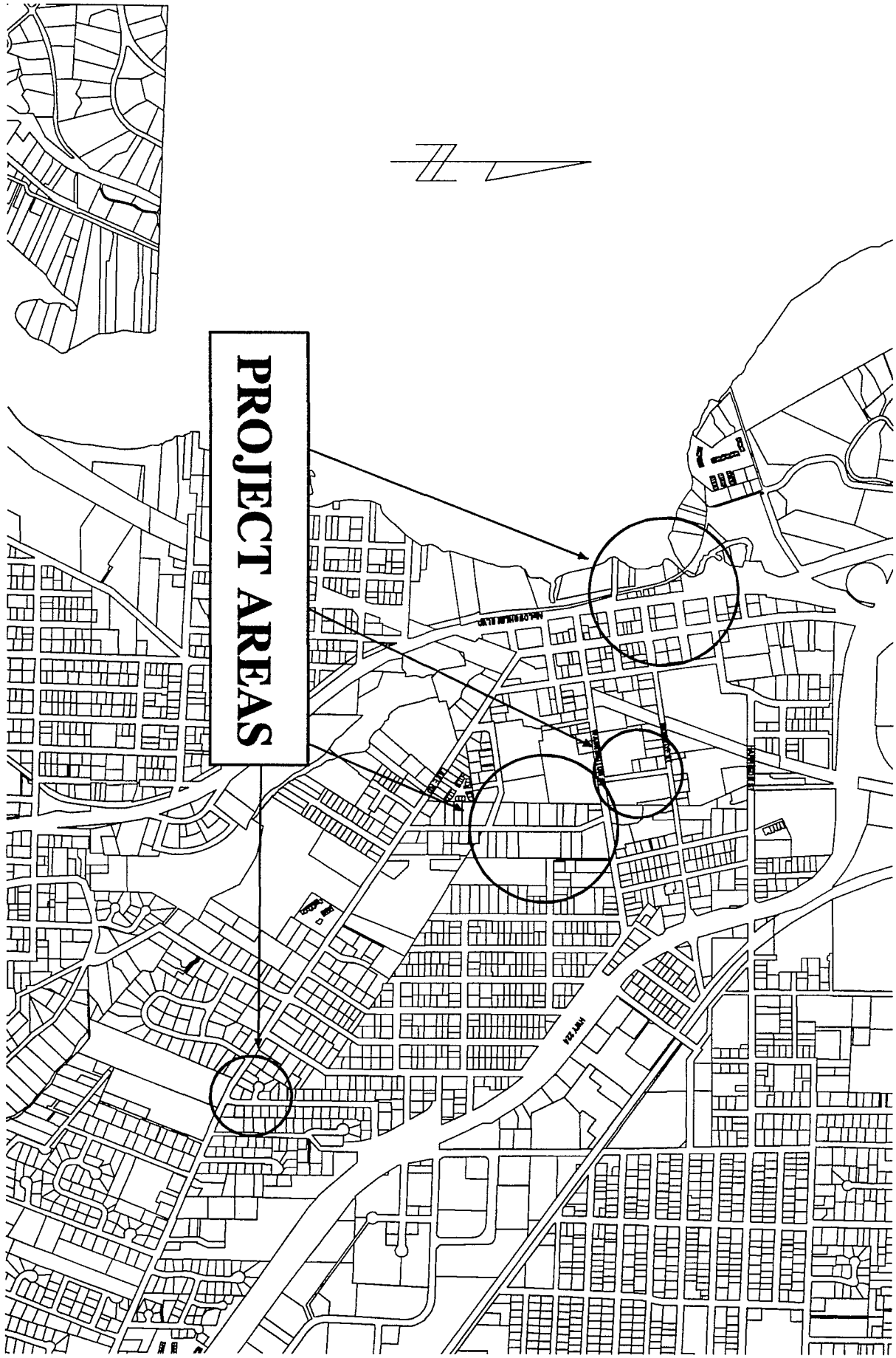
Therefore, it is the recommendation of the Public Works Department that City Council authorize the City Manager to sign a the contract for the 1995-1996 Waterline Upsizing Project, Alternate "B", with Wystan Brown Excavating for the low bid of \$80,765.00.

## '95-'96 Waterline Upsizing Project

Contractor:				Wystan Brown Exc.		D.M. Exc		Dick Rogers Constr		Engineers Estimate	
Item #	Item of Work	Estimated	Unit	Unit	Total Bid	Unit	Total Bid	Unit	Total Bid	Unit	Total Bid
		Quantity		Price	Price	Price	Price	Price	Price	Price	Price
<b>1</b>	<b>ALTERNATE "A"</b>										
	Class 52 D.I.										
	a. 4" pipe	185	L.F.	\$ 15.00	\$ 2,775.00	\$ 26.66	\$ 4,932.10	\$ 23.89	\$ 4,419.65	\$ 22.00	\$ 4,070.00
	b. 8" pipe	575	L.F.	\$ 20.00	\$ 11,500.00	\$ 29.27	\$ 16,830.25	\$ 30.81	\$ 17,715.75	\$ 24.00	\$ 13,800.00
	c. 12" pipe	720	L.F.	\$ 29.00	\$ 20,880.00	\$ 35.57	\$ 25,610.40	\$ 41.57	\$ 29,930.40	\$ 28.00	\$ 20,160.00
	<b>ALTERNATE "B"</b>										
	C-900										
	a. 4" pipe	185	L.F.	\$ 10.00	\$ 1,850.00	\$ 21.12	\$ 3,907.20	\$ 15.96	\$ 2,952.60	\$ 17.50	\$ 3,237.50
	b. 8" pipe	575	L.F.	\$ 15.00	\$ 8,625.00	\$ 24.71	\$ 14,208.25	\$ 23.17	\$ 13,322.75	\$ 20.00	\$ 11,500.00
	c. 12" pipe	720	L.F.	\$ 22.00	\$ 15,840.00	\$ 31.54	\$ 22,708.80	\$ 36.11	\$ 25,999.20	\$ 24.00	\$ 17,280.00
<b>2</b>	D.I. Valves & Fittings										
	a. 6" F.H. Assemblies	3	Each	\$ 2,000.00	\$ 6,000.00	\$ 1,810.00	\$ 5,430.00	\$ 2,210.83	\$ 6,632.49	\$ 1,800.00	\$ 5,400.00
	b. 4" F.H. w/City F.H.	1	Each	\$ 400.00	\$ 400.00	\$ 610.00	\$ 610.00	\$ 800.00	\$ 800.00	\$ 650.00	\$ 650.00
	c. 10" G.V. & boxes	1	Each	\$ 900.00	\$ 900.00	\$ 1,014.00	\$ 1,014.00	\$ 868.00	\$ 868.00	\$ 600.00	\$ 600.00
	d. 6" G.V. & boxes	3	Each	\$ 500.00	\$ 1,500.00	\$ 647.15	\$ 1,941.45	\$ 468.00	\$ 1,404.00	\$ 800.00	\$ 2,400.00
	g. D.I. or G.I. Fittings	1200	Lbs.	\$ 2.00	\$ 2,400.00	\$ 2.55	\$ 3,060.00	\$ 1.53	\$ 1,836.00	\$ 3.00	\$ 3,600.00
<b>3</b>	Live tap on existing main										
	a. 10x8 tap tee, 8"G.V.	1	Each	\$ 3,500.00	\$ 3,500.00	\$ 1,440.00	\$ 1,440.00	\$ 1,642.00	\$ 1,642.00	\$ 1,000.00	\$ 1,000.00
	b. 6x4 tap tee, 4"G.V.	1	Each	\$ 2,800.00	\$ 2,800.00	\$ 1,140.00	\$ 1,140.00	\$ 1,342.00	\$ 1,342.00	\$ 860.00	\$ 860.00
<b>4</b>	Surf. removal & replacmt.										
	a. Class "C" A.C.	950	L.F.	\$ 10.00	\$ 9,500.00	\$ 10.15	\$ 9,642.50	\$ 10.74	\$ 10,203.00	\$ 10.00	\$ 9,500.00
	b. 3/4"-0" or 1"-0" Crshd Rk	480	L.F.	\$ 3.00	\$ 1,440.00	\$ 1.85	\$ 888.00	\$ 1.32	\$ 633.60	\$ 3.00	\$ 1,440.00
	c. Topsoil and Seeding	240	L.F.	\$ 5.00	\$ 1,200.00	\$ 1.20	\$ 288.00	\$ 6.25	\$ 1,500.00	\$ 1.20	\$ 288.00
	d. Concrete sidewalk	320	S.F.	\$ 3.00	\$ 960.00	\$ 4.50	\$ 1,440.00	\$ 3.91	\$ 1,251.20	\$ 8.00	\$ 2,560.00
<b>5</b>	<b>ALTERNATE "B" ONLY</b>										
	1" Saddles on C-900 PVC	17	Each	\$ 100.00	\$ 1,700.00	\$ 46.50	\$ 790.50	\$ 27.00	\$ 459.00	\$ 45.00	\$ 765.00
	2" Saddles on C-900 PVC	5	Each	\$ 150.00	\$ 750.00	\$ 59.00	\$ 295.00	\$ 45.00	\$ 225.00	\$ 60.00	\$ 300.00
<b>6</b>	Water Services										
	a. 1" Standard Type	10	Each	\$ 500.00	\$ 5,000.00	\$ 395.00	\$ 3,950.00	\$ 1,030.00	\$ 10,300.00	\$ 375.00	\$ 3,750.00
	b. 1" Bored Type	5	Each	\$ 800.00	\$ 4,000.00	\$ 580.00	\$ 2,900.00	\$ 842.50	\$ 4,212.50	\$ 550.00	\$ 2,750.00
	c. 2" Standard Type	5	Each	\$ 600.00	\$ 3,000.00	\$ 955.00	\$ 4,775.00	\$ 1,566.25	\$ 7,831.25	\$ 500.00	\$ 2,500.00
	d. 1" Under Retaining Wall	2	Each	\$ 750.00	\$ 1,500.00	\$ 595.00	\$ 1,190.00	\$ 1,700.00	\$ 3,400.00	\$ 500.00	\$ 1,000.00
	e. Special reconections	3	Each	\$ 800.00	\$ 2,400.00	\$ 435.00	\$ 1,305.00	\$ 600.00	\$ 1,800.00	\$ 500.00	\$ 1,500.00
<b>7</b>	Disconnect & Abandon	L.S.	L.S.	\$ 2,500.00	\$ 2,500.00	\$ 1,947.15	\$ 1,947.15	\$ 750.00	\$ 750.00	\$ 2,400.00	\$ 2,000.00
<b>8</b>	Traffic Control	L.S.	L.S.	\$ 3,000.00	\$ 3,000.00	\$ 2,240.00	\$ 2,240.00	\$ 2,030.00	\$ 2,030.00	\$ 2,000.00	\$ 1,000.00
	<b>TOTAL BID ALT. "A":</b>				\$ 87,155.00		\$ 92,573.85		\$ 110,501.84		\$ 80,828.00
	<b>TOTAL BID ALT. "B":</b>				\$ 80,765.00		\$ 87,110.85		\$ 101,394.59		\$ 75,880.50



**PROJECT AREAS**





**TO:** Mayor and City Council

**THRU:** Dan Bartlett, City Manager *DB*  
 Dave Wheaton, Public Works Director *DW*

**FROM:** Mike Clark, Operations Supervisor

**RE:** 1996/97 Street Overlay Project  
 Bid Award

**DATE:** May 22, 1996

**ACTION REQUESTED**

Grant the City Manager authorization to enter into a contract with K.F. Jacobsen Paving Co. for the 1996/97 Street Overlay Project. for the bid amount of \$158,832.52.

**BACKGROUND**

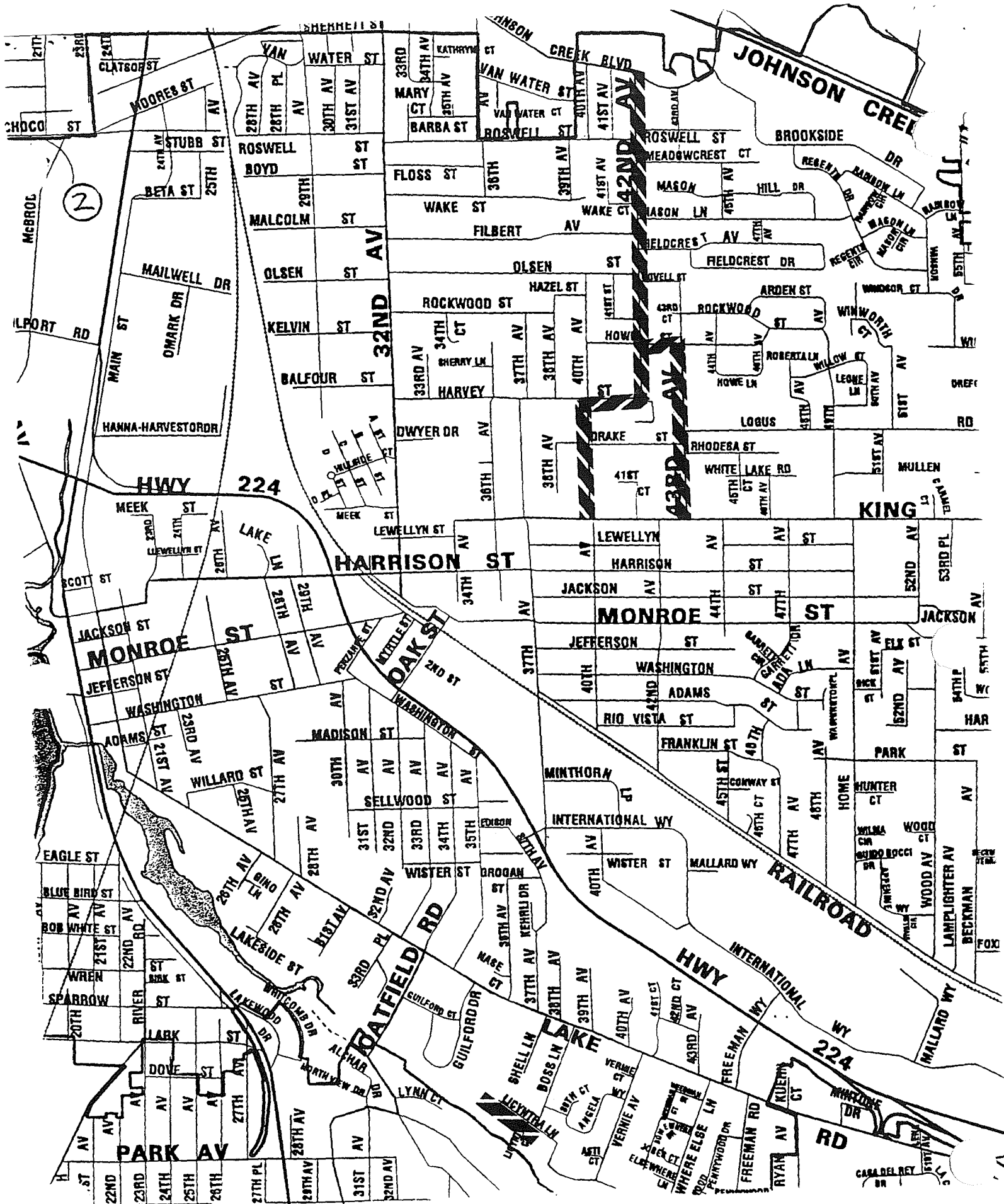
The Budget Committee approved \$177,630.00 for street overlays in the 1996/97 budget. The bid came in \$18,797.48 less than our engineers estimate.

I have attached a vicinity map to help show the project limits. Seven bid packets were received on May 21, 1996 for opening at 2:00PM at our Johnson Creek Facility. The bid summary and engineers estimate are attached.

Low bidder was K. F. Jacobsen Paving Co. Public Works has verified the bidders extensions. K. F. Jacobsen has done work for the City before and we have been very satisfied with their performance.

**RECOMMENDATION**

Therefore, it is the recommendation of the Public Works Department to award the contract for the 1996/97 Street Overlay Project to K. F. Jacobsen Paving Co. for \$158,832.52.



**LOCATION MAP**

1996 STREET OVERLAY PROJECT

Contractor:				K.F. Jacobsen		Oregon Asphaltic Paving		Kerr Contractors		Eagle Elsner, Inc.		Morse Brothers	
Item #	Item of Work	Estimated Quantity	Unit	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price
1	Mobilization	1	L.S.		\$1,230.00		\$4,000.00		\$11,500.00		\$2,600.00		\$3,000.00
2	Traffic Control	1	L.S.		\$7,300.00		\$6,000.00		\$6,625.00		\$10,200.00		\$4,000.00
3	Excavation	1	L.S.		\$4,500.00		\$4,000.00		\$6,200.00		\$7,000.00		\$8,500.00
4	Subgrade Geotextile	21,991	S.Y.	\$1.12	\$24,629.92	\$1.10	\$24,190.10	\$1.18	\$25,949.38	\$1.15	\$25,289.65	\$1.25	\$27,488.75
5	Asphaltic Class C	3,859	tons	\$31.40	\$121,172.60	\$32.50	\$125,417.50	\$31.00	\$119,629.00	\$33.50	\$129,276.50	\$36.40	\$140,467.60
<b>TOTAL BID PRICE:</b>					\$158,832.52		\$163,607.60		\$169,903.38		\$174,366.15		\$183,456.35

(3)

1996 STREET OVERLAY PROJECT

Contractor:				Parker NW Paving		Lakeside Industries		Engineer's Estimate	
Item #	Item of Work	Estimated Quantity	Unit	Unit Price	Total Bid Price	Unit Price	Total Bid Price		
1	Mobilization	1	L.S.		\$7,850.00		\$6,000.00		\$5,000.00
2	Traffic Control	1	L.S.		\$7,000.00		\$15,000.00		\$7,000.00
3	Excavation	1	L.S.		\$6,200.00		\$6,000.00		\$5,000.00
4	Subgrade Geotextile	21,991	S.Y.	\$1.25	\$27,488.75	\$1.26	\$27,708.66	\$1.25	\$27,488.75
5	Asphaltic Class C	3,859	tons	\$36.00	\$138,924.00	\$35.50	\$136,994.50	\$33.50	\$129,276.50
<b>TOTAL BID PRICE:</b>					\$187,462.75		\$191,703.16		\$173,765.25

REQUEST FOR BIDS

Notice is hereby given that Milwaukie, Oregon will receive sealed bids until 2:00 pm on May 21st, 1996 at the office of the Public Works Director at the Public Service Facility located at 6101 SE Johnson Creek Boulevard. At that time each bid received will be publicly opened and read for the 1996 STREET OVERLAY PROJECT. Late bids will not be considered.

The proposed work consists of installing 21,991 ± sq.yds. of reinforcing fabric over a specified layer of AR4000 and applying 3,859± tons of State Class C asphalt; traffic control, and other apputenances as required.

Bidders must be prequalified for street construction. Bidders not currently prequalified for this contract by the Oregon State Department of Transportation (ODOT) may apply for prequalification by filing a completed prequalification statement of a form prescribed by ODOT, or may request a blank prequalification form at the above-noted location. Bidders filing prequalification applications must request an early decision and file the statement no later than May 10th, 1996.

A non-refundable fee for plans and specifications is ten dollars (\$10.00) per set (\$2.50 additional per set if mailing is requested). Contract documents may be examined at the Public Service Facility. All bidders shall comply with the requirements of ORS 279.350 "Workmen To Be Paid Not Less Than Prevailing Wage Rates". The project is to be completed within sixty (60) calendar days after issuance of Notice to Proceed. Protests of bid specifications shall be presented to the City in writing no later than Friday, May 10th, 1996. Envelopes containing protests shall be marked: BID SPECIFICATION PROTEST - 1996 STREET OVERLAY PROJECT.

Bids shall be addressed to David B. Wheaton, Public Works Director, 6101 SE Johnson Creek Blvd., Milwaukie Oregon 97206, and clearly marked "BID FOR STREET OVERLAY PROJECT". All proposals must be accompanied by a bid guarantee in the amount of ten percent (10%) of the total bid. The successful bidder will be required to furnish a bond for faithful performance of the contract in the full amount of the contract price. Bid shall be typed or prepared in ink, and shall be signed in ink by the bidder or an authorized representative of the bidder. Alterations or erasures, if any, shall be initialed in ink by the person signing the bid.

The City of Milwaukie reserves the right to reject any or all bids or to waive any informalities in the bidding.

David B. Wheaton  
Public Works Director  
City of Milwaukie

April 30, 1996

### Bid Proposal

TO: David B. Wheaton  
Public Works Director  
6101 SE Johnson Creek Blvd.  
Milwaukie, Oregon 97206

The undersigned (check one of the following and insert information requested);

a. A Corporation organized and existing under the laws of the State of Oregon; or

b. A partnership registered under the laws of the State of \_\_\_\_\_; or

c. An individual doing business under and assumed name registered under the laws of the State of \_\_\_\_\_

The undersigned bidder declares that the only persons or parties interested in this proposal are those named herein, and that this proposal is in all respects fair and without fraud and that it is made without collusion with any representative of the Owner.

The bidder further declares that: a) s/he have examined the plans, specifications, and other proposed contract documents; b) s/he have determined the extent, nature and type of work to be done, the location and condition of the existing streets and roadways giving access to the site of the work, and topography of the site of the work; and c) s/he have satisfied themselves as to the conditions of the work and materials as included herein is brief, and is intended only to identify the said quantities with detailed requirements of the contract documents.

The bidder does hereby propose to furnish all materials, tools, equipment, and appliances; and to perform all labor and work necessary to construct and complete the project entitled:

#### 1996 STREET OVERLAY PROJECT

and all specified work appurtenant thereto, and in connection with this project for the Owner within the time limit specified and in accordance with plans, specifications, and change order documents prepared by the Public Works Director for the sums set forth in the following schedule of prices. Bidder agrees to comply with provisions of ORS 279.350, Oregon Prevailing Wage Rate Law.

6

Contract time of completion NOT TO EXCEED 60 calendar days from issuance of Notice to Proceed.

Accompanying herewith is Bid Security which is equal to ten percent (10%) of the total amount of the base bid.

The undersigned agrees, if awarded the Contract, to execute and deliver to the Owner within (10) days after receiving the Contract forms and Agreement, satisfactory Performance and Labor and Materials Payment Bonds, each in an amount equal to one hundred percent (100%) of the Contract sum, using forms provided therefor by the Owner. The Surety requested to issue the Performance Bond will be:

St. Paul Fire & Marine Insurance Co.

(Name of Surety Company)

The undersigned hereby authorizes said Surety to disclose any information to the Owner concerning the undersigned's ability to supply a Performance Bond in the amount of the Contract.

The undersigned certifies that: (1) this Bid has been arrived at independently and is being submitted without collusion with, and without any agreement, understanding, or planned common course of action with any vendor of materials, supplies, equipment or services described in the Advertisement for Bids designed to limit independent bidding or competition; and (2) the contents of the Bid have not been communicated by the undersigned or its employees or agents to any person not an employee or agent of the undersigned or its surety on any bond furnished with the Bid, and will not be communicated to any such person prior to the official opening of the bids; and (3) if awarded the Contract s/he will commence work within ten (10) calendar days after the date of receipt of written Notice to Proceed, and that s/he will complete the work within the specified number of days set forth in the Agreement.

The undersigned certifies that s/he has received and duly considered the following Addenda to the specifications.

Addenda Number(s): # 1 to \_\_\_\_\_, inclusive.

Bid Item List

Item No.	Description	Est. Qty.	Unit	Unit Price	Total Cost
1.	Mobilization	1	L.S.	_____	<u>1,230.<sup>00</sup></u>
2.	Traffic Control	1	L.S.	_____	<u>7300.<sup>00</sup></u>
3.	Excavation	1	L.S.	_____	<u>4500.<sup>00</sup></u>
4.	Subgrade Geotextile	21,991	S.Y.	<u>1.12</u>	<u>24,629.<sup>92</sup></u>
5.	Asphalt Class C	3,859	tons	<u>31.40</u>	<u>121,173.<sup>60</sup></u>

Total Bid Price 158,832.<sup>52</sup>

One hundred fifty eight thousand eight hundred thirty two dollars and 52 cents

The undersigned agrees, if awarded the Contract, they will comply with the provisions of the Contract Documents.

NAME OF FIRM K. F. Jacobsen & Co., Inc.

ADDRESS P.O. Box 82245  
Portland, Or., 97282-0245

TELEPHONE 503-239-5532

SIGNED \* Donald R. Donovan  
DONALD R. DONOVAN GENERAL MANAGER

If Corporation, Attest Michael J. Taylor  
(Secretary of Corporation)

(SEAL)

\* If bid is by partnership, one of the partners must sign



## MEMORANDUM

**TO:** Mayor and City Council  
**THROUGH:** Dan R. Bartlett, City Manager *[Signature]*  
**FROM:** Angus M. Anderson, Finance Director *[Signature]*  
**DATE:** May 23, 1996  
**RE:** Ordinances/Resolutions re Budget for FY 1996-97

**RECOMMENDATION:**

Consider attached Ordinances and Resolutions which are required to be enacted prior to the beginning of Fiscal Year 1996-97 on July 1, 1996.

**BACKGROUND INFORMATION:**

Attached are the following ordinances/resolutions in conjunction with budgeting for Fiscal Year 1996-97:

- ◆ Resolution to Adopt the Budget, Make Appropriations and Levy and Categorize Taxes
- ◆ Ordinance to establish the tax rate for the Economic Improvement District (MDDA) and levy the tax
- ◆ Ordinance to accept state revenue sharing funds
- ◆ Resolution certifying services provided with revenue sharing funds
- ◆ Resolution authorizing redemption of bonds and authorizing elimination of the Improvement Bond Sinking Fund

MILWAUKIE, CLACKAMAS COUNTY, OREGON

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

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARING THE AD VALOREM TAX LEVY FOR FISCAL YEAR 1996-97,

WHEREAS, The Budget Committee of The City of Milwaukie met and approved the Proposed Budget on April 30, 1996, and

WHEREAS, The City subsequently published the Notice of Budget Hearing together with Financial Summary as required by ORS 294.416 in The Clackamas Review on May 30, 1996 with a second notice being published in The Clackamas Review on June 6, 1996, and

WHEREAS, on June 18, 1996, a public meeting was held, testimony taken, and deliberations made by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of The City of Milwaukie, Clackamas County, Oregon that

- section 1. On June 18, 1996, The Council of The City of Milwaukie hereby adopts the budget for fiscal year 1996-97 in a total sum of \$30,572,621. A copy of the budget document is now on file in City Hall, 10722 S.E. Main Street, Milwaukie, Oregon.
• section 2. For the fiscal year beginning July 1, 1996, the amounts shown below are hereby appropriated for the purposes indicated within the funds listed:

Table with 3 columns: FUND, APPROPRIATION CATEGORY, and APPROPRIATION. Rows include Administration/Community Service, Police Services, Community Development, Public Works, Finance, Transfers, Contingency, and a total for GENERAL FUND of \$ 8,811,649.

CODE ENFORCEMENT ABATEMENT FUND	Public Works	\$ 50,000
	Contingency	12,000
	<b>CODE ENFORCMNT ABATMNT</b>	<b>\$ 62,000</b>
STATE GAS TAX/ST REPAIR FND	Public Works	\$ 1,478,916
	Contingency	31,208
	<b>TOTAL STATE GAS TAX FUND</b>	<b>\$ 1,510,124</b>
BIKE PATH FUND	Public Works	\$ 3,151
	Contingency	36,342
	<b>TOTAL BIKE PATH FUND</b>	<b>\$ 39,493</b>
STORM SEWER SDC FUND	Public Works	\$ 1,440
	Contingency	77,971
	<b>TOTAL STORM SEWER SDC FND</b>	<b>\$ 79,411</b>
WATER SDC FUND	Public Works	\$ 3,272
	Contingency	271,944
	<b>TOTAL WATER SDC FND</b>	<b>\$ 275,216</b>
SEWER SDC FUND	Public Works	\$ 8,192
	Contingency	781,377
	<b>TOTAL SEWER SDC FUND</b>	<b>\$ 789,569</b>
PARKS ACQUISITION FUND	Administration/Community Service	\$ 1,626,554
LIBRARY SERVICES FUND	Administration/Community Service	\$ 1,187,792
	Contingency	149,312
	<b>TOTAL LIBRARY SRVCS FUND</b>	<b>\$ 1,337,104</b>
PUBLIC SAFETY FUND	Police Services	\$ 138,753
	Fire-Rescue Services	2,952,995
	Contingency	556,085
	<b>TOTAL PUBLIC SAFETY FUND</b>	<b>\$ 3,647,833</b>
WATER FUND	Public Works	\$ 2,164,091
	Debt Service	148,043
	Contingency	1,251,224
	<b>TOTAL WATER FUND</b>	<b>\$ 3,563,358</b>

SEWER FUND	Public Works	\$ 2,646,489
	Contingency	418,093
	<b>TOTAL SEWER FUND</b>	<b>\$ 3,064,582</b>
STORM SEWER FUND	Public Works	\$ 883,638
	Contingency	261,560
	<b>TOTAL STORM SEWER FUND</b>	<b>\$ 1,145,198</b>
PUBLIC SAFETY FACILITY DEBT SERVICE FUND	Debt Service	\$ 455,315
	Reserves	540,454
	<b>TOTAL PUBLIC SAFETY FAC DEBT SRV</b>	<b>\$ 995,769</b>
CAPITAL PROJECTS	Capital outlay	\$ 152,255
FLEET SERVICES	Public Works	\$ 398,595
FACILITIES MANAGEMENT	Public Works	\$ 520,810
ADMINISTRATIVE SERVICES	Legislative	\$ 38,3
	Administration/Community Service	832,539
	Public Works	756,202
	Finance	842,514
	Contingency	37,822
	<b>TOTAL ADMIN SERVICES FUND</b>	<b>\$2,507,387</b>
KNUTSON CEMETARY TRUST	Public Works	\$ 40,714
FORFEITURE TRUST	Transfers	\$ 5,000
	<b>TOTAL APPROPRIATIONS</b>	<b>\$30,572,621</b>

• section 3 The City Council of the City of Milwaukie determines that the required tax levy for 1996-1997 to be the aggregate amount of \$ 6,847,302; that these are hereby levied upon all taxable property within said City as of 1:00 a.m. on July 1, 1996; and that the Budget Officer is hereby directed to certify the levy to the County Assessor. The following allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy:

	SUBJECT TO GENERAL GOVNT LIMIT	NOT SUBJECT TO GENERAL GOVNT LIMIT
GENERAL FUND TAX BASE	\$ 5,279,744	
LIBRARY SERVICES SERIAL LEVY	200,000	
PUBLIC SAFETY SERIAL LEVY	858,000	
PUBLIC SAFETY DEBT SERVICE LEVY		\$ 509,558
<b>TOTAL LEVY</b>	<b>\$ 6,337,744</b>	<b>\$ 509,558</b>

Introduced and adopted by the City Council on June 18, 1996.

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:  
O'DONNELL, RAMIS, CREW, CORRIGAN & BACHRACH

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

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

**CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DETERMINING THE ECONOMIC IMPROVEMENT DISTRICT ASSESSMENTS FOR FISCAL YEAR 1996-97 AND DIRECTING THAT THEY BE CERTIFIED TO THE CLACKAMAS COUNTY TAX ASSESSOR FOR COLLECTION.**

**WHEREAS**, after notice and hearing, Ordinance No. 1694 was adopted by the Council on February 5, 1991, and established a procedure for creating an economic improvement district; and

**WHEREAS**, after notice and hearing, Ordinance No. 1759 was adopted by the Council on April 19, 1994 which continued an economic improvement district created by Ordinance No. 1704 which was adopted on May 7, 1991, which Ordinance also determined the boundaries of the district, determined the formula for assessment of benefited properties and assessed the benefited properties within the district boundaries for a three year period; and

**WHEREAS**, Ordinance No. 1710 adopted by Council on July 16, 1991, amended Ordinance No. 1704 to provide for a fiscal year collection cycle and to provide for certification of the assessments to the County Tax Assessor for collection; and

**WHEREAS**, pursuant to Ordinances No. 1759 and 1710, the assessment for 1996-97 shall be determined by ordinance and certified to the Clackamas County Tax Assessor for collection; now, therefore;

**THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:**

SECTION 1. The City Council hereby adopts the assessment roll attached hereto as Exhibit "A" for the 1996-97 assessments for the Economic Improvement District.

SECTION 2. The total assessment amount of \$18,000 and the individual assessments listed upon the assessment roll shall be certified to the Clackamas County Tax Assessor for collection as required by Article XI, section 11b of the Oregon Constitution.

SECTION 3. The City Council finds that because the economic improvement district assessments must be certified for collection to the Clackamas County Tax Assessor on or before July 15, 1996, the provisions of this ordinance must go into effect immediately. Therefore, an emergency is declared to exist and this ordinance shall take effect upon its passage.

Read for the first time on June 18, 1996 and moved to a second reading by \_\_\_\_\_ vote of the City Council.

Read for the second time and adopted by the City Council of the City of Milwaukie, Oregon on June 18, 1996.

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:  
O'DONNELL, RAMIS, CREW, CORRIGAN & BACHRACH

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

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

EXHIBIT	OWNER	MAILING 1	MAILING 2	MAILING 3	MAILING 4	MAILING 5	LOCATION 1	LOCATION 2	LOCATION 3	EXEMPT VALUE	LAND VALUE	BUILDING VALUE	SUBJECT VALUE	VALUE / 1,000	ASSESMENT	AMOUNT
11E25CC00300	SAMARITAN LODGE #2 IOOF	10282 SE MAIN	MILWAUKIE	OR	97222	10282	SE	MAIN ST		271,840	164,540	107,300	0	0.00	0.7461	EXEMPT
11E25CC00400	BRUNELLE, PAUL T.	1290 CENTERVILLE LN	GARDNERVILLE	NV	89410	10300	SE	MAIN ST		-	215,830	429,280	645,110	645.11	0.7461	481.29
11E25CC00401	OETKEN, WILLIAM	10306 SE MAIN ST	MILWAUKIE	OR	97222	10306	SE	MAIN ST		-	243,830	369,460	612,290	612.29	0.7461	458.80
11E25CC00402	OETKEN, WILLIAM	10306 SE MAIN ST	MILWAUKIE	OR	97222					-	50,070	4,510	54,580	54.58	0.7461	40.72
11E25CC00403	US NATL BANK OF OREGON	111 SW FIFTH AVE #355	PORTLAND	OR	97204	10400	SE	MAIN ST		-	234,300	527,860	762,160	762.16	0.7461	568.62
11E25CC00404	HORTON, JAY SCOTT	4188 SE PINEHURST	MILWAUKIE	OR	97267	10477	SE	MAIN ST		-	118,270	228,180	346,450	346.45	0.7461	258.47
11E25CC00405	ROBERTS, ROBERT	13555 SW CANYON RD	BEAVERTON	OR	97005	10387	SE	MAIN ST		-	24,790	56,380	81,170	81.17	0.7461	60.56
11E25CC00406	BRUNELLE, PAUL T.	1290 CENTERVILLE LN	GARDNERVILLE	NV	89410	10415	SE	MAIN ST		-	74,510	58,420	132,930	132.93	0.7461	99.17
11E25CC00407	LEE, JAEDOO	10345 SE MAIN ST	MILWAUKIE	OR	97222	10345	SE	MAIN ST		-	27,890	45,930	73,820	73.82	0.7461	55.07
11E25CC00700	NELSON, MYRON G.	PO BOX 22872	MILWAUKIE	OR	97222	10466	SE	MAIN ST		-	127,570	364,880	492,450	492.45	0.7461	367.40
11E25CC00800	NELSON, MYRON G.	PO BOX 22872	MILWAUKIE	OR	97222					-	71,540	0	71,540	71.54	0.7461	53.37
11E25CC00900	KAY, DR. JOEL	10707 SE STANLEY ST	MILWAUKIE	OR	97222	2215	SE	HARRISON ST		-	48,030	75,470	123,500	123.50	0.7461	92.14
11E25CC01001	SAMUELS, ARTHUR	10565 SE 23RD AVE	MILWAUKIE	OR	97222	10565	SE	23RD AVE		-	104,930	141,410	246,340	246.34	0.7461	183.78
11E35AA00100	BRANCH PROPERTIES, INC.	PO BOX 6400	PORTLAND	OR	97228	10501	SE	MAIN ST		-	144,270	194,480	338,750	338.75	0.7461	252.73
11E35AA00101	PMC ACQUISITION CORPORATION	PO BOX 82069	PORTLAND	OR	97282					-	71,780	7,730	79,510	79.51	0.7461	59.32
11E35AA00200	PMC ACQUISITION CORPORATION	PO BOX 82069	PORTLAND	OR	97282	1915	SE	SCOTT ST		-	106,700	246,820	353,520	353.52	0.7461	263.75
11E35AA00300	STRAUSS, DAVID S CO TRUSTEE	4725F SW CALDEW ST	PORTLAND	OR	97219	10605	SE	MAIN ST		-	42,310	97,160	139,470	139.47	0.7461	104.05
11E35AA00400	DUKAR, SADIE SUE 1/4	1926 SE SCOTT ST	MILWAUKIE	OR	97222	1926	SE	SCOTT ST		-	38,740	119,240	157,980	157.98	0.7461	117.86
11E35AA00500	SOUTHWELL, GALE O. TRUSTEE	PO BOX 486	NESKOWIN	OR	97149	10600	SE	MCLOUGHLIN BLVD		-	90,620	302,870	393,490	393.49	0.7461	293.57
11E35AA00700	FAR WEST FEDERAL BANK SB	425 SW WASHINGTON ST	PORTLAND	OR	97204	1915	SE	HARRISON ST		-	140,700	259,300	400,000	400.00	0.7461	298.42
11E35AA00800	FAR WEST FEDERAL BANK SB	425 SW WASHINGTON ST	PORTLAND	OR	97204	10633	SE	MAIN ST		-	42,920	107,080	150,000	150.00	0.7461	111.91
11E35AA00900	CITY OF MILWAUKIE	10722 SE MAIN ST	MILWAUKIE	OR	97222					168,700	150,230	18,470	0	0.00	0.7461	EXEMPT
11E35AA01000	OLSON BROS. ENTERPRISES	14115 SE MCLOUGHLIN BLVD	MILWAUKIE	OR	97222	10700	SE	MCLOUGHLIN BLVD		-	178,250	166,190	344,440	344.44	0.7461	256.97
11E35AA01100	CITY OF MILWAUKIE	10722 SE MAIN ST	MILWAUKIE	OR	97222					149,290	149,290	0	0	0.00	0.7461	EXEMPT
11E35AA01200	LORENZINI, GILBERT H.	5426 SE LEXINGTON ST	PORTLAND	OR	97206	10880	SE	MCLOUGHLIN BLVD		-	49,460	76,310	125,770	125.77	0.7461	93.83
11E35AA01300	SAJ DEVLPAINVEST CO.	10151 SW BARBUR BLVD #200 D	PORTLAND	OR	97219	10801	SE	MAIN ST		-	124,590	157,400	281,990	281.99	0.7461	210.38
11E35AA01400	LINDQUIST, GRANT D.	10883 SE MAIN ST	MILWAUKIE	OR	97222	10883	SE	MAIN ST		-	40,520	151,430	191,950	191.95	0.7461	143.21
11E35AA01500	NEMEYER, MARY JANE	4503 SE KING RD	MILWAUKIE	OR	97222	10909	SE	MAIN ST		-	69,140	162,160	231,300	231.30	0.7461	172.56
11E35AA01600	KOENIG, KATHERINE	4503 SE KING RD	MILWAUKIE	OR	97222	10933	SE	MAIN ST		-	29,200	74,510	103,710	103.71	0.7461	77.37
11E35AA01700	EARHART, DEAN	2008 SE MONROE ST	MILWAUKIE	OR	97222	10955	SE	MAIN ST		-	26,040	73,780	99,820	99.82	0.7461	74.47
11E35AA01800	SUBURBAN EXPLORATIONS INC.	10977 SE MAIN ST	MILWAUKIE	OR	97222	10999	SE	MAIN ST		-	45,300	195,560	240,860	240.86	0.7461	179.70
11E35AA01900	ATLANTIC RICHFIELD CO	PO BOX 2485	LOS ANGELES	CA	90051	10968	SE	MCLOUGHLIN BLVD		-	150,230	203,900	354,130	354.13	0.7461	264.20
11E35AA02100	ROBERTS, WILLIAM F.	1912 SE MONROE ST	MILWAUKIE	OR	97222	1906	SE	MONROE ST		-	51,850	100,740	152,590	152.59	0.7461	113.84
11E35AA02200	SPEER, FRED J.	7795 SW NORTHVALE	PORTLAND	OR	97225	10993	SE	MCLOUGHLIN BLVD		-	35,760	50,070	85,830	85.83	0.7461	64.03
11E35AA02300	WALTER, PHILIP H.	10949 SE MCLOUGHLIN BLVD	MILWAUKIE	OR	97222	10937	SE	MCLOUGHLIN BLVD		-	35,760	91,980	127,740	127.74	0.7461	95.30
11E35AA02400	W M B INVESTMENT COMPANY	6795 SW 111TH	BEAVERTON	OR	97005	10901	SE	MCLOUGHLIN BLVD		-	15,490	81,070	96,560	96.56	0.7461	72.04
11E35AA02500	CITY OF MILWAUKIE	10722 SE MAIN ST	MILWAUKIE	OR	97222	10887	SE	MCLOUGHLIN BLVD		47,670	18,470	29,200	0	0.00	0.7461	EXEMPT
11E35AA02600	MCMILLAN, DAVID C.	1132 SE CORA ST	PORTLAND	OR	97202	10875	SE	MCLOUGHLIN BLVD		-	24,420	37,540	61,960	61.96	0.7461	46.23
11E35AA02700	CITY OF MILWAUKIE	10722 SE MAIN ST	MILWAUKIE	OR	97222					83,070	76,890	6,180	0	0.00	0.7461	EXEMPT
11E35AA02800	CITY OF MILWAUKIE	10722 SE MAIN ST	MILWAUKIE	OR	97222	10799	SE	MCLOUGHLIN BLVD		168,100	64,970	103,130	0	0.00	0.7461	EXEMPT
11E35AA03901	SOUTHERN PACIFIC TRANS CO	ONE MARKET PLAZA #200	SAN FRANCISCO	CA	94105					21,450	21,450	0	0	0.00	0.7461	EXEMPT
11E35AA04400	KLEIN, RALPH E.	10795 SE RIVERWAY LN	MILWAUKIE	OR	97222	10795	SE	RIVERWAY LN		-	240,110	60,030	300,140	300.14	0.7461	223.92
11E35AA04700	COBB, JAMES W.	PO BOX 25663	PORTLAND	OR	97225					-	140,090	0	140,090	140.09	0.7461	104.52
11E35AA04800	COBB, JAMES W.	PO BOX 25663	PORTLAND	OR	97225					-	23,230	0	23,230	23.23	0.7461	17.33
11E35AA04900	COBB, JAMES W.	PO BOX 25663	PORTLAND	OR	97225					-	60,790	1,050	61,840	61.84	0.7461	46.14
11E35AD00100	EMAMI, DAVID	1049 SW BASELINE #420	HILLSBORO	OR	97123	11011	SE	MAIN ST		-	67,960	73,920	141,880	141.88	0.7461	105.85
11E35AD00200	GRAHAM, PAUL G.	4215 FRUITWOOD CT	LAKE OSWEGO	OR	97034	11049	SE	MAIN ST		-	84,970	157,400	222,370	222.37	0.7461	165.90
11E35AD00400	MCCLAIN, J. GARY 1/3	11073 SE MAIN ST	MILWAUKIE	OR	97222	11073	SE	MAIN ST		-	24,420	190,530	214,950	214.95	0.7461	160.37
11E35AD00500	THOMAS, DONALD R.	3719 SE 144TH AVE	PORTLAND	OR	97236	1925	SE	WASHINGTON ST		-	24,190	64,970	89,160	89.16	0.7461	66.52
11E35AD00700	WEST ONE BANK	PO BOX 8247	BOISE	ID	83733	11088	SE	MCLOUGHLIN BLVD		-	141,880	195,820	337,700	337.70	0.7461	251.94
11E35AD00800	UNIVERSE CORPORATION	PO BOX 5969	PORTLAND	OR	97228	11010	SE	MCLOUGHLIN BLVD		-	67,960	122,810	190,770	190.77	0.7461	142.33
11E35AD00900	SOUTHERN PACIFIC TRANS CO	ONE MARKET PLAZA #200	SAN FRANCISCO	CA	94105					-	86,280	0	86,280	86.28	0.7461	64.37
11E35AD01000	CAFFALL BRO. FOREST PROD, INC.	PO BOX 725	WILSONVILLE	OR	97077	1405	SE	MCLOUGHLIN BLVD		-	156,590	45,300	201,890	201.89	0.7461	150.62
11E35AD01001	CITY OF MILWAUKIE	10722 SE MAIN ST	MILWAUKIE	OR	97222					322,510	281,990	40,520	0	0.00	0.7461	EXEMPT
11E35AD01100	SMITH, GLEN R.	12203 SE 19TH AVE	MILWAUKIE	OR	97222	11100	SE	MCLOUGHLIN BLVD		-	147,850	208,070	355,920	355.92	0.7461	265.54
11E35AD01200	STOUTENBURG, DAVID LEROY	3341 SE ALDERCREST RD	MILWAUKIE	OR	97222	11103	SE	MAIN ST		-	42,920	82,270	125,190	125.19	0.7461	93.40
11E35AD01300	SMITH, GLEN	12203 SE 19TH AVE	MILWAUKIE	OR	97222					-	20,250	0	20,250	20.25	0.7461	15.11
11E35AD01301	SMITH, GLEN	12203 SE 19TH AVE	MILWAUKIE	OR	97222					-	20,250	0	20,250	20.25	0.7461	15.11
11E35AD01302	SMITH, GLEN	12203 SE 19TH AVE	MILWAUKIE	OR	97222					-	20,250	0	20,250	20.25	0.7461	15.11
11E35AD01400	CITY OF MILWAUKIE	10722 SE MAIN ST	MILWAUKIE	OR	97222					102,540	102,540	0	0	0.00	0.7461	EXEMPT
11E35AD01500	CLACKAMAS CO. SERV DIST #1	902 ABERNETHY RD	OREGON CITY	OR	97045	11525	SE	MCLOUGHLIN BLVD		7,718,880	515,320	7,203,560	0	0.00	0.7461	EXEMPT
11E35AD01600	CLACKAMAS COUNTY	902 ABERNETHY RD	OREGON CITY	OR	97045	1635	SE	MCLOUGHLIN BLVD		4,133,710	254,880	3,878,830	0	0.00	0.7461	EXEMPT
11E35DA00100	CLACKAMAS COUNTY	902 ABERNATHY ROAD	OREGON CITY	OR	97045					541,590	541,590	0	0	0.00	0.7461	EXEMPT
11E35DA00190	SOUTHERN PACIFIC TRANS CO	ONE MARKET PLAZA #200	SAN FRANCISCO	CA	94105					-	5,570	0	5,570	5.57	0.7481	4.18
11E36BB01300	CHESTNUT HILL CORP	2403 SE MONROE ST	MILWAUKIE	OR	97222	2403	SE	MONROE ST		-	144,390	482,060	606,450	606.45	0.7461	452.45
11E36BB01500	N CLACKAMAS SCH DIST #12	4444 SE LAKE RD	MILWAUKIE	OR	972											

11E36BB03300	NICHOLS, RODNEY S. 26%	733 SW REGENCY PL	PORTLAND	OR	97225					-	40,520	221,790	262,310	262.31	0.7461	195.70
11E36BB03301	NICHOLS, RODNEY S. 26%	733 SW REGENCY PL	PORTLAND	OR	97225					-	39,340	3,560	42,900	42.90	0.7461	32.01
11E36BB03400	PURPURA, GARY F.	3660 SE REX	PORTLAND	OR	97202	2025	SE	JEFFERSON ST		-	38,150	163,360	201,510	201.51	0.7461	150.34
11E36BB03500	MITCHELL, KENNETH M.	10956 SE MAIN ST	MILWAUKIE	OR	97222					-	36,110	4,160	40,270	40.27	0.7461	30.04
11E36BB03600	MUDELMAN, ALYSMAE 1/2	4126 SW 48TH PL	PORTLAND	OR	97221	2036	SE	MONROE ST		-	39,100	62,000	101,100	101.10	0.7461	75.43
11E36BB03700	MITCHELL, KENNETH M.	10956 SE MAIN ST	MILWAUKIE	OR	97222	10951	SE	21ST AVE		-	39,100	116,850	155,950	155.95	0.7461	116.35
11E36BB03800	MORSE, RICHARD K.	102 NE 1ST	CANBY	OR	97013	10998	SE	21ST AVE		-	95,090	78,690	173,780	173.78	0.7461	129.65
11E36BB03900	SOLOMON, KENNETH S.	10952 SE 21ST AVE	MILWAUKIE	OR	97222	10952	SE	21ST AVE		-	50,070	113,260	163,330	163.33	0.7461	121.85
11E36BB04000	WASHINGTON MUTUAL	1191 SECOND AVE	SEATTLE	WA	98111	10900	SE	21ST AVE		-	45,300	122,810	168,110	168.11	0.7461	125.42
11E36BB04100	WASHINGTON MUTUAL	1191 SECOND AVE	SEATTLE	WA	98111	2120	SE	MONROE ST		-	65,570	75,470	141,040	141.04	0.7461	105.22
11E36BB04200	WOLFE, GLENN H.	10275 SE 66TH	PORTLAND	OR	97222	2146	SE	MONROE ST		346,980	126,390	220,590	0	0.00	0.7461	EXEMPT
11E36BB04300	MORSE, RICHARD K.	102 NE 1ST	CANBY	OR	97013					-	103,850	0	103,850	103.85	0.7461	77.48
11E36BB04400	PRAMCO INC.	RT 1 BOX 82 A 1 C	NEWBERG	OR	97132	2305	SE	WASHINGTON ST		-	165,730	269,480	435,210	435.21	0.7461	324.69
11E36BB04500	EDGAR, PENNY RAYE	2316 SE MONROE ST	MILWAUKIE	OR	97222	2316	SE	MONROE ST		-	33,330	23,440	56,770	56.77	0.7461	42.35
11E36BB04600	ARCHDIOCESE OF PORTLAND	2838 E BURNSIDE ST	PORTLAND	OR	97214	2512	SE	MONROE ST		4,843,320	199,960	4,643,360	0	0.00	0.7461	EXEMPT
11E36BB04700	CORTI, GEORGE N.	3963 SE LAKE RD	MILWAUKIE	OR	97222	2326	SE	MONROE ST		-	39,970	68,940	108,910	108.91	0.7461	81.25
11E36BB04800	CORTI, GEORGE N.	3963 SE LAKE RD	MILWAUKIE	OR	97222	2406	SE	MONROE ST		-	37,420	33,520	70,940	70.94	0.7461	52.93
11E36BB04900	CORTI, GEORGE N.	3963 SE LAKE RD	MILWAUKIE	OR	97222	2416	SE	MONROE ST		-	37,420	49,270	86,690	86.69	0.7461	64.68
11E36BB05000	ARCHDIOCESE OF PORTLAND	2838 E BURNSIDE ST	PORTLAND	OR	97214					-	29,440	0	29,440	29.44	0.7461	21.96
11E36BB05100	ARCHDIOCESE OF PORTLAND	2838 E BURNSIDE ST	PORTLAND	OR	97214	10955	SE	25TH AVE		563,010	40,970	522,040	0	0.00	0.7461	EXEMPT
11E36BB05200	ARCHDIOCESE OF PORTLAND	2838 E BURNSIDE ST	PORTLAND	OR	97214					27,450	27,450	0	0	0.00	0.7461	EXEMPT
11E36BB05400	MORSE, RICHARD K.	102 NE 1ST ST	CANBY	OR	97013					-	30,000	0	30,000	30.00	0.7461	22.38
11E36BC00100	MORSE, RICHARD K.	102 NE 1ST	CANBY	OR	97013	10998	SE	21ST AVE		-	65,680	25,100	90,780	90.78	0.7461	67.73
11E36BC00200	LOMBARD, BERNARD E.	10609 SE 37TH AVE	MILWAUKIE	OR	97222	11050	SE	21ST AVE		-	42,920	141,880	184,800	184.80	0.7461	137.87
11E36BC00300	DENNIS, LAWRENCE A.	621 SE MANCHESTER PL	PORTLAND	OR	97202	11049	SE	21ST AVE		-	44,690	148,440	193,130	193.13	0.7461	144.09
11E36BC00400	NAEF, DOUGLAS E.	11085 SE 21ST AVE	MILWAUKIE	OR	97222	2025	SE	WASHINGTON ST		-	41,130	33,960	75,090	75.09	0.7461	56.02
11E36BC00500	ST. JOHN EVANGELIST	2036 SE JEFFERSON ST	MILWAUKIE	OR	97222	2036	SE	JEFFERSON ST		711,280	75,710	635,570	0	0.00	0.7461	EXEMPT
11E36BC00600	EVANGELIST PARISH	2036 JEFFERSON ST	MILWAUKIE	OR	97222					17,270	17,270	0	0	0.00	0.7461	EXEMPT
11E36BC00700	ATLAS CONSTRUCTION CO., INC.	4361 NE DIVISION ST	GRESHAM	OR	97030	11008	SE	MAIN ST		-	23,840	103,720	127,560	127.56	0.7461	95.17
11E36BC00800	MULLER, LOUIS G.	11056 SE MAIN ST	MILWAUKIE	OR	97222	11056	SE	MAIN ST		-	42,310	243,830	286,140	286.14	0.7461	213.48
11E36BC00900	LEE, NORMAN L. TRUSTEE	1935 SE WASHINGTON ST #500	MILWAUKIE	OR	97222	11094	SE	MAIN ST		-	104,930	142,060	246,990	246.99	0.7461	184.27
11E36BC01000	BERNARD, JOSEPH M. JR.	2036 SE WASHINGTON ST	MILWAUKIE	OR	97222					-	46,480	6,180	52,660	52.66	0.7461	39.29
11E36BC01100	MILWAUKIE POST 180 AM LGN	2036 SE WASHINGTON ST	MILWAUKIE	OR	97222	11126	SE	MAIN ST		-	26,220	102,540	128,760	128.76	0.7461	95.06
11E36BC01200	MILWAUKIE POST 180	2036 SE WASHINGTON ST	MILWAUKIE	OR	97222					-	1,180	0	1,180	1.18	0.7461	0.88
11E36BC01300	BUCHWALTER, MARIANNE TRUSTEE	135 SE HAWTHORNE BLVD	PORTLAND	OR	97214	11138	SE	MAIN		-	84,650	178,850	263,500	263.50	0.7461	196.59
11E36BC01400	BUCHWALTER, MARIANNE	135 SE HAWTHORNE BLVD	PORTLAND	OR	97214					-	54,830	4,510	59,340	59.34	0.7461	44.27
11E36BC01500	BERNARD, JOSEPH M.	2036 SE WASHINGTON ST	MILWAUKIE	OR	97222	2036	SE	WASHINGTON ST		-	40,520	48,880	89,400	89.40	0.7461	66.70
11E36BC01600	BERNARD, JOSEPH M. JR.	2036 SE WASHINGTON ST	MILWAUKIE	OR	97222	2036	SE	WASHINGTON ST		-	76,310	93,280	169,590	169.59	0.7461	126.52
11E36BC01700	WOOD, RICHARD J.	2206 SE WASHINGTON ST	MILWAUKIE	OR	97222	2206	SE	WASHINGTON ST		-	81,070	81,670	162,740	162.74	0.7461	121.41
11E36BC01900	BUHITE, EDEE	5215 SE ROETHE RD	MILWAUKIE	OR	97267	2115	SE	ADAMS ST		-	30,210	37,550	67,760	67.76	0.7461	50.55
11E36BC01901	CARGNI, JOHN V.	22150 E LOLO PASS RD	ZIG ZAG	OR	97049	2103	SE	ADAMS ST		-	32,180	113,260	145,440	145.44	0.7461	108.51
11E36BC01902	DOHERTY, THOMAS	2105 SE ADAMS	MILWAUKIE	OR	97222					-	8,330	2,370	10,700	10.70	0.7461	7.98
11E36BC01903	DOHERTY, THOMAS	2105 SE ADAMS	MILWAUKIE	OR	97222	2105	SE	ADAMS ST		-	28,610	95,380	123,990	123.99	0.7461	92.50
11E36BC02000	BERGERON, EDWARD J.	15875 SE 114TH AVE #J	CLACKAMAS	OR	97015	2136	SE	ADAMS ST		-	34,560	85,850	120,410	120.41	0.7461	89.83
11E36BC02900	HORTON, WILLIAM J. CO TRUSTEE	11226 SE 21ST AVE	MILWAUKIE	OR	97222	11238	SE	21ST AVE		-	148,440	247,420	395,860	395.86	0.7461	295.34
11E36BC03000	HORTON, WILLIAM J. CO TRUSTEE	11226 SE 21ST AVE	MILWAUKIE	OR	97222	11200	SE	21ST AVE		-	41,720	144,270	185,990	185.99	0.7461	138.76
11E36BC03100	BUCHWALTER, MARIANNE TRUSTEE	135 SE HAWTHORNE BLVD	PORTLAND	OR	97214	11222	SE	MAIN ST		-	69,140	164,370	233,510	233.51	0.7461	174.21
E36BC03100A1	BUCHWALTER, MARIANNE TRUSTEE	135 SE HAWTHORNE BLVD	PORTLAND	OR	97214	11222	SE	MAIN ST		-	28,610	74,660	103,270	103.27	0.7461	77.05
11E36BC03300	SANTILLI, STEVEN M.	12530 SE OATFIELD RD	MILWAUKIE	OR	97222					-	47,690	3,250	50,940	50.94	0.7461	38.00
11E36BC03600	DECRISTOPORO, MERENO	11358 SE 21ST AVE	MILWAUKIE	OR	97222	11358	SE	21ST AVE		-	32,780	38,740	71,520	71.52	0.7461	53.36
11E36BC03700	RISLEY, JEANNEL L.	201 SE 50TH AVE	PORTLAND	OR	97215	11380	SE	21ST AVE		-	62,000	92,390	154,390	154.39	0.7461	115.18
11E36BC03800	N CLACKAMAS SCH DIST #12	4444 SE LAKE RD	MILWAUKIE	OR	97222					5,570	5,570	0	0	0.00	0.7461	EXEMPT
11E36BC03900	N CLACKAMAS SCH DIST #12	4444 SE LAKE RD	MILWAUKIE	OR	97222					29,440	29,440	0	0	0.00	0.7461	EXEMPT
11E36BC04000	N CLACKAMAS SCH DIST #12	4444 SE LAKE RD	MILWAUKIE	OR	97222					31,420	31,420	0	0	0.00	0.7461	EXEMPT
11E36BC04200	N CLACKAMAS SCH DIST #12	4444 SE LAKE RD	MILWAUKIE	OR	97222	11300	SE	22ND AVE		2,027,040	80,450	1,946,590	0	0.00	0.7461	EXEMPT
11E36BC04800	BACHHUBER, THOMAS E. JR.	2236 SE WASHINGTON ST	MILWAUKIE	OR	97222	2236	SE	WASHINGTON ST		-	57,230	115,650	172,880	172.88	0.7461	128.98
11E36BC04801	OLSON, PAUL F.	14922 SE WANDA DR	MILWAUKIE	OR	97222	11165	SE	23RD AVE		-	66,760	242,060	308,820	308.82	0.7461	230.40
11E36BC05100	FROLAND LAWRENCE A.	14110 SE FAIR OAKS WY	MILWAUKIE	OR	97267	2306	SE	WASHINGTON ST		-	29,200	99,550	128,750	128.75	0.7461	96.06
11E36BC05200	PIACENTINI, FRANKLIN D.	11165 SE 23RD	MILWAUKIE	OR	97222					-	23,840	5,000	28,840	28.84	0.7461	21.52
11E36BC05300	PIACENTINI, FRANKLIN D.	11165 SE 23RD	MILWAUKIE	OR	97222	11162	SE	23RD AVE		-	35,760	252,790	288,550	288.55	0.7461	215.28
11E36BC05400	VANBERGEN, V. G.	2336 SE WASHINGTON ST	MILWAUKIE	OR	97222	2326	SE	WASHINGTON ST		-	46,480	69,140	115,620	115.62	0.7461	86.26
11E36BC05500	VANBERGEN, V. G.	2336 SE WASHINGTON ST	MILWAUKIE	OR	97222	2336	SE	WASHINGTON ST		-	63,190	110,280	173,470	173.47	0.7461	129.42
11E36CB02300	HARLAN, DALE M.	2202 SE LAKE RD	MILWAUKIE	OR	97222	202	SE	LAKE RD		-	50,070	30,990	81,060	81.06	0.7461	60.48
11E36CB02400	LIBBEY, DAVID C.	2136 SE LAKE RD	MILWAUKIE	OR	97222	2136	SE	LAKE RD		-	108,500	20,070	128,570	128.57	0.7461	95.82
11E36CB02600	HORTON, RUTH CO TRUSTEE	11226 SE 21ST AVE	MILWAUKIE	OR	97222	2100	SE	LAKE RD		-	150,230	339,840	490,070	490.07	0.7461	365.82
11E36CB02700	MEADS, HELEN C.	2046 SE LAKE RD	MILWAUKIE	OR	97222	2046	SE	LAKE RD		-	44,690	57,150	101,840	101.84	0.7461	75.98
								TOTALS		28,827,950	12,467,390	40,487,330	24,126,770	24.127		18,000.00
								SUBJECT TOTAL					24,126,770			
								SUBJECT TOTAL/1000					24.127			
								ASSESSMENT					18,000			
								RATE					\$0.7461			

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,  
OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE  
REVENUES**

The City of Milwaukie, Oregon does Ordain as follows:

PURSUANT to ORS 221.770, the City hereby elects to receive state revenue for fiscal year 1996-97.

Read the first time on June 18, 1996 and moved to second reading by a unanimous vote of the City Council.

Read the second time and adopted by the City Council on June 18, 1996.

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

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

APPROVED AS TO FORM  
O'DONNELL, RAMIS, CREW, CORRIGAN & BACHRACH

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

I certify that a public hearing was held before the Budget Committee on April 30, 1996, and a public hearing was held before the City Council on June 18, 1996, giving citizens the opportunity to comment on the use of state revenue sharing funds.

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

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,  
OREGON, CERTIFYING SERVICES PROVIDED FOR STATE REVENUE  
SHARING**

**WHEREAS**, IRS 221,760 provides as follows:

Section 1. The Officer responsible for disbursing funds to cities under ORS 323.455, 336.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- Police Protection
- Fire Protection
- Street Construction, maintenance and lighting
- Sanitary Sewers
- Storm Sewers
- Planning, zoning and subdivision control
- One or more utility services; and

**WHEREAS**, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the City of Milwaukie, Oregon hereby certifies that it provides the following municipal services:

- Police Protection
- Fire Protection
- Street Construction, maintenance and lighting
- Sanitary Sewers
- Storm Sewers
- Planning, zoning and subdivision control
- One or more utility services.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 18, 1996.

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:  
O'DONNELL, RAMIS, CREW, CORRIGAN & BACHRACH

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

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

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

**A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON,  
AUTHORIZING THE REDEMPTION OF BONDS AND AUTHORIZING  
THE ELIMINATION OF THE IMPROVEMENT BOND SINKING FUND.**

The City of Milwaukie, Oregon (the "City") finds as follows:

- A. The City issued its General Obligation Improvement Bonds, Series 1986, dated October 1, 1986 in the amount of One Hundred Eighty-Two Thousand Four Hundred Twenty-Three Dollars (\$182,423.00) (the "1986 Bonds"). The Bonds mature in various amounts from October 1, 1987 through October 1, 2001 and are subject to early call and redemption on October 1, 1996.
- B. The City maintains an Improvement Bond Sinking Fund which contains funds in excess of the amount necessary to redeem the 1986 Bonds.
- C. The City has no other outstanding bonds issued pursuant to O. R. S. 223.205 et seq., the Bancroft Bonding Act, and there will be no need to maintain the Improvement Bond Sinking Fund after the 1986 Bonds are redeemed.

**NOW, THEREFORE, BE IT RESOLVED** by the City as follows:

- 1. **Redemption.** The Finance Director is authorized and directed to provide notice of redemption of the City's 1986 Bonds to First Trust Washington, the City's paying agent and to cause publication of such notice to be made in the *Daily Journal of Commerce*, a financial newspaper published to the City of Portland, in substantially the form attached hereto as Exhibit A.
- 2. **Funding of Redemption.** The Finance Director is authorized and directed to deposit sufficient funds with the paying agent and to enter into such agreements with the paying agent as required to redeem the 1986 Bonds On October 1, 1986.
- 3. **Elimination of Fund.** Upon deposit of sufficient moneys as required pursuant to Section 2 hereof, the necessity for maintaining the Improvement Bond Sinking Fund shall cease and any balance remaining therein shall be transferred to the General Fund, such transfer to be effective June 30, 1996.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 18, 1996.

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:  
O'DONNELL, RAMIS, CREW, CORRIGAN & BACHRACH

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

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

Exhibit "A"

Notice of Redemption  
General Obligation Improvement Bonds, Series 1986

NOTICE IS IIEREBY GIVEN that the City of Milwaukie, Oregon has called for redemption on October 1, 1996, all of its then outstanding General Obligation Improvement Bonds, Series 1986 (the "Bonds"),

The Bonds will be redeemed at a price of one hundred percent (100%) of their principal amount, plus interest accrued to October 1, 1986. The redemption price of the Bonds is payable on presentation and surrender of the Bonds at the office of

First Trust Washington  
1000 S.W. Broadway, Suite 1750  
Portland, OR 97205-3069

Interest on all Bonds or portions thereof which are redeemed shall cease to accrue on October 1, 1996.

The following Bonds are being redeemed:

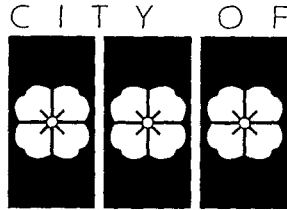
<u>Principal Amnt</u>	<u>Date of Maturity (Oct. 1)</u>	<u>CUSIP Number</u>	<u>Interest Rate</u>
\$ 10,000	1997	6024533DP4	6.30 %
\$ 10,000	1998	6024533DQ2	6.40 %
\$ 10,000	1999	6024533DR0	6.50 %
\$ 10,000	2000	6024533DS8	6.60 %
\$ 10,000	2001	6024533DT6	6.70 %

By Order of City of Milwaukie

First Trust Washington, as Paying Agent

Dated-\_\_\_\_\_

Under the Interest and Dividend Tax Compliance Act of 1983, payor may be required to withhold 31% of the redemption price from any Bondowner who fails to provide to payor and certify under penalties of perjury, a correct taxpayer identifying number (employer identification number or social security number, as appropriate) or an exemption certificate on or before the date the Bonds are presented for payment. Bondowners who wish to avoid the application of these provisions should submit a completed Form W-9 when presenting their Bonds.



MILWAUKIE  
*confidential*

\*\*\* MEMORANDUM \*\*\*

June 10, 1996

To: Mayor and City Council

Through: Dan Bartlett, City Manager

From: Charlene Richards, Assistant to the City Manager *CR*

Subject: Mutual Gains Bargaining

**Action Requested:** Authorize the Mayor and City Manager to sign, on behalf of the City, the three collective bargaining agreements. The agreements cover July 1, 1996 through June 30, 1999. They are with the International Fire Fighters Association (IAFF), the Milwaukie Employees Association-American Federation of State, County, and Municipal Employees (MEA-AFSCME) and, and Milwaukie Police Employees Association (MPEA).

**Background:**

The City Council and the leadership of the three bargaining units agreed to change the way the City bargained. With the assistance of an outside consultant, the City and the above mentioned bargaining units developed a format and process for mutual-gains coalition bargaining. The group agreed to discuss issues and problems and develop and agree to solutions through a mutual gains process. This group of dedicated employees developed a working relationship between labor and management that results in quality service to the community.

The new agreements are for three years. Significant changes are as follows:

- Through reorganization of all three agreements, each contract covers the same subject in the same Article.
- The first article of each contract contains a compact. The compact includes the City's vision, mission, and values. It also includes ground rules for mutual gains problem solving.
- The MPEA and IAFF contracts add, by reference to the City's Personnel Rules, criteria for determining specialty pay for future specialty assignments. Additionally, this section adds the Public Information Officer assignment within the Police Department as a specialty assignment to receive specialty pay.

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

- Coach and working out of class assignments will require written management approval to receive additional pay.
- A more detailed description of flex arrangements is added by reference to the Personnel Rules. Flex arrangements are at management discretion. Flex arrangements may include compressed work weeks, flex schedules, telecommuting, job-share, and part-time work.
- Wage schedules reflect a three year implementation of the Market Study for MEA and MPEA Dispatcher Clerks. The current wages are increased by three percent (3%) for fiscal year 1996/97, prior to adding the general increase. One-half of the remaining difference between market and current wages is given in fiscal year 1997/98. In fiscal year 1998/99, the market salary schedule is fully implemented. MPEA and IAFF employees are placed on the market salary schedule beginning fiscal year 1996/97, since wages currently reflect the market. The intended result is recruitment and retention of high quality employees.
- A 3% general increase is included for fiscal year 1996/97. For future years, the City will continue to use the prior year annual average CPI-U Portland index with a minimum 3% and maximum 6%. This will assist the City to remain competitive.
- Convert from self-insured vision coverage to Usual and Customary (UCR) vision coverage through medical insurance programs for MEA and IAFF. MPEA currently has UCR vision coverage. Split any changes in premium costs 50%-50%. If the premium increase was over 10%, the employee share of the increase would be no greater than 50% of the 10% increase, that is equal in dollars to a 5% premium increase.
- Add to the IAFF agreement, a \$500 per fiscal year match for employee contribution to the City's deferred compensation programs. MEA and MPEA currently have this provision.
- Apply the boot allowance to all field employees required to wear work boots. Increase the maximum reimbursement from \$75 to \$80 per fiscal year. This will keep up with increasing costs.
- Continue to provide a sick leave incentive program for MPEA at 8 hours time off earned for each quarter sick leave is not used. Change from compensatory time off to vacation. This will allow greater management flexibility with scheduling time off for employees. Change the MEA agreement to be consistent with the MPEA program. The program improves the safety and productivity of employees.
- To reduce overtime, provide City scheduled mandatory days off including three existing vacation days and three new Kelly Days. These days are scheduled so that Fair Labor Standards Act (FLSA) overtime pay will not be required for regular work hours. This is an experimental program.

- For MPEA, establish a maximum accrual of 120 days per fiscal year of compensatory time off to reduce scheduling problems and overtime costs.
- Provide off-season vacation scheduling for Police, Fire, and Public Works Operations, to reduce overtime and to improve work efficiency and staffing during peak work times. It may also allow less senior employees the opportunity to schedule prime time vacations.
- Allow sell back of three work days of compensatory time off in any one fiscal year to reduce CTO liability and to reduce overtime and scheduling problems.

The MPEA and IAFF bargaining units ratified their agreements following meetings with their employees. The MEA-AFSCME bargaining unit will meet in advance of the Council meeting on June 18, 1996, to discuss ratification of the agreement.

Total cost to the City for all funds for all three agreements and for all non-bargaining unit employees for wages is approximately \$290,000. This includes all pay costs such as overtime, specialty assignment, and benefit costs driven by wages.



**MEMORANDUM**  
**PUBLIC WORKS DEPARTMENT**  
**June 18, 1996**

**To:** Mayor and City Council

**Through:** Dan Bartlett, City Manager *DB*  
Dave Wheaton, Public Works Director *DW?*

**From:** Rich Atkinson, Code Enforcement

**Re:** Community Service Work Project Program

**Action Requested/Recommended**

By Council Resolution, authorize the City code compliance staff to organize Community Service Work Projects as necessary, throughout the city, to assist with code abatement projects.

**Background**

Many citizens with debilitating illnesses, or those who fall within the Clackamas County housing/low income guidelines, are unable to, or cannot afford to, abate the various nuisances of accumulating trash and debris around their property. When these health and safety issues are not resolved, these citizens face citation into our Municipal Court.

**Proposed Program**

This program would facilitate the cleaning of nuisances by bringing program applicants together with various community, church, and service groups within the private sector. These groups and equipment will be recruited to help preapproved applicants by assisting them in abating their problems and returning their property to a condition that the citizen can then maintain in compliance with the Municipal Code.

These efforts could be used to bypass the citation/court process, or they could be used as an alternative sentencing tool by the Judge, once citations have been issued. Any property found in violation of the nuisance statutes, after being afforded the privilege of this program, will not receive additional assistance from this program and will be subject to the procedures set forth in the City of Milwaukie Code Enforcement manual.

Each cleanup project will take approximately four hours of staff time to organize and six to eight hours of volunteer time to complete the actual work. These groups could be supervised by volunteer adult coordinators or Neighborhood District Association members. The Code compliance staff could work flexible work weeks prior to the work day in order to avoid the accrual of overtime. Based upon previous experience with these efforts, it is likely that the City will coordinate three to five additional projects through the remainder of this year.

COMMUNITY DEVELOPMENT • PUBLIC WORKS  
6101 SE JOHNSON CREEK BLVD.  
MILWAUKIE, OREGON 97206  
PHONE: (503) 786-7600 • FAX: (503) 774-8236

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON ESTABLISHING A COMMUNITY SERVICE WORK PROJECT PROGRAM.**

**WHEREAS**, Milwaukie desires to assist those citizens living within the boundaries of the city who are afflicted with debilitating illnesses, or individuals or families living at or below the Clackamas County housing low income guidelines, with a program to assist recipients by abating the various nuisance violations affecting their property, as described in Chapter 8.04.070 of the Milwaukie Municipal Code; and

**WHEREAS**, these work projects will be organized in an effort to bring the resident together with the necessary labor and equipment resources to resolve or abate the nuisance code violations without the need to enter into the citation/court process; and

**WHEREAS**, these work projects will be facilitated and coordinated by the Code compliance staff of the City in cooperation with various community, church, and service organizations within Milwaukie and throughout the region;

**WHEREAS**, these efforts will add to the overall neighborhood aesthetics at minimal to no cost to the applicant;

**WHEREAS**, these community service work project activities are of benefit to the community and will add to the livability of Milwaukie, while simultaneously enhancing the spirit of volunteerism within individuals, service groups, and neighborhoods throughout the City;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie establishes the Community Service Work Project program.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on June 18, 1996.

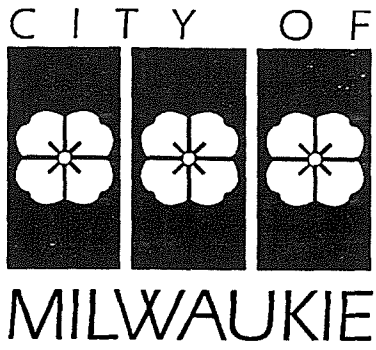
\_\_\_\_\_  
Craig J. Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:  
O'DONNELL, RAMIS, CREW & CORRIGAN

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

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



# Community Service Work Projects

## *Policy Paper*

***The Purpose:***

To assist Milwaukie citizens afflicted with debilitating illnesses that physically restrict the applicant from performing the activities necessary to abate the nuisance themselves, or those living within the Clackamas County housing income guidelines described below. These benefits are provided so that those citizens most needing the assistance can ultimately maintain their own (nonrental) property. These work projects will be organized in an effort to bring the resident together with the necessary labor and equipment resources, to resolve or abate nuisance code violations (described in Chapter 8.04.070 of the Milwaukie Municipal Code) upon their property. These efforts will add to the overall neighborhood aesthetics at minimal or no cost to the applicant.

***The Process:***

The following criteria will be used to screen applicants, thus assuring that only those citizens most in need of assistance are provided this service in a timely and efficient manner.

Eligibility for assistance is as follows:

- Citizens of Milwaukie living in their own single-family homes, and living at an income level\* of \$14,200 or less; or
- A household of two or more people living at the address whose annual income level\* is \$16,400 or less; or
- Owners who reside at the property who are afflicted with a debilitating injury or illness that renders them physically unable to perform the activities necessary to abate the problem themselves. The Americans with Disabilities Act will serve as a guideline for determining what is a debilitating injury or illness.
  - This disability must be a physical or mental impairment that *substantially limits one or more major life activities*.
  - The impairment must be documented and *identifiable* as an impairment that limits one or more major life activities.
  - The disabled person must meet the financial guidelines listed above.
- Business ventures are *not* eligible for this program.

Homeowners will apply for assistance by completing a Community Service Work application and a City of Milwaukie liability waiver.

Cost for trash container rental and dumping fees will be waived on an as-needed basis.

Disposal of hazardous waste found upon the property during these events will be the responsibility of the property owner.

If at any time in the future, after the completion of a community service work project, a second or subsequent nuisance violation occurs at the address, the citizen receiving the assistance agrees to be cited and ordered to appear before the Milwaukie Municipal Court. (This will be stipulated in a Voluntary Compliance Agreement entered into by the City and citizen receiving the community service.)

I have read and agreed to the above and hereby certify that the facts relating to my participation in this program are true and complete. I promise to take an active role during the event.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\* Income levels must be verifiable through the use of tax returns and/or bank statements.



# Community Service Work Project

## *Application*

Property owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Type of work to be done: \_\_\_\_\_

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### **Waiver and Hold Harmless Agreement (Property Owner)**

I, \_\_\_\_\_, understand and agree as follows:

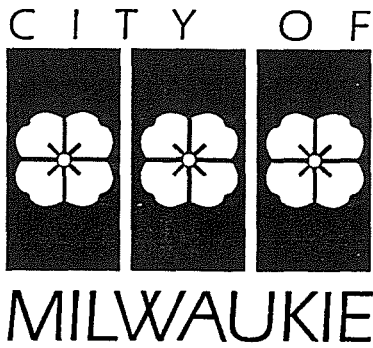
1. that the City of Milwaukie (City), its officers, employees, and agents, as well as any persons participating in the City's Community Service Project (Project), are authorized to enter upon my real property located at \_\_\_\_\_ (Property) for any purpose related to the performance of work as part of the Project;
2. that neither the City nor its officers, employees, and agents will assume any liability for claims arising as a result of work performed on the Property as part of the Project;
3. that neither the City nor its officers, employees, or agents are liable for any claim which may result from the negligence of the City or its officers, employees, and agents arising as a result of work performed on the Property as part of the Project;
4. that I assume all liability and will defend and hold the City harmless for any personal injury or property damage arising as a result of work performed on the Property as part of the Project.
5. that, if homeowners insurance is not in force on the real property upon which the project is to be conducted, I acknowledge and authorize the City of Milwaukie's right to file a lien against the property for the amount of any judgment rendered against the City.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner's Name (please print)

\_\_\_\_\_  
Telephone number



**Community Service  
Work Project**  
*Worksheet*  
**(For City Staff use only)**

Volunteer group: \_\_\_\_\_  
 Group leader: \_\_\_\_\_  
 Phone: \_\_\_\_\_

Equipment needed:	Citizen's payment portion of: \$ _____
Drop boxes:	Drop box: \$ _____
7-yard: _____	Dump fees: \$ _____
10-yard: _____	
20-yard: _____	Amount donated by:
30-yard: _____	Hauler: \$ _____
40-yard: _____	Metro: \$ _____

Hauler franchise: \_\_\_\_\_ Phone #: \_\_\_\_\_  
 Metro vouchers needed: \_\_\_\_\_ Number of vehicles going to dump: \_\_\_\_\_  
 Date refuse delivered to Metro: \_\_\_\_\_ Metro Dump Receipt #: \_\_\_\_\_ Return receipt to Recycling Coordinator: \_\_\_\_\_  
 Names of drivers: \_\_\_\_\_  
 \_\_\_\_\_

Liability forms signed for • property owner: \_\_\_\_\_ • participants: \_\_\_\_\_  
 Supervisor's approval: \_\_\_\_\_ Date: \_\_\_\_\_  
 Financial verification from property owner: Income level: \_\_\_\_\_ Disability: \_\_\_\_\_ Insurance: \_\_\_\_\_

**\* THIS WORKSHEET TO RECYCLING COORDINATOR 2 WEEKS PRIOR TO EVENT \***



1

**MEMORANDUM**

To: Mayor and City Council

Through: Dan Bartlett, City Manager *Dan Bartlett*  
Brent Collier, Police Chief *Brent Collier*

From: Craig Stensrud, Police Officer *Craig Stensrud*

Subject: Proposed Exclusion Ordinance

Date: May 22, 1996

**Action Requested**

Adopt the Milwaukie Core Area and Transit Zone Exclusion Ordinance.

**Background**

Attached is a copy of a proposed ordinance for your review and consideration. This "Exclusion" ordinance is designed to allow Department personnel to respond to an increasing problem being experienced in the downtown area of Milwaukie with certain types of unlawful conduct.

Under the terms of the ordinance as proposed, the Chief of Police and the City Manager (and their designates) may, when arresting individuals for the illegal activity listed in the ordinance, issue "Notices of Exclusion" from the downtown area for a period of up to ninety (90) days. In the event a person who has been excluded from the downtown area is found in the area during the period they have been excluded, they can be immediately arrested for trespass and taken into custody. The ordinance provides for an immediate appeal to the Municipal Court in the event someone believes they have been wrongly excluded from the Core Area and Transit Zone. The ordinance is modeled on one that has been successfully used in Portland for about three years and was drafted by the attorney who designed Portland's.

I wanted to give you a brief section-by-section description of the ordinance in order for you to have a fuller understanding of how it is designed to operate.

### Section 9.20.10

This provision sets out the exclusion area itself and is depicted graphically on the map attached to this explanation sheet.

### Section 9.20.20

This section sets out the conducts that are the basis of the exclusion. It must be clearly understood that the exclusion is not meant or designed to be a further punishment for the listed behaviors, but rather a remedial device to be used to provide the designated area and its users with some relief from the listed conducts. This is a civil remedy, not a criminal enactment and thus is subject to different standards. It should be noted that the provision allows for variation in the length of the exclusions -- there is no 'set' or 'fixed' time in the ordinance that someone has to be excluded.

### Section 9.20.30

This section gives the authority of exclusion to the City Manager and the Chief of Police and allows those individuals the ability to delegate the exclusion power to other police officers, including others not employed by the City, such as Tri-Met police or the Clackamas County Sheriff.

### Section 9.20.40

This section gives the procedure used when issuing a notice of exclusion as well as describing the type of information that is to be included on the form giving the notice of exclusion.

### Section 9.20.50

This section sets out the appeal procedure, the information to be provided to 'create' the appeal, the timing of the appeal hearing, the burden of proof imposed on the City in making out its case for the exclusion, as well as making it plain that the City has to provide the appealing party with the written information that the City will rely on in making its case.

### Section 9.20.60

This section is relatively self-explanatory -- it sets out the consequences in the event someone is found in the exclusion zone during the period of the exclusion. In essence, they can immediately be arrested for trespass.

### Section 9.20.70

Finally, this provision allows for variances to an exclusion order to be granted by the Chief of Police or the City Manager, subject to certain standards that must be met before the variance can be granted.

I am available for your questions concerns or comments.

CITY OF MILWAUKIE  
ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING THE MILWAUKIE MUNICIPAL CODE BY ADDING CHAPTER 9.20, EXCLUSION.

WHEREAS, the City of Milwaukie has experienced an increase in certain types of unlawful activity in its Core Area and Transit Zone in excess of that experienced in other areas of the City;

WHEREAS, this increased unlawful activity adversely impacts the pursuit of commercial, recreational and other lawful activities in that Core Area and Transit Zone;

WHEREAS, the City believes that exclusion of individuals (for limited periods) for identified types of unlawful conduct or activity that adversely impacts the lawful use and enjoyment of the Core Area and Transit Zone by citizens and visitors will enhance the over-all quality of that Core Area and Transit Zone for its commercial, recreational and other users.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 9.20, Exclusion, is added to the Milwaukie Municipal Code to read as follows:

9.20.010 DEFINITIONS.

As used in this Chapter, the term "Milwaukie Core Area and Transit Zone" shall mean all public buildings and their surrounding grounds; Tri-County Metropolitan Transportation District (Tri-Met) transit stations and shelters including any and all adjoining stairways, ramps and elevators, (if any); City or County owned parks; streets; sidewalks; alleyways and any and all other public rights of way located within that area bounded on the west by the Willamette River (River), then north along the River to Johnson Creek (Johnson), then easterly along the shore until Johnson meets Oregon State Highway 224 (224), thence eastward down the southerly side of 224 until the intersection of 224 and SE 23rd, then westerly down the easterly side of SE 23rd until the intersection with the southern side of SE Harrison Street (Harrison), then westerly down Harrison to the eastern side of SE 21st, then southerly down SE 21st to the intersection of Lake Road then drawing an imaginary line from the intersection of SE 21st and Lake Road to the northern shoreline of Kellogg Creek thence west along the shoreline of Kellogg Creek until the confluence of Kellogg Creek and the River.

**9.20.020 . EXCLUSION FROM MILWAUKIE CORE AREA.**

A person is subject to exclusion from the Milwaukie Core Area and Transit Zone for a period of up to ninety (90) days in the event they have been arrested and/or convicted for any of the following conduct within the Milwaukie Core Area and Transit Zone:

1. Assault as defined in ORS Chapter 163 (1995) in and/or around the Milwaukie Core Area and Transit Zone;
2. Stalking as defined in ORS Chapter 163 (1995);
3. Criminal mischief as defined in ORS Chapter 164 (1995);
4. Any of the graffiti-related offenses as defined in ORS Chapter 164 (1995) involving publicly owned structures within the city limits of Milwaukie;
5. Offensive littering as defined in ORS 164.805 (1995);
6. Riot, disorderly conduct, or harassment as defined in ORS 166.015, 166.025, 166.065 (1995);
7. Possession of a firearm or dangerous weapon in a public building as prohibited by ORS 166.370 (1995);
8. Criminal Trespass as defined in ORS 164.243 to 164.265 (1995).
9. Unlawful possession of a controlled substance in violation of ORS 475.992 (1995) (or attempt thereof);
10. Unlawful delivery of a controlled substance in violation of ORS 475.992 (1995) (or attempt thereof);
11. Purchase or Possession of Liquor by a person under 21 in violation of ORS 471.430(1995).
12. Possessing or consuming alcoholic liquor on public property in violation of Milwaukie City Code (MCC) 9.06.010;
13. Being a minor in violation of MCC 9.08.010 (curfew); and
14. Violating the provisions of MCC 10.44.070 (skateboards and roller skates).

**9.20.030 PERSONS AUTHORIZED TO ISSUE EXCLUSION OR WARNING NOTICES.**

The Chief of Police and the City Manager are hereby authorized to issue exclusion notices to individuals for the conduct identified in Section 9.20.020. Either the Chief of Police or the City Manager may authorize other Milwaukie Police or personnel to issue exclusion notices consistent with this Chapter. In addition, the Chief of Police shall have the ability to authorize law enforcement personnel other than that employed by the City to enforce the terms of this Chapter.

**9.20.040 · ISSUANCE OF EXCLUSION NOTICES OR WARNING NOTICES.**

At the time of the arrest of an individual for any of the conduct(s) identified in Section 9.20.020, (or within thirty (30) calendar days thereafter) the arresting officer, the Chief of Police or the City Manager (or such other person(s) as either the City Manager or Chief has authorized) may issue a written exclusion notice excluding the person from the Milwaukie Core and Transit Zone. The notice shall specify that the person is to be excluded from the Milwaukie Core Area and Transit Zone; the period of the exclusion; the time the exclusion is to commence as well as contain information concerning the right of the person to appeal the exclusion notice to the Municipal Judge as provided for under MCC Chapter 1.10.

The person to whom the exclusion notice is issued shall sign a written acknowledgment of the receipt of the exclusion notice; if the person refuses to so sign, the arresting officer shall make a written record of the refusal.

**9.20.050 RIGHT OF APPEAL.**

1. The individual to whom an exclusion notice is issued shall have the right to appeal the issuance of the notice.
2. An appeal of the exclusion must be filed, in writing, within five (5) calendar days of the notice's issuance with either the office of the City Manager or the Chief of Police. The notice of appeal shall contain information relative to the following:
  - i. the appellant's name;
  - ii. their address and a telephone number where they can be reached;
  - iii. a concise statement as to why the issuance of the exclusion notice was in error; and,
  - iv. attach a copy of the notice of exclusion appealed from.
3. A hearing on the appeal shall be had before the Municipal Court. The hearing will take place no more than ten (10) calendar days after the filing of the appeal, except in the event the Municipal Judge determines otherwise.
4. The City shall have the burden to show by a preponderance of evidence that the exclusion is based on conduct enumerated in MCC Section 9.20.020(b). A determination by a court of competent jurisdiction that the arresting officer had probable cause to effect the arrest of the individual for the conduct used as the basis of the exclusion shall be a rebuttable presumption that the exclusion was well founded.

5. Copies of any and all documents are intended to be used by the City at the hearing which are in its control shall be made available to the appellant at least two (2) days in advance of the hearing.

**9.20.060 CONSEQUENCE OF NOTICE OF EXCLUSION.**

In the event no appeal is properly and timely filed, then the exclusion shall continue for the period set out in the notice, but in no event, longer than ninety (90) days from the date of the notice's issuance. In the event a person found in the Milwaukie Core Area and Transit Zone is the subject of a valid Notice of Exclusion, that person shall be subject to arrest for Criminal Trespass as provided in ORS 164.245 (1995).

**9.20.070 VARIANCES.**

1. Variances from the exclusion may be granted at any time during the exclusion by either the Chief of Police or the City Manager in the event:
  - a. The individual is able to make a showing that he/she resides in the Core Area and Transit Zone and did so prior to the issuance of the exclusion notice;
  - b. The individual is employed by (or is a principal of) a business located in the Core Area and Transit Zone and was so prior to the issuance of the notice of exclusion;
  - c. The individual is attending a bona fide educational institution located in the Core Area and Transit Zone and was a registered student at that institution at and prior to the time of the issuance of the notice of exclusion; or
  - d. The individual is able to show they have an appointment with a health professional whose office is located within the Core Area and Transit Zone.
2. Provided that one or more of the conditions for issuance of the variance are met, the Chief of Police or the City Manager are authorized to adjust the terms of the variance such that the individual is allowed ingress to and egress from the Core Area and Transit Zone for the appropriate time period. Failure to comply with the terms of the variance as issued by either the City Manager or the Chief of Police will result in the variance being immediately voided and without effect and the person so affected will thenceforth be excluded from the Core area and Transit Zone for the remainder of the period originally set.

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

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

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

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:


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

APPROVED AS TO FORM:


\_\_\_\_\_  
O'Donnell Ramis Crew Corrigan & Bachrach  
pce/acm/65021/exclusio.or3(4/25/96)



**EXCLUSION ORDINANCE  
ENFORCEMENT AREA**  
*Section 9.20.020*



Department  
Of Public  
Safety



CITY OF  
MILWAUKEE



# Memorandum

**To:** Dan Bartlett and City Counsel  
**From:** Craig Stensrud  
**Date:** May 21, 1996  
**Subject:** Milwaukie Core Area and Transit Zone Exclusion Ordinance

This is the technical portion of this proposal which will help you understand the problems that the police department is having with the increase service demands in the downtown area.

To help you with this information I am presenting, I need to explain it. The city is divided into ten report writing GRIDs. The city has three patrol districts. The attached numbers are for only the written police reports which do not reflect the total calls for service. I am estimating that there is a five to one ratio for calls for service.

The MO GRID is for all reports taken outside the city limits.

The CR GRID is for all courtesy reports taken for other police departments.

The M1 GRID is the NORTH patrol district

The M2 and M3 GRID is the EAST patrol district.

The W1,W2,W3,W4, and P1 is in the WEST District

The NORTH and EAST Patrol Districts are combined unless there are three patrol officers and a watch commander working.

The W3 GRID is the target of this ordinance. We need to cut down on the raw number of reports taken in this grid. One of the ways of doing this is to remove the problem people that are repeat users of the criminal justice system. This ordinance does this 90 days at a time.

Attachments;

Report static's

Crime Maps

Ordinance

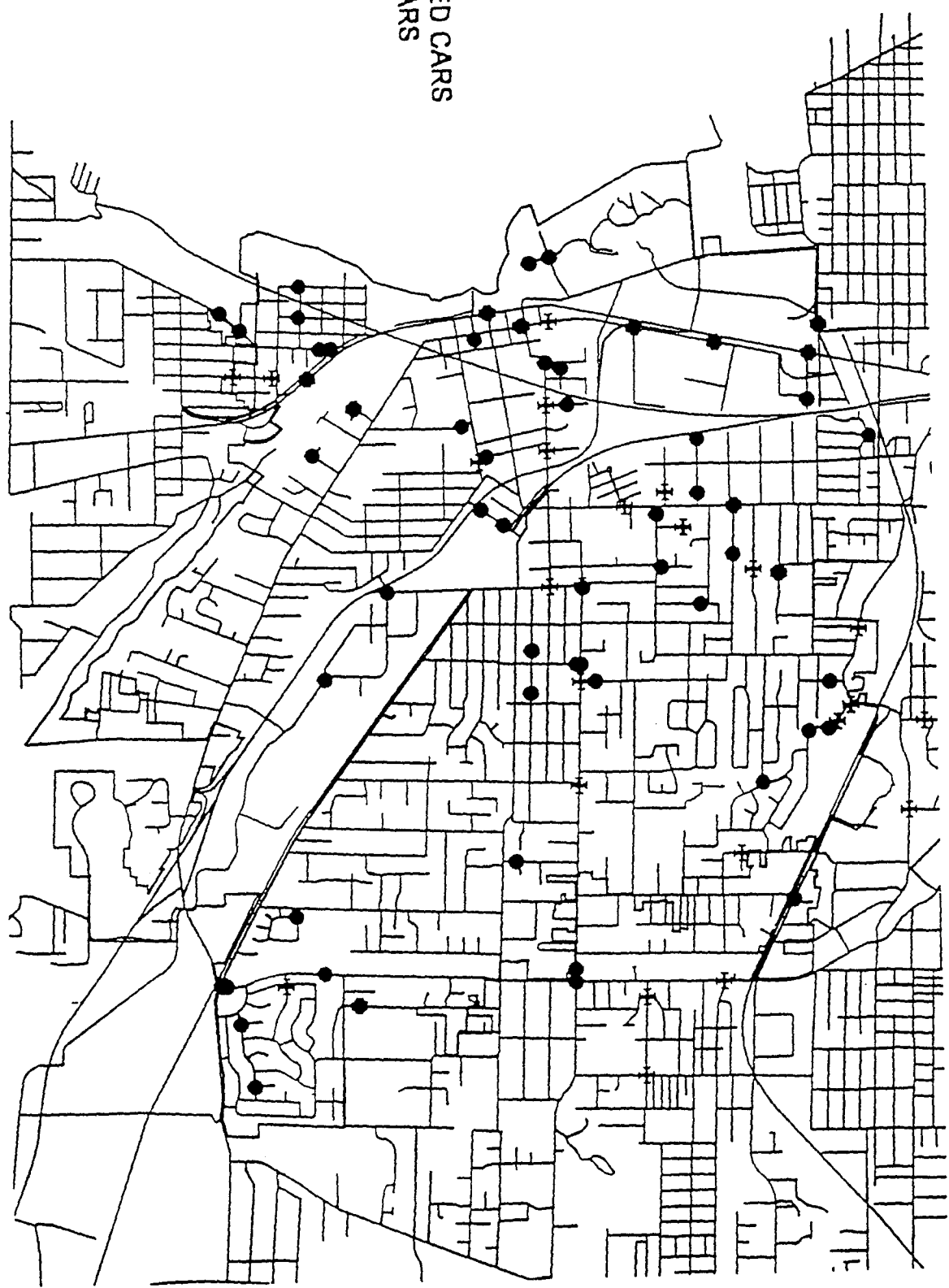
MILWAUKIE POLICE DEPARTMENT  
CRIMES/STOLEN VEHICLES

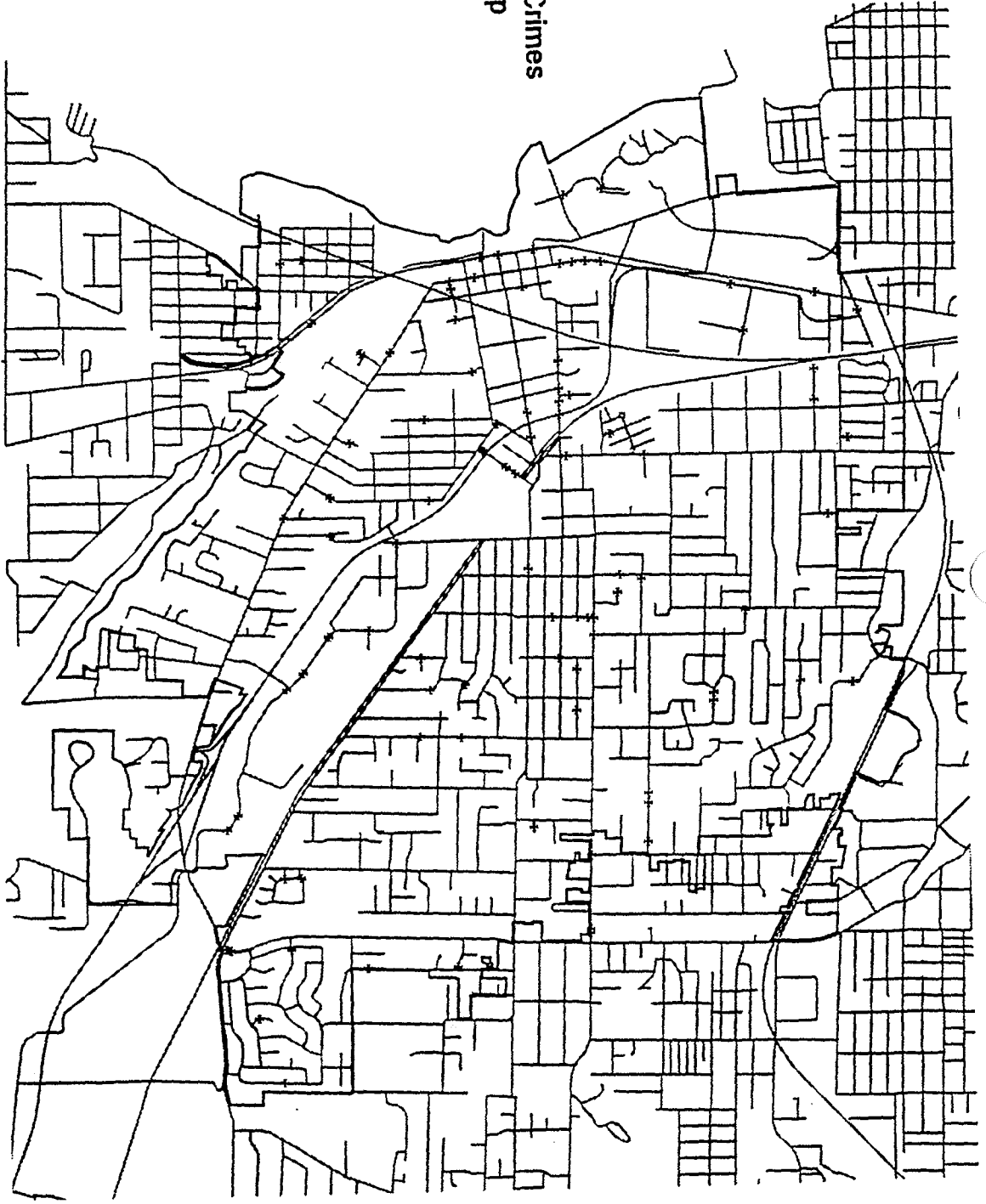
6

GRID	1995	1994	1993	PERCENT OF CHANGE			TOTAL INCREASE OF REPORTS
				1993-1994	1994-1995	1993-1995	
MO	159	128	77	40%	19%	52%	82
M1	534	481	448	7%	10%	16%	86
M2	268	228	211	7%	15%	21%	57
M3	191	224	130	42%	-17%	32%	61
W1	145	96	71	26%	34%	51%	74
W2	156	139	110	21%	11%	29%	46
<b>W3</b>	<b>792</b>	<b>675</b>	<b>516</b>	<b>24%</b>	<b>15%</b>	<b>35%</b>	<b>276</b>
W4	90	60	52	13%	33%	42%	38
P1	2	4	3	25%	40%	-30%	-1
CR	1	1	3				
<b>TOTAL</b>	<b>2338</b>	<b>2040</b>	<b>1621</b>	<b>21%</b>	<b>13%</b>	<b>31%</b>	<b>717</b>

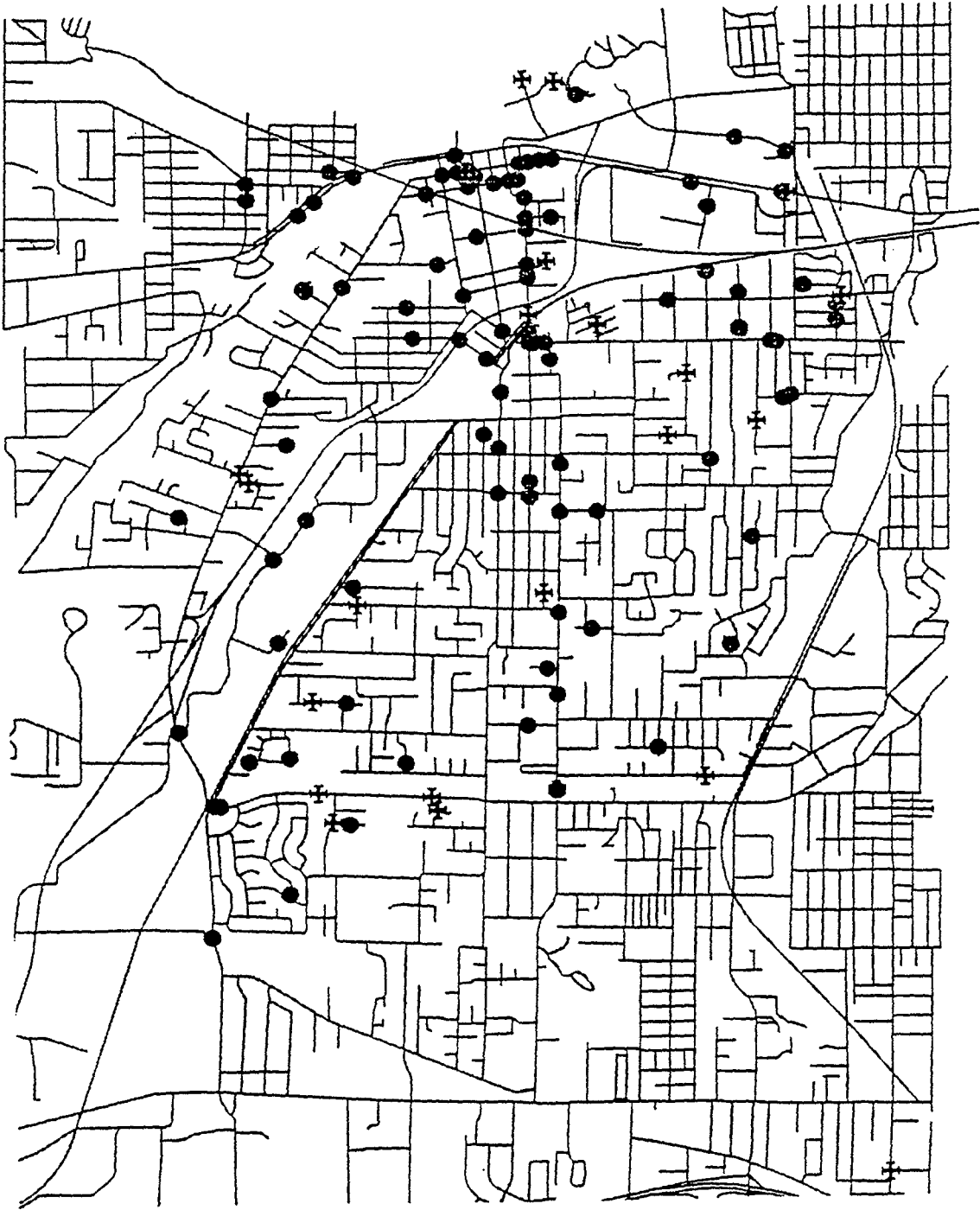
MARCH 1995

RECOVERED CARS  
STOLEN CARS  
Citybnd.shp  
Bigtig





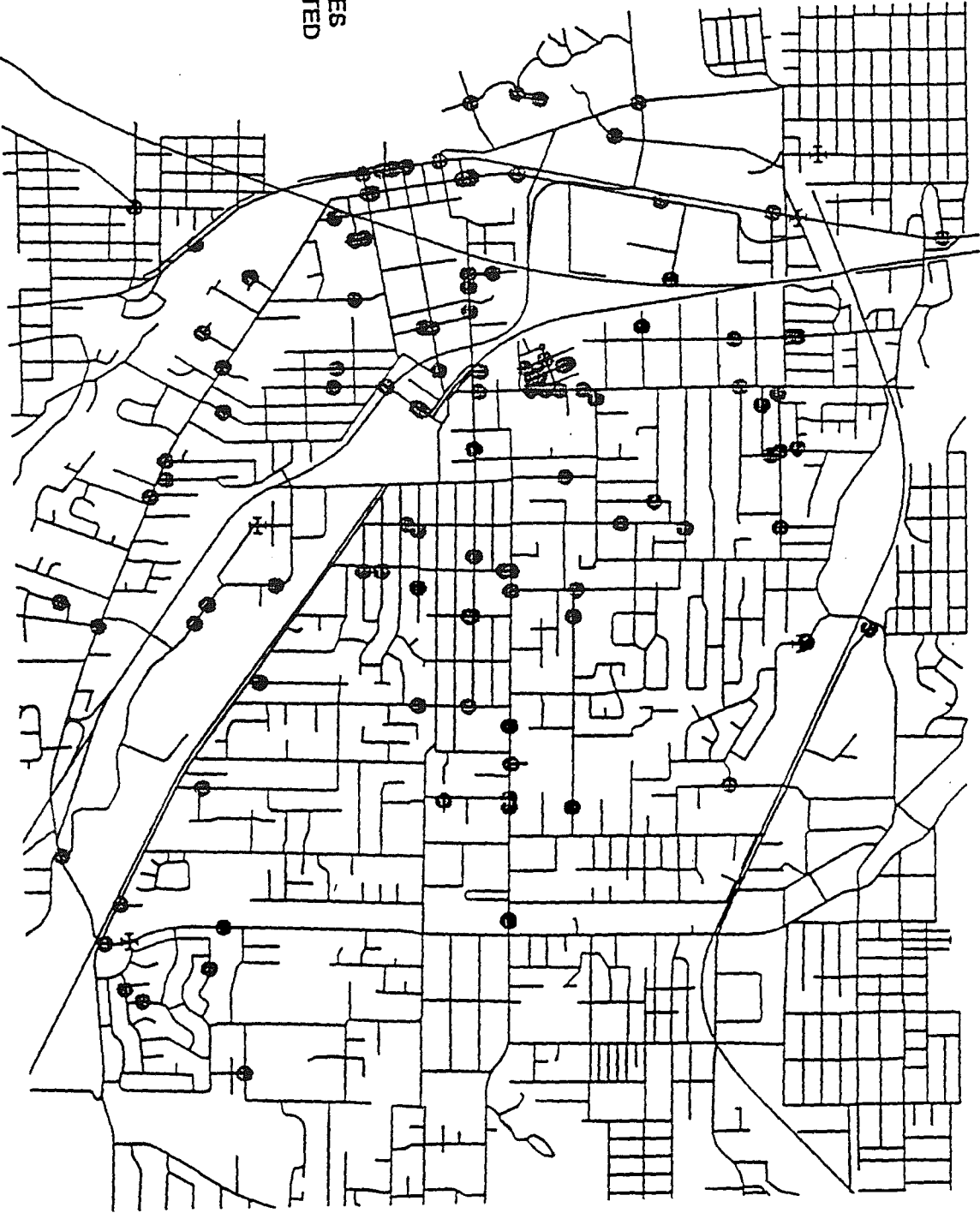
+ Reported Crimes  
Citybound.shp



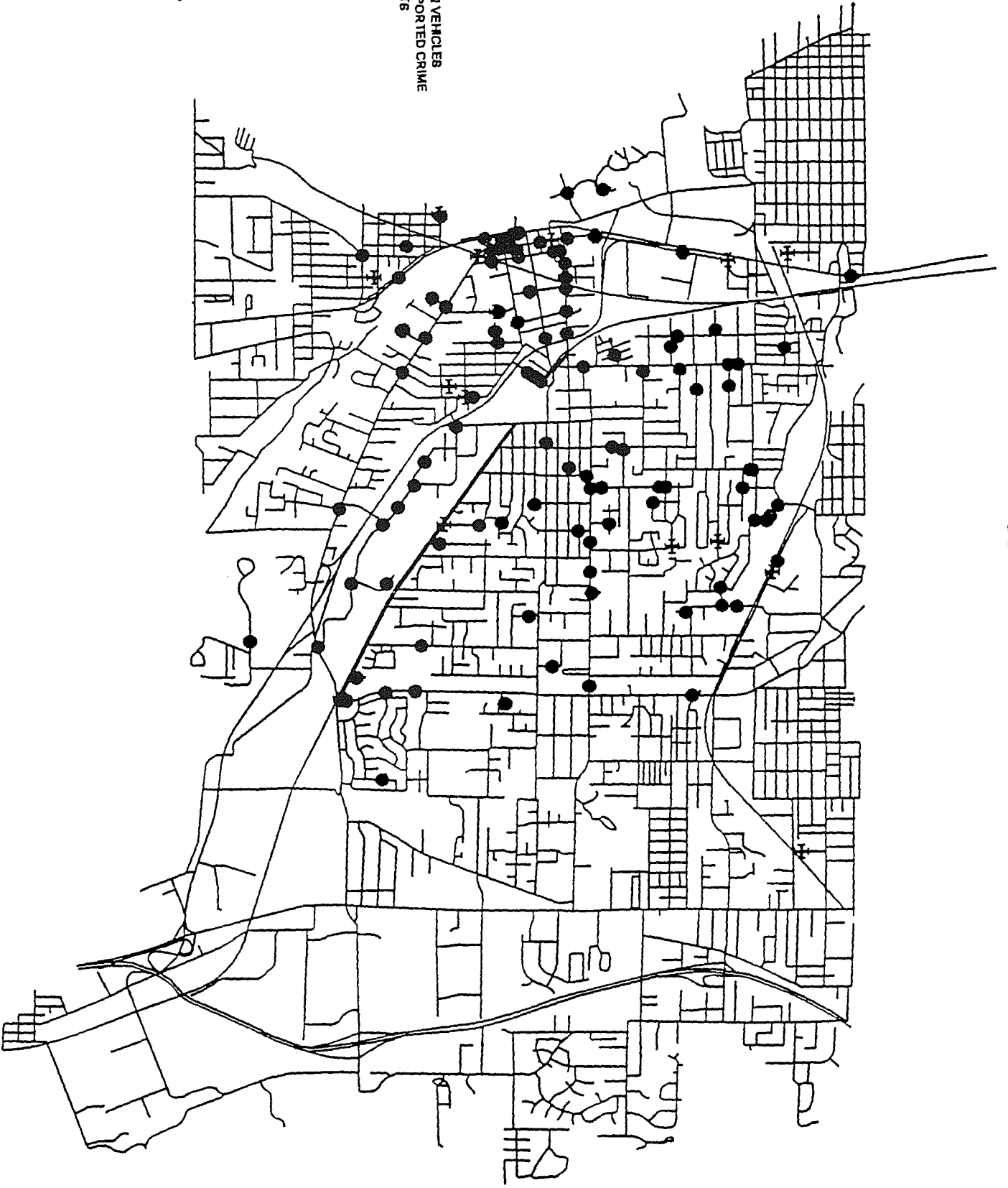
● STOLEN VEHICLES  
+ ALL CRIMES REPORTED  
STREETS



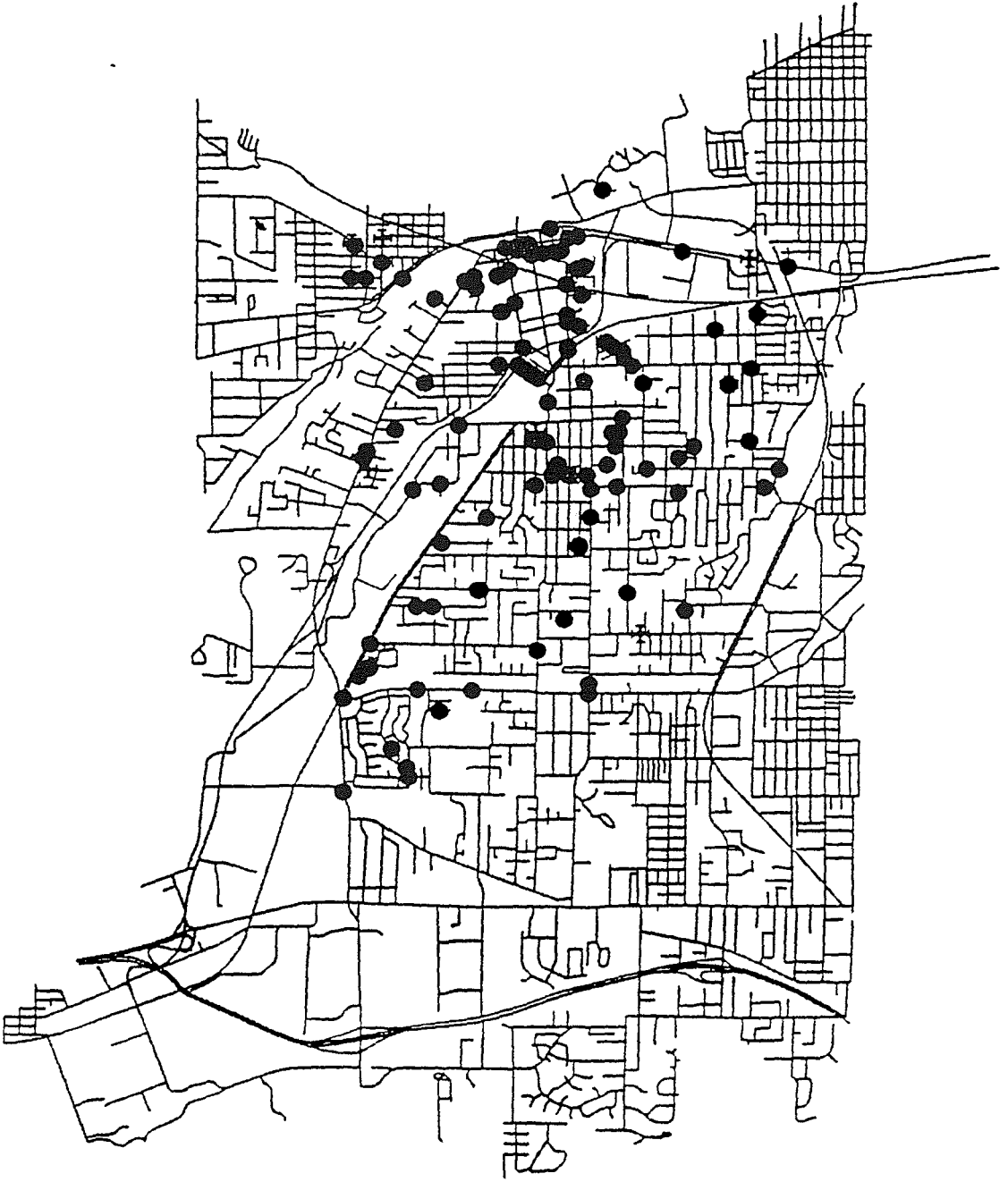
STREETS  
\* STOLEN VEHICLES  
● CRIMES REPORTED



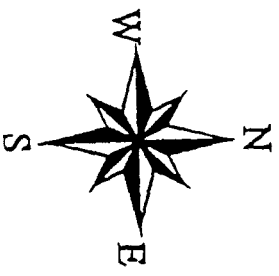
STOLEN VEHICLES  
ALL REPORTED CRIME  
STREETS



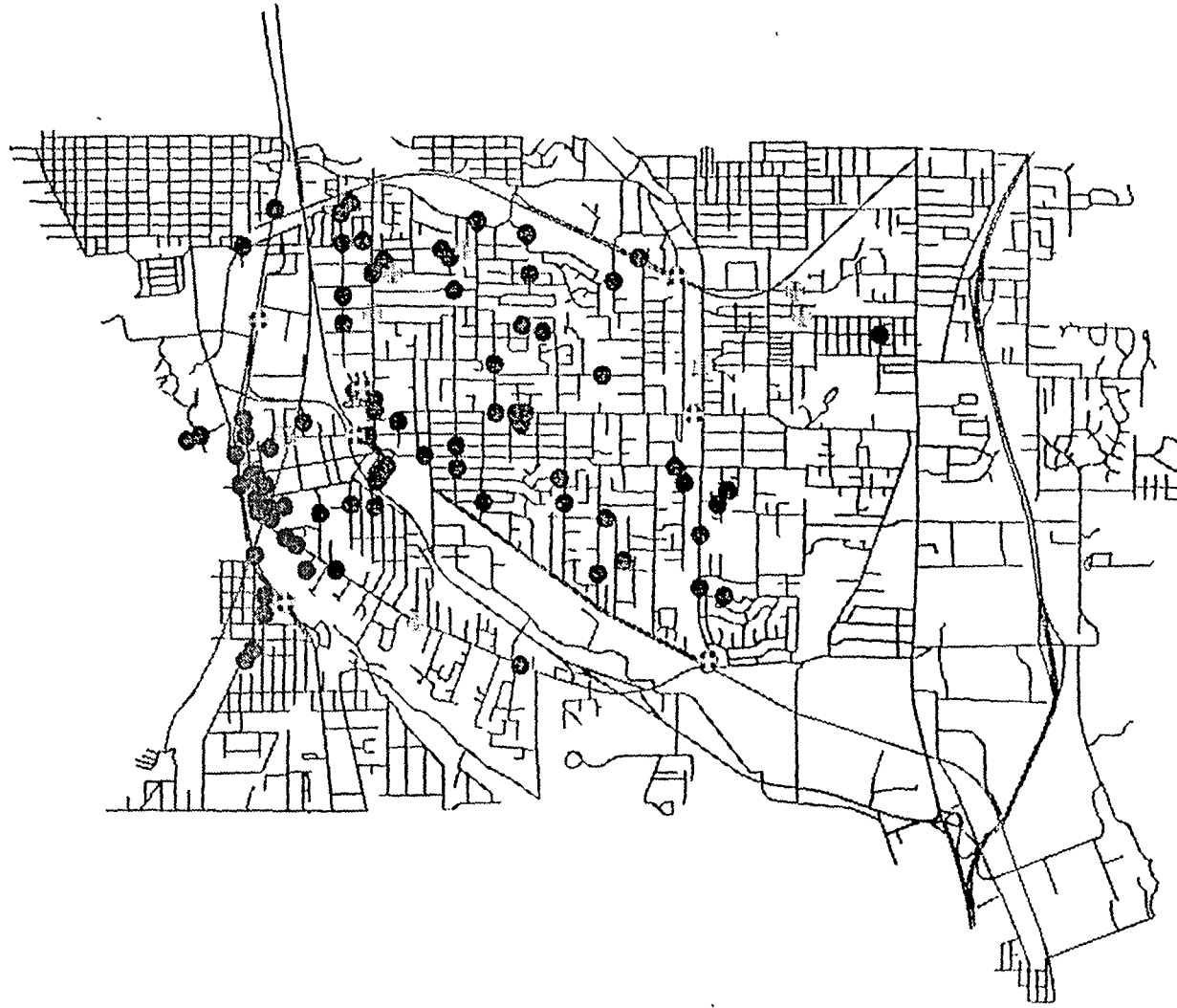
# SEPTEMBER CRIMES



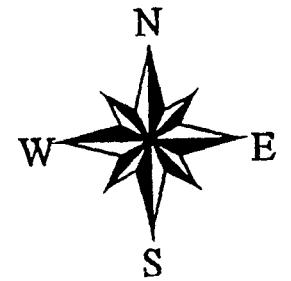
✚ STOLEN/RECOVERED CARS  
● REPORTED CRIMES  
/ STREETS



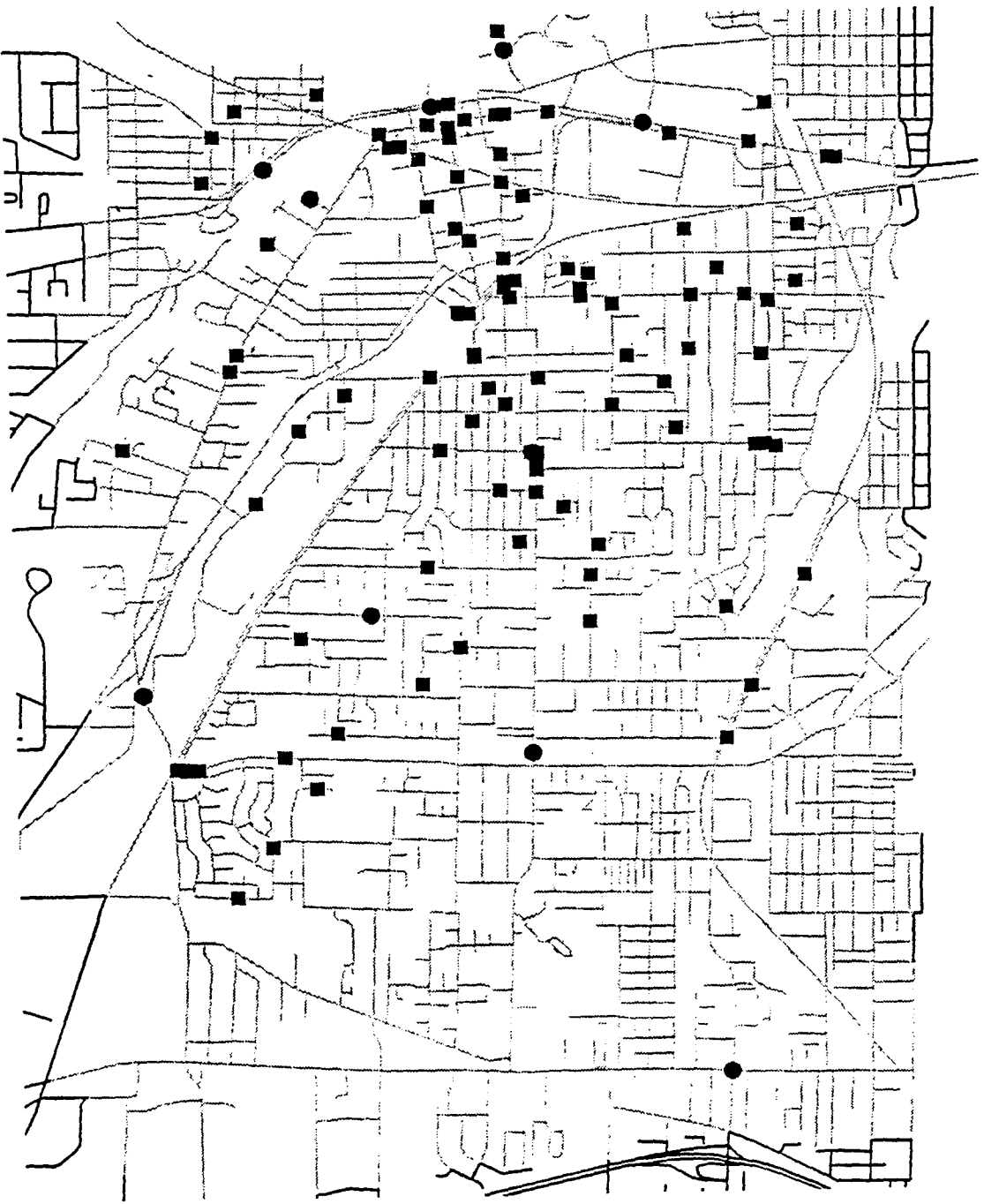
# OCTOBER CRIMES



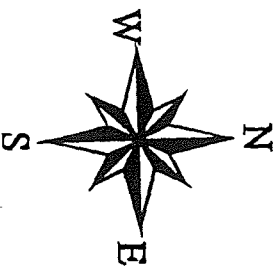
✚ STOLEN/RECOVERED CARS  
● REPORTED CRIMES  
/ STREETS



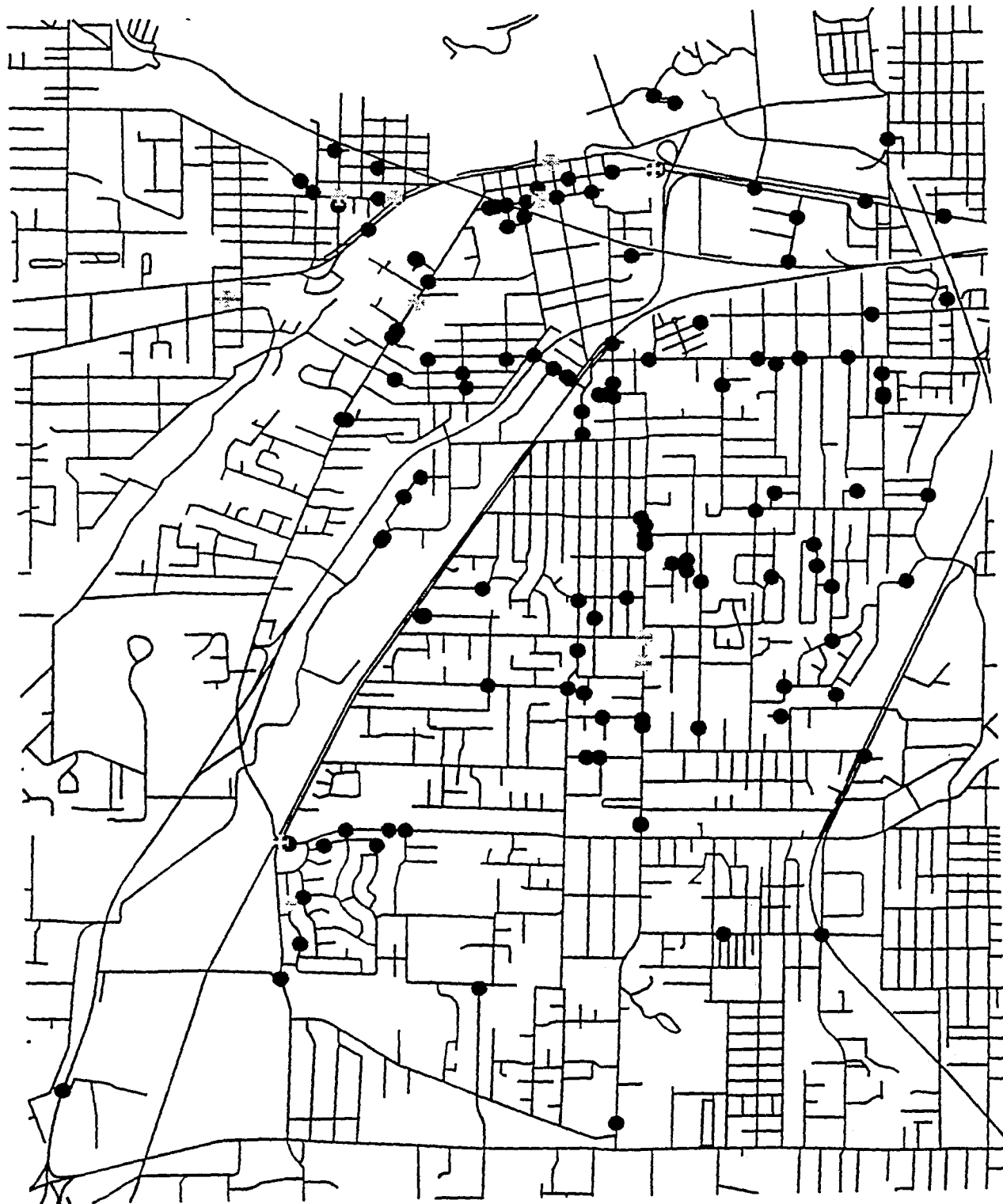
# NOVEMBER 1995



- STOLEN CARS
- REPORTED CRIMES
- ∨ STREETS

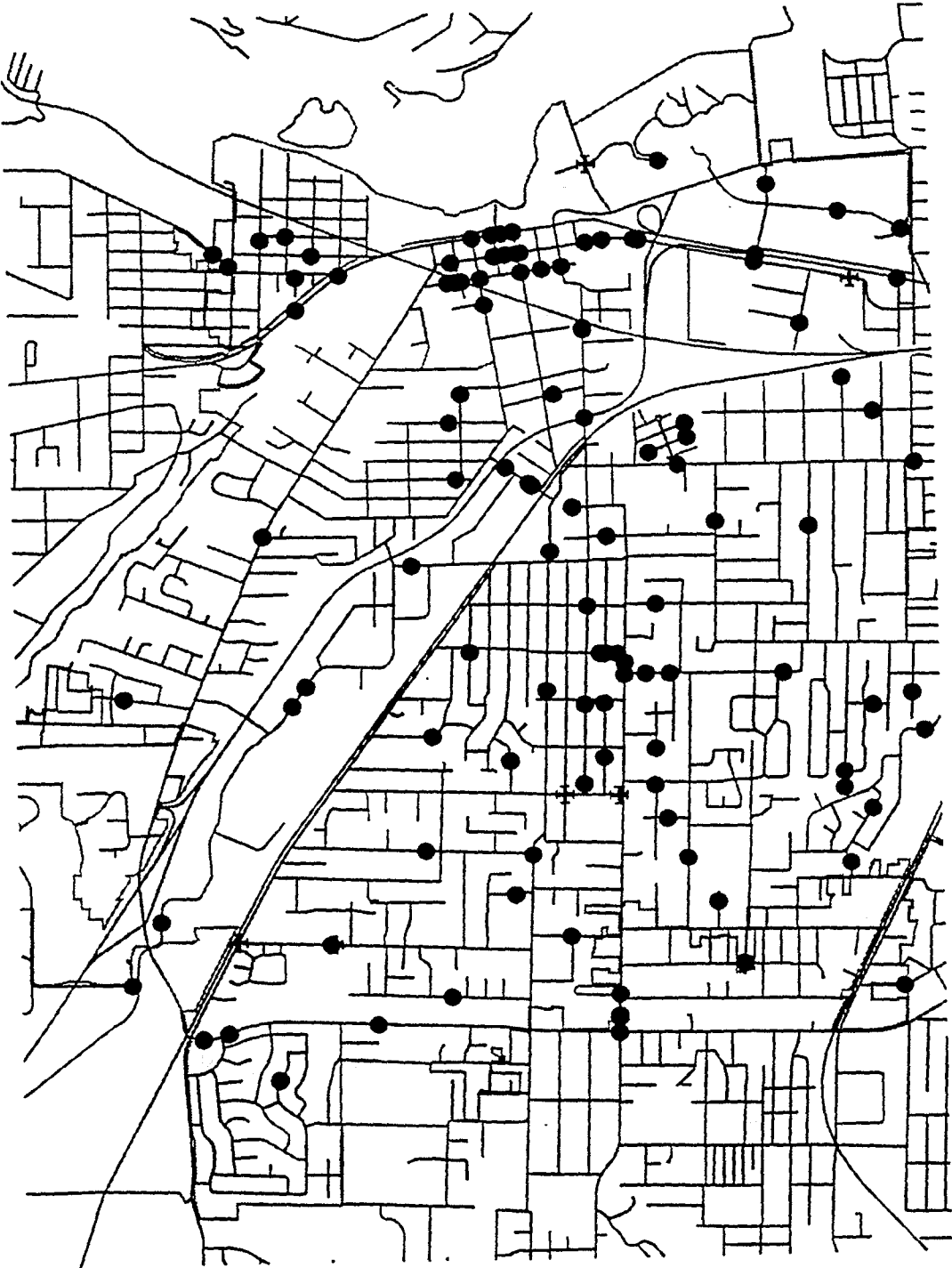


DECEMBER 1995



STOLEN CARS  
CRIMES REPORTED  
STREETS

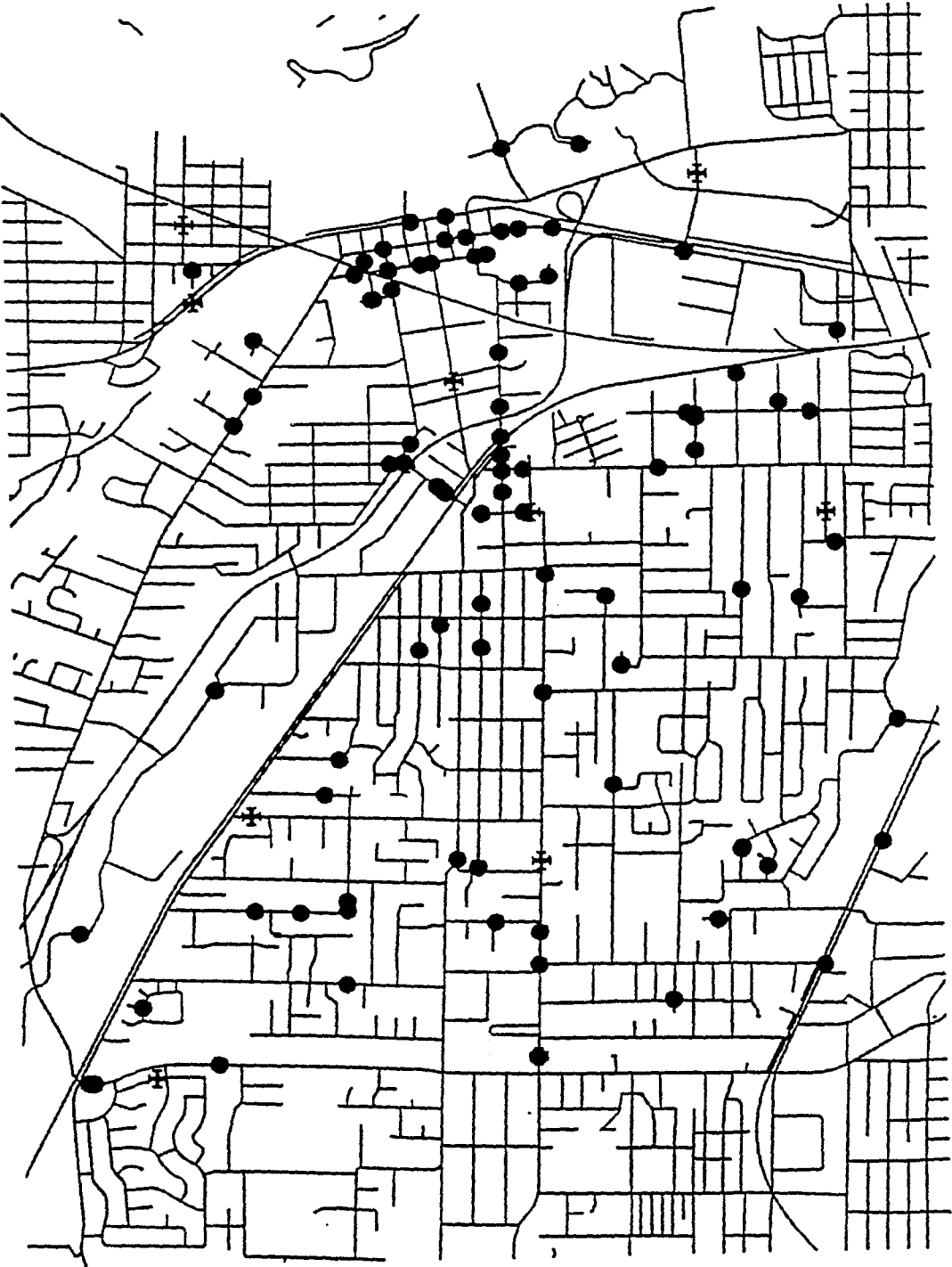
STOLEN CARS  
● REPORTED CRIMES  
□ CITY LIMIT  
STREETS



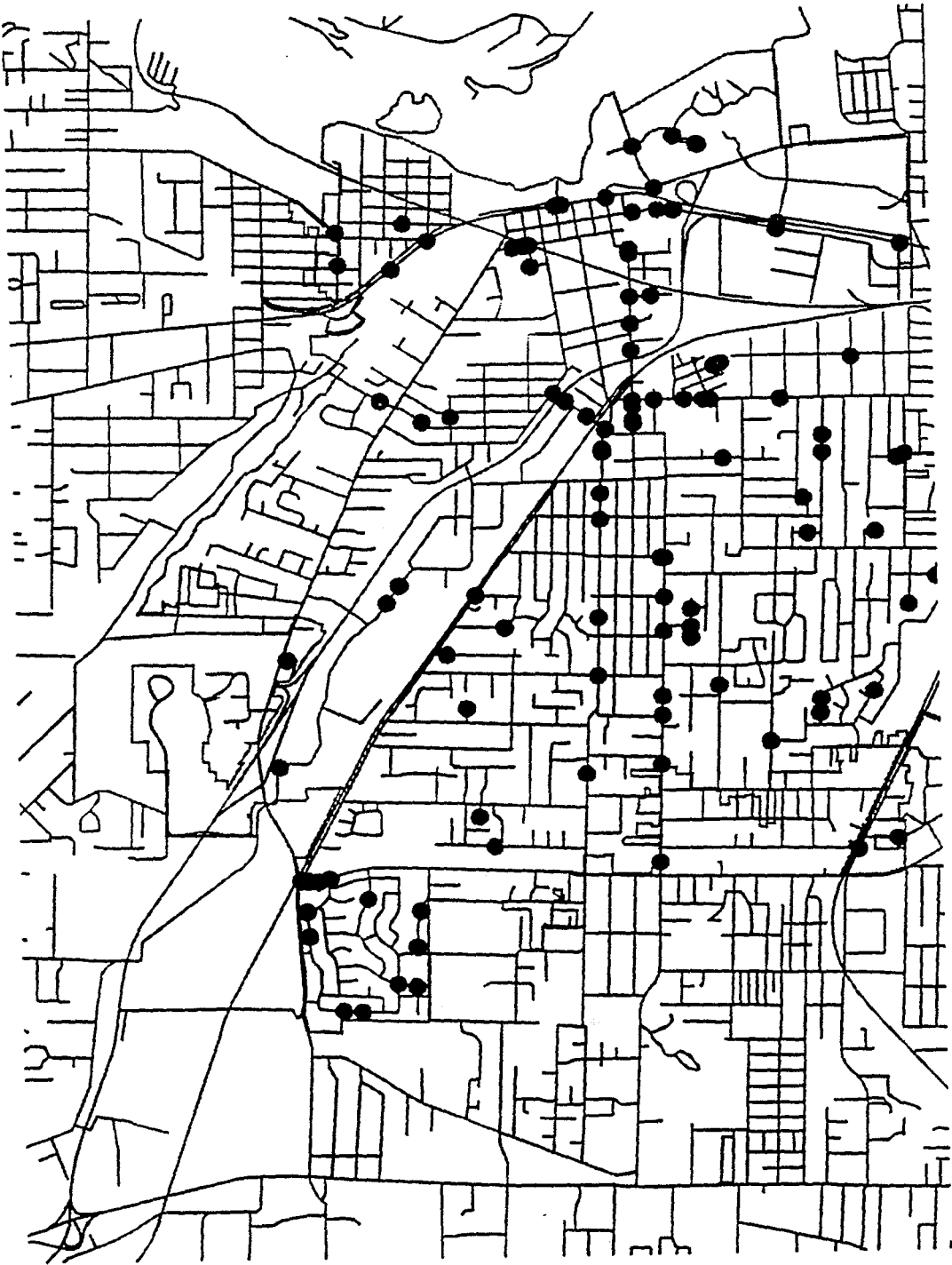
JANUARY 1996

FEBRUARY 1996

STOLEN CARS  
REPORTED CRIMES  
STREETS



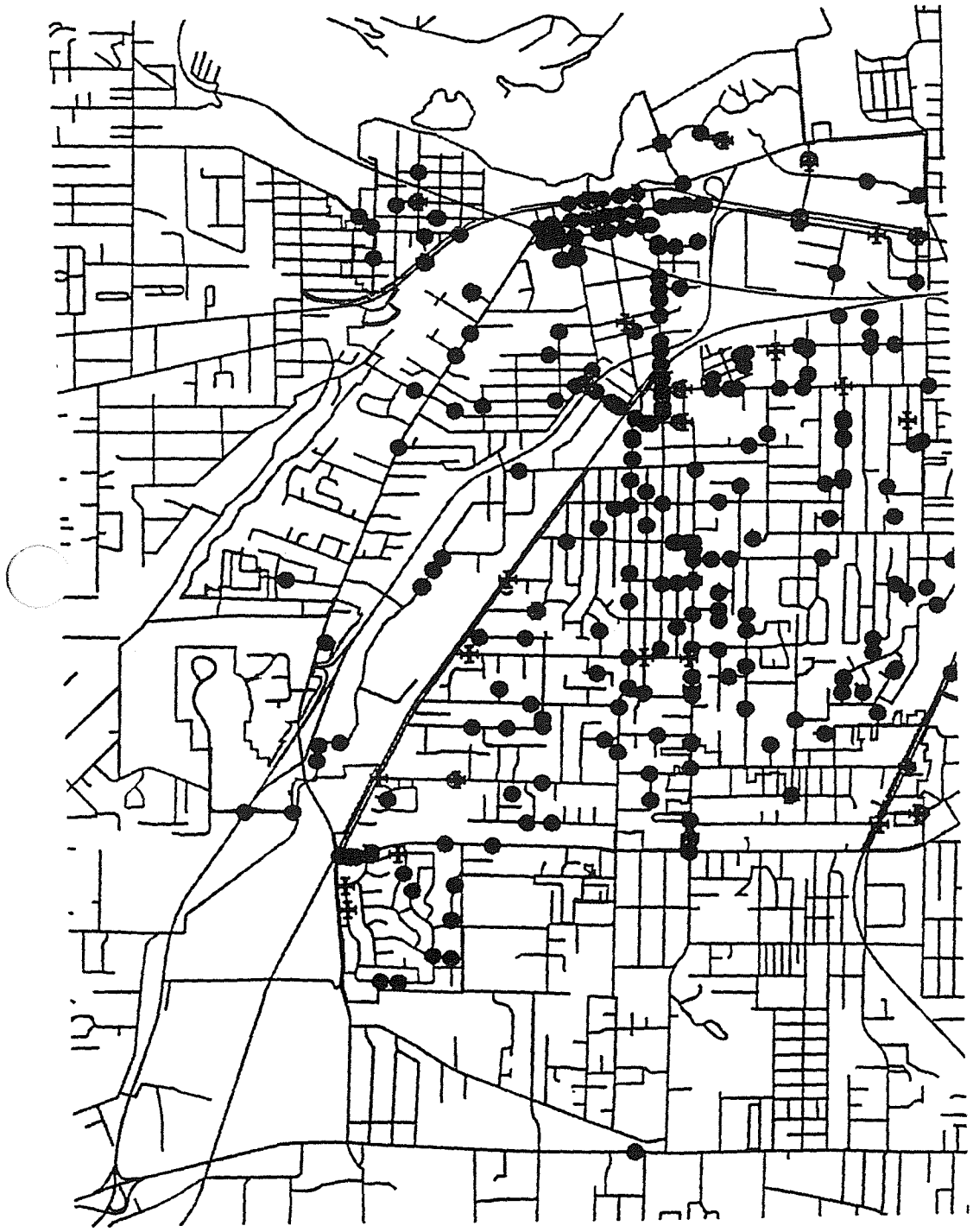
● ● STOLEN CARS  
● ● CRIMES  
□ CITY LIMIT  
△ STREETS



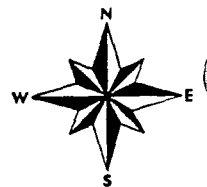
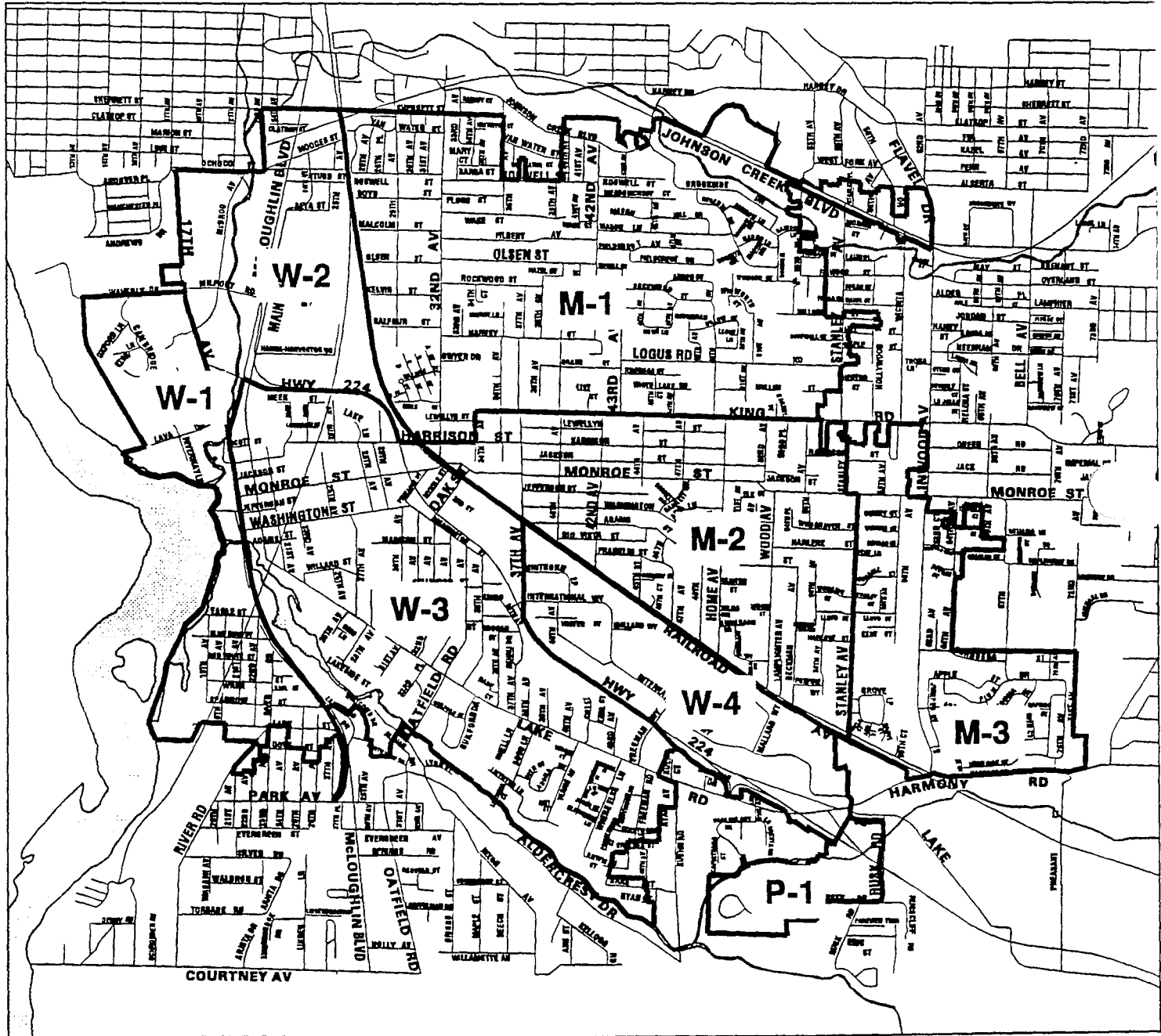
MARCH 1996

FIRST QUARTER 1996

STOLEN CARS  
REPORTED CRIMES  
CITY LIMIT  
STREETS



# POLICE REPORTING ZONES





**MEMORANDUM**

TO: Honorable Mayor and City Council

THROUGH: Dan R. Bartlett, City Manager *Dan*

FROM: Linda Mullen, Neighborhood Services Coordinator *Linda*

RE: Waverly/Downtown Neighborhood Association Name Change

DATE: June 18, 1996

**ACTION REQUESTED**

Adopt a resolution approving the Waverly/Downtown's request for a name change to "Historic Milwaukie Neighborhood Association."

**BACKGROUND INFORMATION**

The Waverly/Downtown Neighborhood Association was officially recognized by the City Council on March 5th, 1996. Ever since the group began meeting in January, they have discussed the option of changing their name. They wanted a name which reflected the uniqueness of their neighborhood setting.

The neighborhood approached the selection of a new name methodically. The group first discussed the idea at its April meeting. Members proposed several alternatives and a sub-committee selected three to be voted on. The proposed names were listed on a ballot on the back-side of the May meeting announcement. Ballots were collected, and tabulated after the meeting. The choice with the most votes was, "Historic Milwaukie." They have now requested the City to approve this name change (see attached letter.)

**DISCUSSION**

The selection of this name has generated some concern from the Historic Review Commission. Their concerns relate to the use of the term "historic," which may be attributed to national or other types of programs which officially designate historic buildings, neighborhoods, etc. They propose alternatives such as "Early Milwaukie," or the "Whitcomb Neighborhood." A letter is attached.

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With due respect to the Historic Resources Commission, I believe there are additional considerations. This neighborhood is in the oldest and arguably most historic area of the city. The use of the word "historic" is not exclusive to officially designated places. Additionally, one reason the neighborhood members want to change their name is to create ownership in their community identity. This supports the city's position that the neighborhoods, although officially recognized by the city, should be independent and autonomous groups.

As you know, most of Milwaukie's other neighborhoods get their names from the elementary school, which serves as a focal point for their area. The association and elementary school boundaries are identical, or nearly so. This is not true for the Waverly/Downtown area. The name the city chose was a geographic descriptor. The name the citizens want is more of a character descriptor, developed through a grass roots process. The ability to choose what they would be called could be considered a community building effort.

**RECOMMENDATION**

Approve the resolution changing the name to "Historic Milwaukie Neighborhood Association."

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

**A RESOLUTION OF THE CITY OF MILWAUKIE TO CHANGE THE NAME OF THE WAVERLY/DOWNTOWN NEIGHBORHOOD ASSOCIATION TO THE HISTORIC MILWAUKIE NEIGHBORHOOD ASSOCIATION.**

**WHEREAS,** Council has previously passed Resolution #6-1994, adopting official neighborhood names and boundaries within Milwaukie; and

**WHEREAS,** The Waverly/Downtown Neighborhood Association has conducted an organized program to identify and select a new name; and

**WHEREAS,** the Waverly/Downtown Neighborhood Association has submitted a request to change its name to the "Historic Milwaukie Neighborhood Association,"

**NOW, THEREFORE, LET IT BE RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE:**

The Waverly/Downtown Neighborhood Association request to change its name to the Historic Milwaukie Neighborhood Association, is hereby approved.

Introduced and adopted by the City Council on \_\_\_\_\_

\_\_\_\_\_  
Craig Lomnicki, Mayor

**ATTEST:**

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

Approved as to form:

\_\_\_\_\_  
O'Donnell Ramis Crew & Corrigan

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Waverly/Downtown Neighborhood Association  
Co-Chair George Rodriguez  
2725 SE Monroe St  
Milwaukie, OR 97222

City of Milwaukie

May 23, 1996

Office of Neighborhoods  
10722 SE Main St  
Milwaukie, OR 97222

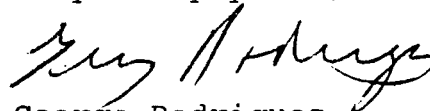
Attn: Linda Mullen

Dear Linda:

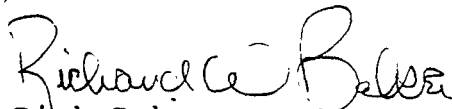
As of May 15, 1996, the membership has voted on a resolution to changed the existing neighborhood name to "Historic Milwaukie Neighborhood Association". The purpose to change our name is to establishe a name which truly identifies and represents our neighborhood in a distinct fashion.

Please process the necessary paperwork or procedure to finalize the name change to the City Council. If there are no objections to this resolution, please announce our new name at the next City Council for proper recognition.

Very truly yours,



George Rodriguez  
Co-Chair



Dick Baker  
Co-Chair



**McKeever/Morris, Inc.**  
722 S.W. Second Avenue  
Suite 400  
Portland, Oregon 97204  
fax 503 228-7365  
503 228-7352

Fax Transmittal: 652-4433

Date: June 6, 1996  
To: Linda Mullen, City of Milwaukie  
From: Greg Chew, HRC Staff Consultant  
RE: Waverley-Downtown Neighborhood Association

---


At the May 20 Milwaukie Historic Review Commission (HRC), the HRC was notified that the Waverley-Downtown Neighborhood Association is requesting to change its name to the Historic Milwaukie Neighborhood District Association. The discussion by the HRC members concluded that this specific name change would not be a good idea.


The main reason the HRC feels this way is that the word "historic" gives the connotation of a nationally designated area, like that of the National Register of Historic Homes or a National Historic District. If the intent of the neighborhood association is to gain this designation, much like that of Ladd's Addition neighborhood in Portland or Historic Downtown in Oregon City, then a substantial amount of documentation will be needed for this designation. The process for official designation, which I believe is administered through the State Historic Preservation Office, is also a very lengthy one. A SHPO representative indicated the process for designation may easily take over two years.

If, however, the neighborhood association's intent is to have a name that reflects its historical linkage to Milwaukie's civic center and not to gain the official nationally recognized designation, a variety of alternative names have been suggested by the HRC. One option is the Early Milwaukie Neighborhood. This area contains the land settled by Milwaukie's earliest settlers, including Lot Whitcomb, the founder of Milwaukie. Another suggestion is the Whitcomb Neighborhood.

Regardless of the neighborhood association's intent, it would be prudent not to rush an official name change request. If anyone would like to discuss this issue, the HRC will be glad to do so this at any of its future meetings (it meets on the fourth Monday of each month). If you have any questions, I may be reached at 228-7352.

cc: Stacy Lawson  
Maggie Collins  
Dan Bartlett  
HRC Members

  
Planning  
Design  
Public Involvement  
Project Management





**MEMORANDUM**

To: Mayor and City Council

Through: Dan Bartlett, City Manager *DB*

From: Pat DuVal, City Recorder *PD*

Subject: Board and Commission Review Project: Model Bylaws

Date: June 11, 1996

Action Requested

Adopt all model bylaws subject to review by the individual advisory boards and commissions. In the instance of the Center/Community Advisory Board (C/CAB), the bylaws should also be reviewed by the North Clackamas Parks and Recreation District (NCPRD) for consistency with the intergovernmental agreement.

Background

Adoption of standard bylaws is the next phase of the Board and Commission Review Project. After a year-long ordinance revision process that included consideration of comments from all boards and commissions, the City Council adopted the establishing ordinances on May 21, 1996. The intent of these code amendments was to clarify the role of each advisory group in its support of the City Vision and the City Council Goals.

The model bylaws were drafted to define the role and provide a framework for each of the City appointed advisory groups. The articles provide standard information based on the adopted ordinances in the areas of purpose, establishing authority, and duties; membership requirements and appointment procedures; election of officers and levels of staff support; and organizational procedures such as voting, meeting location, and parliamentary authority. The City Attorney reviewed the bylaws, and recommended changes have been incorporated into this final draft.

Upon Council adoption, staff liaisons will ask for review and comment from each board and commission.

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## MODEL BYLAWS

### **Article I. Name**

The name of this board is the Board of Construction Appeals (BOCA).

### **Article II. Purpose, Authority, and Duties**

- A. The purpose of this Board is to consider matters pertaining to building construction.
- B. The Board is authorized by Milwaukie Municipal Code Chapters 2.22 and 15.04.030 and established in accordance with ORS 455.010.
- C. The Board's duty is to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the Uniform Building Code and the Uniform Code for the Abatement of Dangerous Buildings. The Board will also meet to hear matters relating to alternate materials and methods of construction.

### **Article III. Membership**

- A. Each Board member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of four years. Board members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. The Board consists of seven members who are qualified by experience and training to consider matters pertaining to building construction. No member may be a City of Milwaukie officer, agent, or employee.
- C. Vacancies are filled in the same manner as the original appointments.
- D. Upon failure of any member to attend three consecutive meetings, the Board may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Board and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

#### Article IV. Officers and Staffing

- A. Officers. The officers consist of a chair and a vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one calendar year. Nominations and election of new officers shall be taken from the floor at the first Board meeting of the calendar year. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Board. The chair shall preside at all Board meetings and review upcoming Board agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated in writing.
- C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.
- D. Staff. The City of Milwaukie will provide staff support to the Board for meeting notification, word processing, minutes preparation, copying, and information gathering to the extent the budget permits. The building official shall be an ex officio member and act as secretary to the Board in preparation of the record of the proceedings (nonvoting).

#### Article V. Organizational Procedures

- A. The Board shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Board shall constitute a quorum. The concurrence of a majority of the Board members present shall be required to decide any matter. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be canceled.
- C. All members who are present at Board meetings, including the Chair and Vice Chair, are allotted one vote each on all motions.
- D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Milwaukie City Council on its own initiative, or upon a recommendation from the Board.
- E. The parliamentary authority for this board is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.
- F. Individuals being considered must be willing to attend meetings on an as-needed basis to hear appeals.

MODEL BYLAWS

**Article I. Name**

The name of this committee is the Budget Committee.

**Article II. Purpose, Authority, and Duties**

- A. The purpose of this Committee is to consider the City of Milwaukie budget document.
- B. The Budget Committee is established by Milwaukie Municipal Code Section 2.14 in accordance with ORS 294.336.
- C. The Committee's duties are to review the City of Milwaukie's annual budget document as prepared by the City Budget Officer and recommend an approved budget to the City Council for adoption.

**Article III. Membership**

- A. Each Committee member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of three years. Committee members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. The Committee consists of five City Councilors and five appointed members.
- C. Committee members must be registered voters residing within Milwaukie city limits. No member may be a City of Milwaukie officer, agent, or employee.
- D. Vacancies are filled in the same manner as the original appointments.
- E. Upon failure of any member to attend three consecutive meetings, the committee may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the committee and declare the position vacant to be filled in the manner of a regular appointment.
- F. All members shall serve without compensation.

**Article IV. Officers and Staffing**

- A. Officers. The officers consist of a chair and secretary who shall be selected by the membership and who shall serve at the pleasure of the membership for one calendar year. Nominations and election of new officers shall be taken from the floor at the Committee's first meeting of the year. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Committee. The chair shall preside at all Committee meetings and review Committee agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Committee unless this responsibility is delegated in writing.
- C. Secretary. The secretary shall execute all powers of the chair in the absence of the chair.
- D. Staff. The City of Milwaukie will provide staff support to the Committee for meeting notification, word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

**Article V. Organizational Procedures**

- A. The Committee shall hold meetings as necessary at a time and place designated by the chair consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Committee shall constitute a quorum. The concurrence of a majority of the Board members present shall be required to decide any matter. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be canceled.
- C. All members who are present at Committee meetings, including the Chair and Secretary are allotted one vote each on all motions.
- D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Milwaukie City Council on its own initiative, or upon a recommendation from the Committee.
- E. The parliamentary authority for this Committee is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.

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- F. Individuals being considered must be willing to dedicate to, at a minimum, one meeting per month. The Budget Committee meets during budget preparation season, and meetings are scheduled as needed.

## MODEL BYLAWS

### Article I. Name

The name of this board is the Center/Community Advisory Board (C/CAB).

### Article II. Purpose, Authority, and Duties

- A. The purpose of this Board is to advise the North Clackamas Parks and Recreation District (NCPRD), Milwaukie City Council, and Milwaukie Center staff regarding Center client/participant needs.
- B. The Board is established in the May 24, 1990, Intergovernmental Agreement between North Clackamas Park & Recreation District and the City of Milwaukie.
- C. The Board's duties include addressing the programs and facilities of the Milwaukie Center concentrating on the problems, desires, and needs of senior citizens and others in the Milwaukie area; making decisions regarding capital improvements, program policies, and maintenance and operations policies that will have to be approved by both the Milwaukie City Council (deedholders to the property and facilities) and the Service District Boards; and providing the Service District Board of Directors with budget recommendations.

### Article III. Membership

- A. Nine of the eighteen Board members shall be appointed by the Mayor with the consent of Council, and members shall serve at the pleasure of the appointing governing body. Terms are for a period of three years. Board members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. The nine City of Milwaukie appointees must reside within the Milwaukie City limits. No member may be a City of Milwaukie officer, agent, or employee.
- C. Vacancies are filled in the same manner as the original appointments.
- D. Upon failure of any member to attend two consecutive meetings, the Board may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Board and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

**Article IV. Officers and Staffing**

- A. Officers. The officers consist of a chair, vice chair, and secretary who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Elections shall be held yearly in January. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Board. The chair shall preside at all Board meetings and review the Board agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated in writing.
- C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.
- D. Secretary. The secretary shall keep records of all Board meetings, correspondence, and related documents. He or she also prepares a quarterly report.
- E. Staff. The City of Milwaukie will provide information gathering and sharing to the extent the budget permits.

**Article V. Organizational Procedures**

- A. The Board shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the board or commission shall constitute a quorum. The concurrence of a majority of the Board members present shall be required to decide any matter.
- C. These bylaws may be amended at any regular meeting provided written notice of the proposed amendment is submitted at a prior, regular meeting or at least 45 days in advance of consideration.
- D. The parliamentary authority for this board or commission is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.
- E. Individuals being considered must be willing to dedicate to, at a minimum, one meeting per month.

MODEL BYLAWS

**Article I. Name**

The name of this board is the Citizens Utility Advisory Board (CUAB).

**Article II. Purpose, Authority, and Duties**

- A. The purpose of this Board is to advise the City Council on the methods and manner in which City utility rates and capital improvements are scheduled and carried out.
- B. The Board is authorized by Milwaukie Municipal Code Section 2.11.
- C. The Board's duties include reviewing existing rate structures and capital improvement programs for the various City sewer, water, and surface water utilities; acting in an advisory capacity to the City Council in review and enactment of future utility rate structures and capital improvement programs; promoting public knowledge, understanding, acceptance, and support of official utility programs proposed or instigated by the City; and such other activities as the Council may assign.

**Article III. Membership**

- A. Each Board member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of four years. Board members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. The Board consists of seven members appointed at large.
- C. Each member must be either a Milwaukie resident or own a business within the City limits throughout his/her term. No member may be a City of Milwaukie officer, agent, or employee.
- D. Vacancies are filled in the same manner as the original appointments.
- E. Upon failure of any member to attend three consecutive meetings, the Board may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Board and declare the position vacant to be filled in the manner of a regular appointment.
- F. All members shall serve without compensation.

#### Article IV. Officers and Staffing

- A. Officers. The officers consist of a chair and a vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the first Board meeting of the calendar year. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Board. The chair shall preside at all Board meetings and review Board agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated in writing.
- C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.
- D. Staff. The City of Milwaukie will provide staff support to the Board for meeting notification, word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

#### Article V. Organizational Procedures

- A. The Board shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Board shall constitute a quorum. The concurrence of a majority of the Board members present shall be required to decide any matter. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be canceled.
- C. All members who are present at Board meetings, including the Chair and Vice Chair, are allotted one vote each on all motions.
- D. Bylaws may be amended, repealed or altered by a majority vote at two consecutive CUAB meetings and after approval by the City Council.
- E. The parliamentary authority for this Board is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.
- F. Individuals being considered must be willing to dedicate to, at a minimum, one meeting per month. Regular Board meetings are generally held the first Wednesday of each month at 6:30 p.m. at a place designated by staff.

MODEL BYLAWS

**Article I. Name**

The name of this commission is the Historic Resources Commission (HRC).

**Article II. Purpose, Authority, Duties, and Termination**

- A. The purpose of the Commission is to assist the City Council on historic preservation matters defined in the Zoning Ordinance and to review the Historic Resources element of the Comprehensive Plan.
- B. The Commission is established in Milwaukie Municipal Code Chapter 2.18 Section 323 of the Zoning Ordinance.
- C. The Commission's duties and responsibilities are described in Section 323.4(B) of the Zoning Ordinance.

**Article III. Membership**

- A. Each Commission member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of four years. Commission members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. Vacancies are filled in the same manner as the original appointments.
- C. The Commission shall consist of such members as described in the Zoning Ordinance, Section 323.4(A). No member may be a City of Milwaukie officer, agent, or employee.
- D. Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

#### Article IV. Officers and Staffing

- A. Officers. The officers consist of a chair and a vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the year. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Commission. The chair shall preside at all Commission meetings and review Commission agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Commission unless this responsibility is delegated in writing.
- C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.
- D. Staff. The City of Milwaukie will provide staff support to the Commission for meeting notification, word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

#### Article V. Organizational Procedures

- A. The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Commission shall constitute a quorum. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be canceled.
- C. All members who are present at Commission meetings, including the Chair and Vice Chair, are allotted one vote each on all motions.
- D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Milwaukie City Council on its own initiative, or upon a recommendation from the Commission.
- E. The parliamentary authority for this Commission is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.
- F. Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

- E. Individuals being considered must be willing to dedicate to, at a minimum, one meeting per month to the Commission.

MODEL BYLAWS

**Article I. Name**

The name of this Board is the Board of the Ledding Library.

**Article II. Purpose, Authority, and Duties**

- A. The purpose of this Board is to advise the Milwaukie City Council and the Ledding staff on library patrons' needs.
- B. The Board is authorized by Milwaukie Municipal Code Chapter 2.28 in accordance with ORS 357.400 to 357.621.
- C. The Board's duties, under the general direction of the Council, include: reviewing and commenting on rules and policies for the operation of the library; commenting on the acceptance or rejection of donations of real or personal property or funds donated to the library; commenting on sites for public library buildings or for location of library facilities; and other such activities. The Board also works toward adequate financial support for the library, although the Board has no responsibility for the budget or for any financial transactions.

**Article III. Membership**

- A. Each Board member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of four years. Board members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. The Board consists of seven members. No member may be a City of Milwaukie officer, agent, or employee.
- C. Vacancies are filled in the same manner as the original appointments.
- D. Upon failure of any member to attend three consecutive meetings, the Board may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Board and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

#### Article IV. Officers and Staffing

- A. Officers. The officers consist of a chair and a vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of officers shall be taken from the floor at the Board's first meeting of the year. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Board. The chair shall preside at all Board meetings and review the Board agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated in writing.
- C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.
- D. Staff. The City of Milwaukie will provide staff support to the Board for meeting notification, word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

#### Article V. Organizational Procedures

- A. The Board shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Board shall constitute a quorum. The concurrence of a majority of the Board members present shall be required to decide any matter. If a quorum is not attained in fifteen minutes following the scheduled call to order, the meeting shall be canceled.
- C. All members who are present at Board meetings, including the Chair and Vice Chair, are allotted one vote each on all motions.
- D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Milwaukie City Council on its own initiative, or upon a recommendation from the Board.
- E. The parliamentary authority for this Board is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.
- F. Individuals being considered must be willing to dedicate to, at a minimum, one meeting per month to the Board. Regular Board meetings are held the fourth Monday of each month at 6:30 p.m. at a place designated by staff.

MODEL BYLAWS

**Article I. Name**

The name of this board is the Park and Recreation Board (PARB).

**Article II. Purpose, Authority, and Duties**

- A. The purpose and authority of this Board is to advise the Milwaukie City Council about matters relating to Milwaukie's recreation programs and facilities.
- B. The Board is established by Milwaukie Municipal Code Chapter 2.12.
- C. The Board's duties include surveying recreation and leisure time needs through the neighborhood associations and recommending the roles the City should or ought to pursue in meeting such needs; serving in an advisory capacity to the City Council on the location, service areas, siting, standards, class, number and needs for existing and future parks within the community; identifying desirable future park locations consonant with established plans and standards; ensuring the development of a master plan for each park site; exploring the feasibility of meeting community park and recreation needs through consolidating grounds and programs with local schools; identifying park acquisition and development priorities and recommending methods of financing; establishing, evaluating, and monitoring maintenance standards of City parks and advising council of the status; and such other activities as the Council may assign.

**Article III. Membership**

- A. Each Board member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of four years. Board members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. The Board consists of seven members, and all must be residents of the City of Milwaukie. No member may be a City of Milwaukie officer, agent or employee.
- C. Vacancies are filled in the same manner as the original appointments.

- D. Upon failure of any member to attend three consecutive meetings, the Board may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Board and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

**Article IV. Officers and Staffing**

- A. **Officers.** The officers consist of a chair and a vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of officers shall be taken from the floor at the Board's first meeting of the year. Officers may be re-elected.
- B. **Chair.** The chair shall have general supervisory and directional powers over the Board. The chair shall preside at all Board meetings and review Board agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated in writing.
- C. **Vice Chair.** The vice chair shall execute all powers of the chair in the absence of the chair.
- D. **Staff.** The City of Milwaukie will provide staff support to the Board for meeting notification, word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

**Article V. Organizational Procedures**

- A. The Board shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Board shall constitute a quorum. The concurrence of a majority of the Board members present shall be required to decide any matter. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be canceled.
- C. All members who are present at Board meetings, including the Chair and Vice Chair, are allotted one vote each on all motions.
- D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Milwaukie City Council on its own initiative, or upon a recommendation from the Board.

- E. The parliamentary authority for this Board is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.
- F. Individuals being considered must be willing to dedicate to, at a minimum, one meeting per month to the Board. Regular Board meetings are generally held the first Monday of each month at 7:00 p.m. at a place designated by staff.

MODEL BYLAWS

**Article I. Name**

The name of this commission is the Planning Commission (PC).

**Article II. Purpose, Authority, and Duties**

- A. The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Council in land use matters.
- B. The Commission is authorized by ORS 227 and Milwaukie Municipal Code Chapter 2.16.
- C. The Commission's duties include articulating the Community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Comprehensive Plan.

**Article III. Membership**

- A. Each Commission member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of four years. Commission members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the public interest to do so.
- B. The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Milwaukie officer, agent, or employee.
- C. Vacancies are filled in the same manner as the original appointments.
- D. Upon failure of any member to attend three consecutive meetings, the Commission may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Commission and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

#### Article IV. Officers and Staffing

- A. Officers. The officers consist of a chair and a vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the Committee's first meeting of the year. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Commission. The chair shall preside at all Commission meetings and review Commission agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Commission unless this responsibility is delegated in writing.
- C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.
- D. Staff. The City of Milwaukie will provide staff support to the Commission for meeting notification, word processing, minute preparation, copying, and information gathering to the extent the budget permits.

#### Article V. Organizational Procedures

- A. The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Commission shall constitute a quorum. The concurrence of a majority of the Commission members present shall be required to decide any matter. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be canceled.
- C. All members who are present at Commission meetings, including the Chair and Vice Chair, are allotted one vote each on all motions.
- D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Milwaukie City Council on its own initiative, or upon a recommendation from the Commission.
- E. The parliamentary authority for this Commission is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.

- F. Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.
  
- G. Individuals being considered must be willing to dedicate to, at a minimum, two meetings per month for Planning Commission membership. The Planning Commission shall meet at least once a month, on the second and/or fourth Tuesdays at 6:30 p.m. at a place designated by staff. These meetings may be set aside upon agreement of a majority of the Commissioners and upon compliance with applicable land use laws and procedures.

## MODEL BYLAWS

### Article I. Name

The name of this Board is the Traffic Safety and Transportation Board (TSTB).

### Article II. Purpose, Authority, and Duties

- A. The purpose of this Board is to advise and make recommendations to the City Council regarding transportation planning and safety needs in the City of Milwaukie and its urban growth boundary.
- B. The Board is authorized by Milwaukie Municipal Code Chapter 2.24.
- C. The Board's duties include: developing and/or reviewing project proposals to further transportation safety and the Transportation System Plan (TSP); assist, in general, in the overall reduction of traffic accidents, injuries, and deaths; foster public knowledge and support of the traffic law enforcement programs; identify traffic problems and research and investigate solutions; cooperate with the public and private school systems in the promotion of traffic safety to schools and their neighborhoods within the City; promote and support the elements of the TSP; and such other activities as the City Council may assign.

### Article III. Membership

- A. Each Board member shall be appointed by the Mayor with the consent of Council, and those members shall serve at the pleasure of the Council. Terms are for a period of four years. Board members shall serve no more than two, consecutive full terms. The Council may waive this limitation if it is in the best interest of the public to do so.
- B. The Board consists of seven voting members with two ex officio members recommended by the North Clackamas School District, one of whom must be a Milwaukie High School student. No more than three voting members may be nonresidents.
- C. Vacancies are filled in the same manner as the original appointments.
- D. Upon failure of any member to attend three consecutive meetings, the Board may recommend termination of that appointment to the Council, and the Council may remove the incumbent from the Board and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

**Article IV. Officers and Staffing**

- A. Officers. The officers consist of a chair and a vice chair who shall be selected by the membership and who shall serve at the pleasure of the membership for one year. Nominations and election of new officers shall be taken from the floor at the first Board meeting of the calendar year. Officers may be re-elected.
- B. Chair. The chair shall have general supervisory and directional powers over the Board. The chair shall preside at all Board meetings and review Board agendas with the staff liaison. The chair shall also be an ex-officio member of all subcommittees and shall be the sole spokesperson for the Board unless this responsibility is delegated in writing.
- C. Vice Chair. The vice chair shall execute all powers of the chair in the absence of the chair.
- D. Staff. The City of Milwaukie will provide staff support to the Board for meeting notification, word processing, minutes preparation, copying, and information gathering to the extent the budget permits.

**Article V. Organizational Procedures**

- A. The Board shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Board shall constitute a quorum. The concurrence of a majority of the voting Board members present shall be required to decide any matter. If a quorum of voting members is not attend fifteen minutes following the scheduled time of call to order, the meeting shall be canceled.
- C. All voting members who are present at Board meetings, including the Chair and Vice Chair, are allotted one vote each on all motions.
- D. These bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Milwaukie City Council on its own initiative, or upon a recommendation from the Board.
- E. The parliamentary authority for this Board is *Robert's Rules of Order Revised* except where superseded by these bylaws or local, state, or federal law.

- F. Individuals being considered must be willing to dedicate to, at a minimum, one meeting per month to the Board. Regular Board meetings are generally held the second Monday of each month at 7:00 p.m. at a place designated by staff.


**O'DONNELL RAMIS CREW  
CORRIGAN & BACHRACH**

ATTORNEYS AT LAW  
1727 N.W. Hoyt Street  
Portland, Oregon 97209

TELEPHONE: (503) 222-4402  
FAX: (503) 243-2944

**DATE:** June 12, 1996

**TO:** Pat DuVal, City Recorder  
Milwaukie City Council

**FROM:** Pamela J. Bercy, City Attorney's Office 

**RE:** Planning Commission Bylaws

This office has been asked to suggest additional language to be included in the Planning Commission Bylaws providing for continuance of a matter and ending times for meetings. The following suggested language could be added to Article V of the bylaws.

The following language may be added for continuance of a matter:

"Any matter before the Planning Commission may be continued to a date certain. When continuing the matter the Planning Commission should consider the 120 day rule in order for the City Council to have time to hear the matter, if applicable."

When the Planning Commission continues to a date certain, renoticing the matter is avoided. Also, the 120 day rule is very important to be aware of, as the City is required to make a decision on land use applications within that time pursuant to ORS 227.178.

As to meeting ending time, the Planning Commission has two options. First, the Planning Commission may decide at the beginning of each meeting the ending time for that meeting, then a motion may be made at the end to extend that time, as needed. Second, the ending time may be set in the bylaws and extensions provided for by motion. The following language reflects both options:

1. "At the beginning of each meeting, the Planning Commission shall set the meeting ending time. The ending time may be extended at the end of the meeting by motion." or,
2. "Each Planning Commission meeting shall end at \_\_\_\_\_ p.m. The ending time may be extended prior to the end of the meeting by motion."

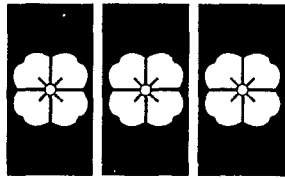
O'DONNELL, RAMIS CRUW  
CORRICAN & BACHIRACH

Memo re: Planning Commission Bylaws  
June 12, 1996  
Page 2

I hope these suggestions are helpful to you in completing the Planning Commission bylaws.  
Please let me know if you have any questions.

cc: Maggie Collins  
njh/acm/65021/duval.mc2

C I T Y O F



MILWAUKIE

\*\*\* MEMORANDUM \*\*\*

June 10, 1996

To: Mayor and City Council

Through: Dan Bartlett, City Manager *DB*

From: Charlene Richards, Assistant to the City Manager *CR*

Subject: Management and Non-represented Employees  
Fiscal Year 1996/97 Salary Schedule

**Action Recommended:**

Direct, by motion, that the City Manager adopt by City Manager Directive, the attached salary schedules effective July 1, 1996, for all management and non-represented job classifications.

**Background:**

This year, the City conducted a market study to determine if City salaries were competitive. A 1989 Citizen Personnel Compensation Committee defined comparable wages. The City was to pay no less than 5% below the average for our comparable cities. The comparable cities included Forest Grove, Hillsboro, Lake Oswego, Oregon City, Tigard, Tualatin, and West Linn.

The market study resulted in the need to increase salaries from ~three percent (3%) to up to six and one-half percent (6.5%). As a way to reduce the impact in any one fiscal year, staff recommends that the schedule be implemented over three years. First, a three percent (3%) increase in base wages is applied to fiscal year 1995/96 wages. In fiscal year 1997/98, half the remaining difference between 1996/97 wages and the market salary schedule would be added to the current schedule. In fiscal year 1998/99, the market salary schedule would be used for all classifications.

Staff recommends a three percent (3%) general increase be applied to the new 1995/96 salary schedule. The MEA-AFSCME collective bargaining agreement calls for a market increase of 3% and then a general increase for fiscal year 1996/97 of 3%. The Portland CPI-U for 1995 is 2.9%. The proposed fiscal year 1996/97 budget calculates all non-represented and represented employee salaries based on a 3% increase.

Since fiscal year 1989/90, the Council has extended to non-represented employees the same general increase as MEA/AFSCME covered employees. A 1989 Citizen Personnel Compensation Committee reviewed the City's classification and compensation systems. The Committee found that salaried employees did not consistently receive general or cost of living increases commensurate with represented employees. They strongly recommended "that salaried employees be granted general increases consistent with those awarded in the future to other City employees . . ." This was to prevent compression between union and management salary structures.

**Implementation:**

A market increase of 3% and then a general increase of 3% is applied to the non-represented salary schedule resulting in a 6% wage increase effective July 1, 1996, for all non-represented employees. The same increases applied to the management salary schedule changes the schedule but does not necessarily give a 6% increase to department head salaries effective July 1, 1996. Department Heads receive salary increases based on merit.

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

# CITY OF WAUKIE

## 1996-97 Paytables

(X.0 = Market+3%)  
(X.1 = Catch-up+3%)

# DRAFT

	Personnel Scale	Payroll Scale	A	B	C	D	E	F
<b>NON REPRESENTED EMPLOYEES (NON REP)</b>								
	<b>1</b>	<b>11.0</b>	1,547	1,625	1,706	1,791	1,881	1,975
Library Aldes	1.1	11.1	1,497	1,572	1,650	1,733	1,820	1,911
	<b>2</b>	<b>12.0</b>	1,625	1,706	1,791	1,881	1,975	2,073
	2.1	12.1	1,572	1,650	1,733	1,820	1,911	2,006
	<b>3</b>	<b>13.0</b>	1,706	1,791	1,881	1,975	2,073	2,177
	3.1	13.1	1,650	1,733	1,820	1,911	2,006	2,106
	<b>4</b>	<b>14.0</b>	1,791	1,881	1,975	2,073	2,177	2,286
	4.1	14.1	1,733	1,820	1,911	2,006	2,106	2,212
	<b>5</b>	<b>15.0</b>	1,881	1,975	2,073	2,177	2,286	2,400
Office Assistant	5.1	15.1	1,820	1,911	2,006	2,106	2,212	2,322
	<b>6</b>	<b>16.0</b>	1,975	2,073	2,177	2,286	2,400	2,520
	6.1	16.1	1,911	2,006	2,106	2,212	2,322	2,438
	<b>7</b>	<b>17.0</b>	2,073	2,177	2,286	2,400	2,520	2,646
Human Resources Assistant	7.1	17.1	2,006	2,106	2,212	2,322	2,438	2,560
	<b>8</b>	<b>18.0</b>	2,177	2,286	2,400	2,520	2,646	2,779
	8.1	18.1	2,106	2,212	2,322	2,438	2,560	2,688
	<b>9</b>	<b>19.0</b>	2,286	2,400	2,520	2,646	2,779	2,918
Supervising Court Clerk	9.1	19.1	2,212	2,322	2,438	2,560	2,688	2,823
	<b>10</b>	<b>20.0</b>	2,400	2,520	2,646	2,779	2,918	3,063
Library Assistant	10.1	20.1	2,322	2,438	2,560	2,688	2,823	2,964
	<b>11</b>	<b>21.0</b>	2,520	2,646	2,779	2,918	3,063	3,217
Recorder-Exec Secretary	11.1	21.1	2,438	2,560	2,688	2,823	2,964	3,112
	<b>12</b>	<b>22.0</b>	2,646	2,779	2,918	3,063	3,217	3,377
	12.1	22.1	2,560	2,688	2,823	2,964	3,112	3,268
	<b>13</b>	<b>23.0</b>	2,779	2,918	3,063	3,217	3,377	3,546
	13.1	23.1	2,688	2,823	2,964	3,112	3,268	3,431
	<b>14</b>	<b>24.0</b>	2,918	3,063	3,217	3,377	3,546	3,724
	14.1	24.1	2,823	2,964	3,112	3,268	3,431	3,603
	<b>15</b>	<b>25.0</b>	3,063	3,217	3,377	3,546	3,724	3,910
Operations Supervisor	15.1	25.1	2,964	3,112	3,268	3,431	3,603	3,783
	<b>16</b>	<b>26.0</b>	3,217	3,377	3,546	3,724	3,910	4,105
Sr Librarian/Dispatch Supvr/Facilities & Fleet Mgr	16.1	26.1	3,112	3,268	3,431	3,603	3,783	3,972
	<b>17</b>	<b>27.0</b>	3,377	3,546	3,724	3,910	4,105	4,311
Detective Sergeant/Building Official	17.1	27.1	3,268	3,431	3,603	3,783	3,972	4,170
	<b>18</b>	<b>28.0</b>	3,546	3,724	3,910	4,105	4,311	4,526
Public Works Supt/Police Captain	18.1	28.1	3,431	3,603	3,783	3,972	4,170	4,379
	<b>19</b>	<b>29.0</b>	3,724	3,910	4,105	4,311	4,526	4,752
City Engineer/Neighborhood Services Coordinator	19.1	29.1	3,603	3,783	3,972	4,170	4,379	4,598
	<b>20</b>	<b>30.0</b>	3,910	4,105	4,311	4,526	4,752	4,990
	20.1	30.1	3,783	3,972	4,170	4,379	4,598	4,828

# CITY OF MILWAUKIE

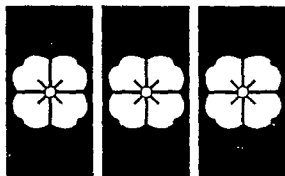
## 1996-97 Paytables

(X.0 = Market+3%)

(X.1 = Catch-up+3%)

	Personnel Scale	Payroll Scale	A	B	C	D	E	F	G
MANAGEMENT (MGT)									
	1E	2.0	3,972					5,240	
Dept Mgr (Finance Dir/Community Development Director)	1.1E	2.1	3,910					5,134	
Dept Manager (Asst to City Mgr/Public Wks Dir/Fire & Police Chief)	2E	2.0	4,311					5,382	

C I T Y O F



MILWAUKIE

\*\*\* M E M O R A N D U M \*\*\*

June 7, 1996

To: Mayor and City Council  
From: Dan Bartlett, City Manager *Dan*  
Re: Evaluation and Salary Survey

Action Requested

I would ask that the Council evaluate the attached salary survey data and make a motion increasing my salary and deferred compensation commensurate with other regional managers and special district directors. Please make the distribution between salary and deferred compensation subject to my allocation (for tax purposes).

Background

Each year Council has asked that city staff survey metro area cities for their managers salary. Human Resources has completed this survey. This year they have also surveyed special districts.

Council can use this data to determine an appropriate salary offer.

cc: File  
cm987/hd

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

# City Manager Salary Survey

City	1995 Population	Current Salary	Deferred Comp	Total Wages	Auto	Retirement Employee Pick-up	Comments
Forest Grove	14,772	\$6,118		\$6,118	car	yes, private (7/1/97)	
Hillsboro	46,181	\$7,377	\$625	\$8,002	work	no, 6% incl in salary	7/1/95
Lake Oswego	33,145	\$7,360	\$50	\$7,410	car	yes (7/1/97)	1/1/96
Oregon City	18,980	\$5,720		\$5,720	\$250	yes (7/1/97)	7/1/95
Tigard	33,500	\$6,700		\$6,700	\$250	ICMA	7/1/95
Tualatin	18,450	\$6,250		\$6,250	\$250	no, incl in salary	3/1/96
West Linn	19,600	\$6,921	\$208	\$7,129	car	yes (1/1/96)	6/30/96
Wilsonville	9,640	\$5,650	\$625	\$6,275	\$300	yes (7/1/98)	9/16/94
<b>Average</b>	<b>24,284</b>	<b>\$6,512</b>	<b>\$377</b>	<b>\$6,889</b>	<b>\$263</b>		
<b>95 % of Average</b>		<b>\$6,186</b>	<b>\$358</b>	<b>\$6,544</b>	<b>\$249</b>		
<b>Milwaukie</b>	<b>20,015</b>	<b>\$5,587</b>	<b>\$42</b>	<b>\$5,629</b>	<b>\$250</b>	yes (7/1/96)	7/1/95
<b>Dept Heads</b>							
<b>Top - Actual</b>		<b>\$5,080</b>	<b>\$42</b>	<b>\$5,122</b>			7/1/95
<b>Top - Range</b>		<b>\$5,080</b>	<b>\$42</b>	<b>\$5,122</b>		yes (7/1/96)	7/1/95
<b>Top - Actual + 10%</b>		<b>\$5,588</b>	<b>\$42</b>	<b>\$5,630</b>		yes (7/1/96)	7/1/95
<b>Top - Range + 10%</b>		<b>\$5,588</b>	<b>\$42</b>	<b>\$5,630</b>		yes (7/1/96)	7/1/95
PERS - yes = employer pays employee pickup							
no = employee pays pickup							
Deferred comp for all cities does not require employee match							
Deferred comp for Milwaukie requires employee match up to \$500 employer share							

# Special Districts

Special District	1995 # of EEs	Current Salary		Deferred Comp	Total Max. Wages	Auto	Retirement Employee Pick-up
		Min.	Max				
NCPRD Director	228	\$4,994	\$6,742	\$423	\$7,165	no	yes, indefinitely
Oak Lodge Water-Gen'l Mgr.	14	\$4,995	\$6,214	\$0	\$6,214	yes*	no, employee pays
Oak Lodge Sewer District-Gen'l Mgr.	18		\$6,358	\$0	\$6,358	yes	no, employee pays
Oak Lodge Fire District	31		\$6,655	\$0	\$6,655	yes	no, employee pays
Clackamas Fire District #1	105		\$6,521	\$0	\$6,521	yes	yes, employer pays
Clackamas Water	36	\$5,250	\$6,250	\$0	\$6,250	yes	no, employee pays
Clackamas County Sewer Utility Dist.	82	\$5,327	\$7,192	\$0	\$7,192	no	yes, County pays
<b>Average</b>	<b>73</b>		<b>\$6,562</b>	<b>\$60</b>	<b>\$6,622</b>		
<b>95 % of Average</b>			<b>\$6,234</b>	<b>\$57</b>	<b>\$6,291</b>		
<b>Milwaukie</b>	<b>152</b>		<b>\$5,587</b>	<b>\$42</b>	<b>\$5,629</b>	<b>\$250</b>	<b>yes (7/1/96)</b>
<b>Dept. Heads</b>							
<b>Top - Actual</b>			\$5,080	\$42	\$5,122		
<b>Top - Range</b>			\$5,080	\$42	\$5,122		yes (7/1/96)
<b>Top - Actual + 10%</b>			\$5,588	\$42	\$5,630		yes (7/1/96)
<b>Top - Range + 10%</b>			\$5,588	\$42	\$5,630		yes (7/1/96)
<b># of EEs = Number of Full-time, Part-time, and Temporary employees, except Milwaukie does not include temporary employees</b>							
<b>Auto -- *employee pays \$90 per month to cover personal use</b>							
<b>PERS - yes = employer pays employee pickup</b>							
<b>no = employee pays pickup</b>							



\*\*\* M E M O R A N D U M \*\*\*  
June 10, 1996

To: Mayor and City Council  
From: Dan Bartlett, City Manager *DB*  
Re: Council Rules

Action Requested

Consider the attached ordinance amending Council rules.

Background

Council has discussed the matter of confidentiality. The City Attorney's Office has drafted the attached ordinance to address council's concerns.

cc: File  
cm988/hd

O'DONNELL RAMIS CREW  
CORRIGAN & BACHRACH

ATTORNEYS AT LAW  
1727 N.W. Hoyt Street  
Portland, Oregon 97209

TELEPHONE: (503) 222-4402  
FAX: (503) 243-2944

**DATE:** June 6, 1996  
**TO:** Dan Bartlett, City Manager  
**FROM:** Ted W. Baird, City Attorney's Office  
**RE:** Ordinance Amending Council Rules

Enclosed please find an ordinance that amends the City Council rules. These changes were discussed at the City Council meeting of June 4, 1996.

Please let me know if you have any questions or changes.

twb/acm/65021/bartlett.mel

ORDINANCE NO. \_\_\_\_

MILWAUKIE, OREGON

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING CHAPTER 2.04, COUNCIL RULES, OF THE MUNICIPAL CODE BY ADDING A SECTION TITLED CONFIDENTIALITY.

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WHEREAS, the City Council finds that it would be beneficial to the Council and the public if the Council rules provided in chapter 2.04 of the Milwaukie Municipal Code included a provision for confidentiality; now, therefore;

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: Section 2.04.095, Confidentiality is added to Chapter 2.04 of the Milwaukie Municipal Code to read as follows:

- A. Councilors will keep all written materials and verbal information provided them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or the City Attorney.
- B. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiations whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with the other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.
- C. If a Councilor does not refrain from disclosing such information as required by the Council rules, the Council shall convene and discuss the matter in an executive session.

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

Ordinance No. \_\_\_\_

Page 1

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

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

\_\_\_\_\_  
Craig Lomnicki, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
O'Donnell Ramis Crew Corrigan & Bachrach

m6\apps\45722\ecomm\or1 (6/5/06)

**DRAFT**

PLANNING COMMISSION MINUTES  
TUESDAY, MAY 28, 1996

**COMMISSIONERS PRESENT**

Carolyn Tomei, Chair  
Debi Linn  
Bill Johnson  
Michael Smith  
Calvin Walter

**STAFF PRESENT**

Maggie Collins,  
Com. Dev. Dir.  
Stacey Lawson,  
Assistant Planner  
Diana Myrvang,  
Pub. Inv. Coord.  
Shirley Richardson,  
Hearings Recorder

**COMMISSIONERS ABSENT**

Gordon Jones

1.0 CALL TO ORDER

**Chair Tomei** called the meeting to order at 8:05 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes - May 14, 1996

**Debi Linn** moved to approve the minutes of May 14, 1996, as corrected. **Calvin Walter** seconded. MOTION CARRIED 4-0 with one abstention. Bill Johnson was not at that meeting.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

Applicant: Steve Blazo  
Property Owner: Steve Blazo  
Location: 9900 SE Cambridge Lane (Tax Lots 700 and 800 of Tax Map R1  
1E 26DB)

Application: Requested Time Extension to Variance VR-94-14

**Chair Tomei** opened the public hearing on a one-year time extension of Variance VR-94-14, requested by the Applicant, Steve Blazo, pursuant to Section 1013 of the Zoning Ordinance and Comprehensive Plan. She asked the Commissioners if there were any ex-parte contacts or conflicts of interest to declare. There were none. Mike Smith abstained from voting on this Application. **Chair Tomei** asked if there were any Commissioners who visited the site. Three hands were raised. No one who visited the site spoke to anyone at the site or noticed anything different from what is indicated in the Staff Report for this Application. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

#### STAFF REPORT

**Stacy Lawson** explained that this was a request for a one-year time extension to Variance VR-94-14. This Application is pursuant to Section 1013 of the City Zoning Ordinance. This Section permits a one-year extension for projects that have not been able to achieve substantial construction in the six months after approval. The Notice of Decision went out on November 27, 1995. The sixth month period expired yesterday, May 27, 1996, and the extension request was filed on April 22nd.

One of the conditions of approval of this variance was to allow for a 2-lot subdivision to take access off of two private drives rather than public access. The Applicant was required to obtain a deeded access to SE Waverley Drive, obtain approval by South Metro Fire Marshal for a turnarounds, and file for a minor land partition prior to construction.

Because of the difficulty of the season, and difficulty with deed access, Staff recommends approval of the one-year time extension subject to the original conditions of the variance.

**Chair Tomei** asked if Staff had received any phone calls or correspondence?  
**Stacy Lawson** stated there had been no other inquiries.

#### APPLICANT PRESENTATION

Speaking: Steven L. Blazo, Portland

**Mr. Blazo** reported that he had contracted with Centerline Concepts, Inc. for surveying of the land. The survey has been completed and filed. The Lot Line Adjustment with Mr. Smith's property and the 2-lot Minor Land Partition have

**DRAFT**

CITY OF MILWAUKIE PLANNING COMMISSION  
MINUTES OF MAY 28, 1996  
PAGE 3

been filed. He has also contracted with Mr. Smith and an escrow account has been opened.

QUESTIONS FOR THE APPLICANT FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR OF THE APPLICATION -- None

QUESTIONS OR COMMENTS ON THE APPLICATION -- None

TESTIMONY IN OPPOSITION OF THE APPLICATION -- none

ADDITIONAL COMMENTS FROM STAFF -- None.

**Chair Tomei** closed the public hearing portion of the hearing and opened it to discussion among the Commissioners.

**Bill Johnson** moved to approve a one-year time extension of Variance VR-94-14, requested by the Applicant, Steve Blazo, pursuant to Section 1013 of the Zoning Ordinance. **Debi Linn** seconded. MOTION CARRIED 4-0.

6.0 Worksessions

6.1 Regional Center/Riverfront Steering Committee -- Meeting from 6:30-8:00 p.m.

6.2 Starland Construction Condition Compliance

**Chair Tomei** opened discussion on Starland Construction Company. **Stacey Lawson** explained that on April 9, 1996, the Planning Commission took action to conditionally approve MLP-96-01 and VR-96-02, a three-lot land partition. One issue addressed protection of three large fir trees existing on proposed parcel 3. The following condition was applied: "A Certified Arborist shall be retained by the applicant and a report submitted, prior to issuance of a building permit, to the City of Milwaukie, giving an opinion as to the health of the trees and measures necessary to preserve their health. The applicant shall be encouraged to apply for a minor variance if a minor relocation of the building area would preserve the trees. If trees designated to be preserved are damaged during construction, appropriate mitigation, as determined by the Community Development Director shall be required, prior to issuance of an occupancy permit."

After that hearing, the Community Development Department was contacted by the Applicant informing them that the location of the three trees shown on the plans submitted for review was not exact. He provided a revised plan (Exhibit A) which shows the location of the trees on the property. The actual location of the trees is quite a bit further in toward the center of the building area.

**DRAFT**

Upon hearing this information, Staff suggested that the Applicant get a survey of the site to accurately determine the location of the trees and an Arborist report about protection of the trees, all to establish whether or not there is adequate building space remaining.

The Applicant submitted a letter from a Certified Arborist stating that the trees would each have to be protected by a 20 foot setback in order to ensure their health and preservation (Exhibit B).

If the tree setback was followed, the area remaining for a building envelope would be minimal. As a result, it was concluded by Staff that removal of these trees is necessary in order to allow for construction of a new home on this lot.

Taking this into consideration, staff has approved a mitigation plan for the removal of these three trees. The plan stipulates that three trees shall be planted in the rear yard setback. Each tree is required to be a minimum 4-inch caliper at the base of the trunk and a minimum of 15 feet high. The Applicant plans to plant two birch trees and a maple tree (Exhibit C). All three of these trees are to be located in the rear setback area.

It was the consensus of the Commission that no action from the Planning Commission will be taken on this Compliance process.

**Calvin Walter** voiced concern about the type of trees used for replacement. He stated that in his opinion, they are not good choices. He suggested that in the future, developers must provide a plot plan for a Minor Land Partition request. Replacement trees should be at least, longevity-wise, in the same category as what's being taken out. The Minor Land Partition process will need to be changed to include review of the proposed structure in addition to the division of land.

Discussion followed on how the City must apply requirements equally to the builders. Design Review is not under the purview of the Planning Commission. **Debi Linn** suggested that design review be made a part of the Zoning Ordinance. **Mike Smith** suggested that a tree survey should be added to the Minor Land Partition process. **Calvin Walter** feels that City Council should review the possibility of design review for the Minor Land Partition process.

**Chair Tomei** asked Staff to prepare information on design review options for Commission review.

**Chair Tomei** opened discussion on urban design preferences. **Maggie Collins** reviewed with the Commission the Milwaukie detailed design Visual Preference Survey. She asked that the Commission recommend designs that can be used for review by the Milwaukie Regional Center Committee as good examples for Milwaukie. Suggestions made were:

**A-1** Good example of landscaping, a buffer, boulevard, transit area.

**A-2, P. 8** Good landscaping example, standardized landscaping to tie neighborhoods together, provide uniformity.

**A-4 P. 10** Good example of creating spaces for walking, commercial with texture, open spaces, recognizable area.

**C-1 P. 17** Good example for the riverfront area, small business (one-owner), windows.

**A-2 P. 23** Good example of landscaping replacing concrete jungle, places for people to wait.

**Pp. 4 & 6** Good example of wide sidewalks, places for people to sit and wait with landscaping, shelter, parallel parking.

6.4 Riverboats in Milwaukie

Deferred to the next meeting.

6.5 Community Development Report

**Maggie Collins** reported that the City Council did pass its ordinance that confirms the Planning Commission. A standard package of model by-laws is anticipated. Staff will put together a package with proposed by-laws for review and discussion at a later meeting.

7.0 Discussion Item

**Thomason Ford** **Chair Tomei** asked about the status of the Sign Ordinance violation by Thomason Ford. **Stacey Lawson** reported Staff has not been able to survey the sign violations. An intern is being hired that will review ordinance violations.

**Sheri's Restaurant** **Debi Linn** voiced concerns about not enough water for the ducks in the wetland area next to Sheri's Restaurant. This area was to be maintained as a wetland and not disturbed. The water is drying up and there is not enough for the ducks to swim. Staff will look into the issue and report back.

- 8.0 Old Business
- 8.1 Light Rail Update -- No report.
- 8.2 2040 Study Update

**Maggie Collins** reported that the draft 2040 Plan was taken to the City Council for review and comment on May 21, 1996. The first MPAC hearing on the 2040 draft will be on May 29th and another hearing will be held on June 12, 1996. The City Council at this point, did not recommend a letter of endorsement, nor did any member have concerns with the implementation. Population and employment figures are in place and will continue to be used for Metro's evaluation. City Council, at a later date, may outline an endorsement of the 2040 Plan.

- 9.0 Other Business/Updates
- 9.1 Historic Review Commission Report

**Debi Linn** reported that the video is underway. The projected finish date will be in a couple of months. She and Stacey updated the Historic Commission on what is happening with Light Rail, development, riverfront, etc. The next project will include reviewing possible landmarks in neighboring areas with the help of the Historical Society.

- 9.2 Town Center Area Task Force Report

**Mike Smith** reported that there has not been a Task Force meeting since the last Planning Commission meeting. A meeting is being planned for next week.

- 9.3 Tree Committee Report

**Chair Tomei** reported that a consultant has been hired to finish the draft ordinance.

- 9.4 Community Development Report

None.

**DRAFT**

- 10.0 Next Meeting - June 11, 1996
- 10.1 Griffith and Associates (LA-96-01)
- 10.2 Alex Garkusha (S-96-02)
- 10.3 Riverboat Request Worksession
- 10.4 Community Development Report

Calvin Walter moved to adjourn the meeting of May 28, 1996. Debi Linn seconded.  
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:34 p.m.

---

Carolyn Tomei, Chair

---

Shirley Richardson, Hearings Reporter



# Island Station

## Neighborhood Association

### Neighborhood Meeting

#### Minutes

April 5, 1996

President Mary Jo Morris called the meeting to order at 6:15 p.m.

### Clean-Up Day

**Mary Jo** informed the group that it was decided that instead of ISNA having a separate Clean-Up Day, we will join Milwaukie's Down-to-Earth Day on May 4th and possibly have a neighborhood cleanup in late summer. **JoAnn Herrigel** from the city attended and gave the time and locations of the collection sites.

### Traffic

**Greg Drechsler, city engineer**, spoke about traffic issues on River Road, 22nd Avenue, Bluebird, and McLoughlin Blvd. **Peter Coffey, traffic engineer** with DKS & Associates, discussed several alternatives such as making River Road a two-way street and keeping Bluebird a two-way street. Several people, including **Nolan Chard** and **Mary Hupfer**, opposed making River Road two-way. Chard said that now River Road is a thoroughfare to Gladstone. He wants to limit traffic going north and south on River Road. It was suggested that a traffic bump be placed on River Road near Wren so traffic won't speed downhill.

There is now a small window of opportunity to apply for state money to deal with these issues, but the city won't proceed with its proposal if the neighborhood is opposed. **Mark Vorel** made suggestions regarding turns and stop lights. The owner of the Lawn Center on 22nd Avenue is concerned about losing business if traffic is re-routed. **Gary Michael** also expressed concern about the businesses on 22nd Avenue, but he thought the signal change stopping McLoughlin northbound traffic as River Road traffic merged going north was a good idea. He said residents west of 22nd Avenue and north of Sparrow would have to go several blocks out of their way if Bluebird is made one-way from McLoughlin to 22nd Avenue.

**Mary Hupfer** asked about a light on River Road limiting traffic entering McLoughlin and was told that ODOT probably wouldn't allow it. Engineers (including **David Wheaton, City Public Works**) informed the group that speed bumps probably are not feasible. **Virginia Christian** stated that about 20 school children catch the school bus at 22nd and Wren and the speeding cars make this very dangerous. A decision must be made by the end of April if we are to apply for ODOT money. A vote was taken of the plan as it is now. Eight (8) voted for the plan and twelve (12) voted against it. **Mark Vorel** stated that if nothing is done to decrease speed on 22nd Avenue, those residents will be very unhappy. It was agreed to meet again on this issue on Friday, April 12 - time and place to be announced later.



# Island Station

## Neighborhood Association Newsletter

June 1996

Volume 2

### New McLoughlin Light & River Road Traffic



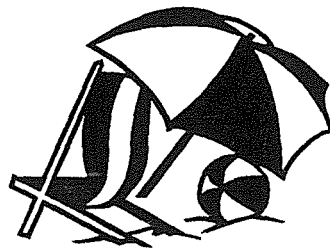
After two meetings in April that drew lots of interested people from the neighborhood, it was agreed that the best solution for the problems with the speed and high traffic volume on River Road and 22nd Avenue, as well as the dangers at the traffic light at McLoughlin, was to come with a new solution! So a dozen people did just that. The alternative that was agreed upon by everyone there was to move the light north on McLoughlin to 22nd Avenue and have the River Road traffic wind around Bluebird and 22nd and enter McLoughlin at a new light at 22nd. Sound confusing?

**Come to the June 7th neighborhood meeting to see the new configuration.**



### Stolen Mail

It's been reported that mail is being stolen from people's mail boxes in the neighborhood. It was suggested we not leave mail out to be picked up by the mail carrier and that we have boxes that lock, especially those near the street.



### Neighborhood Picnic



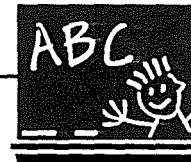
Get your tastebuds ready for hot dogs and potato salad.

### The Annual Island Station Neighborhood Picnic

will be **Tuesday, August 6** complete with a **Big Brass Band!**



Live music lights up the festivities while the kids play ball, and we meet new neighbors.



### New School Superintendant

The new North Clackamas School Superintendant will be attending our neighborhood meeting June 7th. If you want help with your child's new math or a lesson on how to explain the Theory of Relativity, now is the time to ask the expert!

### "Old Stinky" Saga Continues . . .


Neighbors noted that the sewage treatment plant is not compatible with the long-range planning the city is currently doing to improve Milwaukie's waterfront and downtown areas. No one would want to dine or picnic within smelling range of the plant. As one neighbor put it, "It may look like a park, but it doesn't smell like a park." Attendees at the April neighborhood meeting urged the county to remove the plant "...from the most beautiful spot on the river." If the plant is not removed at this point, it will undoubtedly be with us for another generation.

**Is this what we want to live with for the next 25 years? Come state your opinion at the June 7th neighborhood meeting.**

### Elections



Have you ever wanted to be something else?

Like a cham, maybe? 

Or a vice cham?

A treasurer?

Now's your chance!

Neighborhood Association elections are coming up and you could be

**Czar or Czarina**

(or at least the neighborhood equivalent.)



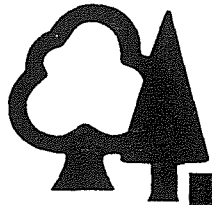
Have some fun!  
Boss people around.

Count money.



Now's your chance.  
Nominate yourself  
(or someone you love)  
and

**WATCH YOUR POPULARITY RISE!  
YOUR NAME IN THE PAPER!  
HOLLYWOOD'S NEXT!**



# Island Station

---

## Neighborhood Meeting

Friday, June 7, 1996

**6:30 P.M**

at

**Milwaukie Grange**

(21st and Bluebird Street)

**To discuss:**

*Possible Kellogg Treatment Plant removal?*

*Neighborhood Picnic - August 6th*

*Update on Code Enforcement*

*Neighborhood Parks*

*Election of officers*

*and . . .*

**. . .to meet the new School Superintendant**

**Questions?**

Call Carolyn Tomei

659-9116

## Special Events in Downtown Milwaukie

**Karen O'Dowd, Milwaukie Downtown District Association**, passed out flyers concerning special events in downtown Milwaukie and displayed banners that will go up. There are 190 businesses in the downtown area. Their goals this year are to increase their identity through signs, banners, etc., and to recruit new businesses. She read their Vision Statement and requested that attendees complete the surveys about what they would like to see downtown.

## Kellogg Treatment Plant

**Mary Jo Morris** discussed options for more sewer capacity.

1. **The most expensive (\$120 million) and most unlikely is to move the plant.**
2. **Another option is to expand Kellogg Treatment Plant.**
3. **A third option is to keep it as it is and ship excess effluent elsewhere.**

**David Wheaton** said that burying plant would be too expensive because everything would have to be rebuilt. The plant is worth \$40 million. Siting it somewhere else would be difficult because of the NIMBY ("*not-in-my-backyard*") syndrome. A neighbor noted that the Kellogg Plant has been in our back yard for 25 years and it's our turn to have it gone, allowing someone else to share the "benefit". **Wheaton** said the committee studying the issue will finalize the alternatives and discuss allocations.

**Morris** thinks it will stay here but that the odor will be taken care of. **Wheaton** agreed it would be relatively odor-free, having some odor once every 4-5 years. He suggested that hundreds of thousands of dollars will be spent to cover the plant. The control of the odor would take place in 3 phases, one of which (*covering the primary clarifiers*) has been done. The odors will be contained within the bounds of property. The least expensive alternative (\$65 million) is to keep Kellogg as it is and expand other plants.

**Nolan Chard** suggested that the stench keeps the riverfront and downtown from possible improvements. **Wheaton** said new improvements may make the plant more compatible with development. **Virginia** noted that the park area stinks. "It may look like a park but doesn't smell like one." **Ashley Westmoreland** said the plant shouldn't be here on the most beautiful spot on the river. He suggested we ask the other neighborhood associations to support us in removing the plant.

## Road Conditions

**Christian** expressed concerns about neighborhood road conditions and asked city staff how they can be improved. **Wheaton** discussed how priorities are set and road work paid for. **Christian** asked if there was money for maintenance and not re-construction. **Drechsler** suggested that the neighborhood identify and prioritize needed projects. He and **Christian** will work together on this issue.

## Elk Rock Island

**Carolyn Tomei** asked for volunteers to help clean up Elk Rock Island which is strewn with debris from the February flood. **Chard, Michael, Westmoreland, Doug Stowell, Christian** and **Vorel** volunteered.

## **ISNA Officers**

**Linda Clark** shared that the ISNA is doing good work and urged people to consider becoming officers. Elections will take place at the June meeting.

## **Variance**

**Bruce Conachan** was concerned about a 10-foot variance being requested at a lot on Sparrow. He wants to know what they intend to do with the 10 extra feet. He said he would volunteer to be on the Land Use Committee if it had real power.

## **Stolen Mail**

**Westmoreland** said that mail was stolen from a mail box at 22nd Avenue and Bluebird and warned the group to be careful. He was also concerned about rocks in the new "park" east of the railroad tracks at Bobwhite because they make it impossible to mow the grass.

## **Flood Report**

**Ginger Hope** discussed the flood which rose to 5 feet in her downstairs. She thanked the many neighbors who helped, especially **Morris** who contacted the city to get dumpsters to the Grange to haul sandbags and debris. She commended the **mail carrier (Dan)** who came to help after working a full shift, and **Ken Gambell** who hauled sand to the area. She thanked city staff who responded so helpfully and gave timely information to the residents warning of the impending flood.

**Gary Michael** also thanked all the neighbors who helped and especially Mayor Craig Lominicki. He also commended the young people who helped fill sandbags in the Safeway parking lot.

**Councilwoman Jean Schreiber** pointed out that **Greg Drechsler** masterminded the planning for the flood crisis. He was given a rousing ovation.

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Mary Jo Morris closed the meeting. Pizza was delivered, coffee and punch were provided by the Grange and a great time was had by all.

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## **Special Meeting City Hall, April 12, 1996**

In the absence of President Morris, **Carolyn Tomei** convened the meeting and turned it over to **David Wheaton** (Public Works) and **Peter Coffey** (DKS).

A new alternative for the River Road/22nd Avenue/McLoughlin configuration was presented and discussed. The attendees were pleased with the alternative and agreed unanimously to approve it. Wheaton and Coffey were congratulated for their creative solution and appreciation was expressed for the willingness to work toward a plan that was satisfactory to all concerned.

LINWOOD NEIGHBORHOOD ASSOCIATION

Minutes from General Meeting - May 23, 1996, held at Linwood Elementary School, 7:00PM --

1. Minutes from previous meeting accepted, uncorrected.
2. New officers for LNA for 1996-97 were duly elected as follows:  
Chairperson - Tracy Cook  
Vice-Chairperson - Edie Kerbaugh  
Sec/Treas - Dolly Macken-Hambright
3. Tracy reported that the N. Clackamas District Park, located behind the Aquatic Center, is proceeding slowly due to toxic clean-up which is being done by S. Pacific Railroad, but, weather permitting, the soccer field construction is to begin soon.  
Also, Furnberg Park, near Cedarcrest, which is N. Clackamas Parks District, has had architects selected and will be moving forward soon. Contact the Parks District to give input.
4. Two volunteers for the Grove Homeowner's Assoc. Garage Sale snack bar are Dick Schwartz and Pat DuVal. The garage sale will be June 29th and 30th, and the snack bar will most likely only be June 29th only. Garages will be open June 28th evening only for friends and neighbors and from 8:30AM-5:00PM on Saturday. June 30th is optional for all participants who may wish to open, but historically attendance is much slimmer. Additional volunteers are needed. Let either of the above know if can help, or contact Dolly (659-7582).
5. Tracy also asked for volunteers for the NDA booth at Milwaukie Daze to hand out info., etc. Volunteers are needed 8:00AM-5:00PM and will be from all the NDA's combined. Call Tracy if interested (654-2946).
6. Pat DuVal, our City rep., was recently "Clerk's Week" honoree and was given a round of applause.
7. The quarterly police report map showing criminal activity for Milwaukie was handed out. Now is a good time to establish neighborhood watches, etc. Interested parties should contact Craig Stensrud, Milwaukie Police Dept. (786-7401).
8. Carolyn Tome, Milwaukie Planning Comm. Chair, advised that the sewer treatment plant needs to be expanded or moved. She questioned whether doubling each homeowner's sewer bill would be worth moving the sight near to Camp Withicomb. The group's consensus is that more information is needed to make any decision. She advised attendees of meetings: June 6th, 7:00PM at Milwaukie Public Safety Bg. and June 5th, 7:00PM, at Milwaukie Center to gather more information. Murphy Burdick (652-0050) volunteered to attend these meetings and report back to the group at our June meeting.
9. Susan Shepherd, Metro, addressed light rail concerns. Stated now 30-40 houses are to be "displaced" and light rail is to be run south of Railroad Ave., Railroad is to be moved North. Public hearings following the Environmental Impact Statement are due to be held Jan.-Feb. '97 or "spring". Construction to begin fall 1998.
10. The following individuals agreed to pass out fliers for meetings, etc.:  
Lynne McManus 653-7580                      Dennis White 653-3977  
Don Colfels 659-8039                         Shirley Watkins 654-8945  
Kathy Neubauer 659-8087                     Erma Knowles 654-4692
11. A parent from Linwood School announced that Karen Lauckmen, current principal will be at Witchita School next year. She would like all concerned to contact the school district and help to retain Dave Frickwright as the new principal.

Respectfully Submitted,

*Dolly*  
Dolly

CLACKAMAS  
MULTNOMAH  
WASHINGTON



**PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION**

800 NE OREGON STREET # 16 (SUITE 540) PORTLAND, OREGON 97232 PHONE: (503) 731-4093 FAX: (503) 731-837

May 29, 1996

**TO:** Boundary Commission & Other Interested Parties

**FROM:** Ken Martin, Executive Officer

**SUBJECT:** **SIGNIFICANT CHANGES IN ANNEXATION LAWS**

The MPAC Subcommittee's report recommending abolishment of the Boundary Commission and other major changes in the boundary change process for this region was adopted by the full MPAC on May 22, 1996. The report has been forwarded as a recommendation to the Metro Council. At the May 22nd MPAC meeting, Chair Charlie Hales stated he would request the matter be taken up by the Metro Governmental Affairs Committee no earlier than two weeks from the 22nd.

The matter has now been tentatively scheduled for consideration by the Governmental Affairs Committee at its June 17, 1996 meeting. This meeting begins at 1:30 but it is not known at this point where this item will be on the agenda.

Charlie Hales has also requested and been granted an opportunity to make a presentation to the full Council on this matter before the Governmental Affairs committee takes up the issue. This presentation will take place at the Council's June 13, 1996 meeting which begins at 2:00 PM. Again it is not known at this point where this will appear on the agenda.

The Metro Governmental Affairs Committee consists of Patricia McCaig (Chair), Ed Washington (Vice-Chair) and Ruth McFarland.

Below is a rough account of the discussion at the May 22nd meeting.

Near the beginning of the meeting there was some discussion about the minutes of the previous meeting. These minutes covered testimony on the Boundary Commission Subcommittee report which was taken at the May 8, 1996 MPAC meeting. Peggy Lynch requested the minutes be corrected to note that Sue Lamb was from Tualatin, not Tigard. The minutes had stated that Sue Lamb from the City of Tigard read a letter into the record from the City of Tigard [the letter was in support of the Subcommittee's report]. In fact Sue Lamb, Tualatin City Councilor read a letter from the City of Tualatin stating that the City had not yet adopted a position and would make a formal statement when the item was debated by the full MPAC.

**STAFF**

KENNETH S. MARTIN, Executive Officer  
DENIECE WON, Executive Assistant  
LANA RULIEN, Administrative Assistant

RAY BARTEL, Chair  
TOM WHITTAKER, Vice-Chair  
BOB BOUNEFF  
NATHALIE DARCY

**COMMISSIONERS**

MARILYNN HELZERMAN  
SY KORN BRODT  
STEVE STOLZE

Linda Peters asked that the minutes be corrected relative to statements she had made. She then read a short paragraph which she felt better reflected what she had said. Linda Peters then stated she thought the minutes' coverage of comments by Nathalie Darcy towards the end of the previous meeting were not clear. She said she thought this section of the minutes should be cleared up but she had no suggested language to do so. Finally Chair Charlie Hales said that it was more important that the Committee deal with transmitting the Subcommittee's report to the Council than to have a lengthy discussion of the minutes.

Susan McLain stated that she had received the long letter from Kent Squires responding to points raised in testimony in opposition to the Subcommittee report (letter dated May 16, 1996). She said she assumed all the MPAC members had received a copy mailed directly to them by Mr. Squires. She stated that she had found this very helpful, that it had cleared up some issues and answered some concerns for her that had not previously been dealt with. She said that when this report and recommendation comes to the Council it will be referred to the Governmental Affairs Committee.

Charlie Hales then asked Judie Hammerstad if she would like to present the report to the full MPAC since she was the Chair of the Subcommittee which studied the issue.

Judie Hammerstad said she wanted to respond to some of the points which had been raised against the Subcommittee report. First, in regard to the claim that citizens were being cut out of the process, she said she thought it was better to shift most of the process back to the local level. That way if there are problems they can be worked out between the participants at the local level. With regard to the notion no serious changes need to be made to the current process, she stated her understanding that if Metro doesn't suggest major changes, the Legislature will do it on its own. She said the process needs to be changed so that individuals with non-community-wide concerns, such as loss of their right to shoot a bow an arrow in the city limits, cannot hold up annexations. She noted that the Subcommittee uncovered significant problems which they have not been able to address more specifically - the need for more clear and objective standards and the need for a more equitable funding mechanism. These are important issues that the Subcommittee recommends need to be dealt with in greater detail. She noted Wilsonville's concern that the area directly adjacent to the City would no longer be under Metro jurisdiction for boundary change matters. She said the Committee had concluded that it was appropriate that boundary change jurisdiction be extended to cover the entirety of units that are partially within and partially outside of the Metro boundary [This is not the case with Wilsonville as the City is entirely within Metro and the UGB whereas most territory into which the City might some day conceivably need to expand is wholly outside the UGB and outside the Metro boundary.]

Chair Charlie Hales asked to have the discussion with a formal motion on the floor.

Judie Hammerstad moved that the Subcommittee report be adopted by MPAC (with the understanding that it will be recommended to the Metro Council).

Peggy Lynch said she appreciated Kent Squire's letter and noted that after reading it she sent a note to Chair Hales which she feels narrows the focus of the important points left to be addressed. The first issue she is still concerned about is the diversity of the process relative to public input. She said she also feels that the connection to SB 122 is not clear. She is worried about the potential for a gap between implementation of these changes and completion of the SB 122 process. She is concerned that if the agreements cannot guarantee that a unit has the fiscal ability to serve its assigned area, land will be annexed to a unit and then not be able to get services. On the concerns which have been expressed about too much work and/or costs being shifted to the local level, she said she will defer to the local folks on those issues.

Jeannine Murrell said if people are concerned about public input the statute should just be changed to mandate a public hearing at the local level. There was some general discussion and consensus on the Committee that a public hearing is already required at the local level [this despite attempts by Boundary Commission staff to be recognized to explain that this conclusion is incorrect]. Jeannine Murrell went on to say that the solution to the funding for the small units that could not afford to take on the added burden, was to have the Metro staff do it through an intergovernmental agreement. [Who would pay for this was not clarified].

Rob Drake asked for clarification on what a contested case was. Judie Hammerstad read the definition which is:

Non-Contested is defined as consensual agreement by the principal parties to the action.

Contested is defined as lacking consensual agreement by the principal parties to the action.

Principal parties means those governmental entities who are party to the action as well as those who may be significantly affected by the action.

Principal parties means those governmental entities who are party to the action as well as those who may be significantly affected by the action (i.e., cities, counties, special districts). Principal parties does not include individual citizens or citizen groups who may use traditional political processes such as a principal party's open public meetings, public hearing, or any other discussion forum.

She emphasized that it does not include individual citizens or citizen groups and noted that the word is "contested" not "controversial." She said there had been some

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confusion over that since there might be controversial proposals (i.e., ones which are opposed by neighboring residents, etc.) which would not be contested, and which therefore would not be elevated to Metro review.

Rob Drake said he had met with the Washington County managers and that the general consensus among these officials who use the current boundary change system is that it is working okay. He said they felt that the process might warrant some minor tweaking, though they did not have any specific suggestions. Rob Drake went on to say that he generally doesn't support the hearings officer approach. He is much more comfortable with a citizen body making these decisions. He said the current process is not perfect but it also does not need a major rewrite. He noted that the Commission does have a policy generally favoring cities as the best deliverers of municipal services but said he realizes that may conflict with the reality in Washington County where they have some very large and very efficient special districts. He said there probably should be an evaluation of the funding mechanism and he thought some thought should be given to having the Commission meet more often and closer to the areas producing the proposed boundary changes. He also agreed that there should be some agreement to better define criteria.

Linda Peters said she felt Peggy had highlighted the right things. She said there should be a hearing at the local level. The timing and implementation of the new statute with the SB 122 agreements is important. She said she considers the Senate Bill 122 agreements and annexation plans establishes a whole new paradigm which is entirely different from the current one which is basically an incremental boundary change process.

Lou Ogden said he has talked with both the Washington County and Clackamas County city officials since his city is a member of both groups. He says the officials tell him they do not understand why there is a need for any change in the current Boundary Commission process. He said he understands there have been occasional squabbles and sometimes a unit of government doesn't get exactly what it wants but overall he doesn't view the system as broken.

Charlie Hales said he would like to respond. He said we have given strong regional planning powers to Metro and we need to change the boundary change process in order to help Metro carry out its charge. He said the question is can you have effective regional growth management without also controlling the boundary change process? Can you do planning in one house and boundary changes (like creating new cities) in another? He believes not.

Dan Saltzman made comments essentially echoing those of Charlie Hales.

Jean Schrieber said the cities she has talked to in Clackamas County do not think change is needed. She said they acknowledge there will be occasional times when the

system does not work perfectly but overall it is fine the way it is. She also raised the issue with the Committee whether this was an issue they wanted to fight with the Metro Council about. She said they have recommendations on a lot of important issues to make to the Council. Is this really the issue they want to make a big deal of.

Charlie Hales said the Charter demands that they do this and if Jean thinks this is a tough issue wait until they get to some of the others.

Susan McLain said, speaking as an individual Council member, she has certain expectations about what she wants to hear from MPAC on this subject. She said she feels with the 2040 process and the SB 122 agreements there is a new world order and it is going to be drastically changed from the current boundary change process. So major changes in that process are needed. This is a tool Metro needs to implement growth management. She understands there is a learning curve here for people to get up to speed on this fact. She said the Subcommittee worked very hard and the review process they went through was very thorough. What she said she expects to get from MPAC is their general overall feeling about what the Council should be working on with regard to this issue.

Lou Ogden said that the focus of the report on the specifics is wrong. He said **the focus should be on whether control of the boundary change function is necessary to accomplish the regional planning and growth management goals of Metro [Emphasis added]**. He said that Susan is right about education being a key element here and that the Committee did not get the right message [about what its task should be] out to the folks. He said what evidence is there that this function needs to be changed in order to implement regional planning?

Judie Hammerstad said the Subcommittee did adopt four general criteria after educating themselves about what the Boundary Commission is and how it operates. She said the Subcommittee did consider SB 122 and 2040, etc.

Peggy Lynch asked how the report will go forward. Will the points and questions raised in this discussion be forwarded as part of the full MPAC's report to the Council?

Charlie Hales said if anyone wants to suggest changes to the report as it is now written they should propose them as amendments now. He said the Committee will make an effort to pass along to the Council the minutes and some indication of the range of discussion here.

A roll call vote was taken. Mitch Wall and Richard Benner abstained. Rob Drake, Peggy Lynch and Jean Schreiber voted no. Among (the staff did not catch every name) those voting yes were: Charlie Hales, Bud Farm, Judie Hammerstad, Rob Mitchell, Linda Peters, Gussie McRobert, Jeannine Murrell, John Reeves, Dan Saltzman and Jim Zehren. Several alternates were present (Lou Ogden, for instance) who could

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not vote because the legitimate Committee member was present. Metro Councilor McLain did not vote, nor did Councilor McFarland who left a few minutes before the vote.

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