

MILWAUKIE
CITY COUNCIL MEETING
November 20, 1984
7 p.m.

COUNCIL CHAMBERS

1468th Meeting

The one thousand four hundred and sixty eighth meeting of the Milwaukie City Council was held on November 20, 1984 with the following Councilors present:

Ron Kinsella, Mayor	Don Graf
Mike Richmond	Roger Hall
Don Wilson	

Also present:

Hugh Brown, City Manager	Steve Hall, P.Wks. Director
Greg Eades, City Attorney	Topaz Faulkner, Comm. Serv. Dir.
Marge Post, Finance Director	Laurie Perkin, Secretary

AUDIENCE PARTICIPATION

George Van Bergen, Attorney for the Clark King estate addressed the Council regarding a bequest to the city in excess of \$90,000 for use by the Ledding Library. a portion of the estate will also go to Milwaukie Loaves and Fishes, he said. Mr. Van Bergen introduced Carol Swedberg, a representative of the King estate, who along with him, expressed the hope that the money would be used for something lasting such as a reading room named in Mr. King's honor. Walt Hegg, Chairman of the Milwaukie Loaves & Fishes Steering Committee said it had been decided by the Committee that the money donated to Loaves and Fishes would be given to Kendall Community Center.

Mayor Kinsella presented a certificate of appreciation to representative of Mannings Radio and Television. Certificates were also prepared for Milwaukie Jewelry, Milwaukie Printing, Milwaukie Tour and Travel and Fing Rivelli Transamerica-Occidental Life.

Jim Backenstos said he felt Council's endorsement of Craig Lommicki for Councilor was unethical. He made reference also to an amended financial report which was to have been filed by the Citizens for Milwaukie Committee. City Manager said that this report was filed.

Clair Kuppenbender, a representative from the Big Brothers Program, asked for Council support for this program which provides food baskets to the needy at Christmas time. It was MOVED by Graf, SECONDED by Richmond, that Council recognize and support the Big Brothers program. It was suggested that a press release be sent out to this effect.

Sale of SCA Services Inc.

City Manager has received letter from Estle Harlan, representative of SCA Services Inc. regarding the sale of this organization to Waste Management, Inc.

Ms. Harlan addressed the Council stating that the U.S. Dept. of Justice made the final decision on the sale, it had been approved by the Clackamas County Solid Waste Commission and Council approval was a formality only. It was MOVED by Graf, SECONDED by Wilson, that the sale of SCA Services Inc. be approved as requested. MOTION CARRIED unanimously.

LEGISLATION Resolution - Non-Discrimination

City Manager has recommended approval of a resolution revising existing non-discrimination resolution to comply with revenue sharing handicapped regulations. This resolution establishes a grievance procedure, expands the list of protected classes to include age, and is a first step in the city's evaluation and planning regarding non-discrimination. It was MOVED by Richmond, SECONDED by Hall to adopt Resolution 24-1984 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AMENDING RESOLUTION NO. 38-1976 PROVIDING A POLICY OF NON-DISCRIMINATION.) MOTION CARRIED unanimously.

A recess was declared at 7:40 . The meeting resumed at 7:50

Payment of bills

It was MOVED by Graf, SECONDED by Hall, that the bills listed for November 20, 1984 be approved for payment. MOTION CARRIED unanimously.

OTHER BUSINESS

Tax reform

City Manager has provided a copy of the resolution on tax reform adopted by the League of Oregon Cities. He has prepared a draft letter to Oregon legislators stating Milwaukie's support for the resolution and outlining objectives necessary in a total package for tax reform. Graf suggested that the last paragraph of the letter should read "...look forward to meeting with you..." rather than..."working with..." It was MOVED by Richmond, SECONDED by Graf, to approve the draft letter to the legislators. MOTION CARRIED unanimously. Richmond said he was endorsing this resolution with the understanding that it did include a sales tax, and that he would like to see details of the entire tax reform package.

Letter from Ardenwald Assoc. re Johnson Creek Blvd.

Council has received a letter from Craig Lomnicki, President of the Ardenwald/Johnson Creek Neighborhood Association regarding inappropriate truck traffic on Johnson Creek Blvd. and listing requests to the City of Portland for solutions to this problem.

Mayor Kinsella said he had many questions about this letter particularly concerning the environmental impact statement. He said he would like more information about this issue before meeting with other jurisdictions.

Public Hearing Dates

It was agreed by Council to set dates for public hearings for annexation requests for properties located at 10484 SE 52nd and 12515 SE McLoughlin for December 4, 1984.

CONSENT AGENDA

Approval of minutes - November 6, 1984
Final acceptance - Waterline improvements
It was MOVED by Hall, SECONDED by Wilson, to approve the consent agenda. MOTION CARRIED unanimously.

OTHER ITEMS

Council has recieved complaint from Robert W. Wangrud dated November 6, 1984. Mayor Kinsella said that he and the City Manager had decided to meet with Mr. Wangrud next week to discuss his concerns.

Richmond commented on transportation of toxic waste through streets of Milwaukie. Mayor Kinsella said there was a task force in existence now that is conducting an investigation on this matter and would be providing a report within 30 to 60 days.

Mayor Kinsella referred to a letter from the City Manager to Mr. Call of Reddaway Truck Line, thanking him for his help in clearing up the oil spill which occurred on November 7 on Kellogg Lake. He suggested that letters be sent to other agencies which helped in the clean-up.

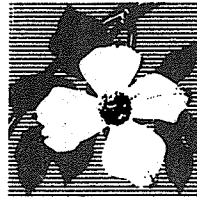
Mayor commented on Kendall Community Centers efforts in assisting the needy and asked for city and staff support of this program.

City Manager asked for Council concurrence to send out goal statement developed by Council and staff at the workshop on November 17 to members of leadership forum and city advisory bodies. He said staff would be using this goal statement in putting together the budget. Council so concurred.

Mayor Kinsella asked that a meeting of Mayors and City Managers of surrounding cities be arranged to discuss similar concerns of tax reform, etc. City Manager said he would arrange such a meeting, perhaps a breakfast in the next week or so.

The meeting was adjourned at 8:45.

CITY OF MILWAUKIE



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

MILWAUKIE CITY COUNCIL
AGENDA
November 20, 1984
7 p.m.

COUNCIL CHAMBERS

1468th Meeting

- I CALL TO ORDER
- II AUDIENCE PARTICIPATION
 - a) Presentation of certificates to Milwaukie businesses
- III LEGISLATION
 - a) Resolution re non-discrimination policy
RESOLUTION
 - b) Payment of bills
- IV OTHER BUSINESS
 - a) Discussion of city position on tax reform
with attached resolution from LOC
 - b) Letter from Ardenwald/Johnson Creek Neighborhood
Association concerning Johnson Creek Blvd.
 - c) Letter from Estle Harlan re sale of SCAC
 - d) Request to set public hearing date for annexation of
properties at 10484 SE 52nd & 12515 SE McLoughlin
- V CONSENT AGENDA
 - a) Approval of minutes - November 6, 1984
 - b) Final acceptance - Water line improvements
- VI INFORMATION
 - a) Minutes - Planning Commission, 10/9 & 10/23/84
 - b) Minutes - Traffic Safety Commission, 10/8/84
 - c) Summary of Cable Communications Policy Act - 1984
 - d) Resignation letter from John Siefer, Cable Commission
 - e) Letter from PGE re actions of BPA
- VII ADJOURNMENT

MEMORANDUM

III
2
①

TO: HUGH BROWN, CITY MANAGER
FROM: BILL MCDONALD, ADMINISTRATIVE ASSISTANT
SUBJECT: NON-DISCRIMINATION RESOLUTION
DATE: NOVEMBER 16, 1984

As you know, the city has undertaken an evaluation and planning process to comply with revenue sharing handicapped regulations. One of the requirements is a procedure to handle complaints of discrimination on the basis of handicapped status in admission or access to, or treatment or employment in its programs and activities.

The attached resolution revises our existing non-discrimination resolution to include language which establishes a grievance procedure for handling complaints of discrimination by a member of any of the listed protected classes.

In addition, the list of protected classes has been expanded to include age. Omission of age from this list has been an oversight as the city has had a policy of not discriminating on the basis of age in civil service, labor relations and other areas for some time. In addition, such a policy is necessary to comply with existing federal and state laws.

The process of evaluation and planning regarding non-discrimination on the basis of handicapped status has been a positive experience. The next steps include work with a group of representatives of handicapped persons, initiating non-structural changes in city programs and practices to increase accessibility and beginning to plan for any needed structural changes in city facilities.

Approval Recommended



Hugh H. Brown
City Manager

III
a (2)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AMENDING RESOLUTION NO. 38-1976 PROVIDING A POLICY OF NON-DISCRIMINATION.

BE IT RESOLVED that Resolution No. 38-1976 is amended by amending the title to read:

A resolution of the City Council of the City of Milwaukie adopting a policy of non-discrimination.

BE IT FURTHER RESOLVED that Section 2 and 3(b) of 38-1976 is amended by adding references to "age" and "marital status".

BE IT FURTHER RESOLVED by the City Council of the City of Milwaukie that the following grievance procedure shall be added as Section 5 of Resolution No. 38-1976 and shall be utilized to provide for the prompt and equitable resolution of allegations of discrimination by persons applying for or using city services or applying for city employment. It is the intent of this procedure to insure that no otherwise qualified person shall on the basis of political affiliation, race, color, natural origin, sex, age, marital status, religion or physical or mental handicap be denied the benefits of or employment by or be subject to discrimination in any city program or activity.

This grievance procedure does not include complaints covering employees who are subject to a collective bargaining agreement.

Section 5. Grievance Procedure

A. TERMS

1. Grievance: An alleged violation, misrepresentation, or inequitable application of the non-discrimination policy contained in this resolution.
2. Department Head: The city official or employee in charge of the department.
3. City Manager: The Milwaukie City Manager or the person he has designated under Section 4 as the contact to coordinate efforts to comply with requirements to prohibit discrimination against qualified individuals.
4. Aggrieved Person: The person or his/her representative making the claim.

B. PROCEDURES FOR PROCESSING COMPLAINTS

General Requirement: Failure to follow this grievance procedure will result in the grievance being dismissed. The burden of proof in this procedure shall be on the aggrieved person who will have to furnish the evidence necessary to prove any contested facts.

RESOLUTION NO. _____

III
a (3)

Step 1. The aggrieved person shall request an interview with the appropriate department head within 10 calendar days of the event leading to the grievance. A meeting shall be conducted by the department head within 10 calendar days of receiving the complaint. At the meeting the aggrieved person shall provide a written statement of the grievance, specifying the discriminatory conduct and the person or persons alleged to have engaged in the discriminatory actions. The department head will conduct an investigation and report his/her findings in writing to the aggrieved person within 10 days following the date of the meeting.

Step 2. If the aggrieved person is not satisfied with the decision of the department head, he shall provide written notice to the City Manager within 5 days of receipt of the decision. The City Manager will hold a meeting with the aggrieved person and conduct an investigation within the same time periods provided in Step 1.

Step 3. If the aggrieved person is not satisfied with the decision of the City Manager, he may appeal the decision to the City Council by filing a written request with the City Recorder within 5 days following receipt of City Manger's decision. The City Council will consider the appeal at its next regular meeting. The City Council will cause written notice of its decision to be served on the aggrieved person within 30 days of the meeting where the grievance is first considered.

C. DECISIONS REGARDING GRIEVANCES.

All decisions regarding grievances shall be in writing and shall include a statement of the grievance, findings of fact and a determination of whether an act of discrimination has occurred. If there is a finding of discrimination, the appropriate remedy shall be recommended and implemented. The City Council shall be responsible for ensuring that the successful aggrieved person receives an adequate remedy.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon this _____ day of _____, 1984.

Ronald D. Kinsella, Mayor

ATTEST:

Laurie Perkin, City Recorder

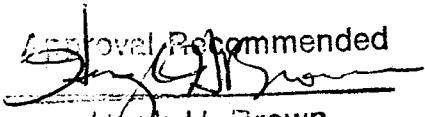
Approved as to form:

Greg Eades

CITY OF MILWAUKIE
 BILLS PAYABLE NOVEMBER 20, 1984

III B
 (1)

1.	ASTM (Publication)	9.50	20-	9.50
2.	A.T. & T.	1,142.62	1-21	127.21
			1-22	46.10
			1-23	139.51
			1-24	27.05
			1-26	46.10
			1-27	91.46
			1-28	23.05
			1-31	23.05
			1-34	53.33
			1-35	29.35
			1-36	23.05
			1-53	232.47
			1-61	99.92
			1-91	43.68
			1-92	46.10
			1-93	23.05
			4-	68.14
3.	AWWA (Computer Services)	144.00	30-	144.00
4.	Alexander Chrysler/Plymouth	679.07	1-52	679.07
5.	Bailey, Gordon R.	22.40	1-37	22.40
6.	Bailey Tool	101.45	4-	101.45
7.	Baker & Taylor	1,890.76	1-34	1,890.76
8.	The Bee	365.00	1-21	365.00
9.	Bernards Garage	633.99	1-62	633.99
10.	Boise Cascade Office Products	149.78	1-23	149.78
11.	Bound to Stay Bound Books, Inc.	18.93	1-32	18.93
12.	R.R. Bowker	188.36	1-34	188.36
13.	Brodart Co.	36.09	1-34	36.09
14.	Bud's Custom Upholstery	20.00	7-	20.00
15.	Bull Equipment Company	25.00	1-36	25.00
16.	Cannon Associates, Inc.	32.00	1-28	32.00
17.	Chevron (Gas)	23.40	1-61	23.40
18.	Childers Enterprises, Inc.	500.00	1-23	500.00
19.	City Council	550.00	1-10	550.00
20.	Clackamas Communications	15.30	1-52	15.30
21.	Clackamas Review	134.64	30-	134.64
22.	Columbia Battery Mfg. Co.	426.41	7-	426.41
23.	Cunningham Associates, Inc.	96.80	30-	96.80
24.	Clackamas County Elections	31.74	1-26	31.74
25.	" " Finance	1,334.67	1-34	1,323.77
			30-	10.90
26.	" " Service Dist.#1	41,514.14	1-32	60.00
			20-	41,454.14
27.	" " Sheriff's Dept.	6.60	1-52	6.60
28.	Clackamas Water District	330.00	1-32	330.00
29.	Department of Justice	3.50	1-23	3.50
30.	Dralle International Trucks, Inc.	10.49	7-	10.49
31.	Eades, Greg	302.00	1-22	302.00
32.	Eastin-Phelan Corp.	24.98	1-34	24.98

Approval Recommended

 Hugh H. Brown
 City Manager

CITY OF MILWAUKIE
BILLS PAYABLE NOVEMBER 20, 1984

III B
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33.	Electrical Construction Company	70.00	7-	70.00
34.	Elgin Medical Center	100.00	1-52	100.00
35.	Ellsworth, Merritt E.	40.40	1-32	40.40
36.	Executive Department	302.00	1-53	302.00
37.	Finzer Business Systems, Inc.	308.90	1-34	134.50
			1-53	174.40
38.	Fire Chief Magazine	212.50	1-62	212.50
39.	H.D. Fowler Company	132.00	4-	132.00
40.	Fuehrer, Myrl	19.20	1-32	19.20
41.	Gale Research Company	81.50	1-34	81.50
42.	Gibbens Company	221.93	1-41	221.93
43.	Glenn's Oak Grove Auto Parts	209.28	7-	209.28
44.	Goodyear Truck Tire Centers	157.96	7-	157.96
45.	Graham's Book & Stationery	3.28	1-52	3.28
46.	W.W. Grainger, Inc.	250.02	20-	250.02
47.	Gryphon House, Inc.	61.28	1-34	61.28
48.	Harper & Row, Publishers, Inc.	21.40	1-34	21.40
49.	Hillman Publishing Co.	4.00	1-34	4.00
50.	Home Laundry	371.58	1-62	371.58
51.	ICMA	130.70	1-21	102.20
			1-51	28.50
52.	Jess's Bear Frame & Axle	40.00	1-52	40.00
53.	Johnson's Paint & Flooring	20.99	4-	7.00
			20-	6.99
			30-	7.00
54.	Keller Supply	47.46	30-	47.46
55.	Kelly Services	530.40	1-23	530.40
56.	Lumbermans	79.90	1-62	79.90
57.	McFarlane's Bark, Inc.	11.00	4-	11.00
58.	McNaughton's T.V.	399.00	1-62	399.00
59.	Macmillan Publishing	444.95	1-34	444.95
60.	Magnum Alley	71.25	1-52	71.25
61.	Mainline Book Company	419.25	1-34	419.25
62.	Main Street Cleaners	475.65	1-52	392.35
			1-61	2.50
			1-62	74.97
			1-63	5.83
63.	Meter Box Equipment Co.	31.50	4-	31.50
64.	Meyer, Lee	34.50	1-32	34.50
65.	Milwaukie Automotive Service	2,643.00	3-	2,643.00
66.	Milwaukie Cablevision	82.50	1-52	82.50
67.	Milwaukie Lumber	85.99	4-	19.48
			20-	19.47
			30-	47.04
68.	Miracle Auto Painting	225.00	7-	225.00
69.	Motorola	1,417.00	1-52	208.50
			1-62	150.25
			4-	352.75
			20-	352.74
			30-	352.76
70.	NCR	5,006.00	1-23	5,006.00
71.	National Fire Protection Assn.	75.00	1-62	75.00
72.	National Safety Council	15.00	1-92	15.00

CITY OF MILWAUKIE
 BILLS PAYABLE NOVEMBER 20, 1984

III B
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73.	Northwest Natural Gas	985.41	1-32	312.51
			1-34	335.16
			4-	5.77
			7-	236.53
			20-	5.77
			30-	89.67
74.	Northwest Outdoor Equipment, Inc.	55.00	1-36	55.00
75.	Nudelman Brothers	420.00	1-62	420.00
76.	1984 OFCA Fall Conference	120.00	1-61	60.00
			1-63	60.00
77.	OSEMTA	75.00	1-62	75.00
78.	Olson Bros. Service	29.50	1-52	29.50
79.	Olson-Dye Insurance, Inc.	321.00	1-41	321.00
80.	Oregon Fire Equipment Company	29.39	1-62	29.39
81.	Oregon Fire Chiefs Assn.	35.00	1-61	35.00
82.	Oregonian	31.50	1-35	31.50
83.	Oregon Peace Officers Assn.	132.00	1-53	132.00
84.	Oregon State University	70.00	1-26	70.00
85.	PGE	10,106.02	1-34	396.41
			1-37	566.74
			1-41	11.69
			1-53	283.75
			1-61	335.92
			4-	905.67
			7-	90.78
			20-	378.09
			30-	7,136.97
86.	Pacific Coast Industrial	236.10	1-34	18.00
			1-37	16.00
			1-51	4.00
			1-62	13.50
			4-	61.54
			20-	61.53
			30-	61.53
87.	Pacific Northwest Bell	2,574.22	1-34	138.70
			1-37	657.37
			1-53	1,125.20
			1-61	53.64
			1-62	184.12
			4-	77.04
			7-	37.95
			20-	174.55
			30-	125.65
88.	Pacific Pioneer Equipment Co.	96.66	4-	32.22
			20-	32.22
			30-	32.22
89.	Pacific Safety Supply	108.00	4-	36.00
			20-	36.00
			30-	36.00
90.	The Parts Store	42.56	7-	42.56

CITY OF MILWAUKIE
 BILLS PAYABLE NOVEMBER 20, 1984

III 4 B

92. Petty Cash	326.71	1-10	4.71
		1-21	76.36
		1-31	20.00
		1-35	66.85
		1-51	20.11
		1-52	37.75
		1-53	43.72
		1-62	23.45
		1-63	2.00
		4-	2.25
		7-	23.74
		20-	1.90
		30-	3.87
93. Platt Electric Supply	188.40	1-32	188.40
94. Portland Frame & Alignment	183.15	7-	183.15
95. Portland Metro Area	433.75	1-41	433.75
96. Portland Road & Driveway	642.44	4-	642.44
97. Portland Traction Company	250.00	30-	250.00
98. Product Information Network	37.00	1-23	37.00
99. Recker, Yvonne	20.60	1-32	20.60
100. Robben Oil Company	351.50	1-62	351.50
101. Rock Creek Sand & Gravel	50.00	4-	50.00
102. Samuels Steel Products	1,012.00	7-	1,012.00
103. Short's Machine Works	8.00	7-	8.00
104. Silver Burdett Company	57.06	1-34	57.06
105. Systems SupplyWare	158.96	1-23	158.96
106. T & K Products	548.50	1-52	548.50
107. Talcott, Vern	35.40	1-32	35.40
108. Traffic Safety Supply Co.	180.00	1-62	180.00
109. U.S. Postal Service	40.00	1-32	40.00
110. Valley Lock & Key Service	27.70	30-	27.70
111. Vangas	60.83	1-52	60.83
112. Water, Food & Research Lab., Inc.	132.00	30-	132.00
113. Weiler Chevrolet	513.16	1-52	148.63
		7-	364.53
114. WestCon, Inc.	45.02	7-	45.02
115. Western City Magazine	207.00	1-61	207.00
116. Western-Pacific Construction Materials	435.27	4-	435.27
117. Wichita Feed & Hardware	293.30	1-21	3.50
		1-32	6.75
		1-36	81.84
		1-62	65.15
		4-	35.25
		7-	23.83
		20-	6.29
		30-	70.69
118. Wise, Larry	36.00	30-	36.00
119. Woodroof, Jacqueline	26.00	1-32	26.00
120. Zellerbach Paper Company	101.50	1-37	101.50
	<u>\$87,485.50</u>		<u>\$87,485.50</u>

CHART OF ACCOUNTS
FUNDS & DEPARTMENTS

- 01 General Fund
 - 10 City Council
 - 21 City Administration
 - 22 City Attorney
 - 23 Finance
 - 24 Purchasing
 - 26 Court
 - 27 Cable Franchise
 - 28 Personnel
 - 31 Community Services Administration
 - 32 Milwaukie Center
 - 34 Library
 - 35 Planning
 - 36 Parks & Recreation
 - 37 City Hall
 - 41 General Government
 - 51 Police Administration
 - 52 Field Services
 - 53 Support Services
 - 61 Fire Administration
 - 62 Fire Suppression
 - 63 Fire Prevention
 - 91 Public Works Administration
 - 92 Public Works Engineering
 - 93 Public Work Building
- 03 Equipment Reserve Fund
- 04 State Tax Street Fund
- 05 Improvement Bond Sinking Fund
- 06 Street Improvement Fund
- 07 Equipment Repair Fund
- 09 Bike Path Fund
- 10 Fixed Asset Account Group
- 12 Federal Revenue Sharing Fund
- 13 Community Development Fund
- 20 Sewer Fund
- 30 Water Fund

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RESOLUTION

TAX REFORM

TV ①

WHEREAS, during 1983 cities made a commitment to aggressively seek local government refinancing that would significantly reduce property taxes, retain voter control of local service and spending levels, and ensure that any new revenues were direct offsets to property taxes -- not windfalls of new revenue; and

WHEREAS, the 1983 Legislature developed a package that included a sales tax dedicated to property tax relief which was not referred to the voters because the referral process was declared unconstitutional; and

WHEREAS, citizens in Oregon have expressed their concern at the level of taxes they are paying to federal, state, and local governments; and

WHEREAS, the November 1984 General Election Ballot provided Oregon citizens with the opportunity to vote on a property tax limitation measure -- Ballot Measure 2 -- which failed to obtain majority support, and WHEREAS, it would be foolhardy to interpret the failure of this ballot measure as an indication that tax relief is not a priority issue for citizens in Oregon; and

WHEREAS, local governments are overly dependent on the property tax; and

IV
a (2)

WHEREAS, the state derives more than three-quarters of its General Fund revenues from one source -- the income tax; and

WHEREAS, a more balanced tax system will exist in the state if property and income taxes are reduced and a statewide sales tax is introduced to provide replacement revenues:

NOW, THEREFORE, BE IT RESOLVED that the member cities of the League of Oregon Cities acknowledge the concerns voiced by taxpayers regarding the levels of taxation and government spending at all levels of government; and

BE IT FURTHER RESOLVED that all cities believe that all levels of government must strive to provide necessary services in the most economical fashion in order to keep taxes as low as possible; and

BE IT FURTHER RESOLVED that the League of Oregon Cities pledges to work through all appropriate means with interested parties in developing proposals for the refinancing of Oregon local government in order to provide meaningful, constructive property tax relief; and

BE IT FURTHER RESOLVED that the following objectives should be given consideration in the development of a total package for tax reform:

1. Recognize the need to permanently reduce and thereafter limit the property tax burden on Oregon's citizens.
2. Reform the property tax election process.
3. Reduce the state's dependence on income tax revenues.

- IV a (3)
4. Devise a constitutionally established statewide sales tax, the proceeds of which would be
 - a) used to restructure school, special district, and local government finances;
 - b) dedicated as a replacement for existing taxes, not as a net new tax; and
 - c) derived in a manner which provides for the exemption of necessities, such as food and medicine.
 5. Develop a method for stabilizing the finance of schools and community colleges to relieve their dependence on property taxes.
 6. Develop a method for local governments to finance essential services which accommodate economic development.
 7. Recognize that property tax relief must not cripple the ability of local governments to provide services or interfere with the right of local voters to set service levels that meet local needs.

BE IT FURTHER RESOLVED that the League of Oregon Cities' Executive Committee shall appoint an appropriate committee to develop a tax reform package consistent with the tenets of this resolution.

Forwarded to the membership from the Resolutions Committee with the recommendation that it be adopted.
11/11/84

11/13/84

IV
a (4)

TAX REFORM
TECHNICAL/DRAFTING
COMMITTEE

ELDON MILLS, CITY MANAGER, HILLSBORO, CHAIRMAN
ALAN BERG, MAYOR, CORVALLIS
LOU HANNUM, MAYOR, MEDFORD
FREEMAN HOLMER, COUNCILOR, EUGENE
MARK GARDINER, FINANCE DIRECTOR, PORTLAND
HUGH BROWN, CITY MANAGER, MILWAUKIE
PETE HARVEY, CITY MANAGER, LAKE OSWEGO
NOEL KLEIN, CITY MANAGER, OREGON CITY
KENT TAYLOR, CITY MANAGER, LINCOLN CITY
CHARLES VARS, COUNCILOR, CORVALLIS

TAX REFORM
POLICY COMMITTEE

ALAN BERG, MAYOR, CORVALLIS, CHAIRMAN
RUTH BURLEIGH, COMMISSIONER, BEND
JOHN MIDDLEMISS, MAYOR, SILVERTON
BRAIN OBIE, MAYOR-ELECT, EUGENE
SUE HARRIS, MAYOR, SALEM
BUD CLARK, MAYOR-ELECT, PORTLAND
EDITH HENNINGSGAARD, MAYOR, ASTORIA
SUSAN TURLEY, COUNCILOR, LAGRANDE
LOU HANNUM, MAYOR, MEDFORD

ARDENWALD/JOHNSON CREEK NEIGHBORHOOD ASSOCIATION

Craig J. Lomnicki
President
4420 S.E. Johnson CR. Blvd.
Milwaukie, OR 97222
652-2492

November 7, 1984

Portland City Council
Portland, Oregon

IV
B

Dear Council Members,

Johnson Creek Blvd. is a narrow, winding, NEIGHBORHOOD COLLECTOR street and the large numbers of semi-tractor trucks, dump trucks, and other heavy vehicles are NOT an appropriate use on this road. These large vehicles continually cross the center line, create unacceptable vibrations in our homes, and are a threat to pedestrians walking on the gravel shoulders. Some of the trucks are carrying hazardous materials into and out of the industrial area in the Johnson Creek Basin. These materials include: HYDROCHLORIC ACID, CAUSTIC SODA, and RADIOACTIVE WASTE MATERIAL. The road system as it exists now is a threat to the livability of our neighborhood. With the development of the McLaughlin/Tacoma intersection and the Lester Road/I 205 project there is going to be increased pressure to use this road as an arterial.

The City of Portland's Arterial Streets Classification Policy classified Johnson Creek Blvd. as a Neighborhood Collector. Neighborhood Collector Streets are not intended to serve through traffic, especially heavy trucks. As you may already know, our Neighborhood Association is asking for a new road system to be built which would bypass Johnson Creek Blvd. from 45th Ave. to McLaughlin Blvd. We feel this is the only workable long-term solution to the road problem.

At this time, the members of the Ardenwald/Johnson Creek Neighborhood Association respectfully PETITION the City of Portland to:

1. Immediately stop truck traffic (over 2 axles) between S.E. 28th and S.E. 45th on Johnson Creek Blvd.
2. Require ODOT to develop Lester Rd. access to I 205 so trucks can service the Johnson Creek Industrial Area.
3. Allow NO FURTHER highway development at Tacoma/ McLaughlin Blvd. until a total environmental impact study has been conducted on the Johnson Creek Corridor, especially on the proposed alternatives 1-2-3a,b,c.

Thank you for your attention to our concerns.

Sincerely

Craig J. Lomnicki
Craig J. Lomnicki

cc: Milwaukie City Council
Clackamas County Commissioners
Multnomah County Commissioners
Andy Cotugno, METRO

MEMORANDUM

IV
C ①

TO: MAYOR AND CITY COUNCIL
FROM: HUGH H. BROWN, CITY MANAGER
SUBJECT: SALE OF SCA SERVICES OF OREGON, INC.
DATE: NOVEMBER 16, 1984

Attached is a letter from Estle Harlan, consultant for SCA Services of Oregon, Inc., one of the city's solid waste franchisees, regarding sale of the company to Waste Management, Inc. The franchise agreement requires the city approve such a sale. I have talked with the company and with City Attorney and we have no major concerns about the transaction. We look forward to continued good service and cooperation from SCA under their new ownership and recommend Council approval of the sale.

Approval Recommended



Hugh H. Brown
City Manager

HARLAN BUSINESS CONSULTANTS, INC.

2202 S.E. LAKE RD.

MILWAUKIE, OREGON 97222

(503) 654-9533

IV
C2

ESTLE HARLAN
CONSULTANT

November 9, 1984

HUGH BROWN, City Manager
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Re: SCA SERVICES OF OREGON, INC.

Dear Hugh:

I have appreciated talking with both you and City Attorney Greg Eades on the matter of getting council approval for the transfer of ownership of Franchisee SCA Services of Oregon, Inc. This letter confirms that the matter will be on the Council agenda for discussion on Tuesday, November 20.

Normally, approval would be sought prior to the consummation of the sale. However, in this instance it was not known until October 25 who the new owner of SCA Services, Inc. was, because that decision was made by the U.S. Department of Justice. The city was notified in less than a week of the time it became known to the Franchisee who the buyer would be.

SCA Services, Inc. is a national company traded on the New York Stock Exchange. SCA Services of Oregon, Inc. is one division of that national company, and the Milwaukie franchise is one operation of that division. This company was sold to Waste Management, Inc., the largest solid waste company in the world. There were several buyers interested, but the final sale was to two buyers: Waste Management, Inc. and Genstar. Because of anti-trust concerns, it was the U.S. Department of Justice who made the final decision on approximately October 24, 1984 on which buyer would be allocated which divisions of SCA. This decision or approval was far beyond any local jurisdiction. I am attaching a copy of an article entitled "Who Might Get What in Purchase of SCA" that appeared in the October, 1984 issue of Waste Age.

While ownership has changed, your Franchisee will still operate as SCA Services of Oregon, Inc., and the same people remain in the management positions for the Oregon and Milwaukie operations. Steve Walker, Manager of SCA Services of Oregon, Inc., does plan on being present at the Council Meeting of November 20; however, we believe this matter to be just a formality for council approval. The Clackamas County Solid Waste Commission unanimously approved the ownership transfer on November 8, 1984.

Very truly yours,

Estle Harlan
ESTLE HARLAN

EH:E

Enclosure

Copy: GREG EADES, City Attorney
STEVE WALKER, Manager, SCA

Who Might Get What In Purchase of SCA

When SCA Services management found the \$423 million August offer for its company from a combine of Waste Management and Genstar too good to pass up, the first question asked by many waste service professionals was:

"Which SCA operations will go to Waste and which to Genstar?"

That's not the only question raised by the acquisition. When the number one firm (in terms of sales) in a field buys roughly 60% of the assets of the number three firm—and when the purchase price is raised, in a two-month period, by 40%—a lot of questions come to mind.

Herewith, a first attempt to answer a few of them.

Who gets what?

A fourth, and thus far silent, player in the SCA buy-out is the U.S. Department of Justice. It was partially to satisfy anti-trust concerns that Waste Management teamed up with Genstar to make the purchase, after SCA management indicated it would resist Waste's initial offer of \$300 million (made in June).

Rather than wait for the Justice Department to analyze such situations, acquiring companies propose which assets are to be separated out; Justice lawyers then examine the proposal and, so to speak, "dispose."

Proposed final disposition of SCA's assets, as filed by Waste Management and Genstar in late August, includes the following allocation of assets:

Solid waste collection operations to Waste Management: Little Rock and Pine Bluff, Ark.; Mobile, Ala.; Tuscon, Ariz.; Baldwin Park, Cathedral City, Irvine, Oceanside, Orange County-Santa Anna and Sacramento, Calif.; New Milford, Conn.; Washington, D.C.; Tallahassee and Port of St. Lucie, Fla.; Dalton and Savannah, Ga.; Fort Wayne and Muncie, Ind.; Louisville, Ky.; Shreveport, La.; Portland, Me.; Saginaw, Mich.; Londonderry, N.H.; Rio Grande and Vineland, N.J.; Utica, N.Y.; Canton, Cleveland, Findley, Lima and Youngstown, Ohio; Oklahoma City, Okla.; Portland, Ore.; Broomall, Elizabethtown, Honeybrook, Lancaster, Philadelphia, Pottstown and York, Pa.; Charleston, S.C. and Jackson and Memphis, Tenn.

Solid waste collection operations to Genstar: Chandler and Phoenix, Ariz.; Chula Vista, Cudahy and San Diego, Calif.; Arvada/Denver, Colo.; Tampa and West Palm Beach, Fla.; Atlanta, Ga.; Assonet, Rawley and South Boston, Mass.; Gaithersburg, Md.; Detroit (area), Grand Rapids, Muskegon and Southfield, Mich.; O'Fallon and St. Louis, Mo.; Trenton, N.J.; Akron and Dayton, Ohio and Dallas and Fort Worth, Tex.

Solid waste landfills to Waste Management: New Milford, Conn.; Louisville and Louisville-Campground, Ky.; Haverhill, Mass.; St. Louis-Chain of Rock, Mo.; Utica, N.Y.; Canton, Cleveland and Lima, Ohio; Oklahoma City, Okla.; Pottstown and York, Pa. and Charleston, S.C.

Solid waste landfills to Genstar: Muskegon Heights, Mich.; St. Louis-Milam, Mo.; Mt. Holly and Trenton, N.J.; Dayton, Ohio and Fort Worth, Tex.

No Genstar chemwaste

All of the chemical waste facilities operated by SCA would go to Waste Management, if Justice approves the companies' allocations. These include:

- A chemical waste incinerator in Chicago, Ill.
- A bio-medical/chemical waste incinerator in Lawrence, Mass.
- A chemical waste incinerator and transfer station in Braintree, Mass.
- Chemical waste transfer facilities in Laurel, Md., Buffalo, N.Y., Reidsville, N.C. and Greenbriar, Tenn.
- A chemical detoxification plant in Newark, N.J.
- Chemical waste landfills in Fort Wayne, Ind., Model City, N.Y. and Pinewood, S.C.

Laidlaw's profit

Laidlaw Transportation, Ltd., of Hamilton, Ont., made a tidy profit of more than \$9 million on the SCA takeover. The company had purchased 4.9% of SCA in the spring at an average price of \$12.50 per share; purchasers of more than that percentage of a publicly held company's stock must reveal their actions according to Securities and Exchange Commission regulations.

Final takeover price was \$28.50. Laidlaw earlier had sold roughly 40% of

its SCA holdings on the market at \$23.50 per share. Net profit after expenses in the transaction for Laidlaw was estimated at more than \$9 million—on a four-month investment of about \$8 million.

Note that in the fiscal year ended Aug. 31, 1983, Laidlaw Industries, Inc.—the Illinois-based refuse industry subsidiary of the Canadian firm—had net income of \$10.5 million on \$112 million in total assets.

Price paid

Waste Management's initial offer (made in early June) for SCA stock was \$300 million, or \$21 per share. The final offer is 40% higher in dollar terms; it includes purchase of certain unissued SCA stock.

In another analysis, the purchasers bought a company that had \$391 million in revenues for the most recent fiscal year (ended March 31, 1984).

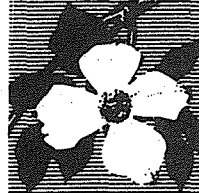
At a purchase price of \$300 million Waste would have been paying roughly 75 cents for each dollar of past-year sales acquired. At the agreed-upon price of \$423 million, Waste and Genstar together paid \$1.08 for each dollar of past-year SCA sales.

Observers note that SCA sales figures (and lack of recent profits—see Waste Age, June 1984, page 54) do not reflect the value of some of its assets.

One more note on price: Browning-Ferris Industries reportedly made an offer to exchange \$31.10 worth of its stock for each share of SCA (roughly 0.85 shares of BFI at the time). The non-cash nature of this offer is believed to be the reason it was rejected, despite the fact that it would have been higher on a per-share basis.

Speculation in the mass media over the takeover attempt mentioned Waste Management's desire for SCA's Chicago incinerator as a prime motivation for the takeover. The hazardous waste incinerator is one of only three with EPA permits to burn PCBs.

But other waste service industry observers note that it is the present and future cash-flow generation of SCA's landfills that made the purchase attractive to Waste and Genstar (whose only previous waste industry operating experience involved a handfull of landfills).



MEMORANDUM

November 16, 1984

TO: MAYOR AND CITY COUNCIL
FROM: HUGH H. BROWN, CITY MANAGER
SUBJECT: PUBLIC HEARING DATES

On November 6 City Council set a public hearing date for annexation request for property at 10484 SE 52nd Avenue. The date set was November 20, however, due to public notice requirements, it is requested by staff that the public hearing be postponed until December 4.

It is also recommended that Council hold a public hearing on December 4 for annexation request for Bull & Brew Restaurant located at 12515 SE McLoughlin. Both requests have been unanimously approved by the Planning Commission.

A handwritten signature in black ink, appearing to read 'Hugh H. Brown'.

Hugh H. Brown
City Manager

MILWAUKIE
CITY COUNCIL MEETING
November 6, 1984
7 p.m.

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COUNCIL CHAMBERS

1467th MEETING

At 6:30 p.m. the City Council interviewed Edward Powell for a position on the Civil Service Commission.

The one thousand four hundred and sixty seventh meeting of the Milwaukie City Council was held on November 6, 1984 with the following Councilors present:

Mayor Ron Kinsella	Don Graf
Mike Richmond	Roger Hall
Don Wilson	

Also present:

Hugh Brown, City Manager	Steve Hall, P.W. Director
Greg Eades, City Attorney	Laurie Perkin, Secretary
Marge Post, Finance Director	

AUDIENCE PARTICIPATION

Certificates of appreciation were prepared for the following businesses: Main Street Cleaners and Laundry, Farmers Insurance, Red's Coach Inn, Cargni Cleaning Service, and Pacific Western Bank. A representative of Main Street Cleaners was present to accept the certificate.

Betty Roholt, a member of the Communications Team for the Friends of the Center, presented Council with the new brochures produced by the Friends. She introduced Don Kopp, member of the Communications Team who did the artwork on the brochure. She talked of the work of the Friends and said a video presentation on the Center is being prepared through Milwaukie Cablevision.

Jim Backenstos complimented Steve Hall, Public Works Director for answering his questions concerning chuck holes behind Albertsons. He suggested Council appoint a task force to investigate toxic waste produced by Precision Cast Parts. He said the Tri-Met problem should be solved and suggested that if Measure # 2 passes, Council not make cuts in Police and Fire. He said also that he thought it in poor taste for Council members to endorse candidates for City Council.

Mayor Kinsella said he would like a representative from EPA or DEQ to come to a Council meeting and explain safety regulation procedure with regard to toxic waste. He said also that before any reductions were made in the budget, they would be discussed at a Council meeting.

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LEGISLATION

Fed & State Surplus Property

Finance Director has prepared resolution for eligibility to receive federal and state surplus property as required by law. It was MOVED by Graf, SECONDED by Hall, to adopt Resolution 22-1984 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING CERTAIN REPRESENTATIVES OF THE CITY TO RECEIVE SURPLUS PROPERTY). MOTION CARRIED unanimously.

Transfer of Appropriations

Finance Director has prepared resolution for transfer of appropriations making necessary adjustments for the delay in the merger of police and fire dispatch and providing for transfer of funds for pay adjustments and benefit adjustments. It was MOVED by Graf, SECONDED by Wilson, to adopt Resolution 23-1984 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AUTHORIZING TRANSFER OF APPROPRIATIONS) MOTION CARRIED unanimously.

Payment of bills

It was MOVED by Hall, SECONDED by Graf, that the bills listed for November 6, 1984 be approved for payment. MOTION CARRIED unanimously.

OTHER BUSINESS

Bid Award

Public Works Director has prepared memo dated October 31, 1984 requesting Council approve award of contract to C & B Boring in the amount of \$15,536.10. This project is the last in a series of water system improvements which will provide adequate domestic and fire protection services to the west side of McLoughlin Blvd. It was MOVED by Hall, SECONDED by Richmond, to approve bid award as requested. MOTION CARRIED unanimously.

Set date for Public Hearing

Council agreed to hold a public hearing on November 20, 1984 on annexation of property at 10484 SE 52nd.

Surplus Property

City Manager has submitted memo requesting Council declare certain legal books as surplus property and authorize the sale of these books. They are readily available for use at other law libraries, he said, and the cost of keeping the books current is becoming excessive. It was MOVED by Graf, SECONDED by Kinsella, to declare property surplus as requested. MOTION CARRIED unanimously.

V
a (3)

Apt. to Metro Committee

City Manager has requested that Council submit a name to METRO for appointment to the Joint Policy Advisory Committee on Transportation (JPACT). He said this committee is very influential with regard to Metro transportation funding. It was MOVED by Graf, SECONDED by Kinsella, that Roger Hall's name be submitted. MOTION CARRIED unanimously.

CONSENT AGENDA

Approval of minutes - October 16, 1984
Agreement with Clackamas County for lodging prisoners
It was MOVED by Hall, SECONDED by Graf, to adopt the consent agenda. MOTION CARRIED unanimously.

INFORMATION

The City has received a letter from Dwyer Hospital withdrawing appeal for conditional use application. The City Manager commended Dwyer for its efforts in working with the community.

City Manager provided Council with a copy of the Metro Light Rail report with a memo from Public Works Director providing background of the light rail study. This will be discussed in more detail in December, he said.

There was discussion on McLoughlin improvements, impacts on Johnson Creek Blvd. and light rail transit. Hall suggested the resolution passed in 1982 regarding McLoughlin Blvd. did not take into consideration problem with Johnson Creek Blvd. and perhaps should be amended.

Mayor Kinsella spoke of plans for the Veterans Day Parade to be held on November 10 and referred to a letter to the editor from Kenneth Brace which was forwarded to Ron Wyden. The letter dealt with the use of alcohol at the Senior Center. The Mayor has responded to Wyden, explaining the Council action was taken upon the advice of the Center Advisory bodies.

City Project Status Report

Mayor has submitted a list of projects and issues which Council should be kept informed of. City Manager has suggested other Council members add to the list. The Mayor also suggested that a board be installed in the Council Chambers with updated list of issues to be discussed.

City Council Minutes
November 6, 1984
Page 4.

V
-a (4)

Mayor Kinsella read a proclamation declaring November 11 - 17 1984 as Recycling Awareness week.

Civil Service Apt.

It was MOVED by Hall, SECONDED by Richmond, to appoint Edward Powell as Civil Service Commissioner. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Richmond, that the meeting be adjourned. The meeting was adjourned at 7:55 p.m.

Laurie Perkin, Secretary

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

V
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DATE: November 9, 1984

TO: Hugh Brown
City Manager

FROM: Steve Hall
Public Works Director *S. M. Hall*

SUBJECT: Subdivision -
Street and Utility Improvements
City Acceptance

Street and utility improvements in the above referenced subdivision have been constructed in accordance with plans and specifications for the project. Total value of said improvements is \$ 78,337.04.

It is the recommendation of this office that these improvements be accepted by the City.

Breakdown of cost and length of project is as follows:

	LENGTH	COST
Street		
Waterline	1980'	68,119.16
Sanitary sewer		
Engineering	* * *	10,217.87
TOTAL		78,337.04

Approval Recommended
Hugh Brown
Hugh H. Brown
City Manager

JIM SMITH EXCAVATING
 CONTRACTOR
 P.O. Box 429
 ADDRESS
 Oregon City, Oregon 97045
 CITY, STATE, ZIP BELLEVUE
 503-632-7470
 TELEPHONE

WATERLINE RESTORATION
 PROJECT '84 (PHASE II)
 8/27/84
 START DATE
 90 Days
 CONTRACT LENGTH
 11-24/84
 COMPLETION DATE

CITY OF MILWAUKIE
 DEPARTMENT OF PUBLIC WORKS
 PROGRESS PAY ESTIMATE
 CONTRACTOR
 DATE

FINAL 11/9/84
 EST. NO. DATE
 L.S. 11/9/84
 ESTIMATOR DATE
 APPROVED DATE
 CHECKED BY: PNR 11-9-84

PAY DUE: \$3490.46
 LESS %: ---
 AMT PAY: 3490.46
 FINAL
 FROM (date) TO (date)

ITEM NO.	ITEM DESCRIPTION	ORIGINAL BID				PREVIOUS PAYM'T		PAY THIS PERIOD		TOTAL PAY TO DATE	
		QUANTITY	UNIT	PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
1	TRENCH EXCAVATION	1850	L.F.	5.29	9786.50	1980.00	10,474.20	-----	-----	1980.00	10474.20
2	TRENCH BACKFILL CLASS "B"	1335	L.V.F.	3.47	4635.45	1725.00	5640.75	-----	-----	1725.00	5640.75
3	A.C. PAVEMENT REPLACEMENT	1230	L.F.	3.69	4538.70	1396.00	5151.24	-----	-----	1396.00	5151.24
4	6" D.I. PIPE	3718	L.F.	1.51	5621.94	701.00	5488.83	-----	-----	701.00	5488.83
5	8" D.I. PIPE	850	L.V.F.	9.99	8491.50	857.00	8561.43	-----	-----	857.00	8561.43
6	10" D.I. PIPE	288	L.V.F.	15.12	4354.56	279.00	4218.48	-----	-----	279.00	4218.48
7	D.I. FITTINGS	1885	LBS.	1.30	2450.50	2592.00	3369.60	65.00	84.50	2657.00	3454.10
8	6" M.J. x M.J. GATE VALVES	2	EA.	230.40	460.80	1.00	230.40	-----	-----	1.00	230.40
9	6" FL. x M.J. GATE VALVES	10	EA.	230.92	2309.20	9.00	2078.28	-----	-----	9.00	2078.28
10	8" FL. x M.J. GATE VALVES	3	EA.	338.04	1014.12	3.00	1014.12	-----	-----	3.00	1014.12
11	8" M.J. x M.J. GATE VALVES	1	EA.	341.49	341.49	1.00	341.49	-----	-----	1.00	341.49
12	10" FL. x M.J. GATE VALVES	2	EA.	512.28	1024.56	2.00	1024.56	-----	-----	2.00	1024.56
13	VALUE BOXES	17	EA.	52.62	894.54	17.00	894.54	-----	-----	17.00	894.54
14	FIRE HYDRANTS M.J.	3	EA.	1118.80	3356.40	3.00	3356.40	-----	-----	3.00	3356.40
	(STANDARD BURY)										

SUB - TOTALS

40 010 25

51944 22

04 50

(21440460 ROKA)

M SMITH EXCAVATING
 CONTRACTOR
 0. Box 429
 ADDRESS
 EGON CITY, OREGON 97045
 CITY, STATE, ZIP
 13-632-7470
 TELEPHONE

WATERLINE RESTORATION
 PROJECT '84 (PHASE II)
 8/24/84
 START DATE
 90 DAYS
 CONTRACT LENGTH
 11/24/84
 COMPLETION DATE

CITY OF MILWAUKIE
 DEPARTMENT OF PUBLIC WORKS
 PROGRESS PAY ESTIMATE
 CONTRACTOR
 JAMES H. SMITH
 DATE
 11-13-84

FINAL
 EST. NO. DATE
 L.S. 11/9/84
 ESTIMATOR DATE
 APPROVED DATE
 CHECKED BY: PNR
 11-9-84

PAY DUE: \$3490.46
 LESS %:
 AM'T PAY: \$3490.46
 FINAL
 FROM (date) TO (date)

ITEM NO.	ITEM DESCRIPTION	ORIGINAL BID		PREVIOUS PAYM'T		PAY THIS PERIOD		TOTAL PAY TO DATE		
		QUANTITY	UNIT	PRICE	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT	
	SUB-TOTAL BROUGHT FORWARD				49,010.26		51,844.32		84.50	51,928.8
15	WATER SERVICE CONNECTION (STANDARD) 12" BORE	29.88	EAL	208.25	6,039.25	28.00	5,831.00			28.00 5,831.0
16	WATER SERVICE CONNECTIONS (MANDATORY) 12" BORE	7.00	EAL	250.00	1,750.00	65.00	1,625.00			65.00 1,250.0
17	TRENCH BACKFILL (SERVICE CONNECTIONS) CLASS "B"	330.18	L.F.	6.956	2,284.80	379.00	2,670.24			379.00 2,970.2
18	A.C. PAVEMENT REPLACEMENT (SERVICE CONNECTIONS) 12" BORE	266.30	L.F.	6.956	1,844.96	300.00	1,968.00			300.00 1,968.0
19	DISCONNECT AND PLUG EXISTING WATER LINES 12" BORE	15.32	EAL	131.22	1,999.60	15.00	1,950.00			15.00 1,920.6
20	GEO-TEXTILE FABRIC IN PLACE EXCAVATION	333.20	S.Y.	2.525	841.25	357.78	903.01			357.78 903.0
21	A.C. OVERLAY CLASS "D"	740	S.Y.	4.50	3,330.00	562.22	2,529.99			562.22 2,529.9
	EXTRA WORK ORDER #1					L.S.	1,900.00			L.S. 1,900.0
	PAYABLE HELD RETAINAGE								3,405.96	

PLANNING COMMISSION MINUTES
REGULAR MEETING
OCTOBER 9, 1984

VI
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MEMBERS PRESENT

JOHN LITTLEHALES
BOB BROWN
DON TROTTER
BETTY ROHOLT
BOB KNUDSON

STAFF PRESENT

TOPAZ FAULKNER, PLANNING DIRECTOR
LORI MASTRANTONIO-MEUSER, ASSOCIATE
PLANNER
RISHI PAO, INTERN FOR THE CITY
DEANNA ROBINSON, STENOGRAPHER

1.0 Mr. Littlehales called the meeting to order at 6:40 PM

3.1 APPLICANT: Mr. & Mrs. John & Sandra Burr
LOCATION: 11662 SE Beckman Avenue
PROPOSAL: Approval of a 15-foot variance to allow a 13' x 21'
addition resulting in a 5-foot rear yard setback instead
of the required 20 feet. (VR-84-14)

Lori presented the Staff Report and passed around a letter of correspondence received, (Exhibit #6), pointing out that there have been eleven letters received in support of the variance from adjacent neighbors.

APPLICANT'S RESPONSE

SPEAKING: TONY BATTY, 10 NE 31st, Portland, Oregon

Mr. Batty said that he did not know about the sidewalk until the meeting and wondered if it could be varied as the Burrs do have sidewalks on two sides, whereas most of the neighbors have sidewalks on only one side. He also mentioned there is gravel on the north side which would eventually cause the sidewalks to deteriorate.

There was no testimony in opposition of the request.

SPEAKING: TONY BATTY

Mr. Batty asked the reason why Staff wanted a sidewalk.

Lori explained that Staff had talked about the sidewalk with Public Works and they were in agreement. She added that it would be fine if the sidewalk just went up to the driveway. Staff also added they are looking to the future, and this is one way of seeing that public facilities such as sidewalks are completed.

The public portion of the hearing was closed at 6:50 PM.

Mr. Knudson expressed the opinion that he did not feel the applicant should be required to put a sidewalk in and asked if the City has any

CITY OF MILWAUKIE PLANNING DEPARTMENT
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 9, 1984

VI
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plans to put sidewalks in the area. Staff replied they did not believe so.

Mr. Littlehales asked what would be gained by making a developer's agreement. Lori responded that it would be difficult to measure the benefit. She added that developer's agreements work better in areas where there is a lot of growth, and are less effective when dealing with infill areas.

Mr. Littlehales asked the applicant if a developer's agreement was the direction the Commission followed, if his client would have any problems with that. Mr. Batty said he didn't believe so. He felt the Burrs would be happy to eventually put in sidewalks if the other neighbors agreed to do the same.

Mr. Brown made a Motion to approve Variance Request 84-14 with the following findings:

1. The request complies with the Variance Criteria as the location of an addition is limited due to the required corner lot setbacks and the fact that the house faces Beckman Avenue and not Beckman Terrace. In addition, the impacts to the surrounding neighbors are minimal as there is a 5-6 foot fence buffering the addition from the neighbor to the east and the surrounding neighbors support the request.
2. The request is in compliance with the Comprehensive Plan as the impact to the adjacent neighbors will be minimal and the development is consistent with the surrounding area.

And with the Condition that the applicant sign the Developer's Agreement as a deed restriction to add sidewalks along Beckman Avenue at the time such improvements are made in the neighborhood.

Mr. Littlehales seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

- 3.2 APPLICANT: Susan Conover
LOCATION: 10484 SE 52nd Avenue
PROPOSAL: The applicant is requesting approval for Annexation, Comprehensive Plan Amendment from County Low Density Residential and Zone Amendment from County R-10 to City R-10 Residential for the property located at 10484 SE 52nd Avenue. (A-84-1), (CPA-84-2), (ZA-84-6).

Lori suggested adding a recommendation No. 4, that the property be withdrawn from the Wichita Water District upon approval of annexation, and that would be forwarded to Council. The site will utilize Milwaukie's water system.

Mr. Littlehales asked if that meant they would have to hook up to a 10-inch line as well as a 3-inch line. Lori answered that the City would transfer the water service from the 3-inch line to the 10-inch line at no cost to the applicant.

CITY OF MILWAUKIE PLANNING DEPARTMENT
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 9, 1984

VI
a(3)

Mr. Brown asked Staff what resolution 5-1981 is. Lori said it indicated that annexation of property is required prior to providing such services as sewer and water.

The public portion of the hearing was closed at 7:05 PM.

Mr. Trotter moved to recommend the following to City Council:

1. The applicant's petition for the annexation of Tax Lot 6300 of Tax Map 1 2E 30DC and forward the petition to the City Council for action.
2. The applicant's request for a Comprehensive Plan Amendment from Clackamas County Low Density Residential to City Low Density Residential subject to the approval of the annexation and forward the Plan Amendment to the City Council for action.
3. The applicant's request for a Zone Amendment from Clackamas County R-10 to City R-10 subject to the approval of the annexation and forward the Zone Amendment to the City Council for action.
4. That the property be withdrawn from the Wichita Water District upon approval of annexation, and that would be forwarded to Council.

Ms. Roholt seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

Mr. Littlehales asked Staff to advise the applicant that she will be receiving a letter from the Planning Department.

6.1 Planning Commission Minutes of September 25, 1984.

Mr. Trotter noted a correction on Page 3. The last sentence in the first paragraph should read, "He didn't feel the closed corrugated metal roofing and siding fit in with the residential setting".

Mr. Littlehales moved to approve the Minutes of September 25, 1984, with the correction in paragraph one on Page 3. Mr. Brown seconded the Motion. THE MOTION CARRIED 4-0, Ms. Roholt abstaining because she was not present at that meeting.

Topaz introduced Rishi Rao, (a PhD candidate at Portland State School of Urban Affairs) who has been working with the planning staff. At Topaz' request, Rishi explained his educational background: He is a Civil Engineer with an undergraduate degree in Civil Engineering, a Masters in Transportation Planning, and another Masters in Human Settlements and Development Planning from the Asian Institute of Technology. He is now working on his PhD in Urban Studies with his major area being in public transportation. He spent one summer working for Tri-Met and is now

CITY OF MILWAUKIE PLANNING DEPARTMENT
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 9, 1984

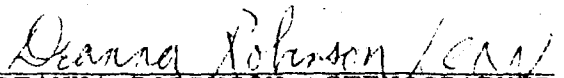
VI
a (4)

working for the City of Milwaukie updating the Comprehensive Plan.

Rishi then explained the residential land inventory he completed in September, and the relationship of that information to the High Density Zones being reviewed by the Commissioners. He addressed LCDC requirements specific to the City of Milwaukie. A general discussion was held on affordable housing; residential, industrial, and commercial land available within the city limits; low, medium, and high density land in the city; vacant land surveys; the shopping center on Highway 224, and the status on the current appeals.

The meeting was adjourned at 8:15 PM.


JOHN LITTLEHALES, CHAIRMAN


DEANNA ROBINSON, STENOGRAPHER

PLANNING COMMISSION MINUTES

REGULAR MEETING

OCTOBER 23, 1984

VI
a (5)

MEMBERS PRESENT

JOHN LITTLEHALES
BOB BROWN
JOHN FOSTER
DON TROTTER
BOB KNUDSON
AL LIANE

STAFF PRESENT

TOPAZ FAULKNER,
PLANNING DIRECTOR
LORI MASTRANTONIO-MEUSER,
ASSOCIATE PLANNER
STEVE HALL, PUBLIC WORKS DIRECTOR
DEANNA ROBINSON, STENOGRAPHER

1.0 Mr. Littlehales called the meeting to order at 6:35 PM.

3.1 APPLICANT: Milwaukie First Assembly of God Church
PROPERTY OWNER: Same as above
LOCATION: The area south of Highway 224, west of Rusk Road
and north of Kellogg Creek Drive.
PROPOSAL: The applicant is requesting approval to construct
a church in a residential zone under the Community
Service Overlay procedure. (File No. CS-84-2)

Lori presented the Staff Report.

Mr. Foster asked if the sprinkler system mentioned on page 5 of the Staff Report referred to the building. Lori said it did.

Mr. Trotter asked if the Public Notices were sent to the residents of the County as well as the City. Lori indicated they were sent to everyone within 500 feet of the site.

APPLICANT'S RESPONSE

SPEAKING: PASTOR GEORGE WILSON

Pastor Wilson explained that on April 6, 1979, the Church approached the County and received a Conditional Use permit but were not able to build at that time. He further explained that the Church had merged with another congregation three months ago, and because of the increase in the size of the congregation, they have neither facilities nor parking.

Pastor Wilson indicated an intention to build some baseball diamonds and a soccer field and the total facility would be open to the public. Pastor Wilson then passed out a copy of a letter addressed to the people in the surrounding area (Exhibit #7). Pastor Wilson said they did not intend to build on the entire eighteen acres but are planning to develop at least six or seven acres. He pointed out that they want to have more parking spaces than is required.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a (6)

SPEAKING: DAVID BRISTOL, Contractor from Bristol's Church Construction, Portland.

Mr. Bristol said they had hired a man to do a traffic study and he should have his report done this week. He indicated he had been working with Dennis Everson on the types of road improvements. They plan to widen the road eight feet so it will be eighteen feet from the center line. They also plan to put in curbs and sidewalks and a storm drainage system. Mr. Bristol had talked to an engineer who is also working on plans to be submitted. He indicated they have a landscaper who will draw up plans to submit to the City for approval. Mr. Bristol said he had a copy of the April 6, 1979 Conditional Use Approval from the County.

Mr. Foster realized he had met Mr. Bristol before, but that it would not influence his decision either way.

Mr. Trotter asked if the Church owned the property. The Applicant responded that they do. Mr. Trotter asked if they would be willing to provide a copy of their deed to the City, as required by the Community Service Overlay standards. Pastor Wilson said they would. Mr. Trotter inquired if the Applicant had researched their floodway plan with Staff to insure that the portion of the site that is being dealt with is beyond the floodway fringe. Mr. Bristol responded that he had, and that he had worked it out with the architect. He indicated that the minimum is two feet above the hundred-year floodplain, and their plans are to have it six or eight feet above that. Mr. Trotter then inquired about lighting. The Applicant indicated there will be sufficient lighting, but it has not been designed as yet.

Mr. Littlehales inquired if the 72% mentioned in the Staff Report is part of the landscape plan. Mr. Bristol explained how he came up with the 72%. Mr. Littlehales asked if it would be maintained. The Applicant responded that it would.

Mr. Foster asked if the Applicant plans to build some residential facilities. Pastor Wilson responded they have no such plans at this time.

TESTIMONY IN FAVOR

SPEAKING: NEIL BAKER, 5824 SE Kellogg Creek Drive

Mr. Baker assumed he would be the closest neighbor to the church and addressed the traffic. He indicated he is in favor of the proposal.

SPEAKING: CHARLIE BROWN, 13535 SE Rusk Road

Mr. Brown expressed concern about the traffic but is in favor of the proposal.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a (7)

TESTIMONY IN OPPOSITION

There was no testimony offered in opposition.

QUESTIONS, COMMENTS

SPEAKING: SHAWN STEWART, 10550 SW Stevens Way

Shawn asked what would happen to the horses that are now living in the pasture.

SPEAKING: BILLY BOYD, 11474 SE 77th Place

Billy addressed the traffic on Kellogg Creek Road and asked if there is another road or another entrance from another road. Mr. Littlehales referred him to the map in the Staff Report and told him that Rusk Road and Kellogg Creek Road are the only two roads near the property except for Highway 224, which is a state highway.

SPEAKING: DON MCLAUGHLIN, 13775 Rusk Road

McLaughlin said he is in favor of the Community Service Overlay. He inquired about a sign on the property that advertises six acres for sale.

SPEAKING: GERALD HENNING, Oregon City, A member of the proposed church.

Mr. Henning asked Staff if the City regulates landscaping, with regards to residential properties, and if there is enough lineal footage, aside from state highway frontage, to allow six fire hydrants. Topaz explained that the Fire Marshal sets the requirements for fire hydrants.

APPLICANT'S CLOSING REMARKS

SPEAKING: DAVID BRISTOL, Contractor

Mr. Bristol addressed the access, which will be a right turn only on the southbound portion of Rusk Road. There will be an access to the far west that will be both in and out, and the site plan will be revised to show that change. This will alleviate the blind corners.

Mr. Knudson asked if the Rusk Road entrance will be a 90-degree turn. Mr. Bristol said it will be up to the engineer.

Mr. Littlehales asked Staff if they would be working with the Applicant and reviewing and approving all final plans. Steve Hall assured him they would.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a (8)

SPEAKING: PASTOR GEORGE WILSON

Pastor Wilson addressed the question raised about the six acres of land for sale. He said because of the expense of the project, they are looking into the feasibility of selling a portion of the land that they are not planning to build on.

Pastor Wilson then addressed the question about the horses. He indicated they would give the owner of the horses adequate notice to find pasture elsewhere.

The public portion of the hearing was closed at 7:05 PM.

Mr. Trotter asked which portion of the site is in the floodway, and if all requirements had been met for the floodway-fringe area. Steve Hall indicated that Public Works will be reviewing the final plans, and the Applicant will need to notify Public Works, by elevation, where the floodway is located and the floodway fringe, on the final plans. Mr. Trotter asked if Staff believes that the proposed condition on plans for street, sewers, water, etc. adequately covers the floodway fringe or should there be another condition to state that these provisions are met. Steve Hall said he thought that the existing condition would adequately cover it.

Mr. Foster inquired about the height of the building. Lori responded that it could be fifty feet, not including the spire.

Mr. Trotter made a Motion to approve Community Service Overlay request 84-2 with the three proposed findings:

1. The request complies with the R-10 requirements including lot area, setbacks, lot coverage, access and height restriction. Fifteen percent landscaping of the site will be provided by the applicant.
2. The request complies with the Community Service Overlay procedures, as adequate public facilities including street and storm water improvements, curbs and sidewalks, adequate fire hydrants and a sprinkler system will be provided.
3. The following sections of the Comprehensive Plan are in compliance with the request as described below.
 - a. Economic Base and Industrial/Commercial Element
Economic Development resulting in employment opportunities will be provided.
 - b. Recreational Needs Element, Goal Statement
A recreational facility will be provided as a result of this development.

V
a (9)

- c. Residential Land Use Element, Neighborhood Conservation Policy #5.

As all of the implementing ordinances of the Comprehensive Plan have or will be met including the provision for adequate setbacks, lot coverage, lot area and proper height of the structure, the new development will maintain the surrounding single-family building scale and height.

And the eight condtions:

1. That a Landscape Plan indicating the type and size of planting materials including street trees be submitted for Staff review and approval.
2. That complete plans for street, sewer, water, storm water, curb and sidewalk improvements per Public Works Memorandum (including an on-site detention system)(Exhibit #4), be submitted for Staff review and approval. The storm and street improvement plan shall be provided by a registered engineer.
3. Five feet of property along the entire frontage of Rusk Road and Kellogg Creek Drive shall be dedicated to Clackamas County for street improvements.
4. A Traffic Study shall be provided by a Traffic Engineer to ensure that the streets have capacity to carry projected traffic. Additional improvements may be necessary depending on the result of the study.
5. That a revised Site Plan be submitted for Staff review and approval providing for adequate ingress and egress points, additional walkways and adequate fire access areas. Further revisions may be necessary as a result of the Traffic Study to be completed.
6. That additional fire hydrants be provided as per Exhibit #6, and according to the specifications of the Fire Department.
7. That an exterior lighting plan be submitted for review and approval by Staff.
8. That a copy of the deed be submitted for Staff review to insure compliance with requirement #4 of the application requirements of Community Service Overlay.

Mr. Littlehales seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a 10

A recess was taken at 7:35 PM.

3.2 APPLICANT: Diane Fenger
PROPERTY OWNER: Kenneth S. Solomon
LOCATION: 2146 SE Monroe Street
PROPOSAL: The applicant is requesting approval of a
Conditional Use to allow a Dog Grooming School
which includes a 5-bedroom dormitory in the
existing building at 2146 SE Monroe Street.
(File No. C-84-6)

Lori presented the Staff Report.

APPLICANT'S RESPONSE

SPEAKING: DIANE FENGER, Co-Owner of Dog Grooming School

Ms. Fenger explained that seventy-five percent of the students who attend her school come from out of state and need a place to live. This is why they need the five-bedroom dormitory.

TESTIMONY IN FAVOR

SPEAKING: ROB HOAG, 17300 Crownview Drive, Gladstone

Mr. Hoag is a representative for the owner of the property, Ken Solomon. Mr. Hoag said Mr. Solomon does support the project.

APPLICANT'S CLOSING REMARKS

SPEAKING: DIANE FENGER

Ms. Fenger said she hopes the Commission will be in favor of the proposal.

Mr. Trotter asked Staff if any thought had been given to which areas of the site should be landscaped. Lori said that the applicant had submitted plans to landscape part of the area against the building and also an area bordering the parking area.

Ms. Fenger added that she has plans to make a room in the front of the building into a plant room with a waterfall-type setup, which may be viewed from the outside through the front window. Her plans also include landscaping over fifteen percent of the site.

Mr. Littlehales addressed boarding animals, cooking facilities, and sanitary facilities. Staff indicated that the Fire Marshal would regulate the facilities necessary for a dormitory.

Mr. Liane asked the applicant about how the space would be utilized. Ms. Fenger indicated there will be five bedrooms with no more than three students in each bedroom with cooking facilities and laundry facilities available in the building.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a 11

Mr. Knudson asked what the length of the course will be. Ms. Fenger responded it is a twelve-week course.

Mr. Littlehales asked if noise from the dogs will be a problem. Ms. Fenger said the area in which the dogs will be kept is soundproof. Mr. Littlehales asked if the dogs will be spending the night at the school. Ms. Fenger said that could happen on occasion. Mr. Trotter suggested that it would be similar to a pet store which is an allowed use in a C-C Zone.

Mr. Littlehales made a Motion to approve Conditional Use 84-6 with the three findings as proposed by Staff:

1. The request complies with the C-C Zone requirements as there are no special yard setbacks that pertain to the site, 15% landscaping will be provided and adequate parking is provided.
2. The request complies with the Conditional Use requirements as adequate public facilities will be provided. The Site Plan will be revised illustrating proper access for emergency vehicles. The size, shape and location of the site pose no problems for the project.
3. The request is in compliance with the Comprehensive Plan as a service facility providing employment opportunities, a retail and school use will be located in the downtown area close to other services and facilities.

And the following conditions:

1. That a revised Parking Plan be submitted for Staff review and approval indicating the fire access area. All parking spaces shall be striped according to City standards.
2. That a Landscape Plan illustrating 15% of the site to be landscaped including the types and sizes of shrubs and trees be submitted for Staff review and approval.
3. That all utilities and improvements be completed as per the Fire and Public Works Departments and as per their respective Memorandums Exhibits #6 and #7.
4. That a bond be posted for the utility and landscaping improvements, and that a copy of this bond be provided for Planning Commission Review prior to issuance of the building permit.
5. That if complaints are received within six months, a review will be held by the Planning Commission.
6. That dormitory housing is not to exceed fifteen students at any one time.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a (12)

Mr. Brown seconded the Motion.

THE MOTION CARRIED UNANIMOUSLY.

3.3 APPLICANT: United States Postal Service
PROPERTY OWNER: Marianne Buchwalter and John Shipley
LOCATION: 11222 SE Main Street
PROPOSAL: The applicant is requesting approval to allow
a Post Office at 11222 SE Main Street under the
Community Service Overlay procedures. (File
No. CS-84-3)

Lori presented the Staff Report and passed out a Memorandum dated 10/22/84 from Fire Chief Dick Bailey.

Mr. Littlehales asked if the supervised alarm system mentioned in the Memorandum from Chief Bailey (Exhibit No. 7) is a central alarm. Steve Hall said it is and it will feed back into the Fire Department.

Mr. Littlehales asked if any of the parking spaces were already obligated under the previous Community Service Overlay for the day care center, and being double counted. Lori responded that they are not; that the available parking spaces are in the public right of way.

Mr. Brown asked how the Staff Report had come up with twenty-eight available parking spaces, and if Staff knows how many are needed. Lori explained that Staff just counted the spaces along Adams; that the spaces not counted were spaces being recommended for elimination.

Mr. Brown inquired where the street trees mentioned on page 3 of the Staff Report would be placed along Adams Street, and if there was adequate space for them. Lori said she believed there would be adequate space for several trees.

Mr. Brown asked if there is lighting along Adams Street. Steve Hall responded that there is on 21st, but he did not believe there was on Adams. Mr. Brown suggested addressing lighting to be utilized during the hours of darkness.

Mr. Foster addressed handicapped parking.

APPLICANT'S RESPONSE

SPEAKING: BEN LUSCHER, Postmaster, 715 NW Hoyt

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VL
a (13)

Mr. Luscher introduced Mick Lauder, the facility engineer who has been handling the project. Mr. Luscher described the plans for the project and expressed hope to occupy the building between the 15th and the 31st of December 1984. He assured the Planning Commission that they intend to meet whatever requirements are proposed.

Mr. Trotter asked what is being proposed for truck access.

SPEAKING: MICK LAUDER, Facilities Engineer, 715 NW Hoyt

Mr. Lauder said they had not completed the plans for truck access yet. The area east of the building is partly owned by the railroad.

Mr. Trotter inquired about a drop-box service. Mr. Lauder responded that this problem had not yet been resolved; that each plan they had submitted so far had been rejected because of the traffic flows which is caused in part by the trestle. Mr. Trotter suggested an alternative of having the type of drop box in which one would get out of their car and walk to. Mr. Lauder said they may do that if they are not able to solve the drive-up drop box.

Mr. Trotter addressed the three parking spaces behind the building by the loading dock, as indicated on the site plan, and asked if employee parking was intended for these spaces. Mr. Lauder replied that this was their intention.

Mr. Littlehales asked if they could make the 180 degree turn from the loading dock back onto Main Street if they elect to put in a flagger and go north on Main Street. Mr. Luscher said they would pursue that possibility.

TESTIMONY IN FAVOR

SPEAKING: GEORGE ARMSTRONG, 2780 SE Cushman Court, Milwaukie

Mr. Armstrong said he works for the post office now and the present building is entirely too big. He believes the new proposed post office would be much better.

TESTIMONY IN OPPOSITION

There was no testimony in opposition.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a (14)

APPLICANT'S CLOSING REMARKS

SPEAKING: MICK LAUDER

Mr. Lauder said if the application is approved, they will replace the sidewalk, install the central supervised alarm system, and submit a landscape plan that will be agreeable to Staff before moving in.

The public portion of the hearing was closed at 9:15 PM.

Mr. Trotter addressed the lighting. Steve Hall did not feel that the lighting would be a problem. Mr. Littlehales asked if the loading dock would be lighted. The applicant said that it would be.

Mr. Trotter made a Motion to approve the Community Service Overlay for post office use CS-84-3 with the three proposed findings:

1. The request complies with the C-C Zone requirements as there are no special yard or lot size requirements that pertain to the site and adequate parking is provided. At least one-third of the 15% landscaping required shall be provided by the applicant as approximately one-third of the site area is being utilized by the applicant.
2. The request complies with the Community Service Overlay procedures as adequate public facilities including a sprinkler system and improvements to the fire hydrant on Adams Street will be provided. Proper access for the 5-ton delivery truck will also be provided.
3. The request is in compliance with the Comprehensive Plan as the proposed use is a service facility for the community providing employment opportunities and will be located in the downtown area close to other services, thus meeting the Economic and Transportation Elements of the Plan. As previously discussed, adequate public facilities will be provided, meeting the Public Facilities and Services Element of the Plan.

And the following conditions:

1. That adequate truck access be provided by utilizing one of the three alternatives listed in the Public Works Memorandum (Exhibit #4).

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a (15)

2. That the sidewalk along the west property line of the site, off of Main Street be repaired to City standards.
3. That the entire building meet the specifications of the Fire Department (Exhibit #7).
4. That the parking space adjacent to the entrance off Adams Street be designated as "No Parking" for emergency access. Also, one or two parking spaces near the east end of the building must be eliminated to provide access to parking east of the building. The Site Plan is to be revised reflecting these changes.
5. That a Landscape Plan indicating the type and size of the plants including trees be submitted and reviewed and approved by Staff.
6. A bond shall be posted covering the costs of landscaping and sidewalk improvements.
7. That an exterior lighting plan be submitted for review and approval by Staff.

Mr. Littlehales seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

Mr. Littlehales left at 9:20 PM, Mr. Brown taking over as chairman.

6.1 Planning Commission Minutes of October 9, 1984

Mr. Brown noted an error on the date and suggested changing the date from October 23 to October 9. Mr. Knudson made a Motion to approve the Minutes of October 9, 1984. Mr. Brown seconded the Motion. THE MOTION CARRIED 3-0, Mr. Liane and Mr. Foster abstaining as they were not present at the October 9 meeting.

- 3.4 Public hearing for review of the new Residential Section of the Zoning Ordinance which includes deleting two high density residential zones.

Topaz passed out copies of Resolution Number 5-1981 and copies of the Oregon Administrative Rule of Chapter 660, Division 7, that calls for eight units per net acre of new construction in Milwaukie, dated February 1982. Topaz explained the relationship between the Density designations in the Comprehensive Plan, the Zoning standards and the resulting number of units per net acre, using the current ordinance. A Matrix was provided to illustrate the information.

CITY OF MILWAUKIE PLANNING DIVISION
PLANNING COMMISSION MEETING MINUTES
REGULAR MEETING - OCTOBER 23, 1984

VI
a 26

Mr. Trotter requested a Matrix similar to the one Topaz distributed for the new zones as they have been proposed, including the fifteen percent reduction for roads and a brief sentence with the proposed rewriting of two paragraphs in the current Ordinance referring to metes and bounds.

TESTIMONY IN OPPOSITION

There was no testimony offered in opposition.

Mr. Trotter made a Motion to continue the Public Hearing until November 13, 1984, at the regular meeting. Mr. Brown seconded the Motion. THE MOTION CARRIED UNANIMOUSLY.

A general discussion was held on the Land Division Draft, which was not yet completed, including minor partitions, and the dismissal of the existing appeals by former applicants.

The meeting was adjourned at 10:00 PM.

JOHN LITTLEHALES, CHAIRMAN

DEANNA ROBINSON, STENOGRAPHER

TRAFFIC SAFETY COMMISSION MINUTES
City Council Chambers
October 8, 1984

VI
B
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I CALL TO ORDER: Meeting was called to order at 7:33 p.m. by Chairman Louis Bruneau.

MEMBERS PRESENT: Louis Bruneau, Chairman
Robert Baker, Student Representative
Dick Samuels
Darrell Bennett
Delbert Binkley

MEMBERS ABSENT: Jim Stell

STAFF PRESENT: Paul Roeger, Office Engineer
Connie Leasure, Secretary

II APPROVAL OF MINUTES:

Regular Meeting - September 10, 1984 - Bruneau called for any additions or corrections; Leasure pointed out that Chief Ron Goodpaster's name was misspelled. Bruneau MOVED to adopt minutes as ammended, Bennett SECONDED the motion. Minutes approved as ammended.

III AUDIENCE PARTICIPATION:

Chief of Police Ton Goodpaster gave a report on the Quarterly Traffic Report. Accidents are way up. The second DUII checkpoint has occurred. No drunk drivers were arrested, but several citations were given for non-alcohol related violations. Binkley asked about the effect of DUII regulations. Goodpaster explained that there has been a reduction and effect on many aspects of the liquor business. Bruneau asked about the frequency of the checkpoints. Goodpaster explained that the Milwaukie police are dependant upon the State Police being able to help, as the Milwaukie Police do not have the authority to stop traffic on a State Highway by themselves. However, he expects there will be at least two more before the end of the year.

Bennett asked if the Department is trying to replace the motorcycle officers. Goodpaster replied that one of the officers off on sick leave would be returning to duty the following week, and the other would be back within a month or be replaced by internal selection.

IV OLD BUSINESS:

A. Project Status Report

1. Harmony/ Railroad Avenue Project - no changes on this project.
2. McLoughlin Boulevard - Roeger directed attention to some additional information included in the packet; specifically, the Public Meeting to be held October 10th 1984 at the Ardenwald School, concerning the Tacoma/Johnson Creek improvements. Not

included in the packet due to their size was:

- VI
B
2
- 1) Supplemental Alternatives Analysis Report, and
 - 2) Report on Johnson Creek Bypass Alternatives (Sept. 1984)

Roeger read the summary of this report to the members, which said basically that some improvements within the right-of-way on Tacoma/Johnson Creek Blvd. could be funded, but re-routing the traffic away from Johnson Creek Blvd. and/or creating a new road is not likely to occur. Binkley commented that the overpass would be good for the Ardenwald residents. Roeger also talked about two letters directed to Steve Hall requesting additional signage on Johnson Creek Blvd. Because of the proximity of City and County boundaries on that stretch of road, Milwaukie cannot add more speed signs, but on the PRIVATE DRIVES sign request, the City could do something after Portland agrees. Bruneau commented that the legend for the PRIVATE DRIVES sign is unclear. The second letter requested closing Johnson Creek Blvd. to trucks from Berkley Place to 45th Avenue. Roeger then read a draft of his memo to the Traffic Safety Commission, which is included in the November packet.

3. TriMet Transit Center Project - Roeger directed attention to the letter addressed to Alonzo Wertz included in the packet.
 4. C.C. D.U.I.I. Task Force Report - Bruneau commented on the lack of action both with C.C. D.U.I.I. and with the local chapter of M.A.D.D., both of which seem to be stalled. Bruneau expects to see more action after the elections.
- B. Sobriety Check Point Update - already dealt with during Audience Participation.

V

NEW BUSINESS

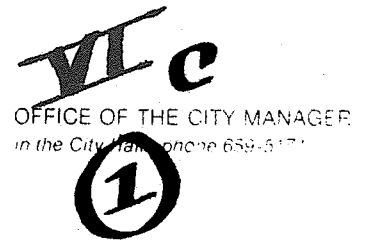
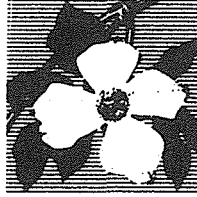
- A. Annual Traffic Safety Conference - Roeger directed attention to the registration forms included in the packet, and offered a ride with him to the Conference on October 24th, 1984.
- B. Bruneau talked about the HIGHWAY USERS FEDERATION newsletter, which included an interview with the British "father" of seatbelt legislation, Barry Sheeman. Before and after figures were quoted.
- C. Robert Baker informed the Commission that the Milwaukie High PTA has agreed to sponsor a chemical-free graduation party for the Class of '84.
- D. Roeger invited members to read the Status Report by the Insurance Institute for Highway Safety, which was not included in the packet because of size.

VII

ADJOURNMENT

As there was no further business, old or new, Bruneau entertained a motion to adjourn. Samuels MOVED and Bennett SECONDED, and the meeting was adjourned at 8:20 p.m.

CITY OF MILWAUKIE



MEMORANDUM

TO: HUGH BROWN, CITY MANAGER

FROM: BILL MC DONALD

SUBJECT: CABLE COMMUNICATIONS POLICY ACT-1984

DATE: NOVEMBER 14, 1984

Congress recently passed the Cable Communications Policy Act-1984 at the end of the last session. Its provisions are largely favorable to cities with existing franchise agreements. The following items might be of particular interest to the City Council.

1. Establishes National Cable Policy -- Section 601

The Act seeks to untangle the problems created in part by the FCC reliance on an "ancillary to broadcasting" theory to regulate cable television. The Act accomplishes the following specific goals:

- a) A national policy for cable is prescribed which delineates the authority of the F.C.C., municipalities and cable operators;
- b) Franchise procedures and regulatory guidelines for local government are established;
- c) Diversity of information and services provided by cable systems is encouraged;
- d) Growth and development of the cable industry through deregulation and competition is encouraged.

2. Confirms Local Franchising Authority -- Section 621

Municipal authority to franchise and regulate cable television systems is reconfirmed. Municipalities may enforce the terms of cable franchises except where those franchises are inconsistent with the bill.

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3. Franchise Fees -- Section 622

Under this section a city may collect a franchise fee of up to 5% of a cable operations gross revenue without any restriction on the use of the funds. The section also excludes from the definition of "franchise fee" any requirements of an existing franchise for support of public, educational, or governmental access channels, facilities and related services. Cable operators may itemize the franchise fee as a separate item on subscriber's bills.

4. Rate Regulation - Section 623

Local rate regulation is preserved for the next two years. At the end of that period cable TV rates will be deregulated. During the two year period, cable operators can automatically raise rates 5% per year.

5. Service, Facility and Equipment Requirements -- Section 624

Provisions of existing franchises are grandfathered in this section. The city may enforce any requirement in the existing franchise for the provision of services, facilities, and equipment.

6. Modification of Franchise Obligations: Contract Renegotiations -- Section 625

Procedures are established as a supplement or alternative to existing franchise provisions for franchise modifications. The procedures do not replace current franchise provisions. The operator may seek to negotiate changes in facilities, equipment, and services. The burden of proof resides with the operator. Changes must be justifiable according to standards prescribed in the act.

7. Franchise renewal -- Section 626

A non-mandatory renewal process is provided. The operator and city may negotiate on renewal independent of this section, however, this process may be invoked by the cable operator or the city if necessary.

8. Access -- Sections 611, 622, and 637

The city can enforce existing requirements for access. The city must prescribe rules and procedures under which a cable operator can use unused access channels.

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9. Cross-ownership -- Section 613

Other major media outlets, information providers, or common carriers; including radio and television stations, local newspapers and most telephone companies are prohibited from owning a cable TV system in conjunction with other "communications" interests in the same city. The purpose is to prevent the development of local media monopolies.

10. Unauthorized Satellite Dish Reception

Allows private individuals with satellite dishes to intercept cable programming signals for their personal use as long as the signals are not scrambled.

October 15, 1984

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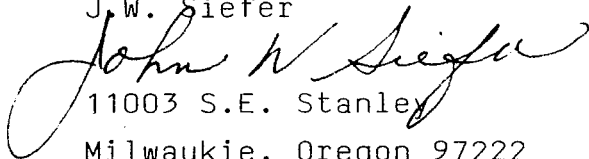
Mr. D.D. Liaty
Chairperson
Milwaukie Cable Commission

In January 1985 the position I presently hold on the cable commission will be up for reappointment.

With the completion of the construction phase of the physical plant, my reasons for wanting to be a member of this commission have been fulfilled.

I respectfully submit my resignation from this commission effective at the end of this term.

J. W. Siefer



11003 S.E. Stanley
Milwaukie, Oregon 97222

PORTLAND GENERAL ELECTRIC COMPANY

121 S. W. SALMON STREET

PORTLAND, OREGON 97204

(503) 226-8814

JAMES W. DURHAM
SENIOR VICE PRESIDENT
AND GENERAL COUNSEL

November 13, 1984

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Hugh Brown, City Manager
City of Milwaukie
10722 SE Main St
Milwaukie OR 97222

Dear Mr. Brown:

Portland General Electric (PGE) had to file for a 9.5 percent rate increase last Thursday to accommodate Bonneville Power Administration's (Bonneville's) change in Average System Cost methodology. The Federal Energy Regulatory Commission (FERC) reversed its previous decision and granted Bonneville's request.

We believe that your efforts in opposing Bonneville's actions caused the Federal Commission to weigh their decision more heavily. They finally determined that recent Court decisions allowed Bonneville broad powers to establish rates. We estimate that this rate increase and the one proposed by Bonneville next July will cost our customers \$50 million.

As you know, we asked for your support in opposing this rate increase because it directly affects you, and there are no benefits you or PGE gain as a result of it. When PGE asks for a rate increase, it is because our costs have increased and we passed those costs on to our customers in rates which reflect the true cost of service. This Bonneville rate increase will not provide any additional benefits for our customers. The fact is, Bonneville will raise money from our customers and pass those benefits directly to their other utility and industrial customers.

We continue to oppose Bonneville's actions. Attached is a letter from PGE Chairman of the Board, Robert H. Short, to Bonneville's Administrator, Peter Johnson. That letter explains in detail how PGE continues to oppose this unfair rate increase. We have asked Johnson to hold the money collected from our customers under this rate increase in an escrow account until the Courts make a decision on our lawsuits. If we were to win in the Courts, we asked that the money be returned to our customers.

PORTLAND GENERAL ELECTRIC COMPANY

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PORTLAND, OREGON 97208

FROM THE BOARD

November 13, 1984

Page 2

Handwritten 'IV' and a circular stamp.

Handwritten 'VI' and a circular stamp with '2' inside.

I cannot predict the outcome of our continued challenge on this matter. I do believe, however, that what we have accomplished has been due to the willingness of you and the many others who took the time to express yourselves on this issue.

Thank you for your continued support.

Sincerely,

Handwritten signature of James H. Brown.

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PORTLAND GENERAL ELECTRIC COMPANY

121 S.W. SALMON STREET

PORTLAND, OREGON 97204

(503) 226-8822

ROBERT H. SHORT
MEMBER OF THE BOARD

November 7, 1984

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Peter T. Johnson, Administrator
Bonneville Power Administration
PO Box 3621
Portland, OR 97208

Re: 9-1/2% Rate Increase to PGE Residential and Farm
Customers
Our File No.: 04BE-031

Dear Sir:

Today Portland General Electric Company applied to the Oregon PUC for a 9.5% rate increase for its residential and farm customers. A second increase equally as large will be required next summer. The sole cause of these rate increases is your recent change in Average System Cost Methodology. As you know, PGE and other investor-owned electric utilities have fought this change because it singles out our customers for a rate increase, not because BPA's costs have gone up, but solely to benefit other utilities and industries served by your agency. We have challenged this action both in the courts and at the Federal Energy Regulatory Commission. 23,000 Oregonians have petitioned you not to increase our customers' electric rates. 41 local governments have gone on record against this action.

So far all these efforts have been unsuccessful. Your rate increase will go into effect as planned. BPA will have about \$50 million per year more money; our customers will have \$50 million less.

Our appeals are still pending in the United States Court of Appeals for the Ninth Circuit, and our Petition for Reconsideration is pending at the Federal Energy Regulatory Commission. If these efforts are successful in overturning your rate increase, we will return the money to our customers, in accordance with the Regional Power Act.

Peter T. Johnson
November 7, 1984
Page 2

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The purpose of this letter is to ask you, on behalf of our customers, to reconsider your action. If you will not, at least consider staying the increase until after the courts rule on its legality. You do not need this money to offset costs; you can only use it to lower your rates to other customers. Finally, if you will do neither, PGE asks that you escrow the funds in an interest bearing account, so that they can be returned to our customers with interest if your action later is proved invalid.

Sincerely,

Robert H. Shurt