

## REGULAR MEETING

Oregon City, Oregon, April 6, 1988

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 8:00 p.m.

Roll call showed the following present:

Mayor Kenneth M. Mitchell  
Commissioner David D. Spear  
Commissioner Thomas F. Lemons  
Commissioner Carol A. Powell  
Commissioner Wayne G. Wilson

Thomas Fender III, City Manager  
Jean K. Elliott, City Recorder  
Edward J. Sullivan, City Attorney

It was moved by Lemons, seconded by Spear, to approve the minutes of March 10, 1988, as published.

Roll call: Powell, Aye; Spear, Aye; Lemons, Aye; Wilson, Aye; Mitchell, Aye.

This was the opportunity for citizens to present items for Commission consideration on future agendas. There was no audience, nor Commission input.

At this time, plaques were presented to the Oregon City Girls Varsity Basketball Team in honor of their outstanding achievements of First in State and Second in the Nation; and, to the Oregon City Boys Varsity Basketball Team in recognition of their achievement of First in State.

The Proclamation was continued to a future agenda.

At this time, a Certificate of Service was presented to Oscar Geiszler for 15 years of service.

Manager's Report No. 88-42, Presentation of the 1987 "Employee of the Year" award, was presented. The report noted that on October 1, 1985, Administrative Policy 3-10 entitled "Employee of the Month/Year Program" was initiated in an effort to recognize outstanding achievement and performance of deserving employees. Management employees can nominate employees but are not eligible to be nominated.

Throughout the year, employees are nominated for Employee of the Month by their fellow employees and/or supervisors with final selection by an employee committee. The selected Employee of the Month is awarded eight (8) hours of duty time off in recognition of the standards of excellence they have set as an example for all employees.

At the end of the year, an "Employee of the Year" is selected by vote of all employees from those who have been employee of the month. The Employee of the Year is awarded two days of duty time off and their choice of a cash award or weekend reservations.

The voting results of Employee of the Year for 1987 have been tabulated with Gerry Palmer of the City Shops being selected.

The report concluded that Gerry was chosen because of the quality her daily interaction with the public; her interest and caring for fellow employees; her professional skills; and, her ability to deal effectively with varied situations.

Next presented was a report from the Library Board as given by Roger McClurg, Library Director, which recalled to the Commission an early effort to provide a joint City/County consolidated library which led to the sharing of library board members and other cooperative efforts. The report noted that in 1987 City and County staff began investigating a three-way consolidation with Clackamas Community College with the County declining to participate further in a consolidation effort. To summarize, the report concluded by seeking Commission direction regarding obtaining a commitment from the County regarding the issue of Library consolidation.

After discussion, the Commission by Concensus directed that the County be provided the opportunity to make a commitment by June 1, 1988 regarding their position on the matter.

At this time, Mayor Mitchell reappointed Robert Gaiser, 425 Weleber Street, to the Library Board with term expiring December 31, 1991 and appointed Janie E. Burns, 314 Cherry Avenue, to a position on the Library Board with term expiring December 31, 1991; the appointment to a vacated position on the Civil Service Commission with term expiring November 2, 1989 was continued to April 10, 1988; re-appointed Michael Lama, 325 Vine Street, to the Planning Commission with term expiring April 15, 1992; and, re-appointment of Patsy Faulkner, 1216 9th Street, Harold Nunn, 1077 Woodlawn Avenue, Jane Frey, School District Representative, and, Stan Johnson, Community College Representative, to the Traffic Safety Board with all terms expiring November 30, 1990.

Mayor Mitchell continued appointments to the Independence Sister City Committee to April 10, 1988 for re-draft of Resolution No. 88-3.

Manager's Report No. 88-51, Dangerous Building - 1601 18th Street - Public Hearing, was presented. The report noted that at its March 2, 1988 meeting, the City Commission adopted Resolution No. 88-7 which set April 6, 1988 at 8:00 p.m. as the date and time for public hearing to determine whether or not the structure located at 1601 18th Street is a dangerous building. The Commission was advised that there were a number of code violations surrounding this action including the storage of containers of oil and what appeared to be gasoline at the entrance/exit to the residence. At that time, the Commission was also advised that prior to the March 2, 1988 Commission meeting, the building had experienced a fire.

The report continued that certified copies of the Notice of Hearing of Dangerous Building Before the City Commission were mailed and personally served on March 7, 1988 upon Leonard Setera, owner of the property, and the Notice of Hearing was duly published in the Enterprise-Courier on March 24, 1988. To date, no response had been received from the owner. The Code Enforcement Officer advised that the condition of the structure remained as it was just after the fire.

The report concluded that in the event the City Commission found the building located at 1601 18th Street to be a dangerous building, Findings and Orders would be presented for Commission adoption on a future agenda.

George Foster, Assistant Fire Chief, addressed the Commission noting that the Fire Department had responded to a fire at that address and that the was now unsafe to enter with no attempt by the owner to repair or board up the structure to prevent unauthorized entry. In its present state it presents an attractive nuisance and that if there were another fire in the building, it would be unsafe for fire personnel to enter the area. There is an overabundance of combustibles in and around the area. He presented photographs for Commission viewing.

Leonard Setera, 1610 18th Street, owner of the property at issue addressed the Commission noting that he has been working to clean the premises. He noted that his rentors had abandoned the house leaving two feet of garbage in the house and left junk vehicles that he has since sold. He further noted that persons unknown had been entering the premises and removing materials. He corrected information that stated Jenina Setera was deceased when in fact she was not. He noted that he had not received notification of this hearing. Commissioner Lemons corrected that by reading the personal service as affected by John Arnold, Police Officer on March 7, 1988. Mr. Setera noted that he wanted to continue the cleaning of the property and could have it completed in two to three months.

Foster noted that with the structural damage and with the total cleanup needed, it could take one person as long as a year to do the work alone. The Commission was reminded that in a similar situation involving this same owner, the property was not cleaned up as directed by the Commission, it was instead sold with the new owner doing the abatement.

The City Attorney advised the Commission that they have two determinations to make, i.e. whether a dangerous building exists on this property and what action, if any, will be taken. He then explained a dangerous building as defined in the City Code. He recommended that the Commission enter findings based on the record before them. He noted that a general determination could be made this evening and cite the basis of that and a Final Order will then be brought back for adoption; a second issue is that if there is a determination that such a dangerous building exists, they may enter an Order requiring things to be done and set a time frame to accomplish. Then if the Order is not carried out, the Commission can make a determination of what is to be done and charge that as a lien against the property. There is also the quasi-criminal penalties of the City Code if so determined by the Commission.

Mayor Mitchell called for testimony.

Ron McMurray, 1550 S. Dales Avenue, Beavercreek, addressed the Commission noting he is in the process of purchasing property next door and is concerned regarding the condition of this property. He spoke in favor of getting it cleaned up.

Dan Fowler, 1103 Washington Street, addressed the Commission urging them to order abatement with Oregon City on a clean up thrust, this property should be included.

Tony Marnella, Marketing Brokers, 248 S.W. 12th Street, Canby, addressed the Commission and expressed the need for the property to be cleaned up. He explained that the condition of this property is causing a marketing problem for properties in the area.

With no further testimony, the hearing was declared closed.

On discussion, it was the consensus of the Commission that a dangerous building did exist; therefore, it was moved by Lemons, seconded by Powell, to find that a dangerous building does exist with Findings and Orders for abatement to be drafted and presented for Commission adoption.

Roll call: Spear, Aye; Lemons, Aye; Wilson, Aye; Powell, Aye; Mitchell, Aye.

Manager's Report No. 88-55, Appeal of Planning Commission Decision - Shrake Minor Petition - Public Hearing, was presented. The report noted that on February 23, 1988, the Planning Commission heard the request of Richard C. Shrake, for a minor partition of a 17-acre parcel on the west side of Molalla Avenue. The request was to partition the parcel into three parcels: 5 acres, 2 acres and 10 acres. The proposal also included a request for variance, to allow access to the two rear parcels via a 50-foot easement at the south property line. The usual method of access to two or more lots is through a dedicated public road.

At the February 23rd meeting, staff presented a recommendation for denial of the minor partition, but recommended that it be re-submitted as a major partition (a division of land creating three or fewer lots, but including a public road).

At the February 23rd hearing, testimony in opposition to the requested partition was submitted by two adjacent property owners, their primary concern being the orderly provision of access to other anticipated development in the area. Those property owners were not opposed to development of the Shrake property, but were opposed to access by easement.

After deliberation, the Planning Commission voted 6-0 to deny the request for minor partition with variances.

The applicant's representative has filed an appeal of that decision, and copies of the following documents were attached, constituting the record of review:

1. Public Notice of Appeal.
2. Appeal of Planning Commission Decision, submitted by GreenHill Associates, representative for Richard C. Shrake.
3. Planning Commission Minutes of February 23, 1988.
4. Correspondence received for Planning Commission meeting.
5. Pre-Hearing Report/Findings of Fact.
6. Public Notice and Notice Map sent for initial action.
7. Application for Minor Partition and Variance, submitted by GreenHill Associates, representative for Richard C. Shrake.

In reviewing this request, it was determined that the connection of Meyers Road to Molalla Avenue was planned for in the Transportation Element of the Clackamas County Comprehensive Plan. Because of topography and ownership patterns, the options of connecting Meyers Road to Molalla Avenue are limited. The City has completed water, sanitary sewer and storm drainage plans for this area, and find that the extension of Meyers Road through the Shrake property would be a logical location for the roadway and provide an excellent utility corridor for the various utilities.

The City has been asked by several adjoining property owners to consider the Meyers Road Extension as a means of opening up the area for development. The City has coordinated an informational meeting with the interested parties for Monday, April 4th to review the development needs of the area. A map illustrating the roadway extension was attached for Commission review.

John Block, Development Services Director, addressed the Commission and presented the report using a wall map for illustration of the property. A fifty foot easement as opposed to a new dedicated roadway was discussed. He concluded by noting that he did not feel there could be a finding in support of the variance requested. Questions were posed and discussion was held regarding the County Transportation Plan and the proposed extension of Meyers Road at some time in the future.

Mayor Mitchell declared the public hearing open and called for testimony.

Hal Hewitt, GreenHill Associates, Portland, representing Mr. Shrake, addressed the Commission noting the history of the property dating back to 1984 when the property was in the County and proceeded to when it was annexed to the City and a zone change three years ago with the Shrakes knowing nothing of roadway plans. He presented collector/arterial street alternatives. He noted that an easement is not the best solution but the most practical. He further noted that if the City feels a roadway needs to be dedicated, the Shrakes should receive assurance of benefit through the LID process. He noted that a purchaser is interested in the property for commercial development and the dedication of a roadway would reduce the property considerably.

Pat Lilly, 19739 S. Molalla Avenue, addressed the Commission noting that he owns the property on the south side of Shrakes and that it was zoned commercial four years ago and both properties should share road right-of-way. He noted the existence of a 15-year old easement and could see no need for another one. He expressed that a 60 foot road would be better.

James Berger, 19742 S. Meyers Road, expressed concern regarding the property needed for the roadway and felt that he had given enough of his property in the past.

On rebuttal, Mr. Hewitt, presented a clarification of the existing easement as being an easement dedicated by the Shrakes several years ago and never finalized with the receiving party not completing a purchasing agreement with no title being issued. He noted that the issue is whether or not the City Commission is wanting to grant an easement as requested by the Shrakes by way of a variance of the ordinance. He concluded noting that if the City wants a dedication then the fairest would be for the City to undertake a re-zoning procedure and as a result of that take the right of way from the commercial area.

The City Attorney quoted City Code 11-8-3 and read the five conditions that this matter must meet before the Commission can render a decision and that there was possibility that this was a major partition application because it was using a street or way to partition land.

With no further testimony, the hearing was declared closed.

It was moved by Lemons, seconded by Powell, to deny the request for minor partition with variances based upon the staff report and testimony.

On discussion, a need for public access was determined and that an easement was not acceptable for that need because other alternatives were available.

Roll call: Lemons, Aye; Wilson, Aye; Powell, Aye; Spear, Abstain; Mitchell, Aye.

Mayor Mitchell declared a break at 9:43 p.m. with the meeting reconvening at 9:55 p.m.

Manager's Report No. 88-46, Proposed Withdrawal of City-Annexed Properties from Clairmont and Park Place Water Districts - Setting Date of Public Hearing - Resolution No. 88-12, was presented. The report noted that since 1977, the City has approved 23 annexations of property with 20 of these annexations within the Clairmont Water District and three within the Park Place Water District. Because of water line availability, the City did not withdraw these properties from their respective water districts at the time of annexation.

The City has since provided water service to 14 of these annexations with the ability, at a minimum cost, to provide water service to six additional annexed areas. This would leave three areas unserviceable at this time. Two of the remaining three areas can be served by capital improvements which are planned in the City's Water Master Plan.

The report further noted that it is the policy of the City to withdraw property from water districts when City water service becomes available. At this point in time, water service is either already provided, can be provided at minimum cost, or can be provided within the current Capital Improvement Plan to 22 of the annexed areas. One annexation is not able to be served at this time; however, this area can continue to be served by the Park Place Water District.

On the April 6, 1988 agenda, there was proposed Resolution No. 88-12 which listed the annexed properties that were proposed for withdrawal from the Clairmont and Park Place Water Districts and would set the date of public hearing for Wednesday, May 4, 1988 at 8:00 p.m. Also attached was a list of the referenced annexations.

The report concluded by recommending that the City Commission adopt Resolution No. 88-12 to establish the date of public hearing.

It was moved by Powell, seconded by Wilson, to adopt Resolution No. 88-12.

Roll call: Wilson, Aye; Powell, Aye; Lemons, Aye; Mitchell, Aye.

Commissioner Spear not in attendance.

## RESOLUTION NO. 88-12

WHEREAS, various real properties have been annexed to the City of Oregon City by orders of the Portland Metropolitan Area Local Boundary Commission, and

WHEREAS, ORS 222.520 and 222.524 provide procedures for withdrawal of such territory from existing water districts,

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the following territory previously annexed to Oregon City by said Boundary Commission shall be withdrawn from the Claimont and Park Place Water Districts, Clackamas County, Oregon:

Property described in Final Orders of Portland Metropolitan Boundary Commission numbered and dated as follows:

ANNEX. F.O.#	DATE	STREET	WATER DIST.
1045	04/06/77	Beavercreek Rd	Clmont
1414	05/03/79	Warner-Parrott Rd	Clmont
1471	09/27/79	Warner Milne Rd	Clmont
1680	03/20/81	Molalla Ave	Clmont
1732	09/04/81	Molalla Ave	Clmont
1746	08/24/81	Josephine St	Clmont
1750	10/02/81	Leland Rd	Clmont
1651	10/09/81	Beavercreek Rd	Clmont
1791	02/19/82	Gaffney Ln	Clmont
1792	02/19/82	Beavercreek Rd	Clmont
1793	04/07/82	Central Point Rd	Clmont
1832	06/23/82	Beavercreek Rd	Clmont
1938	09/28/83	Beavercreek Rd	Clmont
2026	09/20/84	Meyers Rd	Clmont
2027	09/20/84	Beavercreek Rd	Clmont
2044	11/15/84	Molalla Ave	Clmont
2156	10/17/85	Falcon Dr	Clmont
2186	01/09/86	Agnes St	Pk.Pl.
2404	07/21/87	Molalla Ave	Clmont
2442	10/22/87	So. Canyon Ridge Cir	Clmont
2486	03/10/88	So. End Road	Clmont
		Pope Lane	Pk.Pl.

BE IT FURTHER RESOLVED that a public hearing on said withdrawal is hereby set for Wednesday, the 4th day of May, 1988, at the hour of 8:00 o'clock p.m., in the Commission meeting room in the City Hall, 320 Warner Milne Road, Oregon City, Oregon, at which time all interested persons may appear and testify. That the City Recorder shall cause notice of the time and place of said hearing to be published once each week for two successive weeks prior to the date of the hearing in the Enterprise-Courier, a newspaper of general circulation in Oregon City, and shall cause notice of the hearing to be posted in four public places in Oregon City for a like period.

Adopted, signed and approved this 6th day of April, 1988.

/s/Kenneth M. Mitchell  
Mayor-Commissioner

/s/Carol A. Powell  
Commissioner

/s/Wayne G. Wilson  
Commissioner

/s/  
Commissioner

/s/Thomas F. Lemons  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Manager's Report No. 88-56, Initiation of Street Vacation Proceedings - Public Road south of Hillcrest Street, West of Mt. View Cemetery - Resolution No. 88-13, was presented. The report noted that at the February 11, 1988 meeting, the City Commission considered the request of a property owner adjacent to the above-referenced street, to participate in vacation proceedings for the unbuilt, unnamed street. The City Commission consented to the vacation, and legal proceedings to vacate the street can now begin.

The report continued that attached for Commission approval was Resolution No. 88-13, which set the time and place of the public hearing on the vacation for Thursday, May 12, 1988, at 8:00 PM at City Hall. It was noted that the Planning Commission would consider the request at their April meeting, and would make a recommendation to the City Commission.

It was moved by Powell, seconded by Wilson, to adopt Resolution No. 88-13.

Commissioner Spear returned to the meeting at this point.

Roll call: Powell, Aye; Spear, Abstain; Lemons, Aye; Wilson, Aye; Mitchell, Aye.

#### RESOLUTION NO. 88-13

WHEREAS, it is the intention of the City Commission of Oregon City, Oregon, as the governing body of said incorporated City, that proceedings should be undertaken for the vacation of an unbuilt "public road" adjacent to the Mt. View Cemetery in said City hereinafter described pursuant to ORS 271.080 to and including ORS 271.230;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of Oregon City that proceedings be and hereby are initiated upon its own motion for the vacation hereinafter described. The City Recorder is hereby directed to cause notice to be given as provided by law for such vacation. Thursday, May 12, 1988, at the hour of 8:00 PM in the Commission Meeting Room at the City Hall, 320 Warner Milne Road, Oregon City, Oregon, is hereby fixed as the time and place for the hearing of any and all objections or claims concerning said vacation.

That street proposed for vacation is more particularly described as follows:

That unbuilt "public road" adjacent to Tax Lots 100 and 200, Assessor's Map 3-2E-5CA and Tax Lot 1100, Assessor's Map 3-2E-5A.

That initiation of these proceedings by the City Commission is not to be construed as an approval of the proposed vacation.

Adopted, signed and approved this 6th day of April, 1988.

/s/Kenneth M. Mitchell  
Mayor-Commissioner

/s/Thomas F. Lemons  
Commissioner

/s/Wayne G. Wilson  
Commissioner

/s/  
Commissioner

/s/Carol A. Powell  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Manager's Report No. 88-52, Country Village Estates - Waldow View Acres - Annexation Agreement, was presented. The report noted that at the March 2, 1988 Commission meeting the City Commission recommended approval of the annexation of Waldow View Acres and directed the City Recorder to file the application with the Metropolitan Area Boundary Review Commission for consideration. As a part of the annexation proposal the City, property owners and developers were to enter into an annexation agreement outlining the terms and conditions of the annexation. Attached for Commission review was a copy of the final draft of the annexation agreement.

The agreement provided for the phasing in of City Police, Fire and Development services using a tax ratio formula over a 10-year period. The formula established a percentage of the City's tax rate to be applied in each year of the 10 year period. The ratio starts at 30% in the first year and goes to 75% in the tenth year. The percentages reflect estimates of the costs for service that will be provided in each year.

The agreement also provided for the provision of utilities by the developer and a reduction in connection fees by the City. The key aspect of the agreement was the withdrawal from the Clairmont Water District. Because the effective date of withdrawal, if approved, would be June 30, 1989, the developers have requested the City submit an extraterritorial water service request with the Metropolitan Area Boundary Commission. Because of the time frame constraint, this request was presented on Friday, April 1 to the Boundary Commission. A copy of the request was attached for Commission information. The Boundary Commission hearing on the extraterritorial request is planned for May 5, 1988.

The report concluded noting that this agreement reflected many hours of negotiation among the parties involved and represented the balancing of services and costs by the property owners, developers and City. If approved by the City Commission, the agreement would need to be submitted to the Boundary Commission as further documentation on the provision of service for the annexed property. It was recommended that the City Commission approve the agreement and authorize its execution.

John Block, Development Services Director, distributed an amended Annexation Agreement to the Commission and then reviewed the document item by item with the Commission.

Commissioner Lemons noted that he would not approve a document that he had not had the opportunity to review prior to making a decision. Commissioner Powell noted concern regarding the proposed ratio of taxes that was being offered within the agreement. Block noted that this development was not like any other development within the City; he noted the prior history; and, believes the development will not proceed without the agreement. Powell asked if a clause could be inserted reflecting that if the development is not in place in 10 years time, the unpaid tax ratio be repaid to the City by the owners. To this Mark O'Donnell, Attorney, replied that that would not be acceptable.

After more discussion, it was moved by Spear, seconded by Lemons, to table this matter.

Manager's Report No. 88-47, Advance Financing of Public Improvements - Abernethy Interceptor - Setting Date of Public Hearing, was presented. The report noted that at its January 9, 1986 meeting, the City Commission enacted Ordinance No. 86-1000, an ordinance providing for advance financing of public improvements. The purpose of the ordinance was to provide a method of financial reimbursement to private developers and/or the City of Oregon City for a share of costs incurred if a development or improvement provided access to public improvements that would benefit intervening and/or future property owners.

At its November 13, 1986 meeting, the City Commission directed the City Manager to make application as prescribed in Ordinance No. 86-1000 and to waive the application fee for advance financing of public improvements for the installation of the sewer laterals on the Abernethy Interceptor.

At its January 15, 1987 meeting, the City Commission entered into an agreement with Tri-City Service District to install sanitary sewer service laterals on the Abernethy Interceptor. On July 15, 1987, the City paid \$9,043.62 for the installation of the Abernethy Interceptor laterals.

The invoice submitted by Tri-City Service District itemized the cost of the lateral for each property with a lump sum cost of inspection for all of the laterals. This was an actual cost of each advance financed public improvement.

Pursuant to Ordinance No. 86-1000, Section 4, entitled City Staff Analysis and attached as Exhibit A was the Advance Financing Cost Distribution List which contained each property owner, each piece of property, lateral cost and a proportionate share of the inspection fee. Also attached as Exhibit B was a map showing the location of each property. Since each property had an individual charge for a lateral and there are no Future Properties, no front footage was noted.

Pursuant to Ordinance No. 86-1000, Section 5, entitled Public Hearing, it was recommended that if the City Commission wishes to proceed with the advance financing of this public improvement, that the informational public hearing be scheduled for Thursday, May 12, 1988 at 8:00 p.m. The City Commission then has the sole discretion after the hearing to decide whether or not an advance financing resolution be passed.

Pursuant to Ordinance No. 86-1000, Section 6, entitled Notification, if the City Commission directs that the informational public hearing be held, the developer and the property owners listed in Exhibit B shall be notified of the hearing and the purpose no less than 10 days nor more than 30 days prior to the hearing.

and

Manager's Report No. 88-48, Advance Financing of Public Improvements - Newell Creek Trunk Sewer Schedules I and III Laterals - Setting Date of Public Hearing, was presented. The report noted that at its January 9, 1986 meeting, the City Commission enacted Ordinance No. 86-1000, an ordinance providing for advance financing of public improvements. The purpose of the ordinance was to provide a method of financial reimbursement to private developers and/or the City of Oregon City for a share of costs incurred if a development or improvement provided access to public improvements that would benefit intervening and/or future property owners.

At its November 13, 1986 meeting, the City Commission directed the City Manager to make application as prescribed in Ordinance No. 86-1000 and to waive the application fee for advance financing of public improvements for the installation of the sewer laterals on the Newell Creek Interceptor, Schedules I and III.

At its January 15, 1987 meeting, the City Commission entered into an agreement with Tri-City Service District to install sanitary sewer service laterals on the Newell Creek Interceptor. On July 15, 1987, the City paid \$60,902.37 for the installation of the Newell Creek Interceptor laterals, Schedule I and III.

The invoice submitted by Tri-City Service District itemized the cost of the lateral for each property with a lump sum cost of engineering and inspection for all of the laterals. This was an actual cost of each advance financed public improvement.

Pursuant to Ordinance No. 86-1000, Section 4, entitled City Staff Analysis, attached as Exhibit A was the Advance Financing Cost Distribution List which contained each property owner, each piece of property, lateral cost and a proportionate share of the engineering and inspection fee. Also attached as Exhibit B was a map showing the location of each property. Since each property had an individual charge for a lateral and there were no Future Properties, no front footage was noted.

Pursuant to Ordinance No. 86-1000, Section 5, entitled Public Hearing, it was recommended that if the City Commission wished to proceed with the advance financing of this public improvement, that the informational public hearing be scheduled for Thursday, May 12, 1988 at 8:00 p.m. The City Commission then has the sole discretion after the hearing to decide whether or not an advance financing resolution be passed.

Pursuant to Ordinance No. 86-1000, Section 6, entitled Notification, if the City Commission directed that the informational public hearing be held, the developer and the property owners on Exhibit B shall be notified of the hearing and the purpose no less than 10 days nor more than 30 days prior to the hearing.

Presentation of Commission Report No. 88-47 and Commission Report No. 88-48 was combined.

It was moved by Spear, seconded by Lemons, to set the date of public hearing for advance financing of public improvements for the Abernethy Interceptor and the public hearing for the Newell Creek Trunk Sewer Schedules I and III Laterals for Thursday, May 12, 1988 at 8:00 p.m. with all affected property owners to be duly notified.

Roll call: Lemons, Aye; Wilson, Aye; Powell, Aye; Spear, Aye; Mitchell, Aye.

Manager's Report No. 88-50, Proposed Housing Advisory and Appeals Board, was presented. The report noted that at its April 5, 1978 meeting, the City Commission adopted the 1976 Edition of the Uniform Housing Code of the International Conference of Building Officials.

The purpose of this Code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of residential buildings. The provisions of this Code apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation.

Chapter 2, Enforcement, Section 201.(a) - Authority, states the following:

"The Building Official is authorized and directed to administer and enforce all of the provisions of this Code."

Chapter 2, Enforcement, Section 203 - Housing Advisory and Appeals Board, states the following:

"In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, there is hereby established a Housing Advisory and Appeals Board consisting of five members who are not employees of the city. The Building Official shall be an ex officio member of and shall act as Secretary to said Board. The Board shall be appointed by the Governing Body and shall hold office at its pleasure. The Board shall adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the appellant with a copy to the Building Official. Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 of this Code. Copies of all rules or regulations adopted by the Board shall be delivered to the Building Official who shall make them freely accessible to the public."

Chapter 11, Notices and Orders of Building Official, Section 1101(b), Notice and Order, 5., states the following:

"Statements advising (1) that any person having any record title or legal interest in the building may appeal from the notice and order or any action of the Building Official to the Housing Advisory and Appeals Board, provided the appeal is made in writing as provided in this Code, and filed with the Building Official within 30 days from the date of service of such notice and order; and (2) that failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter."

Chapter 12, Appeal, Section 1204, Staying of Order Under Appeal, states the following:

"Except for vacation orders made pursuant to Section 1102, enforcement of any notice and order of the Building Official issued under this Code shall be stayed during the pendency of an appeal therefrom which is properly and timely filed."

The report continued that to staff knowledge, the City has never appointed a Housing Advisory and Appeals Board. Recently, there was a situation that could have necessitated the convening of an Appeals Board.

The City Commission has been functioning as the Appeals Board for the Uniform Building Code (UBC), but not as the Appeals Board for the Uniform Housing Code (UHC). With the number of housing complaints the City is processing, it will only be a matter of time before a decision of the Building Official will be appealed. Therefore, an Appeals Board should be appointed at this time.

At a Commission Work Session, the City Commission discussed the possibility of combining both Appeals Boards into one. This would allow the creation of the Housing Appeals Board by a consolidation with the existing Building Code Appeals Board; and, if the City Commission chose to appoint new members, they could be members with specialized housing and building construction experience thereby reducing the number of Boards the City Commission currently represents.

It was recommended that the Appeals Board consist of persons knowledgeable of the requirements of the Housing Code, building construction and maintenance, i.e. building contractor; architect/building designer; and, a building official/inspector from another jurisdiction.

If the City Commission is supportive of the above proposal, it was further recommended that the Commission direct an ordinance be prepared to create the new Housing Appeals Board as a consolidation with the existing Building Appeals Board with the Mayor authorized to appoint members. The proposed ordinance would be presented at a future meeting.

It was moved by Powell, seconded by Spear, to approve the recommendations presented in Commission Report No. 88-50 and direct that an ordinance be presented at a future meeting.

Roll call: Wilson, Aye; Powell, Aye; Spear, Aye; Lemons, Aye; Mitchell, Aye.

Manager's Report No. 88-44, Concession Privileges at Clackamette Park - Bid Award, was presented. The report noted that at its March 12, 1987 meeting, the City Commission approved a Concession Contract with Ron Pyle, DBA: Ron & Linda's Food Wagon, 5136 N.E. Prescott, Portland, for the year ending April 30, 1988.

On March 16, 1988, the City received one sealed bid for the operation of the concession at Clackamette Park. The Call for Bids stipulated the minimum to be \$500. The Specifications included a "Special Note" which stated the following: "This contract excludes the use of the park on the dates of July 8, 9 and 10, 1988." Attached was a copy of the Clackamette Park Concession Contract.

The bid in the amount of \$626 was received from Jan Mituniewicz, 9366 S.E. 32nd, Milwaukie, dba: Tropical Snow. Ms. Mituniewicz carried the Concession contract for a number of prior years and has knowledge regarding operation of the concession, the requirements for payment of electrical service, and acquiring the necessary licenses and permits.

It was moved by Lemons, seconded by Spear, that the Mayor and City Recorder are hereby authorized and directed to sign a Concession Contract with Jan Mituniewicz, dba: Tropical Snow, for the period May 1, 1988 through April 30, 1989.

Roll call: Powell, Aye; Spear, Aye; Lemons, Aye; Wilson, Aye; Mitchell, Aye.

Manager's Report No. 88-43, Tri-City Chamber of Commerce - Riverfest '88, was presented. The report noted that on July 10, 11, and 12, 1987, the Tri-City Chamber of Commerce sponsored the third annual Riverfest entitled "Riverfest '87" at Clackamette Park. The event was successful thereby generating plans for Riverfest '88 to again be held at Clackamette Park.

By letter dated October 20, 1987, the Tri-City Chamber of Commerce has requested City assistance during the conduct of Riverfest '88 scheduled for July 8, 9 and 10, 1988. City staff assisted in the preparation and set up of the Clackamette Park area last year and it is planned to offer the same assistance again this year.

City Commission approval is needed for the following items:

1. Use of the Fire Department Training Area for the Chamber's beverage tent. For the past three years the beverage tent was located on this site with no adverse reactions to the activity in this area.
2. Closure of the public boat ramp for the duration of Riverfest '88. This too has been accomplished with no problems. The Chamber accepts the responsibility for posting the closure of the ramp in advance and identification of the nearest boat launching facilities needs to be included in the posting.
3. Waiver of the City Business License fee. The City, for the past three years, has waived this fee.

The report concluded that this matter was being presented to the City Commission for direction to staff regarding these requests.

It was moved by Powell, seconded by Spear, to approve the request as presented with the Chamber to provide the necessary insurance.

Roll call: Spear, Aye; Lemons, Aye; Wilson, Aye; Powell, Aye; Mitchell, Aye.

Manager's Report No. 88-49, Liquor License Application - The Dug Inn, 505 Main Street - Change of Ownership, was presented. The report noted that at a special meeting of the City Commission held March 28, 1983, Commission Policy 1-7, entitled "Approval of Liquor License Renewals" was adopted. Commission Policy 1-7 states as follows: "The Mayor is authorized to approve all liquor license renewals if these renewals are approved and recommended by the Fire and Police Departments. The approval by the Mayor can be made without City Commission authorization. However, all new liquor licenses shall be submitted to the City Commission for consideration."

On the April 6, 1988 agenda, there was an application for an OLCC liquor license for a change of ownership from Dick or Sheila Wiitanen for The Dug Inn (formerly The Brass Rail) 505 Main Street, to Stillman H. and M. Diane Cotterell, 30710 S. Marion Road, Molalla. Police Department investigation reveals no adverse information that would warrant denial of the application.

Based on the above information, it was recommended that the liquor license application be approved.

It was moved by Spear, seconded by Lemons, to approve the liquor license application as submitted.

Roll call: Lemons, Aye; Wilson, Aye; Powell, Aye; Spear, Aye; Mitchell, Abstain.

Manager's Report No. 88-45, Liquor License Application - La Hacienda Mexican Restaurant, #76 Oregon City Shopping Center - New Outlet, was presented. The report noted that at a special meeting of the City Commission held March 28, 1983, Commission Policy 1-7, entitled "Approval of Liquor License Renewals" was adopted. Commission Policy 1-7 states as follows: "The Mayor is authorized to approve all liquor license renewals if these renewals are approved and recommended by the Fire and Police Departments. The approval by the Mayor can be made without City Commission authorization. However, all new liquor licenses shall be submitted to the City Commission for consideration."

On the April 6, 1988 agenda, there was an application for an OLCC liquor license for a new outlet (restaurant), La Hacienda Mexican Restaurant (formerly Merulli's Italian Restaurant), #76 Oregon City Shopping Center, as submitted by Dos Rios Pacific, Inc. which lists William Lee Ast, as Secretary-Treasurer/Chair of the Board and Catherine Helen Ast, as President, 17422 S.W. Blue Heron Road, Lake Oswego. Police Department investigations reveal no adverse information relating to the corporation or corporate officers.

Based on the above information, it was recommended that the liquor license application be approved.

It was moved by Spear, seconded by Wilson, to approve the liquor license application as submitted.

Roll call: Wilson, Aye; Powell, Aye; Spear, Aye; Lemons, Aye; Mitchell, Aye.

Manager's Report No. 88-54, Purchase of Two Riding Mowers and Transport Trailers for the Public Works Department - Bid Award - Continued from March 10, 1988, was presented. The report noted that at its March 10, 1988 meeting the City Commission received Commission Report No. 88-40 which recommended the purchase of two riding mowers from Turf Equipment Northwest and noted that three of the bids received failed to meet the specifications established for the equipment.

At that meeting, a representative of PacWest Distributing, addressed the Commission and expressed concern regarding his product not meeting the specifications. The Commission continued this matter to the April 6, 1988 meeting and requested an outline of the specifications that the products did not meet.

Therefore, on the April 6, 1988 agenda, there was the continued matter of the bid award for the purchase of two riding rotary mowers and transport trailers. Attached was a copy of the Evaluation of Mower Specifications as submitted by the Street Superintendent.

Two choices are available:

1. The specifications as written and evaluated are material and binding making only one qualified bidder, and the purchase should be made from Turf Equipment.
2. The specifications are overly restricted and should be adjusted making one or more additional bidders qualified and from those then qualified, the low bidder accepted. It would be simplest to decline all bidders qualified, however, this leaves no quality criterion available. There are 8 to 11 points not meeting specifications for all except the Ransomes Bobcat.

This matter is again being presented for awarding of the bid to purchase the mowers and transport trailers, with a recommendation to purchase from Turf Equipment Northwest at a bid of \$19,080.

Bob Smith, Street Superintendent, addressed the Commission presenting the evaluation of the equipment bid and concluded by recommending the purchase as listed in the Commission Report.

Bill Chaplin, representing PacWest Distributing addressed the Commission and provided a lengthy presentation of information regarding the equipment that he represented.

It was moved by Wilson, seconded by Powell, to award the bid to Turf Equipment Northwest at a bid price of \$19,080.

Roll call: Powell, Aye; Spear, Aye; Lemons, Nay; Wilson, Aye; Mitchell, Aye.

Manager's Report No. 88-53, Oregon Trail Interpretive Center, was presented. The report noted that at the March 2, 1988 meeting, the Commission requested a status report on the Oregon Trail Interpretive Center, which is currently housed in the daylight basement of the Senior Center.

The Oregon Trail Interpretive Center was a project initiated in 1982-83 by the Oregon City Economic Development Committee, an informal group that met on a sporadic basis for special projects (Take Pride in Oregon City, Trail Center, etc.). The Committee undertook this project following issuance of the National Park Service's Management Plan for National Historic Trails, which designated Oregon City as the End of the Oregon Trail. That Management Plan also recommended that Interpretive Centers be located at both ends of the Trail (Independence, Missouri, and Oregon City, Oregon), but no federal dollars were allocated for such projects.

In 1982, the City Commission approved use of the daylight basement at the Senior Center as the "End of the Oregon Trail Interpretive Center". The Center was formally opened and dedicated by then-Governor Vic Atiyeh in July of 1983. Since that time, the Center has informally evolved from a quasi-City function to a fairly independent operation with a Board of Directors, a Curator and a revolving staff of volunteers.

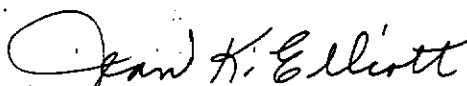
A request has been received from the Board of Directors of the Interpretive Center, asking that the Center be allowed to remain at their current location for a period not to exceed 12 months from the expiration of their current occupancy (if approved, occupancy would be granted until July 31, 1989).

The report concluded that a presentation will be made to the Commission at the April 6th meeting by a representative from the Interpretive Center. A copy of the request submitted by the Board of Directors is submitted for Commission review.

Claire Met, Curator of the Center, addressed the Commission. At the conclusion of her address wherein she acknowledged the volunteers and noted the progress of the Center, it was moved by Lemons, seconded by Wilson, to extend the Interpretive Center's location in the basement of the Senior Center for 12 months with no additional conditions.

Roll call: Spear, Aye; Lemons, Aye; Wilson, Aye; Powell, Nay; Mitchell, Nay.

There being no further business, the meeting adjourned at 11:30 p.m. with the Commission convening an executive session per ORS 192.660 (1)(d) Litigation and per ORS 192.660 (1)(h) Legal Counsel.



JEAN K. ELLIOTT, City Recorder

## REGULAR MEETING

Oregon City, Oregon, April 14, 1988

A regular meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 8:00 p.m.

Roll call showed the following present:

Mayor Kenneth M. Mitchell  
Commissioner David D. Spear  
Commissioner Thomas F. Lemons  
Commissioner Carol A. Powell  
Commissioner Wayne G. Wilson

Thomas Fender III, City Manager  
Jean K. Elliott, City Recorder  
Edward J. Sullivan, City Attorney

It was moved by Spear, seconded by Powell, to approve the minutes of April 6, 1988, as published.

Roll call: Wilson, Aye; Powell, Aye; Spear, Aye; Lemons, Aye; Mitchell, Aye.

This was the opportunity for citizens to present items for Commission consideration on future agendas. There was no audience input. Commissioner Powell requested a follow up regarding the condition of the property across from Tri-City Service District Sewer Plant.

At this time, Mayor Mitchell presented a Certificate of Appreciation to Ronald D. Thom, Mayor/Commissioner, 1980 - 1987.