

IV
A 3

MILWAUKIE
CITY COUNCIL MEETING
May 3, 1983
7 p.m.

COUNCIL CHAMBERS

1431st Meeting

At 6:15 prior to the regular Council meeting the Council interviewed Susan Wagner, 10524 SE 34th, for a position on the Parks and Recreation Commission. Larry Cereghino who was scheduled to be interviewed for the same position did not appear.

The one thousand four hundred and thirty first meeting of the Milwaukie City Council was held on May 3, 1983 with the following Councilors present:

Mayor Joy Burgess	Don Graf
Mike Richmond	Roger Hall
Ron Kinsella	

Also present:

Hugh Brown, City Manager	Gordon Erickson, Finance Dir.
Greg Eades, City Attorney	Laurie Perkin, Secretary
Dick Bailey, Fire Chief	

Mayor Burgess gave the invocation and the pledge of allegiance was recited.

AUDIENCE PARTICIPATION

Mayor Burgess read proclamations declaring May 18 - 22, 1983 as POPPY DAYS and May 22 - 28, 1983 as PUBLIC WORKS WEEK.

Jim Backenstos objected to Tri Met taking up parking spaces near City Hall. Bill Hupp supported Backenstos's statements. There was discussion on the transit station. City Manager said the delay was due to lack of funds. It was concurrence of Council that a representative from Tri-Met be asked to come to a Council meeting.

Ronda Niswender representing the Milwaukie American Legion Post 180 as 1983 Junior Miss Poppy read a poem and received the proclamation read by Mayor Burgess.

LEGISLATION

It was MOVED by Hall, SECONDED by Graf, that the bills listed for May 3, 1983 be approved for payment.

Acceptance of State Revenue Sharing Funds

Finance Director has prepared an ordinance which is required by the State of Oregon in order to receive state shared revenues. The latest estimate received is \$88,000. It was MOVED by Hall, SECONDED by Richmond, to read the ordinance the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Richmond, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Kinsella to adopt Ordinance No. 1539 (AN ORDINANCE OF THE CITY OF MILWAUKIE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES). MOTION CARRIED with the following vote: AYES: Burgess, Graf, Hall, Richmond, Kinsella. NOES: none.

Southern Pacific Pipeline Agreement

Paul Roeger, Office Engineer, has submitted memo dated April 25, 1983 referring to an agreement covering the construction, maintenance, and operation of the 8" water pipeline crossing in the vicinity of 23rd and Bluebird, Milwaukie. It was MOVED by Graf, SECONDED by Kinsella, to approve the agreement as requested. MOTION CARRIED unanimously.

Cable TV Ordinance

It was MOVED by Kinsella, SECONDED by Hall, to read the ordinance the first time by title only. MOTION CARRIED unanimously. It was MOVED by Kinsella, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Kinsella, SECONDED by Hall, to adopt Ordinance No. 1540 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON GRANTING A FRANCHISE FOR CABLE TELEVISION SERVICES TO TRIBUNE CABLE OF OREGON, INC.) MOTION CARRIED with the following roll call vote: AYES: Burgess, Richmond, Kinsella, Hall, Graf. NOES: none.

OTHER BUSINESS

It was MOVED by Kinsella, SECONDED by Burgess, to appoint Louise Trimpler to the Center Advisory Board. Graf said that he would abstain from voting since he was acquainted with Ms. Trimpler. MOTION CARRIED with the following vote: AYES: Kinsella, Richmond, Burgess, Hall. ABSTAIN: Graf.

It was MOVED by Hall, SECONDED by Kinsella, to appoint Janet Rose to the Library Board. MOTION FAILED with the following vote: AYES: Kinsella, Hall. NOES: Burgess, Richmond. ABSTAIN: Graf.

It was MOVED by Burgess, SECONDED by Richmond, to appoint Warren Schaffer to the Library Board. MOTION FAILED with the following vote: AYES: Burgess, Richmond. NOES: Kinsella, Hall. ABSTAIN: Graf.

Discussion of adult business ordinance

Community Services Director has submitted memo dated April 28, 1983, stating that LCDC (Land Conservation & Development Commission) requires every jurisdiction to notify them in writing 45 days prior to taking any final action on any amendments to the zoning ordinance or the comprehensive plan. There was discussion on the LCDC requirements and whether or not to extend the moratorium prohibiting adult businesses. It was decided to set a public hearing at the next meeting.

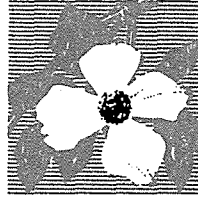
It was decided to have a work session prior to each Council meeting at 5:30 p.m.

Mayor Burgess announced that the Council had completed evaluations of the City Manager and the City Attorney and that no consensus was reached as a result of the evaluations.

The meeting was adjourned at 8 p.m.

Joy Burgess, Mayor

Laurie Perkin, Secretary



CITY COUNCIL AGENDA
May 3, 1983
7 p.m.

THE COUNCIL CHAMBERS

REGULAR MEETING
1431st meeting

- I CALL TO ORDER
 - a) Call to order
 - b) Invocation
 - c) Pledge of allegiance

- II AUDIENCE PARTICIPATION
 - a) Proclamation - Poppy Days
 - b) Proclamation - Public Works Week

- III LEGISLATION
 - a) Payment of bills
 - b) Acceptance of State Revenue Sharing
ORDINANCE
 - c) Approval of Southern Pacific pipeline crossing
 - d) Cable TV Franchise Ordinance & Summary
ORDINANCE _____ (1st reading)

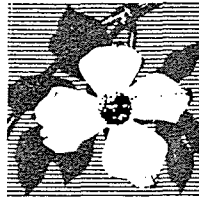
- IV CONSENT AGENDA
 - a) Approval of minutes - March 23, 1983, April 19, 1983

- V OTHER BUSINESS
 - a) Appointment to City Advisory Boards
 - Library Board
 - Senior Citizen Advisory Commission (see April 19 agenda)
 - b) Set date for public hearing on adult business regulation

- VI INFORMATION
 - a) Letter to ODOT re Tacoma overpass
 - b) Newspaper article- DEQ
 - c) Resignation letter from Wanda Rulifson- SCAC
 - d) Metro study - McLoughlin corridor- LRT
 - e) Budget Committee minutes 4-20-83

- VII ADJOURNMENT

Executive Session under ORS 192.660 (1) (d). to discuss labor relations.



MEMORANDUM

TO: MAYOR AND CITY COUNCIL

SUBJECT: CITY COUNCIL MEETING - MAY 3, 1983

DATE: APRIL 29, 1983

The major item on Tuesday's agenda is consideration of the Cable TV ordinance. All items have been resolved in our discussion with Tribune Cable with the possible exception of Section 7.8 - Institutional Services. The remaining differences relate to the design of the system, with the city wanting a design which will insure sufficient expansion capability in the future. This service was part of the concession package to achieve interconnection. We feel, however, that the alternative now proposed by Tribune in the ordinance as printed is unacceptable and does not meet the minimum service requirements discussed during the negotiations. Discussion will continue on this point and may be resolved by Tuesday. In order to discuss this point, the balance of the ordinance, and a schedule for its consideration, I've added Cable TV to the work session agenda. This discussion is scheduled to begin at 5:30. Please give Greg or me a call if you have questions.

The beginning of the work session, at 5 p.m., will be discussion of the city's position on tax reform. I've included copies from the last two weeks of the weekly Legislative Bulletin which updates us on the everchanging tax reform debate and other legislative issues.

Two interviews are scheduled beginning at 6:15 p.m. Sandwiches will be available during the work session.

I hope you have a sunny and enjoyable weekend as we welcome May.

Hugh Brown,
City Manager

HHB/lp

INTERVIEW SCHEDULE

CITY COUNCIL MEETING - MAY 3, 1983

- 6:15 p.m. - Susan Wagner
Parks & Recreation Com
and Library Board
- 6:30 p.m. - Larry Cereghino
Parks & Recreation Com

PARKS AND RECREATION COMMISSION

Vc
12

FUNCTION

To serve in an advisory capacity to the City Council and other commissions and advisory boards as to park planning, development, and siting within the community. Also, it is PARC's function to survey community recreation and leisure time needs and advise the City Council as to the city's role in meeting those needs.

NUMBER OF COMMISSIONERS

7

LENGTH OF TERM

2 years

SCHEDULE OF MEETINGS

September through May- 2nd and 4th Monday of the month.
June through August- 4th Monday of the month.

QUALIFICATIONS

Mandated:

All must be residents of the City of Milwaukie and whenever possible must demonstrate an interest, experience, or expertise in some area of delivery of park and recreation or related services within the City of Milwaukie.

Desirable:

Willingness to support the programs of the Parks and Recreation Department.

Ability to gather input regarding community parks and recreation needs.

Experience in working with other community groups, committees, or other organizations.

TYPICAL TASKS

1. Annual review of Parks and Recreation Department operations.
2. Conduct community needs surveys.
3. Review special facility use requests.
4. Analyze specific problems as referred to PARC by the Parks and Recreation Superintendent or the City Council and recommend solutions.
5. To recommend new or revised policy to the City Council regarding park and recreation matters.

LIBRARY BOARD

FUNCTION

To make recommendations to the council or the Library Director regarding the needs of library patrons.

NUMBER OF BOARD MEMBERS

5

LENGTH OF TERM

4 years

SCHEDULE OF MEETINGS

The Library Board meets once a month in the daytime or the evening. Other meetings as required under special circumstances.

QUALIFICATIONS

Mandated:

A majority of the board must be city residents. No Board member shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall receive a salary or any payment for material or for services rendered the board.

Desirable:

Familiarity with and willingness to support the Leeding Library and its programs and projects and materials collection.

An understanding of the needs of Milwaukee area library patrons and the general community relative to the library programs and collection.

Ability to gather input regarding these needs.

Experience in working with committees or other task groups.

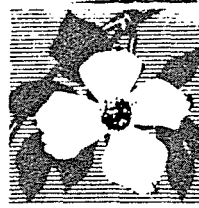
It has been customary to have one member of the clergy on the board.

TYPICAL TASKS

1. Become familiar with library policies.
2. To recommend new or revised policies concerning the library.
3. To recommend solutions to specific problems referred to the Board by the Library Director.

CITY OF MILWAUKIE

CITY HALL • 10722 S.E. MAIN STREET
MILWAUKIE, OREGON 97222
TELEPHONE (503) 659-5171



Application For Appointment To City Advisory Bodies

NAME: Susan Wagner

ADDRESS: 10524 SE 34th #16 Milwaukie, Oregon 97222

TELEPHONE: (HOME) 654-4492 (WORK) 655-8267

MILWAUKIE RESIDENT SINCE: November, 1981

PREVIOUS CITY APPOINTMENTS, OFFICES: None

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: Assistant Director,

Housing Authority of the County of Clackamas, Oregon

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: volunteer - Portland Art

Museum; President - King Bell Housing, Inc. (non-profit organization for low-income housing)

WILL YOU BE ABLE TO ATTEND REGULAR MEETINGS AT NIGHT? Yes

DURING THE DAY? Usually

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR MILWAUKIE? Bring it to life

again - revitalize the downtown core. Make it a city people like to belong to.

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS COMMITTEE OR COMMITTEES: If selected, I would exert unlimited energy to

making this committee effective.

Please Check Committee or Committees on Which You Would Like to Serve:
This form valid for only one year from date of application.

Budget Committee	<input type="checkbox"/>	Parks & Recreation Commission	<input type="checkbox"/>
Building Code Board of Appeals	<input type="checkbox"/>	Planning Commission	<input checked="" type="checkbox"/> 1st
Civil Service Commission	<input type="checkbox"/>	Senior Citizen Advisory Comm.	<input type="checkbox"/>
Fire Code Board of Appeals	<input type="checkbox"/>	Traffic Safety Commission	<input type="checkbox"/>
Library Board	<input checked="" type="checkbox"/> 2nd		

This information will be kept on file with the City for use in consideration of appointments to city advisory bodies. Please feel free to attach any additional background information you think would be of value to the City Council.

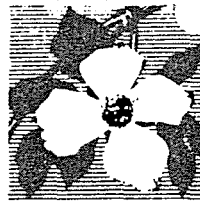
Thank you.

Susan M. Wagner
Signature

April 6, 1983
Date

CITY OF MILWAUKIE

CITY HALL • 10722 S.E. MAIN STREET
MILWAUKIE, OREGON 97222
TELEPHONE (503) 659-5171



Application For Appointment To City Advisory Bodies

NAME: LARRY J. Cereghino
ADDRESS: 10006 SE 40th Milwaukie OR
TELEPHONE: (HOME) 659-9117 (WORK) 249-~~2462~~ 2462
MILWAUKIE RESIDENT SINCE: LIFE TIME
PREVIOUS CITY APPOINTMENTS, OFFICES: —

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: UPRR - Conductor
Brakeman

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: Pres. North Clark Jr
Baseball & softball - Lions Club

WILL YOU BE ABLE TO ATTEND REGULAR MEETINGS AT NIGHT? yes
DURING THE DAY? yes

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR MILWAUKIE? Develop Park
Rec. For kids. To improve the morale of our city.

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS
COMMITTEE OR COMMITTEES: I want the Appointment - I'm willing
to work hard to improve our Parks.

Please Check Committee or Committees on Which You Would Like to Serve:
This form valid for only one year from date of application.

Budget Committee	<input type="checkbox"/>	Parks & Recreation Commission	<input checked="" type="checkbox"/>
Building Code Board of Appeals	<input type="checkbox"/>	Planning Commission	<input type="checkbox"/>
Civil Service Commission	<input type="checkbox"/>	Senior Citizen Advisory Comm.	<input type="checkbox"/>
Fire Code Board of Appeals	<input type="checkbox"/>	Traffic Safety Commission	<input type="checkbox"/>
Library Board	<input type="checkbox"/>		

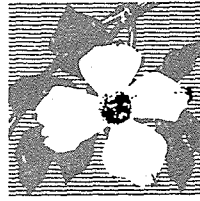
This information will be kept on file with the City for use in consideration of appointments to city advisory bodies. Please feel free to attach any additional background information you think would be of value to the City Council.

Thank you.

Larry J. Cereghino
Signature

2/16/83
Date

CITY OF MILWAUKIE



CITY COUNCIL
in the City Hall • phone 659-5171

II
A

P R O C L A M A T I O N

WHEREAS, the American Legion and the American Legion Auxiliary adopted the Poppy as its Memorial Flower in 1919, and

WHEREAS, the paper Poppies are made by veterans in our hospitals and are distributed by post and auxiliary members, and

WHEREAS, by wearing the Poppy, Americans everywhere both pay tribute to this Nation's war dead and aid the living by assistance to Veterans and their families when they are in need, and

WHEREAS, The Poppy Day Program contributions are used solely for programs of Child Welfare and Rehabilitation in Milwaukie and in the State of Oregon;

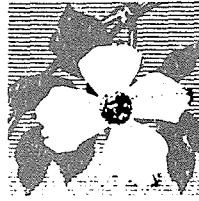
NOW, THEREFORE, I, Joy Burgess, Mayor of the City of Milwaukie, Oregon, do hereby proclaim May 18 - 22, 1983 to be POPPY DAYS and urge all citizens to support the American Legion Auxiliary's efforts on POPPY DAYS by wearing this Memorial Flower in remembrance of the sacrifices of so many in defense of our freedoms.

Joy Burgess, Mayor

Date



CITY OF MILWAUKIE



CITY COUNCIL
in the City Hall • phone 659 5171

II
B

P R O C L A M A T I O N

WHEREAS, public works services provided in our community are an integral part of our citizen's everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs such as water, sewers, street and storm drainage; and,

WHEREAS, the health, safety and comfort of this community greatly depend on these facilities and services; and,

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction are vitally dependent upon the efforts and skill of public work officials; and,

WHEREAS, the efficiency of the qualified and dedicated personnel who staff public works departments is materially influenced by the people's attitude and understanding of the importance of the work they perform,

NOW THEREFORE, I, Joy Burgess, Mayor of the City Of Milwaukie, do hereby proclaim that the week of May 22 - 28, 1983 is NATIONAL PUBLIC WORKS WEEK in the City of Milwaukie, and that citizens and civic organizations should acquaint themselves with the problems involved in providing our public works and to recognize the contributions that public works officials make every day to our health, safety and comfort.

Joy Burgess, Mayor

Date



CITY OF MILWAUKIE
BILLS PAYABLE MAY 3, 1983

III
a (1)

1.	Aaron Business Equipment	274.00	12-	274.00
2.	Alderbrook Inn Resort	113.42	1-21	113.42
3.	American Business Machines	72.00	1-62	72.00
4.	Argo Marine & Industrial	92.86	30-	92.86
5.	Baker & Taylor (NY)	8.43	1-34	8.43
6.	Baker & Taylor (Reno)	3,542.63	1-34	3,542.63
7.	Ben-Ko-Matic Brush & Equipment Co.	290.00	7-	290.00
8.	Bernan Associates	8.50	1-35	8.50
9.	Bernard's Garage	491.38	1-52	491.38
10.	Boise Cascade Office Products	231.26	1-23	141.43
			1-33	25.19
			1-35	19.46
			1-63	16.14
			1-91	10.39
			1-93	18.65
11.	Bound to Stay Bound Books, Inc.	666.58	1-34	666.58
12.	CRS (City Rubber Stamp)	6.89	1-53	6.89
13.	F.A. Camp, M.D., P.C.	121.00	4-	44.00
			7-	22.00
			20-	25.67
			30-	29.33
14.	Case Power & Equipment	100.60	7-	100.60
15.	Chevron U.S.A., Inc.	105.60	4-	105.60
16.	Childrens Press	147.40	1-34	147.40
17.	Columbia Battery	123.23	7-	123.23
18.	Columbia Equipment	9.90	7-	9.90
19.	L.N. Curtis & Sons	152.89	1-62	152.89
20.	Clackamas Cty. Animal Control	299.00	1-52	299.00
21.	" " Environmental Service	352.40	1-24	319.32
			1-34	33.08
22.	" " Printing	72.21	1-21	72.21
23.	" " Terminal Usage	18.00	1-52	18.00
24.	Data Graphics	1,001.00	12-	1,001.00
25.	Dana Business Forms	290.48	1-23	290.48
26.	Discount Office Supply	12.42	1-21	6.21
			7-	6.21
27.	Dixon, Robert	30.00	1-62	30.00
28.	Dorsey Paint & Equipment, Inc.	164.05	7-	164.05
29.	Dwyer Community Hospital	835.07	1-62	835.07
30.	Eades, Greg	32.20	1-22	32.20
31.	Eastside Heating & Air Conditioning	70.80	1-37	70.80
32.	EMT IV Tests	160.00	1-62	160.00
33.	Erickson, Gordon	23.41	1-23	23.41
34.	Executive Department	300.00	1-53	300.00
35.	Feenaughty	144.60	7-	144.60
36.	Flying J	51.20	4-	51.20
37.	Flexible Pipe & Tool Co.	33.15	20-	33.15
38.	Goodyear Truck Tire Centers	65.70	7-	65.70
39.	Graphic Products, Inc.	410.50	12-	410.50
40.	Hite, Sara	9.40	1-32	9.40
41.	Home Laundry	201.94	1-62	201.94

CITY OF MILWAUKIE
CITY OF MILWAUKIE
BILLS PAYABLE MAY 3, 1983

III
a (2)

42.	Honeywell Protection Service	66.00	20-	33.00
	Machines		30-	33.00
43.	Hopp's Upholstery	25.00	1-52	25.00
44.	Hyneman, Glorianne C. RN	320.60	1-32	320.60
45.	IBM	86.75	12-	86.75
46.	IPMA Equipment Co.	200.00	1-21	200.00
47.	J & F Industries, Inc.	65.00	1-62	65.00
48.	JAFCO	29.94	1-21	29.94
49.	Kovac, Leonard J., Jr. Products	584.00	1-22	584.00
50.	Kraft, Norman	47.20	1-23	47.20
51.	Laird, William R.	41.65	1-62	41.65
52.	Law Enforcement News	18.00	1-51	18.00
53.	Lawton Printing, Inc.	19.00	1-62	19.00
54.	Earl Marks Company	83.21	7-	83.21
55.	Metro-West Oil, Inc. Tools, Inc.	4,828.53	1-024	576.10
			1-023	4,252.43
56.	Milwaukie Glass	113.60	1-52	113.60
57.	Milwaukie Plumbing Co.	42.30	1-37	42.30
58.	Moen Machinery Co.	49.95	1-36	49.95
59.	Bill Morrison Company	35.00	1-53	35.00
60.	National Fire Protection Assn.	32.40	1-62	32.40
61.	National Recreation & Park Assn.	25.75	1-36	25.75
62.	The New Review	14.30	1-36	14.30
63.	Northwest Law Enforcement Equipment	135.90	1-52	135.90
64.	" " " "	203.28	1-52	203.28
65.	Northwest Natural Gas	746.52	1-32	373.65
			1-34	372.87
66.	Nudelman Bros.	616.00	1-62	616.00
67.	Olinger Gladstone Dodge	89.54	1-52	89.54
68.	Olson Bros. Service	217.60	1-52	178.50
			4-	39.10
69.	The Oregonian	40.26	1-35	40.26
70.	Oregon Fire Chiefs' Assn.	4.00	1-62	4.00
71.	Oregon State Bar	135.00	1-35	135.00
72.	Oregon State Board, Medical Examiners	30.00	1-62	30.00
73.	Bureau, Governmental Research	50.40	1-10	21.60
			1-35	28.80
74.	PGE	20,482.31	1-25	16,720.98
			1-37	442.81
	Air Conditioning		1-61	45.55
			4-	210.46
			20-	187.44
			30-	2,875.07
75.	PM Printing, Inc.	148.50	1-24	148.50
76.	Pacific Pioneer Equipment Co.	51.50	4-	51.50
77.	Pacific Water Works Supply Co.	59.58	30-	59.58
78.	Pacific Western Bank	414.69	12-	414.69

III
a (3)

CITY OF MILWAUKIE
BILLS PAYABLE MAY 3, 1983

79.	Pacific Northwest Bell	2,149.33	1-21	228.30
			1-22	72.82
			1-23	218.46
			1-24	72.82
			1-31	36.41
			1-32	276.47
			1-33	72.82
			1-35	72.82
			1-36	91.24
			1-37	97.29
			1-53	648.02
			1-91	72.82
			1-93	36.41
			1-92	109.23
			30-	43.40
80.	The Parts Store	226.13	7-	226.13
81.	Peoples' Auto Cars	1,995.00	20-	1,995.00
82.	Peterson Industrial Products, Inc.	36.25	7-	36.25
83.	Petty Cash	145.74	1-10	1.55
			1-21	19.87
			1-23	21.00
			1-32	49.44
			1-52	24.23
			1-91	1.79
			4-	.95
			7-	24.88
			30-	2.03
84.	Physicians Medical Laboratories	244.90	1-62	244.90
85.	Pixler Auto Parts	105.54	7-	105.54
86.	Platt Electric Supply, Inc.	195.84	1-62	195.84
87.	City of Portland	191.72	20-	191.72
88.	Rand McNalley & Co.	154.00	1-34	154.00
89.	Robben Oil Company	409.74	1-37	409.74
90.	Rock Creek Sand & Gravel	175.00	1-36	30.00
			4-	145.00
91.	Sanderson Safety Supply Co.	61.49	1-62	61.49
92.	Shell Oil Company	4.87	1-61	4.87
93.	Skalak, William H.	290.00	1-31	290.00
94.	Southgate Animal Clinic	17.00	1-52	17.00
95.	Stevens Automotive	559.69	7-	559.69
96.	Tidwell, Mark	43.92	1-62	43.92
97.	Togart's Radiator Shop	35.00	7-	35.00
98.	Tri-Co Equipment, Inc.	81.62	7-	81.62
99.	Western Pacific Construction Material	582.91	4-	582.91
100.	Western Gerontological Society	50.00	1-32	50.00
101.	Williams, Dick	20.00	1-62	20.00
102.	Wilcox Printery	36.00	1-10	36.00
103.	Witness Fees	10.00	1-33	10.00
104.	H. V. Wilson Company	316.00	1-34	316.00
		<u>\$49,427.05</u>		<u>\$49,427.05</u>

III
a (4)

CHART OF ACCOUNTS
FUNDS, DEPARTMENTS & DIVISIONS

Effective July 1, 1982

CITY COUNCIL	01-10	BONDED DEBT FUND	02
CITY ADMINISTRATION	01-21	EQUIPMENT RESERVE FUND	03
LEGAL	01-22	STATE TAX STREET FUND	04
COMPTROLLER	01-23	IMPROVEMENT BOND SINKING	
COMPTROLLER/PURCHASING	01-24	FUND	05
COMPTROLLER/GENERAL GOVERNMENT	01-25	STREET IMPROVEMENT FUND	06
		EQUIPMENT REPAIR FUND	07
COMMUNITY SERVICES ADMINISTRATION	01-31	BIKE AND FOOTPATH FUND	09
MILWAUKIE CENTER	01-32	FIXED ASSET ACCOUNT GROUP	10
MUNICIPAL COURT	01-33	REVENUE SHARING FUND	12
LIBRARY	01-34	COMMUNITY DEVELOPMENT GRANT	
PLANNING	01-35	FUND	13
PARKS & RECREATION	01-36	SEWER FUND	20
CITY HALL	01-37	WATER FUND	
		GENERAL LEDGER/INVENTORY	GL
POLICE ADMINISTRATION	01-51		
FIELD SERVICES	01-52		
SUPPORT SERVICES	01-53		
FIRE ADMINISTRATION	01-61		
FIRE SUPPRESSION	01-62		
FIRE PREVENTION	01-63		
PUBLIC WORKS ADMINISTRATION	01-91		
PUBLIC WORKS ENGINEERING	01-92		
PUBLIC WORKS BUILDING	01-93		

MEMORANDUM

III
B
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April 26, 1983

TO: Hugh Brown
FROM: Gordon Erickson
SUBJECT: State Revenue Sharing Election

Attached is an ordinance required by the State of Oregon in order to receive State shared revenues. The ordinance is a part of the requirements each year in order to obtain the funds.

These funds have been identified in the budget process as an offset to property taxes. The original estimate was received as \$94,000 for the year. A later estimate from the League of League of Oregon Cities now estimates \$88,000. This change will need to be addressed as the budget is adopted in late June.

A copy of the signed ordinance must be filed with the Executive Department by July 31, together with a statement certifying hearing dates before the Budget Committee and City Council.


Gordon Erickson
Finance Director

Attached

TII
B(2)

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF MILWAUKIE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Pursuant to ORS 221.770, the City of Milwaukie hereby elects to receive state revenues for fiscal year 1983-84.

Read the first time on _____, 19____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 19____.

Signed by the Mayor on _____, 19____.

Joy Burgess, Mayor

ATTEST:

Laurie Perkin, Recorder

Approved as to form:

Greg Eades, City Attorney

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

DATE: April 25, 1983

TO: Hugh Brown
City Manager

FROM: Paul Roeger *P.N.R.*
Office Engineer

SUBJECT: S.P. Pipeline crossing agreement

Attached are two copies of a pipeline crossing agreement with Southern Pacific Transportation Company along with S.P.'s transmittal letter and a cover letter from DeHaas Associates.

This agreement is related to the Island Station Waterline project Phase II.

Please submit to City Council for approval and arrange for proper signatures.

Alter both copies of the agreement are signed they must both be returned to Southern Pacific, as stated in Mr. B.T. Mullins' letter, along with \$225.00 consideration fee and \$50.00 preliminary engineering charge.

PHR:js

III
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DE HAAS & ASSOCIATES, INC.
CONSULTING ENGINEERS & SURVEYORS

SUITE 445-AGC CENTER
9450 S.W. COMMERCE CIRCLE

WILSONVILLE, OREGON 97070
(503) 682-2450

April 19, 1983

III
c (2)

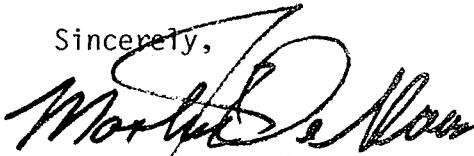
Mr. Steve Hall
Director of Public Works
City of Milwaukie
10722 S.E. Main Street
Milwaukie, Oregon 97222

Dear Steve:

Attached are two copies of a pipeline crossing agreement with Southern Pacific Transportation Company along with S.P.T.C.'s transmittal letter.

Would you please have the City execute and process accordingly.

Sincerely,



MARLIN J. DE HAAS, P.E.

MJD/slc

Attachments

cc: 82.314.004

Southern Pacific Land Company

Room 327 Union Station • 800 Northwest Sixth Avenue • Portland, Oregon 97209 • (503) 228-8181

REAL ESTATE

April 15, 1983

B. T. MULLINS
DISTRICT MANAGER

IN REPLY PLEASE REFER TO

L-Misc.
(Milwaukie)

III
C (3)

Mr. Gary Myzak
De Haas & Assoc. Inc.
9450 S.W. Commerce Circle
Suite 445-AGC Center
Wilsonville, Oregon 97070

Dear Mr. Myzak:

Please refer to your letter of March 4, 1983 making application on behalf of the City of Milwaukie for proposed construction of an 8" water pipeline crossing in the vicinity of 23rd and Bluebird, Milwaukie, Oregon.

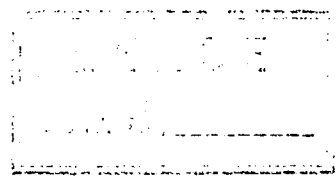
Enclosed are duplicate counterparts of an agreement covering the construction, maintenance and operation of the 8" water pipeline. Please review with the City officials and arrange for signatures of the appropriate officers. Both copies of the agreement should be returned to this office with remittance of \$225.00 consideration fee, and \$50.00 preliminary engineering charge.

If you have any questions regarding this matter please contact my staff at 228-8181 extension 207 or 241.

Very truly yours,

B. T. Mullins

RELMIS FD-742.23-R-N



, 19 83 ,

THIS AGREEMENT, made this 15th day of April
by and between SOUTHERN PACIFIC TRANSPORTATION COMPANY
a corporation (Licensor), and City of Milwaukie
(Licensee) address: City Hall, Milwaukie, Oregon 97222

III
C (4)

WITNESSETH:

1. **Grant of Rights:** Licensor hereby grants to Licensee the right to construct, reconstruct, maintain and operate, subject to the terms of this agreement, an 8" ductile iron water line

(herein called "structure"),

at or near Milwaukie, County of Clackamas,
and State of Oregon, in the location shown on the attached
print. Shasta Region Drawing No. L-5491-A dated March 16, 1983.

This grant is subject and subordinate to the prior and continuing right of Licensor, its successors and assigns, to use all of its property in the conduct of its business, Licensor reserving full rights, consistent with the rights herein granted, to construct, reconstruct, maintain and operate existing and additional transportation, communication, pipeline and power facilities upon, over and beneath its premises.

2. **Identifying Markers:** Markers in form and size satisfactory to Licensor shall be installed and constantly maintained by Licensee at Licensor's property lines or such locations as Licensor shall designate and shall be relocated or removed by Licensee upon request of Licensor. The absence of markers does not constitute a warranty by Licensor that there are no subsurface installations.

Two hundred twenty-five dollars (\$225)

3. **Costs:** Licensee shall pay Licensor ~~One hundred twenty-five dollars (\$125.00)~~ partially to defray the cost of handling.

Licensee shall bear the entire cost of constructing, reconstructing, maintaining and operating said structure on Licensor's premises, and will not allow any mechanics' or materialmen's liens to be enforced against Licensor's premises by reason of any such work. Licensee shall reimburse Licensor for all cost and expense to Licensor in furnishing any materials or performing any labor in connection with such work, including, but not limited to, installation of falsework and other protection beneath or along Licensor's tracks, and furnishing such watchmen, flagmen and inspectors as Licensor deems necessary.

4. **Construction and Maintenance:** Said structure shall be constructed, reconstructed and maintained in accordance with plans approved by Licensor. Approval by Licensor shall not constitute a warranty by Licensor that such plans conform with federal, state and/or local codes and regulations applicable thereto. All work upon or in connection with said structure shall be done to Licensor's satisfaction at such times and in such manner as not to interfere with Licensor's operations. In the construction, reconstruction and maintenance of said structure, Licensee shall keep Licensor's premises in a neat and safe condition, failing which Licensor may do so at Licensee's expense. If required by Licensor in its use of Licensor's premises, Licensee shall reconstruct, relocate or alter said structure. Except in emergencies, Licensee shall give Licensor five (5) days' written notice of the day and hour it proposes to do any work on said structure. Licensee shall be responsible to Licensor for all work on or in connection with said structure, unless performed by an independent contractor who shall have Licensor's written permission before entering upon Licensor's premises.

Licensee shall cooperate with Licensor in making any tests it requires of any installation or condition which in its judgment may have adverse effect on any of the facilities of Licensor. All costs incurred by the tests, or any corrections thereafter, shall be borne by Licensee.

In the event of leakage or spillage from said structure, Licensee shall, at its own expense, promptly clean Licensor's premises to the satisfaction of Licensor, the Environmental Protection Agency and/or any public body having jurisdiction in the matter. Any expense of required compliance with federal, state or local environmental regulations incurred by Licensor or Licensee shall be borne by Licensee, including any fines and judgments levied against Licensor or its property.

No change shall be made by Licensee in the commodity being conveyed through said structure without Licensor's prior written approval.

5. **Indemnification:** Licensee agrees to release and indemnify Licensor from and against all liability, cost and expense for loss of or damage to property, and for injury to or death of persons (including, but not limited to, the property and employees of each of the parties hereto) when arising or resulting from:

- (a) use of said premises by Licensee, its agents, employees or invitees; or
- (b) the construction, reconstruction, maintenance, presence, use or removal of said structure; or
- (c) breach of the contract by Licensee,

III
c (5)

whether or not caused or contributed to by any act or omission, negligent or otherwise, of any employee of Licensor.

If required by Licensor, Licensee shall provide evidence of insurance coverage in form and amounts satisfactory to Licensor, insuring Licensee's liability hereunder.

The term "Licensor", as used in this section, shall include the lessors, successors, assigns and affiliated companies of Licensor, and any railroad company lawfully operating upon Licensor's tracks.

6. **Condemnation:** In the event all or any portion of Licensor's premises shall be condemned or taken for public use, Licensee shall receive compensation only for the taking and damaging of said structure. Any compensation or damages for taking said premises or Licensee's interest therein, shall be assigned to Licensor.

7. **Termination:** This agreement shall terminate:

- (a) upon abandonment of said structure or discontinuance of the use thereof; or
- (b) upon failure of Licensee to correct any default hereunder promptly after receipt of notice from Licensor; or
- (c) upon thirty (30) days' written notice by Licensor to Licensee; or
- (d) upon thirty (30) days' written notice by Licensee to Licensor.

Upon termination of this agreement, Licensee shall remove said structure and restore the premises to Licensor's satisfaction, failing which Licensor may arrange to do so at Licensee's expense.

8. **Non-assignability:** This agreement is not assignable, in whole or in part, by Licensee without Licensor's prior written consent.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed in duplicate the day and year first herein written.

LICENSOR

By _____
(Title)

LICENSEE

By _____ Mayor

By _____ Clerk

III (6)

Route Symbol <u>FD</u> Station <u>MILWAUKIE</u> Line <u>TELEPHONE</u> OR E.S. <u>81+10</u> MP <u>742.23</u> Vol Sec <u>14</u> Sheet <u>1</u>		SHASTA REGION License No L-5491-A Date MARCH 16 1983 FD-742.23-R N.C. R/W	
Applicant <u>CITY OF MILWAUKIE</u> Address <u>CITY HALL</u> City <u>MILWAUKIE</u> State <u>OR.</u> Zip <u>97222</u> Facility <u>WATER LINE</u> Purpose <u>UG XING OF PROP.</u>		PIPE CROSSING DATA SHEET 	
Underground signal line involved Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Materials and Installation as per CS <u>1741</u> Is Pipe Under Pressure <u>YES</u> Distance From Bottom of Tie To Top of *Casing If Less Than 3'-0" Why? _____ If Pipe Carries Flammable Substances and has casing Number and Location of vents _____ Carrier Pipe <u>DUCTILE IRON</u> Materials Casing _____ Carrier Pipe <u>8"</u> Diameter Casing _____ Smooth Steel _____ (In.) Pipe Wall Thickness _____ *(Of Casing, if used - <u>A</u> Corrugated Metal _____ (Gage) Otherwise Carrier Pipe) Carrier Pipe <u>CONTINUOUS</u> Pipe Length Casing _____ If Pipe is Reinforced Conc. ASTM Class _____ Designation _____ If Pipe is Cast Iron ASTM Class _____ Furnish Section <u>A</u> Plan, Elevation Section and Description of Track or Track Under which Proposed Pipe is to be placed together with all necessary dimensions. Reference to this sheet - Street Agreement No. _____		LOCATION PLAN SCALE 1" = 100' NOT TRACK XING 3' BELOW GROUND LINE CROSS SECTION NO SCALE LEGEND: RED SHOWS PIPE CROSSING DASHED LINE SHOWS S.P.T. CO. PROPERTY LINE DOTTED LINE SHOWS PORTLAND TRACTION CO. R/W	

ARRANGEMENT OF FORM
 12-67 P. III
 2-68 P. III
 10-79 P. IV

6. Indemnification: Licensee agrees to release and indemnify Licensor from and against all liability, cost and expense for loss of or damage to property, and for injury to or death of persons (including, but not limited to, the property and employees of each of the parties hereto) when arising or resulting from:

- (a) use of said premises by Licensee, its agents, employees or invitees; or
- (b) the construction, reconstruction, maintenance, presence, use or removal of said structure; or
- (c) breach of the contract by Licensee.

whether or not caused or contributed to by any act or omission, negligent or otherwise, of any employee of Licensor.

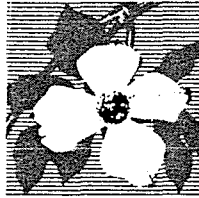
If required by Licensor, Licensee shall provide evidence of insurance coverage in form and amounts satisfactory to Licensor, insuring Licensee's liability hereunder.

The term "Licensor", as used in this section, shall include the lessors, successors, assigns and affiliated companies of Licensor, and any railroad company lawfully operating upon Licensor's tracks.

6. Condemnation: In the event all or any portion of Licensor's premises shall be condemned or taken for public use, Licensee shall receive compensation only for the taking and damaging of said structure. Any compensation or damages for taking said premises or Licensee's interest therein, shall be assigned to Licensor.

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- (c) upon thirty (30) days' written notice by Licensor to Licensee; or
- (d) upon thirty (30) days' written notice by Licensee to Licensor.



MEMORANDUM

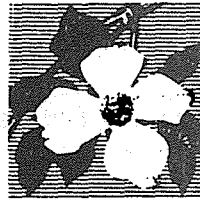
TO: MAYOR AND CITY COUNCIL
FROM: HUGH BROWN, CITY MANAGER *Hugh Brown*
SUBJECT: CABLE FRANCHISE ORDINANCE
DATE: APRIL 28, 1983

Attached is the draft ordinance granting a franchise to Tribune Cable of Oregon, Inc. This draft includes all the changes recently negotiated and is substantially complete. Minor language correction may still have to be made prior to the meeting on Tuesday, but we're confident that the major issues are now resolved. Mr. Page will be at the meeting if you have any questions.

Although we have provided notice of the ordinance sufficient for you to adopt it on the 3rd, you may want to discuss changes or set it to May 17 for a public hearing. The ordinance could be read by title only on the 3rd and subsequent readings could be scheduled later. Changes can still be made after the first reading.

Copies of the draft ordinance have already been circulated to individuals expressing an interest. Let me know if you have any questions prior to the meeting on Tuesday.

kmc



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SUMMARY
OF
CABLE FRANCHISE ORDINANCE
TRIBUNE CABLE OF OREGON, INC.

Section 1. TITLE.

Section 2. DEFINITIONS.

Section 3. GRANT OF FRANCHISE. A non-exclusive, revocable franchise is granted to Tribune. The franchise allows use of the public-right-of-way, subject to other general city ordinances and regulations. The franchise is valid for 15 years and is not transferable without city consent. The ordinance is effective 30 days after adoption unless Tribune fails to file a written acceptance before then.

Section 4. GRANTOR'S AUTHORITY. The city reserves broad regulatory authority including the right to purchase the system, inspect and make tests, examine records, assess fines for franchise violations, conduct annual performance evaluations and delegate regulatory authority to an appointed or joint commission.

The penalties provision is very comprehensive and allows imposition of fines of up to \$1,000 per day.

The city may acquire the system at any time. If the city elects to purchase for any reason except revocation of the franchise for cause, the purchase price is fair market value as determined by an arbitration panel. If the city elects to purchase after revoking the franchise, the purchase would include only the value of the system assets.

Section 5. SYSTEM DESIGN. This section includes the basic system requirements for the subscriber network, emergency override system, subscriber equipment, required tests, and technological improvements. Subscriber equipment to accommodate interactive services will be provided when and if such services are offered. New equipment and services may be added when economically feasible, subject to future negotiations.

Section 6. CONSTRUCTION. The system will be completed within 9 months after the effective date of the franchise, except that the studio may not be complete until the 10th month. Entertainment service will be provided throughout the city, institutional services will be provided to places listed by the city. Cable will be installed underground only where all other utilities are underground. Grantee will maintain a set of "as-built" drawings for city reference.

III d (2)

Section 7. SERVICES. Basic subscriber service includes a minimum of 8 broadcast stations, 4 "log" channels, 7 local channels and 28 satellite offerings. Tribune will conduct annual subscriber surveys to determine subscribers' programming interests. Grantee will also provide FM radio service and a minimum of 7 "premium" channels at additional cost. A "pay-per-view" service may be offered in the future. Tribune will use best efforts to provide interactive services, such as teletext or videotext. Subscribers may provide their own converters and terminal equipment, but there is no discount in the rates if they do.

The institutional services include 5 channels for government and institutional use, which may be expanded later depending on the use. Free connection to the system will be provided to a long list of agencies, and there is no charge for use of the institutional system for the city, school district and other non-profit users.

Tribune will interconnect with a major Portland system within 18 months. Future service changes are subject to negotiation.

Section 8. LOCAL PROGRAMMING. Tribune will provide a local studio and equipment, staffed with 2 full-time employees initially. 75% of the studio equipment and staff time are available for public use. Tribune will provide \$2,500 a year for community programming materials and \$7,500 for equipment for the school district. In addition to the seven channels initially provided, Tribune will reserve 5 for future local programming needs. Rules for use of system and facilities by community users shall be developed subject to city approval.

Section 9. RATES. Basic rate is \$7.50 per month, plus \$20.00 minimum installation charge. Installation is free for at least the first 30 days. Senior citizens are entitled to a 10% discount in basic rate. Premium channels start at \$5.95 - \$8.95 per month with discounts for purchase of multiple services. Studio and portable equipment use is free up to 20 hours a month for non-commercial users. Basic rates would be "frozen" for 2 years and premium rates for 18 months following first service date.

Section 10. RATE REGULATION. The city is given regulatory authority over a broad range of rates and charges, including institutional services and public access. Future service rates may be regulated if "similar" to initial regulated rates. Tribune is guaranteed a reasonable return on investment. The city is under no obligation to approve a rate increase request. The city must act on rate requests within 60 days.

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Section 11. SYSTEM OPERATION. This section includes extensive requirements dealing with installation, operation and changes or disconnection of services. Tribune shall provide a local office and sufficient staff and phone lines to adequately handle complaints and inquiries. Tribune shall take specific steps to market services and inform the community concerning existing and potential services. Tribune will adopt complaint procedures acceptable to city. An equal employment opportunity policy and certain records and reports are required.

Section 12. FINANCIAL AND INDEMNITY PROVISIONS. Tribune will pay the city 5% of gross revenues as franchise fee quarterly. A minimum fee of \$35,000 per year shall be paid during the first four years. Tribune will reimburse city for franchising costs. Grantee will maintain a letter of credit in favor of the city of \$40,000 and a performance bond in the mutual amount of \$100,000, reducing to \$25,000 and \$40,000 respectively, to guarantee performance under the franchise. Tribune will also provide adequate liability insurance, naming the city as additional insured. Tribune agrees to provide limited indemnification to the city for claims arising out of the system operation.

Section 13. SUBSCRIBER PROTECTION. Tribune has accepted provisions dealing with non-discrimination, privacy, use of subscriber lists, public safety, misrepresentation and misuse of the system.

Section 14. TERMINATION. The franchise will terminate upon expiration of its term, revocation by the city or by mutual consent. A procedure is established to consider revocation for cause and renewal.

Upon termination, the city may renegotiate with Tribune, invite other applications or take any other action it deems appropriate, provided that if the franchise is terminated for any reason other than revocation for cause, the city must purchase the system from Tribune at fair market value.

Section 15. MISCELLANEOUS PROVISIONS. This section contains several provisions required for interpretation of the franchise. Tribune guarantees performance under the franchise in the event the city may not have the authority to enforce it in the future. Tribune is excused from violations caused by factors beyond its control. Regulations are also included dealing with tenants' rights to receive cable services.

MILWAUKIE
CITY COUNCIL MEETING
March 23, 1983
5:30 p.m.

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MILWAUKIE PRESBYTERIAN CHURCH

SPECIAL MEETING

A special meeting of the Milwaukie City Council was held on March 23, 1983 at 5:30 p.m. with the following Councilors present:

Mayor Joy Burgess Absent: Ronald Kinsella
Don Graf
Roger Hall
Mike Richmond

Also present:

Steve Hall, City Manager Pro Tem
Lorrie Echols, Secretary

CONSENT AGENDA

Approval of liquor license: 1) Dave Strauss Flowers & Gifts
2) Piper's Pub
3) Sunny Corner Market #2

Don Graf declared a conflict of interest regarding Piper's Pub.
The Consent agenda was approved with the following vote:

AYES: Burgess Abstaining: Graf
 Hall
 Richmond

The meeting was adjourned at 5:45 p.m.

Mayor Joy Burgess

Lorrie Echols, Acting Secretary

MILWAUKIE
CITY COUNCIL MEETING
March 23, 1983
3:30 p.m.

IV
2 a

MILWAUKIE
CITY COUNCIL MEETING
March 23, 1983
5:45 p.m.
SPECIAL MEETING

A special meeting of the Milwaukie City Council was held on
at the Milwaukie Presbyterian Church with the following Councilors
MILWAUKIE PRESBYTERIAN CHURCH WORK SESSION

A Work Session of the Milwaukie City Council and the Task Force to Help Unemployed and Needy in Clackamas County was held on March 23, 1983 at 5:45 p.m.

- PRESENT:
- | | |
|-------------------|----------------|
| Mayor Joy Burgess | Doug McClure |
| Don Graf | John McIntyre |
| Mike Richmond | Mel Paulson |
| Roger Hall | Marianne McGee |
| Steve Hall | Beverly Kole |
| Jo Durand | P. Jay Holm |
| Sara Hite | Pat Holm |
| Lorrie Echols | Barbara Redmon |
| | Jeanie Kuzmin |
| | Joan Staley |

Items among discussion included the need for emergency food and shelter, and medical care for the needy. The task force requested the support of the City Council in requesting aid for existing agencies dealing with these problems (financial support, donations and volunteers). It was decided that the City Council would distribute a letter urging residents and groups to help.

The Work Session adjourned at 7 p.m.

Mayor Joy Burgess

Lorrie Echols, Acting Secretary

MILWAUKIE
CITY COUNCIL MEETING
March 23, 1983
5:30 p.m.

IV
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MILWAUKIE PRESBYTERIAN CHURCH

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The Consent agenda was approved with the following vote:

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 Hall
 Richmond

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Mayor Joy Burgess

Lorrie Echols, Acting Secretary

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MILWAUKIE
CITY COUNCIL MEETING
March 23, 1983
5:45 p.m.

MILWAUKIE PRESBYTERIAN CHURCH

WORK SESSION

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- | | |
|----------------------------|----------------|
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| Don Graf | John McIntyre |
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| Roger Hall | Marianne McGee |
| Steve Hall | Beverly Kole |
| Jo Durand | P. Jay Holm |
| Sara Hite | Pat Holm |
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The Work Session adjourned at 7 p.m.

Mayor Joy Burgess

Lorrie Echols, Acting Secretary

MILWAUKIE
CITY COUNCIL MEETING
April 19, 1983
7 p.m.

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THE MILWAUKIE CENTER

1429th Meeting

At 6 p.m. prior to the regular Council meeting, the following Councilors conducted interviews for city advisory bodies:

Mike Richmond Mayor Joy Burgess
Ron Kinsella Roger Hall (arrived 6:20 p.m.)

Absent: Don Graf

The following persons were interviewed:

Louise Trimpler, 9538 SE 40th- Senior Cit. Advisory Comm.
W. Warren Schafer, 3336 Harrison- Library Board
Janice M. Rose, 2823 SE Balfour- Library Board

The one thousand four hundred and thirtieth meeting of the Milwaukie City Council was held on April 19, 1983 with the following Councilors present:

Mike Richmond Don Graf
Ron Kinsella Roger Hall
Joy Burgess, Mayor Beverly Kole

Also present:

Hugh Brown, City Manager Pat. Holm
Greg Eades, City Attorney Barbara Cliff
Topaz Faulkner, Comm. Serv. Dr. Laurie Perkin, Secretary
Gordon Erickson, Finance Dr. Staley

AUDIENCE PARTICIPATION

Ken Johnson, representing Fair Share, stated objections to the proposed Tacoma Street Overpass. He referred to the Conradt report done by Multnomah County which listed 21 options to the overpass. He requested that Council consider options 14, 18 or 21. Any of these would have less negative effect on the community. He said the overpass would result in too much traffic on Johnson Creek Blvd., would lower property values, harm the foundation of houses and discourage development of light rail. Easton Cross, owner of Kasch's Nursery, provided photographs which showed the heavy truck traffic on Johnson Creek Blvd. He spoke of the need for a stop street on 42nd, a weight limit on Johnson Creek Blvd. He said that the high speeds on McLoughlin was not conducive to the development of light rail.

Flood Johnson, Johnson Creek Blvd., spoke of the need for a load limit.

Herb Junt, from Bob's Rentals, suggested that traffic on McLoughlin should be slowed down so that people would want to ride light rail.

Arnold Callan supported statements made by Ken Johnson and Junt. Callan also questioned the sincerity of the press and said that he saw nothing in the paper about the adult business ordinance. It was decided that a work session would be set up to discuss McLoughlin improvements.

Mayor announced an executive session at the conclusion of the meeting under ORS 192.660.(1) (d) to discuss labor negotiations.

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Sandra Moore, Coordinator for Council of Libraries, addressed the Council regarding her concerns over the elimination of the position of Library Director. She said this decision would harm the library, that people of Milwaukie voted in favor of the County Serial Levy thereby stating their support for the library.

Mayor Burgess said the Council does not interfere in personnel matters and that the city had no intention of reducing the level of service of the library.

Beth Saul, Library Director from Canby, spoke of the Library Director's high level of skill, her ability to get grants.

Pam Barnes, Library Director from West Linn urged the Council to reconsider the elimination of this position. She said it would affect the entire Clackamas County Library network.

The City Manager gave his assurance that programs at the library would not suffer and spoke of the qualifications of the three senior librarians and of the Community Services Director who would be taking over many of the tasks of the Library Director. Sandra Moore said she understood that this move was related to the costs of the library's conversion to the county computer system and that it was not fair that the Library Director be punished for something that was not her fault. The City Manager said the decision was not based on the computer costs.

Dan Liaty, 9415 SE Regents, asked when the city would be granting a Cable TV franchise. He was told that this would be coming up later in the agenda.

Mayor Burgess has received letters regarding the danger of a cross-walk at Linwood Avenue. The City Manager said that the opinion of the Public Works Department was that there was no way to make that particular intersection safe and that people should not be encouraged to use it. Hall suggested that citizens might be willing to help make some of these dangerous intersections more safe by removing obstacles, trees, etc. Graf suggested the problem be forwarded to the Traffic Safety Commission and the Police Dept. for their recommendation. Jessie Allen and Camille Davenport, citizens from the Linwood area, spoke of the danger of the crosswalk and requested that something be done to make it safer. Mayor Burgess said she wanted it made clear that she would like something to be done to make the crosswalk safe.

Bill McConnel, citizen, asked to go on record as opposing any change in the crosswalk at Linwood because it would encourage school children to use it and there is no way that it can be made safe.

The meeting recessed at 8:45. The meeting reconvened at 9 p.m.
LEGISLATION

It was MOVED by Graf, SECONDED by Hall, that the bills listed for April 19 be approved for payment. MOTION CARRIED unanimously.

IV
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7

Uniform Fire Code

Fire Chief has requested Council approval of the 1982 Uniform Fire Code. There have been a number of changes from the 1976 edition designed to improve fire protection for the community, most significant of which is the addition of the appendices making reference to the National Fire Codes. The following corrections were made to the proposed ordinance adopting the fire code: Under Section 8 dealing with violations, the words "one year in jail" were omitted. Section 9 b should read "Appendix VI" rather than "IV". Under Section 9 a, the words "(amended by Ord. 1462, adopted June 2, 1980)" should be deleted. It was MOVED by Hall, SECONDED by Richmond to read the ordinance the first time by title only. MOTION CARRIED unanimously. It was MOVED Graf, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Graf, to adopt Ordinance 1538 (AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE, 1982 EDITION, THE SAME BEING COPYRIGHTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND THE WESTERN FIRE CHIEF'S ASSOCIATION, AND REPEALING ORDINANCE NO. 1433) MOTION CARRIED with the following vote: AYES: Richmond, Kinsella, Graf, Hall, Burgess. NOES: none.

Project Pay Estimate- Well # 7

Public Works Director has requested the Council approve payment in the amount of \$1002.30 to Rean Constructors Inc. for progress pay estimate # 5 for the pump house and equipment installation for water well # 7. Cliff Harshman, P.W. Supt. said the well was producing above what had been expected and would be pumping within the next thirty days. It was MOVED by Hall, SECONDED by Kinsella, to approve payment as requested by Public Works Director. MOTION CARRIED unanimously.

CONSENT AGENDA

Approval of minutes - April 5,7, 1983

Liquor license - Sunny Corner Market

It was MOVED by Hall, SECONDED by Kinsella that the consent agenda be approved. Mayor Burgess asked that the April 5 minutes be corrected as follows: On page 2, last paragraph, dealing with adult businesses the sentence "It was MOVED by Burgess...." should read " It was suggested by Burgess...." On page 3, first paragraph, fifth sentence, the words, "Burgess WITHDREW her motion" should be deleted. A MOTION to approve the consent agenda(with the corrections) CARRIED unanimously.

Appointment of UN Day Chairman

It was MOVED by Richmond, SECONDED by Hall, to appoint John Maguire as UN Day Chairman. MOTION CARRIED unanimously.

City Manager evaluation criteria

It was MOVED by Kinsella, SECONDED by Hall, to adopt criteria for the city manager evaluation. It was decided to conduct the evaluation at 7:30 a.m. Monday, April 25. Staff will contact Council regarding the location. The City Attorney's evaluation will take place after the City Manager's on this same date.

IV
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8

Tax Reform

It was MOVED by Richmond, SECONDED by Kinsella that the city revoke its support of the League of Oregon Cities tax reform plan. There was extended discussion of the LOC tax reform plan. Richmond and Kinsella stated opposition to the sales tax and to the fact that the plan did not address the problem with school funding. Hall suggested that the city offer some positive suggestions to the legislature rather than simply revoke support of the LOC plan. It was MOVED by Graf to table the motion until an alternative plan was suggested. MOTION DIED for lack of a second. It was MOVED by Hall, SECONDED by Graf, to extend the meeting 1/2 hour if necessary. MOTION CARRIED unanimously. There was further discussion on the LOC tax reform plan. On the MOTION to revoke support of the LOC tax plan, MOTION CARRIED with the following vote: AYES: Richmond, Kinsella, Burgess. NOES: Graf, Hall. Mayor suggested that Richmond prepare a memo outlining his concerns with the LOC tax reform plan and that a work session be planned to discuss it further. It was decided to hold a work session prior to the next regular council meeting on May 3 at 5 p.m. Interviews for city advisory bodies will be held at 6 p.m.

Downtown Improvements

Community Services Director spoke of the student interns in the Planning Department who are working on project guidelines for improvement of Main Street. They are working with the business community on a long term design for the downtown. The Mayor suggested that the Oregon Nurserymen's Association be presented with a certificate of appreciation for the donation of the trees which have been planted along Main Street.

Cable TV

City Attorney has prepared memo dated April 19 outlining status of negotiations with Tribune Co. and listing concessions made to Tribune in order to assure funds for an interconnection. He said the Council should decide whether they want a guarantee that the interconnection will be made according to city requirements. The other remaining issue is whether the city should be able to purchase the cable system upon expiration of the franchise at a price which does not include any expectations of future profits. Mr. Cullen, President of Tribune, has insisted that the value should include future profits or "going concern" value. It was MOVED by Kinsella, SECONDED by Burgess that the City Attorney be directed to prepare a Cable TV franchise ordinance according to his recommendations in his memo dated April 19 and that the ordinance be brought back for Council approval on May 3, 1983. There was further discussion on the term of the franchise agreement and the value of the system upon expiration of the franchise. It was MOVED by Kinsella, SECONDED by Graf, to extend the meeting to 11:00 p.m. MOTION CARRIED unanimously. On the MAIN MOTION to prepare a Cable TV Franchise Ordinance, MOTION CARRIED unanimously.

IV
9^a

Mayor Burgess said she had concerns over the location of adult businesses and would like Council to give staff and Planning Commission some direction regarding zoning. Community Services Director said the Planning Commission is aware of Council's concerns regarding location of adult businesses in the downtown area and is working on a set of compromises within those restrictions. John Foster and Al Liane, members of the Planning Commission expressed concerns regarding conditional use restrictions and there was discussion on whether or not more public hearings were required. City Attorney said Council did not have to have a public hearing, however it would probably be a good idea and in that case notice requirements will have to be met. It was decided to wait until the Planning Commission has made a final decision on this issue before setting a public hearing date.

INFORMATION

Letter to County Budget Committee

City Manager has prepared letter to the county budget committee for Council's approval urging that the budget committee consider the effect on county cities of reductions in the assessors and treasurers office. Graf suggested that the city get together with other cities on a quarterly basis to discuss issues of joint concern. Hall suggested a time be set to go over the McLoughlin improvements. It was MOVED by Graf, SECONDED by Hall to extend the meeting 10 minutes. MOTION CARRIED unanimously.

It was decided that a letter be sent to ODOT making it clear that the city has not approved the Tacoma overpass.

Graf apologized for his absence during the interviews. He had not understood that the interviews were scheduled.

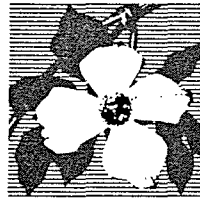
Mayor requested that staff reply to Senior Citizens Advisory Commission regarding Council action regarding their request for an amendment on terms of office for the commission and thanking them for their support of the budget. She stressed the importance of communication with committees and individuals who have business before the Council.

The meeting was adjourned at 11:10 to go into executive session under ORS 192.660. (1) (d) to discuss labor negotiations.

The executive session adjourned at 11:40 p.m.

Joy Burgess, Mayor

Laurie Perkin, Secretary



MEMORANDUM

TO: HUGH BROWN, CITY MANAGER

FROM: TOPAZ FAULKNER, PLANNING DIRECTOR *J.B.*

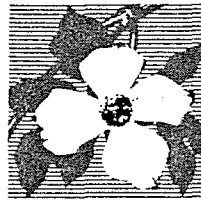
RE: ADULT ENTERTAINMENT ORDINANCE

DATE: APRIL 28, 1983

The Land Conservation and Development Commission (L.C.D.C.) requires every acknowledged jurisdiction to notify them in writing 45 days prior to final action on any amendments to the Comprehensive Plan or Zoning Ordinance. I recently notified our local field representative of our proposed amendments, not expecting them to have any interest in holding us to the 45 days, only to discover that they do. I have tried to convince the field representative that these amendments were not the type that should be of concern to their agency. However, he says that if we have not provided the notice as required, and in the future someone wanted to appeal the decision they could use the lack of notification as a "loophole."

The Council has three options: Ignore the L.C.D.C. requirements; or, extend the moratorium and wait the 45 days to adopt the Ordinance on June 21; or, adopt the Ordinance "temporarily", reopening the public hearings at the time you consider the new Zoning Ordinance which will include all of these amendments.

I recommend the Council extend the moratorium; set a public hearing for the first reading of the Ordinance on June 7, 1983; and adopt the Ordinance on June 21.



Handwritten initials and a box containing the number 6.

MEMORANDUM

TO: THE MILWAUKIE CITY COUNCIL
FROM: THE MILWAUKIE PLANNING COMMISSION
DATE: APRIL 28, 1983
RE: AMENDMENT TO THE MILWAUKIE ZONING ORDINANCE
CONCERNING ADULT ENTERTAINMENT BUSINESSES

At the April 12, and April 26, 1983 Planning Commission Meetings the Commission held public hearings concerning Amendments to the Milwaukie Zoning Ordinance regarding Adult Entertainment Businesses. After careful consideration the Commission voted to recommend the following Amendments regulating these businesses.

SECTION 1.03 - DEFINITIONS

HIGH-IMPACT COMMERCIAL BUSINESSES:

Any such use that generates substantial traffic, or noise, or light, or irregular hours, or other negative impacts on the community. Examples include, but are not limited to: Drinking establishments, commercial recreation, adult entertainment businesses, theaters, hotels and motels.

SECTION 6.01 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

All applications for Conditional Uses shall be evaluated by the Planning Commission at a public hearing, under the specific criteria listed in Section 6.01 through Section 6.03. The Planning Commission may approve or deny the application. If the decision is to approve, the Planning Commission may impose any conditions deemed necessary to protect the public health, safety or general welfare from potentially deleterious effects resulting from approval of the permit, or to fulfill the public need for services created by approval of the request.

SECTION 6.01 - continued

Approval of a Conditional Use shall not constitute a change of zoning classification and shall be granted only for the specific use requested subject to such modifications, conditions and restrictions as may be deemed appropriate by the Planning Commission, or as specifically provided herein.

SECTION 6.01.1 - EXISTING USE:

In the case of a use existing prior to the effective date of this Ordinance and now classified as a Conditional Use, any alterations, including but not limited to: Change in use, lot area, or alteration of structure shall come before the Planning Commission to assure conformance with all current requirements for such a Conditional Use.

SECTION 6.01.2 - APPLICANT'S RESPONSIBILITIES:

At the public hearing the Applicant shall provide evidence that all requirements of this Ordinance relative to the proposed use are satisfied, and demonstrate that the proposed use also satisfies the following criteria:

- A. The use meets the requirements of a Conditional Use in the zone currently applied to the site.
- B. The use meets the standards for the underlying zone.
- C. The proposal satisfies the goals and policies of the Comprehensive Plan which apply to the proposed use.
- D. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features.
- E. The proposed use is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

SECTION 6.01.3 - CONDITIONS:

The Planning Commission may attach conditions and restrictions to any Conditional Use approved. The setbacks and limitations of the underlying district shall be applied to the Conditional Use, unless specifically varied by the Commission. Conditions and restrictions may include a specific limitation of uses, landscaping requirements, off-street parking, performance standards, performance bonds and other conditions, restrictions, or safeguards that would uphold the intent of the Comprehensive Plan and mitigate any adverse effect upon adjoining properties which may result by reason of a Conditional Use being allowed.

SECTION 6.01.4 - CONDITIONAL USE PERMIT:

When a Conditional Use Permit is approved by the Planning Commission, a written permit will be issued to the applicant, in the form of a letter from the Planning Staff, prior to development of the use. The permit shall stipulate any modifications, conditions, and restrictions imposed by the Planning Commission, in addition to those specifically set forth in this Ordinance. A "Notice of Conditions" will be recorded with the County Clerk in the Deed files. These conditions may be changed after the granting of a permit only by mutual agreement of the Planning Commission and the permit holder. A Conditional Use Permit runs with the land and is not affected by a change of ownership.

- A. The permit shall become void if construction has not begun within six months, or a request been made for a time extension.
- B. The Planning Commission may, upon receiving a written request from the applicant, extend the Conditional Use Permit for a period not to exceed one year.

SECTION 6.01.5 - RECONSIDERATION OF A CONDITIONAL USE PERMIT:

Approved Conditional Uses shall be reconsidered by the Planning Commission at a public hearing, after a complaint has been received by the Planning Staff, provided the following criteria have been met:

- A. The complaint(s) must be in writing, signed by the complainant, and the required fee must be paid.
- B. The complaint(s) must address one of the following:
 - 1. Violations of the standards listed in the Comprehensive Plan or implementing ordinances for the use involved;
 - 2. Failure to satisfy a condition or restriction imposed on the specific use when approval was granted;
 - 3. Incidents which have occurred as a direct result of the conditional use that are detrimental to the health, safety, property or general welfare of the public.

Reconsideration of a Conditional Use Permit may result in suspension or revocation of the approval under Section 6.01.6.

SECTION 6.01.6 - SUSPENSION OR REVOCATION OF A PERMIT:

A Conditional Use Permit may be suspended or revoked by the Planning Commission when any condition or restriction imposed is not satisfied.

- A. A Conditional Use Permit shall be suspended only after a hearing before the Planning Commission. Written notice of the hearing shall be given to the permit holder by certified mail at least ten (10) working days prior to the hearing.
- B. A suspended permit may be reinstated when, in the judgment of the Planning Commission, the conditions or restrictions imposed on the approval have been satisfied within a time frame set by the Planning Commission.
- C. A revoked permit shall not be reinstated. A new application must be made to the Planning Commission, and a public hearing held.

SECTION 6.01.7 - REVIEW OF A CONDITIONAL USE PERMIT UPON CHANGE
IN OWNERSHIP, USE OR TENANT:

Upon first learning of the change in ownership, use or tenant, the Director shall conduct an Administrative Review of the status of the Conditional Use Permit. If the Director finds that the conditions attached to the Permit have not been met, the Director shall notify the new owner or tenant of the conditions and/or restrictions. If the Director deems it necessary to achieve compliance, a hearing before the Planning Commission may be scheduled to consider suspension or revocation of the Conditional Use Permit, in accordance with Section 6.01.6.

SECTION 6.02.12 - HIGH-IMPACT COMMERCIAL USE:

In considering a Conditional Use application for a High-Impact Commercial Use the Planning Commission shall consider the following:

- A. Nearness to dwellings, churches, or other uses which require a quiet environment.
- B. Building entrances, lighting, exterior signs, and other features which could generate or be conducive to noise or other disturbance for adjoining uses.
- C. Vehicle access, parking, and circulation which could contribute to noise or hazards, or attract habitual assembly of unruly persons.
- D. In addition to consideration of the above with respect to building and site design, the Planning Commission may attach conditions or standards of performance and impact, and methods for monitoring and evaluating these, to insure that such establishments do not become unduly or unnecessarily disruptive.
- E. Hours of operation.

SECTION 3.10 - LIMITED COMMERCIAL ZONE, C-L

SECTION 3.10.2 - Conditional Uses Permitted:

This Section is amended by deleting the following Subsections:

- d. Commercial recreation and motion picture theater, not including a drive-in theater.
- f. Eating or drinking establishment.
- g. Hotel or motel

and is further amended by adding a new Subsection:

High-Impact Commercial
(and renumber appropriately)

SECTION 3.11 - CENTRAL COMMERCIAL ZONE, C-C

SECTION 3.11.1 - Outright Uses Permitted:

This Section is amended by deleting the following Subsection:

- i. Motion picture theater, not including a drive-in.

SECTION 3.11.2 - Conditional Uses Permitted:

This Section is amended by deleting the following Subsections:

- c. Commercial recreation
- f. Hotel and motel.
- n. Drinking establishment.

and is further amended by adding a new Subsection:

High-Impact Commercial *except adult entertainment*
(and renumber appropriately)

SECTION 3.12 - GENERAL COMMERCIAL ZONE, C-G

SECTION 3.12.1 - Outright Uses Permitted:

This Section is amended by deleting the following Subsections:

- g. Commercial recreation and motion picture theater
- i. Hotel or motel
- v. Drive-In theater.

SECTION 3.12.2 - Conditional Uses Permitted:

This Section is amended by adding the following Subsection:

- High-Impact Commercial
- Any other uses similar to the above and not listed elsewhere.
(and renumber appropriately)

Section 3.13 - LIMITED MANUFACTURING/INDUSTRIAL ZONE M-L

Section 3.13.1 - USES PERMITTED OUTRIGHT ARE LIMITED TO

Industrial Uses which meet the following criteria:

- A. A use which involves the collection and assembly of small durable goods, small trans-shipment of goods from other sources, and/or the assembly of goods from products which have been primarily processed elsewhere.
- B. Conforms with the Special Industrial Design Standards.
- C. May produce small amounts of noise, dust, vibration or glare, but may not produce a nuisance at the property line.
- D. Has access to a collector or arterial street.
- E. A permitted use may require limited outside storage areas. These storage areas shall be screened from any adjoining residential uses, or public streets.
- F. No single building may contain more than 40,000 sq.ft. of floor space on a single floor.
- G. Example of a Light-Industrial Use may include:

Small scale warehousing and wholesale distribution; facilities for the manufacturing, assembling and processing of small scale durable goods; machine shops; administrative offices associated with the Light-Industrial Use, and other similar uses.
- H. Prohibited uses:

Any use which has a primary function of storing, utilizing or manufacturing explosive materials or other hazardous material is prohibited.
- I. The Planning Director will review each application to establish a new use in a Limited Manufacturing/Industrial Zone, and will allow the new use, if the Director finds that it meets the provisions of Criteria A through I of this Section, and all other appropriate provisions of this Ordinance.

Section 3.14 - GENERAL MANUFACTURING/INDUSTRIAL ZONE M-G

Section 3.14.1 - USES PERMITTED OUTRIGHT ARE LIMITED TO:

Industrial Uses which meet the following criteria:

- A. A use which involves the collection and assembly of small durable goods, small trans-shipment of goods from other sources, and/or the assembly of goods from products which have been primarily processed elsewhere.
- B. Proper safety precautions shall be provided as part of any use which uses, stores or manufactured goods of an explosive or hazardous nature. Proof of these precautions shall be submitted along with a performance bond which is adequate to insure their installation.
- C. Conforms with the Special Design Standards.
- D. May produce noise, odor, dust, glare, vibration or smoke, but this shall not exceed the standards set by this Ordinance at the property line and shall not cause a nuisance at the property line.
- E. Must have access to a collector or arterial street.
- F. A permitted use may have outside storage of material. However, allowed outside storage, with the exception of a sales display area, shall be screened with a sight-obscuring fence or hedge.
- G. Example of a General Manufacturing Use may include:

Large scale warehouses; trucking terminals; vehicle assembly plants; tool plants; industrial equipment sales and service; small foundaries or casting plants; large metal working plants and other similar uses.
- H. The Planning Director will review each request to establish a new use in a General Manufacturing/Industrial Zone, and will allow the new use, if the Director finds that it meets the provisions of Criteria A through G, of this Section, and all other appropriate provisions of this Ordinance.

Section 3.14 - GENERAL MANUFACTURING/INDUSTRIAL ZONE M-G

Section 3.14.1 - USES PERMITTED OUTRIGHT ARE LIMITED TO:

Industrial Uses which meet the following criteria:

- A. A use which involves the collection and assembly of small durable goods, small trans-shipment of goods from other sources, and/or the assembly of goods from products which have been primarily processed elsewhere.
- B. Proper safety precautions shall be provided as part of any use which uses, stores or manufactured goods of an explosive or hazardous nature. Proof of these precautions shall be submitted along with a preformance bond which is adequate to insure their installation.
- C. Conforms with the Special Design Standards.
- D. May produce noise, odor, dust, glare, vibration or smoke, but this shall not exceed the standards set by this Ordinance at the property line and shall not cause a nuisance at the property line.
- E. Must have access to a collector or arterial street.
- F. A permitted use may have outside storage of material. However, allowed outside storage, with the exception of a sales display area, shall be screened with a sight-obscuring fence or hedge.
- G. Example of a General Manufacturing Use may include:

Large scale warehouses; trucking terminals; vehicle assembly plants; tool plants; inudstrial equipment sales and service; small foundaries or casting plants; large metal working plants and other similar uses.
- H. The Planning Director will review each request to establish a new use in a General Manufacturing/Industrial Zone, and will allow the new use, if the Director finds that it meets the provisions of Criteria A through G, of this Section, and all other appropriate provisions of this Ordinance.

Section 3.14.2 - GENERAL AND SPECIAL DESIGN STANDARDS

General and Special Design Standards shall be applied to all permitted uses when they are applicable.

Section 3.14.3 - PLANNING COMMISSION REVIEW

If the Planning Director has any question regarding the applicant's ability to meet the criteria (A-G), the request may be scheduled for review by the Planning Commission.

Section 3.14.4 - CONDITIONAL USES

- A. Limited Commercial Uses that provide supporting activities for General Manufacturing/Industrial Uses, examples of these activities include: A copy center; sandwich-deli shop; secretarial services; or trade school.
- B. High-Impact Commercial Uses, examples of these uses include, but are not limited to: Theaters, commercial recreation, adult entertainment, hotels and motels, which create inherent parking, noise, traffic and other problems.

Section 3.14.5 - STANDARDS

In the M-G Zone the following Standards shall apply unless modified by a Special Design Standard, which applies in a particular case.

Section 3.14.6 - SETBACKS (WHEN APPLICABLE)

- A. FRONT YARD SETBACK:
The front yard setback shall be the same as for the adjoining buildings, where such buildings exist. Where no such building exist, the setback shall be twenty (20) feet.
- B. SIDE YARD SETBACK:
None, except property abutting a residential or apartment district, in which case the yard on the adjacent side shall have the same setback as the abutting property. On a corner lot the side abutting the street will equal the front yard setback.
- C. REAR YARD SETBACK:
None, except property abutting a residential or apartment district, in which case the rear yard shall have the same setback as the abutting property.

Section 3.14.7 - LOT COVERAGE

The maximum lot coverage shall not exceed eighty-five (85%) percent.

Section 3.14.8 - floor to area ratio

The Floor to Area Ratio (FAR) shall not exceed 2:1.

Section 3.14.9 - HEIGHT LIMIT

The maximum height for a building shall be forty-eight (48) feet with provision for solar access, which shall not restrict a building to less than thirty (30) feet.

Section 3.14.10 - OFF-STREET PARKING:

Off-Street parking shall be provided as required in Section 500.

Section 3.14.11 - LANDSCAPING

A minimum of ten (10%) percent of the site area must be landscaped. Street trees shall be planted. In addition, landscaping and screening will be provided on each site, to meet the following requirements:

- A. All areas of the site not occupied by paved roadway, walkways, patios or buildings shall be landscaped with ground cover, shrubs and decorative or ornamental trees.
- B. It shall be the owners responsibility to maintain the landscaping installed on the site.
- C. Screen planting, masonry walls or fencing shall be provided to screen objectionable view within five (5) months of occupancy of a related building. Views to be screened include garbage and trash collection stations and other similar uses.

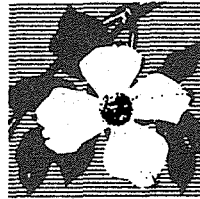
Section 3.14.12 - SITE ACCESS (WHEN APPLICABLE)

No more than one, forty-five (45) foot wide maximum curb-cut driveway per one hundred fifty (150) feet of street frontage, or fraction thereof, shall be permitted per site.

Section 3.14.13 - ACCESS TO PUBLIC STREETS

All developments shall have access to public streets.

CITY OF MILWAUKIE



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

April 28, 1983

VI
a

Mr. Ed Hardt
Metro Region Engineer
9002 SE McLoughlin Blvd.
Milwaukie, OR 97222

Dear Ed:

During recent discussions regarding potential improvements at the McLoughlin/Tacoma intersection, concern was expressed that ODOT is not interpreting the City's position accurately. Specifically, it was suggested that the City's approval of phase I; particularly the Tacoma overcrossing, is being treated as firm rather than conditional.

In case there is a misunderstanding, it should be clear that the City is reserving final consideration of phase I pending evaluation of the Conratt study findings. I understand the study is to be completed soon and we look forward to again working with ODOT and other area jurisdictions in developing a consensus on a preferred solution.

Sincerely,

Hugh H. Brown
City Manager

dd: City Council

IV b

Noise ordinance

DEQ lauds Milwaukie

VI b

By HANK SCHOUTEN
EC Suburban Editor

Milwaukie's a quiet town and the city's noise ordinance is helping keep it that way, according to Bill McDonald, administrative assistant.

The city received a letter of commendation from the Oregon Department of Environmental Quality praising Milwaukie for being the first city in the state to post "Noise Ordinance Enforced" signs.

The signs have the universal symbol for "no," the red circle with a diagonal line drawn through it, and the word "noise" in big letters. The signs are posted along highways and roads at city entry points.

The noise ordinance took effect last September. It established objective measurement standards for permissible and impermissible levels of noise.

Regulated are horns, radios, animals, steam whistles, engine exhaust, construction, road repair, truck brakes, blowers and

compressors, and noise around schools, hospitals, and churches, among others. It prohibits removing mufflers on engines and machines.

The ordinance establishes acceptable levels of noise for various times of day in different land use zones, McDonald said. Noise restrictions are tighter in residential zones than in commercial zones.

The Milwaukie ordinance has become regarded as a model ordinance and has been distributed to other cities by the DEQ., McDonald said.

Gladstone is considering a similar ordinance.

"We put quite a bit of work into it," the Milwaukie administrative assistant said.

The signs make people aware of the noise ordinance, McDonald said.

"It lets trucks and people in general know we put a premium on the environment and noise is something we're concerned about," he said.

McDonald said the ordinance is

"enforced all the time" but no incident has ever gone to court.

It's rarely necessary to take someone to court to get compliance. The new ordinance has "more teeth" than what was on the books before, he said.

"Ninety-nine percent of the time the fact that you have a law on the books is the best deterrent," McDonald said.

The noise ordinance carries a fine of up to \$500 for each incident and possible confiscation of the noise maker.

The ordinance was sought by Milwaukie Police Chief Ron Schanaker.

Officials did not realize how many people were bothered by noise until they started working on the ordinance.

When the public began hearing about the ordinance they started reporting noise "rather than just mashing teeth and wanting to shoot their neighbor," he said.

The value of the the Milwaukie ordinance is that it sets out specific objective standards for noise so that police can document

violations rather than just guessing, McDonald said.

"Until the noise ordinance was adopted, the police had limited power under state statutes to take remedial actions. The new ordinance provides the tools that are necessary to prevent and stop violations using scientific measurement criteria to establish objectivity," he said.

Noise has been proven to be a direct source of stress and aggravatin for city dwellers, he added.

The letter the city received from the DEQ., signed by Jerry Wilson praises Milwaukie's efforts.

"Our department views the City of Milwaukie as a leader in the state of Oregon in preserving the livability of your community and quality of life for your citizens. Your model community noise ordinance and motor vehicle noise enforcement have made Milwaukie an even more desirable community to live in," Wilson said.

Mrs. Robert E. Rulifson

VI_c

April 25, 1983

Members City Council

Gentlemen: -

I hereby submit my resignation as an appointee to Senior Citizens Advisory Council. I appreciate the appointment but feel I can not fulfill the obligations of the advisory committee.

Yours very truly
Laurie R. Rulifson

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

APR 12 1983

MILWAUKIE-CO

DATE: April 12, 1983

TO: Hugh Brown
City Manager

FROM: Steven Hall
Public Works Director *A.M.H.*

SUBJECT: Metro Study
Milwaukie Corridor LRT

VI
DO

This information is passed along to you and for City Council information as to a status report on Metro's study for light rail in the Southern Corridor.

They have currently reviewed the three potential transit corridors for light rail and have produced simulated travel times for each one of those corridors. This is the first step in many for the analysis of the potential for light rail in the McLoughlin Corridor.

I am attaching three maps which indicate the three corridors under study, The Portland Traction Company right of way, McLoughlin Blvd. Corridor and the Sellwood alignment.

I will keep you apprised as the information is processed and made available to me.

Enclosure: Time summary
Maps (3)

SMH:js



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

VI
D(2)

Date: April 8, 1983
To: McLoughlin Ad Hoc Technical Advisory Committee
From: Neil McFarlane, Transportation Planner *NBM*
Regarding: Milwaukie Corridor LRT Speeds

Attached for your review are speeds and travel times for the three Portland to Milwaukie LRT alternatives included in our first round of future year simulations. These speeds and travel times--which include stops--are summarized below:

	Milwaukie Transit Center to Madison & 1st Ave.			Milwaukie Transit Center to Pioneer Square		
	Distance (mi.)	Time (min.)	Avg. Speed	Distance (mi.)	Time (min.)	Avg. Speed
PTC LRT	6.5	13.5	29 mph	7.2	19.4	22 mph
McLoughlin LRT	5.8	12.9	27	6.5	18.7	21
Sellwood LRT	5.6	15.4	22	6.3	21.2	18

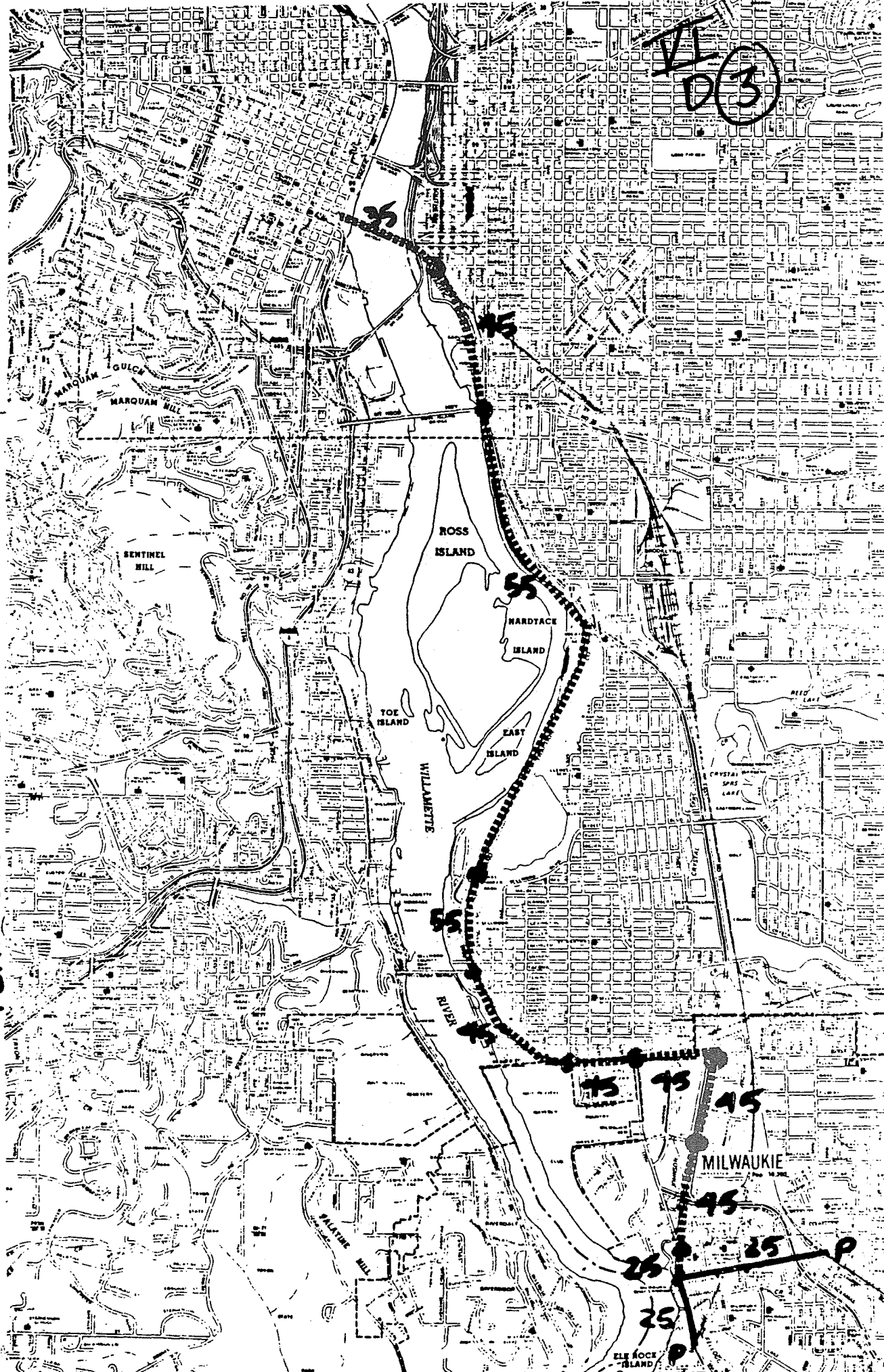
By way of comparison, the 1983 bus schedules show that McLoughlin Boulevard buses travel 22 minutes in the off-peak and 28 minutes in the peak from the Milwaukie Transit Center to 5th and Oak.

Maps showing the LRT alignments these speeds are based on, as well as tables showing speeds by line segment, are attached. We propose to use the speeds shown for PM peak hour and mid-day travel times. Major LRT operating assumptions are:

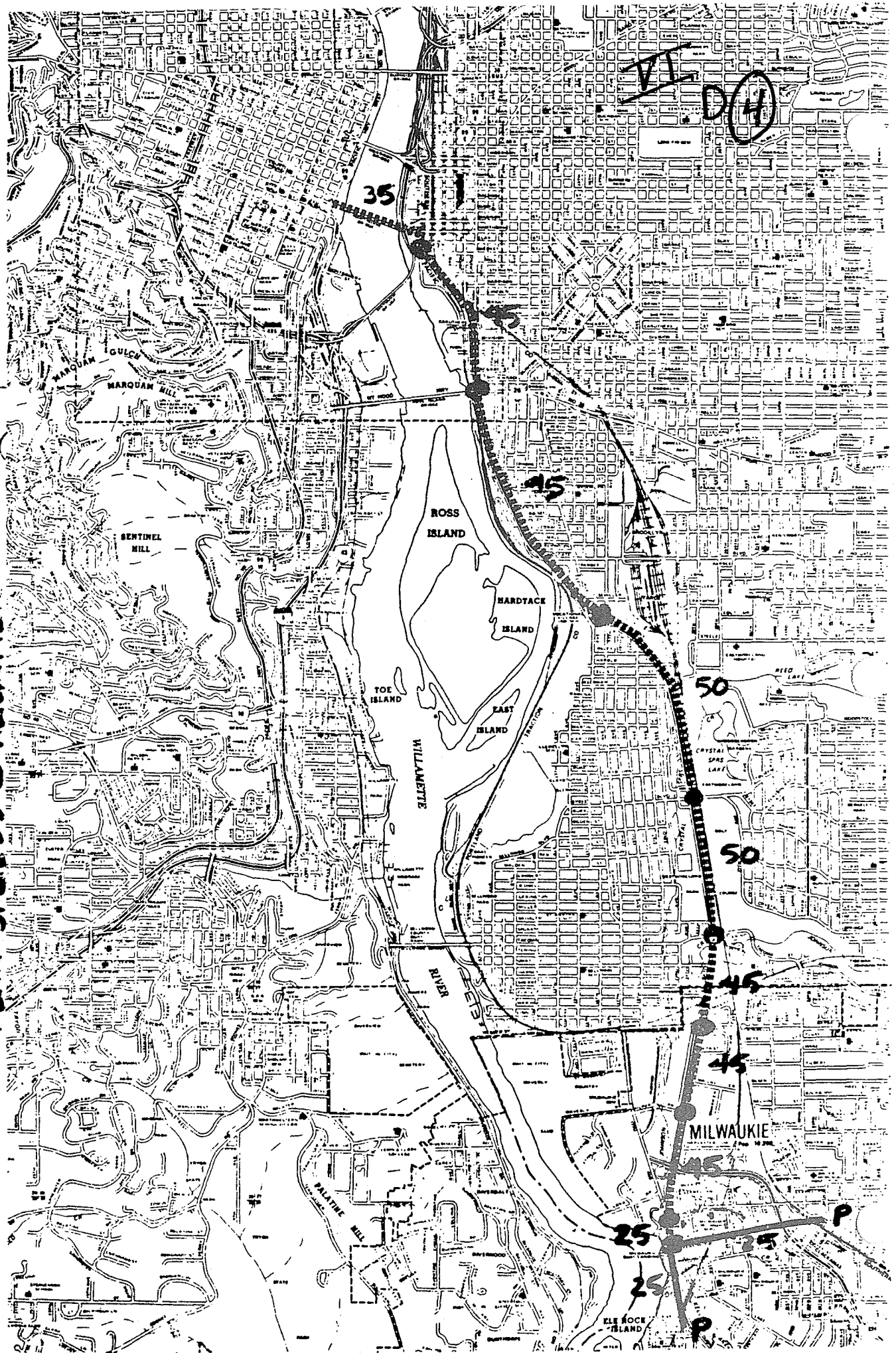
Acceleration: 3 mph/sec.
Deceleration: 3 mph/sec.
Station dwell: 20 sec.
Peak operating speed: 55 mph

PTC LRT
PEAK SPEEDS & ALIGNMENT

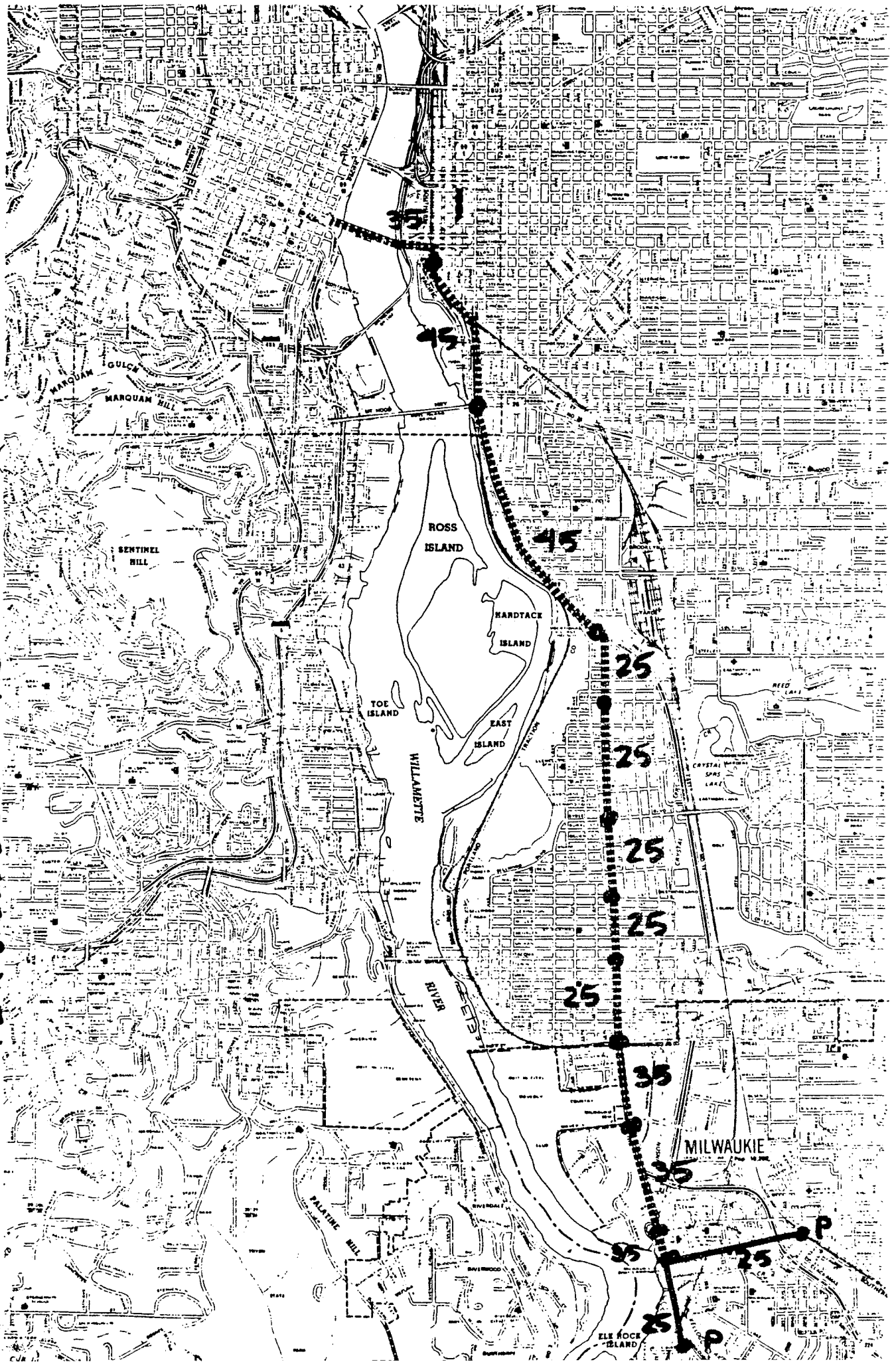
VI
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**McLOUGHLIN LRT
PEAK SPEEDS & ALIGNMENT**



**SELLWOOD LRT
PEAK SPEEDS & ALIGNMENT**



CITY OF MILWAUKIE
BUDGET COMMITTEE MEETING

April 20, 1983

VI e

THE MILWAUKIE CENTER

7 p.m.

A meeting of the City of Milwaukie Budget Committee was held on April 20, 1983 with the following members present.

Mayor Joy Burgess	Georgia Brakeman
Ronald Kinsella	Kathleen Hulme
Michael Richmond	Kenneth Upton
Don Graf	
Roger Hall	

Absent:

Jim Backenstos
Joe Bernard

Also present:

Hugh Brown, City Manager
Gordon Erickson, Finance Director
Topaz Faulkner, Community Services Director
Dick Bailey, Fire Chief
Laurie Perkin, Secretary

The meeting was called to order by Mayor Burgess. It was MOVED by Hall, SECONDED by Kinsella that the minutes of Feb. 22, 23, 26 and March 3, 1983 be approved. MOTION CARRIED unanimously.

City Manager has prepared memo dated April 19, 1983, explaining reductions in the library. The position of Library Director will be eliminated and a vacant position of Library Aide will not be filled resulting in an \$8000 savings for the present fiscal year and a \$57,000 reduction for the 1983-84 proposed budget.

Graf and Upton expressed concerns about the elimination of the Library Director position. Hall said that he had doubts about the rotation of leadership among the three senior librarians and whether the Community Services Director had the time to take on this additional responsibility. There was further discussion on library reductions, costs, level of service, type of management. The City Manager said he would not have recommended the reductions if he thought the library would be harmed.

There was discussion on procedures to use in passing the budget. The following suggestions were made:

- send out press releases
- set up neighborhood coffees
- set up speakers bureau
- set up citizens committee
- set up telephone banks
- distribute leaflets

prepare city fact sheet-send to Key Communicators

The City Manager said he planned to visit the city advisory bodies to talk about the budget. There was discussion on what kind of information should be included in the leaflets and fact sheet. Vivian Healy, member of the Friends of

the Library, said that the idea of using telephone banks worked well for the Library Serial Levy election. She said she would talk to the Friends to see if they would be willing to help out on the city budget election.

It was decided that the City Manager would speak to Joe Bernard and George Van Bergen about setting up a citizens committee to help collect donations.

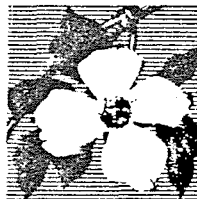
Burgess and Kinsella agreed to be Co-Chairpersons for the distribution of leaflets.

It was suggested that a meeting of the citizens committee and the Budget Committee be held on May 4, 1983 to continue the discussion.

The meeting was adjourned at 8:30 p.m.

Georgia Brakeman, Secretary

CITY OF MILWAUKIE



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

April 22, 1983

Pete Sinclair, President
Bank of Milwaukie
10955 SE Main Street
Milwaukie, OR 97222

same letter sent to John
McIlmoil, The Oregon Bank

Dear Pete:

In response to an RFP for banking services distributed by the city in December, we received excellent proposals from three local banks. The Bank of Milwaukie was, of course, one of those and your interest in working with the city is greatly appreciated.

Due to a number of circumstances, primarily relating to budget preparation and the conversion to a new computer, I have decided to suspend further consideration of the proposals submitted to the city. While I believe it is beneficial for the city to regularly examine its banking needs and put them out to competitive bidding, it is not a process we can successfully complete at the present time.

I highly regret the necessity of this action given the evident time commitment and resourcefulness displayed in the proposals. It is sincerely hoped that you will choose to continue your interest in the city when banking services are once again solicited.

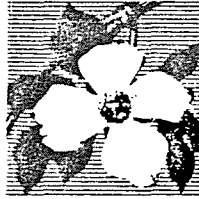
Very truly yours,

A handwritten signature in dark ink, appearing to read "Hugh H. Brown". The signature is fluid and cursive.

Hugh H. Brown
City Manager

cc: City Council
Gordon Erickson, Finance Director

CITY OF MILWAUKIE



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

April 22, 1983

John Burrell, Manager
Pacific Western Bank
10888 SE Main Street
Milwaukie, OR 97222

Dear John:

In response to an RFP for banking services distributed by the city in December, we received excellent proposals from three local banks. The Pacific Western Bank was, of course, one of those and your continued interest in working with the city is greatly appreciated.

Due to a number of circumstances, primarily relating to budget preparation and the conversion to a new computer, I have decided to suspend further consideration of the proposals submitted to the city. While I believe it is beneficial for the city to regularly examine its banking needs and put them out to competitive bidding, it is not a process we can successfully complete at the present time. I highly regret the necessity of this action given the evident time commitment and resourcefulness displayed in the proposals.

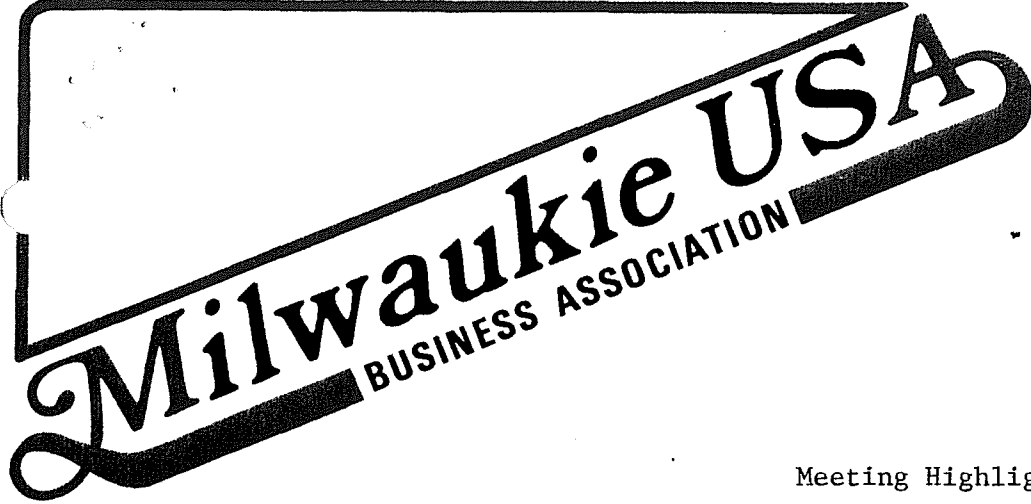
The service of the Pacific Western Bank, past and present, is valued by the city. I look forward to continuing working with you in meeting the city's banking requirements.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Hugh H. Brown".

Hugh H. Brown
City Manager

cc: City Council
Gordon Erickson, Finance Director



Meeting Highlights

April 7, 1983

Member and Guests present: (See list attached)

John Burrell, Treasurer, reviewed the proposed budget for our 1983-84 fiscal year and explained the need for an increase in dues. Members of the Association will be voting on the budget and on a By-Laws revision to allow the increase at our annual meeting in May.

Paul Graham, Membership Committee displayed the information packet being developed for prospective members. For current members, a folder will be provided that includes our By-Laws, membership roster and other valuable information. Production of these is included in the budget for printing.

Pete Sinclair, President, reviewed the goals written for the Association by the Board. These will also be voted on by the Membership at our Annual meeting.

Pat Milligan, Nominating Committee, reported that the committee is recommending the current officers for another term. The ballots will include room for write-in candidates.

A fund raiser Golf Tournament on May 20 at Top-O-Scott was explained by Pat. Members will have the first opportunity to sign up. If all positions are not taken, she already has a waiting list of non-merchants wanting to participate.

Doug Naef reported on the "clean up/Paint up" project that is now in the planning stages. During April, a DeMolay group has volunteered to dig up the planting beds on Main St. Flowers will be provided to all merchants willing to plant and water them. The flowers can also be planted around our new street trees.

Jane Altier and Mike Ogan, Portland State University graduate students working with Mr. Zagretti, presented the work they have completed on the "Guidelines for Main Street": Jane will be working with Doug Naef and John Burrell on the clean-up project, and she will be available for personal consultation on building facade improvements.

Milwaukie USA Business Association
Meeting Highlights
April 7, 1983
Page 2

The special meeting on Riverfront Development was highlighted by Pete.

The new Post Office will begin operation on April 16. After that date, package pick-up will be in Oak Grove unless there is a post office box in Milwaukie to deliver it to. The Post Office study on their new location in Milwaukie is expected next week.

Arlie Brown said the Kiwanis may buy one or two more concrete garbage cans for downtown and other businesses may buy one also.

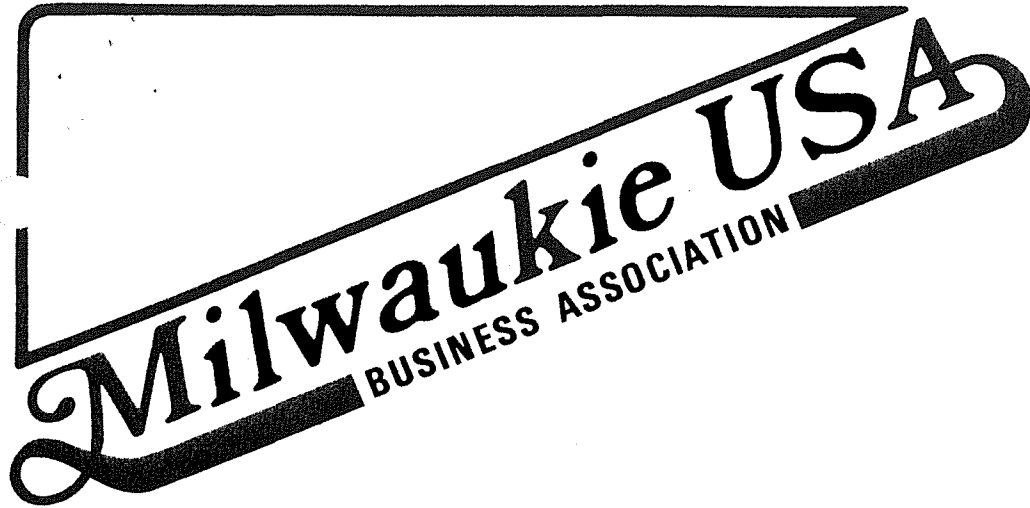
The North Clackamas Chamber of Commerce is having a lunch on April 26 to which bosses are encouraged to bring their secretaries.

Next Meeting - May 5, 1983 at Pacific Western Bank in the library.

This is our Annual meeting and the agenda will include:

- 1) Elections
- 2) Movie: "Main Street" by the National Main Street Center
- 3) Update on our Guidelines

The meeting will be followed by a social hour at Red's Coach Inn.

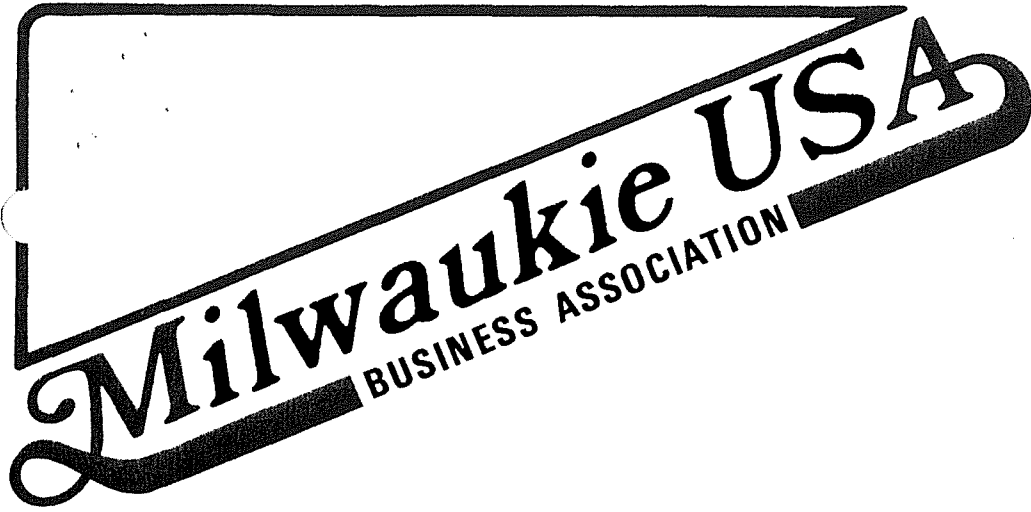


MEMBERS & GUESTS

NAME

REPRESENTING

Red Lewis	Red's Coach Inn
Gary Hubbard	Dairy Queen
Fing Rivelli	Insurance
Jane Altier	P.S.U.
Mike Ogan	P.S.U.
Topaz Faulkner	City Planner
Lynne Brown	Milwaukie USA
Paul Graham	Graham's Book & Stationary
Don Yager	Ceramic Center
Arlie Brown	Perry Pharmacy
Don Graf	City Council
Pete Sinclair	The Bank of Milwaukie
Helen Brown	N. Clackamas Chamber
Mr. & Mrs. Crist	Health Food Store Owners
Doug Naef	Farmers Ins.
John Burrell	Pacific Western Bank
Joy Burgess	Mayor
John Foster	Architect
Hugh Brown	City Manager
Walt Haynes	P.A.R.C.
Roger Hall	City Council
Eric Larsen	Pickle Barrel
Lauretta Riviere	Oregon Bank
Jim Maron	Post Office



1983-84 Ballot

PRESIDENT

Pete Sinclair

*X _____

VICE PRESIDENT

Paul Graham

*X _____

SECRETARY

Topaz Faulkner

*X _____

TREASURER

John Burrell

*X _____

DIRECTORS
(Vote for 2)

Dave McDowell
Doug Naef

*X _____

*Write in candidates

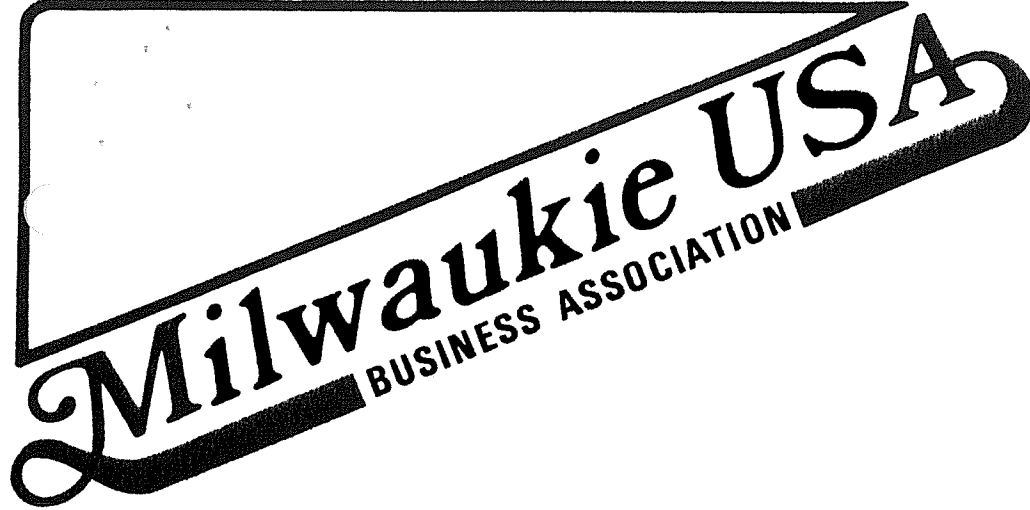
*X _____

By Laws Change

Article VII - Dues

Section I - Existing - The annual dues for each member will be \$36 per year

Proposed - The annual dues for each member will be \$48 per year



MILWAUKIE U. S. A. BUSINESS ASSOCIATION
 Budget
 May 1, 1983 thru April 30, 1984

EXPENSES:

	<u>1983-1984</u>	<u>1982-1983</u>
Printing	1,000.00	939.85
Postage	160.00	54.59
Supplies	60.00	146.00
Miscellaneous Expense	50.00	44.50
Accounts Payable	343.96	0
Giving Tree	300.00	149.52
Mo. Flyer Advertising	0	131.50
Auction	300.00	282.55
Liability Insurance	300.00	300.00
	<hr/>	<hr/>
TOTAL EXPENSES:	\$2,513.96	\$2,048.51

INCOME:

Dues (Pro-rated for 82-83)		
45 @ \$48.00 each	2,160.00	1,212.00
Easter Promotion (Net of Expenses)	0	288.26
Giving Tree Merchant Reimbursements	0	90.00
Miscellaneous Income	0	31.30
Balance Forward	0	82.99
Auction: \$10.00 Entrance Fee X 45 Participants	450.00	0
	<hr/>	<hr/>
TOTAL INCOME:	\$2,610.00	\$1,704.55
 BALANCE FORWARD:	 \$96.04	 <343.96>

• DEDICATED TO ECONOMIC GROWTH AND VITALITY •

P.O. BOX 22111 • MILWAUKIE, OR 97222



MILWAUKIE USA BUSINESS ASSOCIATION

GOALS

SHORT TERM

1. Increasing the Association's Membership
Property Owners
Business Operators
Professionals
2. PAINT UP/CLEAN UP DOWNTOWN
Letters to Property Owners
Providing Guidelines for Improvements
3. INVENTORY BUSINESSES
Prepare a Map Compare Current to 10 YEARS AGO
4. STREET TREES & FURNITURE
5. LIGHTING DOWNTOWN BUSINESSES AT NIGHT
6. CALENDAR OF PROMOTIONAL EVENTS FOR 1983
7. DEVELOPING A PROMOTIONAL THEME FOR THE YEAR
EXAMPLE: I ♡ MILWAUKIE
8. INCREASED INVOLVEMENT IN THE PROMOTIONS BY ASSOCIATION MEMBERSHIP

LONG TERM

1. MILWAUKIE MARKET
2. KELLOGG LAKE IMPROVEMENT
3. WATERFRONT DEVELOPMENT
4. ADEQUATE PROMOTION OF EVENTS
5. MONTHLY COUPON FLYER INSIDE THE NEW REVIEW
6. REINFORCE A POSITIVE ATTITUDE TOWARD THE CITY FROM THE SHOPPERS

• DEDICATED TO ECONOMIC GROWTH AND VITALITY •

P.O. BOX 22111 • MILWAUKIE, OR 97222

CALENDAR OF EVENTS

Estimated Dates To Begin Advertising	Date of Event	Event
	June 4th	Clean Up - Fix Up - Milwaukie businesses
April 1st	May 20th	1st Annual Golf Tournament
May 1st	June 17th 18th 19th	Milwaukie Festival Daze
Aug. 1st	Oct. 29th	2nd Annual Milwaukie Auction
Oct. 1st	Nov. 18th 19th 20th	Holiday Open House - Milwaukie merchants
Nov. 1st	Dec. 3rd	Christmas Giving Tree

1 APR 83 6:55

-MILWAUKIE-OR

These comments are about the proposed Tacoma St. overpass of McLoughlin Blvd. and are based on thirty five years of driving from the Milwaukie area to my work at Staff Jennings Marina -(West end of Sellwood Bridge). From 1969 to 1982 my route followed Tacoma St. from Johnson Creek Blvd. to the Sellwood Bridge and I have driven through the Sellwood area thousands of times.

It would be very difficult to stop rush hour traffic from using I7th street between Tacoma St. and Milwaukie. It is the most direct route to Milwaukie and traffic starts moving better at the McLoughlin -I7th St. intersection. It is also the best route to the Milwaukie expressway.

One of the overpass proposals I have seen would merge Tacoma St. traffic with McLoughlin traffic without having a traffic light. Merging with the morning traffic would be possible, though, hazardous. Trying to merge with the evening rush hour traffic, when McLoughlin is bumper to bumper for two or three miles, is just not feasible. An off ramp from the overpass would quickly fill up and divert more traffic up the hill to Johnson Creek Blvd. and to 32nd street. 32nd is a feeder street, not suitable for really heavy traffic, and Johnson Creek Blvd. is already overburdened.

The overpass proposal does have one positive feature, as the traffic on Tacoma street would no longer be held up by an occasional train. It seems like a very expensive way to solve that one problem.

Lyle H. Dale

8453 S.E. 32nd

Portland, Ore. 97222

654-8375

L. H. Dale

April 20 - 1982

Honorable Mayor and Members
of the City Council —

MILWAUKEE
APR 23 12:43

I wish to voice my oppo-
sition to the city's elimination
of the position of library director.
Every business needs someone
qualified in charge. I feel that
a mistake has been made by
removing a position where a prof-
essionally trained person is in
charge of this much used and
needed facility. The results of
the recent library levy show
that the Milwaukee voters support
this service. I hope that this
error can be quickly corrected—
there are other solutions to money
problems here.

Sincerely —
Shirley Englund
"25 year card holder!"

1 APR 83 6:55

-MILWAUKIE-OR

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Lyle H. Dale

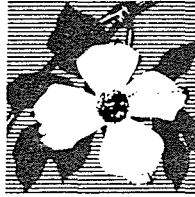
8453 S.E. 32nd

Portland, Ore. 97222

654-8375


L. H. Dale

CITY OF MILWAUKIE



CITY ATTORNEY
in the City Hall • phone 659-5171

MEMORANDUM

TO: ALL DEPARTMENTS
FROM: GREG EADES 
SUBJECT: ELECTION CAMPAIGNING
DATE: APRIL 29, 1983

This time of year there's always a lot of interest in the various ballot measures proposed and all of us become enthusiastic (or antagonistic) about certain questions coming to a vote. This is my annual reminder that you should avoid election campaigning for or against any measure (including City measures) during working hours and utilizing city funds, because to do so is a violation of state law. Several bills have been proposed during this legislative year due to election abuses by government officials and employees.

The attached sheet provides a good summary of the campaigning requirements. Please let me know if you have any questions.

WHAT CAN AN ELECTED OR APPOINTED OFFICIAL DO TO
SUPPORT OR OPPOSE A BALLOT MEASURE

The following guidelines state some general legal principles found in case and statutory law. City officials are encouraged to consult with their city attorney when specific questions arise.

1. Cities are subject to the general rules prohibiting the use of public funds to advocate a position on a ballot measure. The prohibition includes not only the direct contribution of public funds, but also indirect expenditures such as the use of the city's equipment and facilities and staff during their working hours. For example, city personnel cannot be used to do research nor write speeches designed to advocate a particular position on a ballot measure. In addition, it would be improper for a city to pay travel expenses for officials to promote a campaign position.
2. City officials both elected and appointed, can develop and distribute objective material on the effects of a ballot measure and can use public funds to do so. Such material should be "informational", providing the public with a "fair presentation" of the relevant facts and should not advocate a particular position. For example, city personnel can be asked to do research and prepare information that fairly assesses the effects of the measure on the community. City officials can use such information in meeting with individuals and organizations, such as newspaper editors, legislators, local civic organizations and special interest groups, to explain objectively the measure's impact. Election advocates "pro and con" can also use the information. The distinction between legitimate research/information efforts and impermissible campaign advocacy may be difficult to apply in specific instances. Therefore, it would be advisable to have your attorney review material before it is distributed.
3. Elected city officials may fully campaign for or against a ballot measure if they do not use public funds. The courts have recognized the right, if not the duty, of public officials to speak out on major issues, particularly on matters that affect the governmental body on which they serve. In doing so, they may use the objective information prepared by the city or other promotional material prepared by other organizations or campaign committees.

Thus, when city officials speak on ballot measures, the content of the talk will be determined by whether or not public funds are involved. A city official can speak without restriction as long as expenditure of public funds such as travel expenses, salary or a staff-prepared speech is not involved in any way. The use of information from staff-prepared fact sheets in a speech or campaign literature does not make the speech or literature staff-prepared. If public funds are involved, officials should limit themselves to an informational presentation.

4. Similarly, city councils can take a position on a ballot measure if public funds then are not used to advocate that position.
5. Non-elected city employees can campaign in their individual capacity outside of their hours of employment and without the expenditure of public funds. However, public employees must not be required or coerced to aid a campaign. Staff can say, "Here are the facts; please vote". They cannot say, "Vote 'yes' ", at least not while on city time.

APR 29 10: 43

MEMORANDUM

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: GREG EADES, CITY ATTORNEY *GE*

DATE: APRIL 29, 1983

SUBJECT: MUNICIPAL COURT PROSECUTION.

The attached memo from Mr. Kovac regarding staff reductions in the Clackamas County District Attorney's office suggests we may want to take another look at prosecuting in our court some or all of the offenses which we transferred to the county two years ago. Unless you advise otherwise, we will begin preparing information on prosecution costs and potential revenues for your review. We should be able to get a report to you by the first meeting in June.

Please let me know if you have any questions.

GE/vk

LEONARD J. KOVAC, JR.

ATTORNEY AT LAW

11050 S.E. 21ST AVENUE
MILWAUKIE, OR 97222

(503) 659-5545

April 27, 1983

MEMORANDUM

To: Greg Eades, Milwaukie City Attorney

From: Leonard J. Kovac, Jr.

As you are probably aware from reading published reports, the Clackamas County District Attorney staff has recently been reduced by twenty-five per cent. It has since come to my attention that the effect of that reduction is that the county's attitude toward prosecution has been drastically altered.

The new attitude directly affects the City of Milwaukie, its residents and police department because numerous crimes which our officers cite into District Court are simply not being prosecuted any more.

According to a memorandum sent from James O'Leary, the Clackamas County District Attorney, to his staff, the following offenses and crimes will not be filed or prosecuted:

- Driving while suspended;
- Minor in possession;
- Possession of less than an ounce of marijuana;
- Harassment;
- Shoplifting under \$25;
- Theft II under \$25;
- Theft of services under \$200;
- Criminal trespass;
- Offensive littering;
- Prohibited use of fireworks;
- Obstructing governmental administration.

Also, the District Attorney will not file any assault IV charges unless there is clear evidence of significant physical injury.

Coincidentally, until two years ago the above crimes were filed and prosecuted in the Milwaukie Municipal Court. It appears now that any prosecution of these crimes in the future will have to be through Municipal Court since the DA will not file in District Court.

Additionally, Ron Nelson, the Chief District Court Deputy District Attorney, told me last week that the crimes the District Attorney is able to prosecute now are not getting the attention that they once did and consequently are being more liberally negotiated. Of these, the major traffic offenses such as driving under the influence of intoxicants, reckless driving, and eluding a police officer, are crimes which the Municipal Court here in Milwaukie used to handle.

Memo to Greg Eades

April 27, 1983

Page Two

I have found through recent conversations with people throughout the county that, as a result of the above state of affairs, those municipal courts which are in full operation are happy for that fact, and those few that aren't running a fully active court are studying the possibility of resurrecting a more active municipal court system.

In the past the only argument in this area was over the economic costs and benefits of the city court. Suddenly a new concern has been added: the effectiveness of the local law enforcement agencies in their protection of the city's residents.

I believe that it will be in the city's best interests to consider the return of misdemeanor and traffic prosecution to its municipal court. Such course of action would allow the police department to effectively carry out its function, provide the city's residents with the protection they deserve and, with the aid of a carefully tailored proposal regarding costs, produce additional income for the city.

I will be happy to sit down with you, the police chief, the city manager and members of the City Council to discuss these matters and the future of the Municipal Court system here in Milwaukie.