

REGULAR MEETING

Oregon City, Oregon, June 9, 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
 Irmgard Marggi, Clerk of Commission
 Edward J. Sullivan, City Attorney

It was moved by Powell, seconded by Spear, to approve the minutes of May 23, and June 1, 1988, as published.

Roll call: Powell, Aye; Spear, Aye; Wilson, Aye; Mitchell, Aye.
 Commissioner Lemons not in attendance as yet.

This was the opportunity for citizens to present items for Commission consideration on future agendas.

Bill Jackson, Public Works Supervisor, presented Lawrence Magrue, Regional Engineer from Ductile Iron Pipe Research who presented a Certificate of Membership to the City for the Cast Iron Pipe Century Club. He noted that some of the pipe serving Oregon City has been in service for at least 100 years with The Dalles being the only other city to receive this award with Portland eligible shortly. He noted that the pipe was made in Lake Oswego with Oregon City having had only three Water Superintendents during this 100 year period.

Commissioner Lemons joined the meeting at this point.

Alayne Woolsey requested Commission permission to prepare a horse-drawn covered wagon as an entry representing the Independence Sister City Committee for the Oregon Trail Pageant Parade scheduled for July 9 in Oregon City. The Commission agreed to this being an Oregon City entry.

Alayne Woolsey reported on a work session with Clackamas County that was held this morning at Chris' Coffee Shop for the purpose of creating a mutual priority and direction for Oregon City, Clackamas County and the Oregon City Parking Advisory Commission in order to achieve their compatible goals. Presented for Commission approval was the following Conceptual Agreement which Mayor Mitchell read: "The City of Oregon City, the Clackamas County Chief Executive Officer, and the Oregon City Parking Advisory Commission agree to the following concept:

1. That these parties recognize the need to address the serious and longstanding parking and transportation problems in Downtown Oregon City, and to do so in a timely, appropriate and cooperative manner for the benefit of both governmental and private employees, the proposed tourism industry, jurors and volunteer workers, and the handicapped, and to develop solutions which complement and enhance historic Oregon City.

II. That City and County staff people, and the Parking Commission, will work together in achieving the Tri-Met Park and Ride (to be located behind the Oregon City Shopping Center); to obtain as quickly as possible an effective and inexpensive shuttle bus to accommodate Downtown workers; to review the Moss Street location of the proposed Tri-Met bus station and its effect on the areas overall needs; to cooperate in replacing as soon as possible the trolley car and track system on Main Street; and to facilitate satellite parking lots in Downtown Oregon City.

The City hereby requests County participation in accomplishing these goals and appoints a representative to the Parking Commission.

The County hereby agrees to support and endorse these efforts on behalf of its employees, and Oregon City's policy of conservation and enhancement of its historical resources."

After considerable discussion, it was moved by Spear to agree and cooperate with the County in solving this matter. Motion died for lack of second.. John Block, Development Services Director, noted that there should be a more formal understanding wherein there would be a joint endorsement of Park and Ride with all entities cooperating to the fullest extent with the Downtown Parking Association and working with the County on future parking needs. It was moved by Spear, seconded by Powell, to accept, as stated, the cooperative efforts for County and City to resolve the parking problems and have staff follow up with a formal agreement. The City Manager suggested incorporating this matter into the Transportation Plan. The motion and second were then withdrawn. Peter Busch, Parking Control Officer, noted the County desires an invitation from the City. It was then moved by Lemons, seconded by Powell, to approve the Conceptual Agreement.

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

At this time, Mayor Mitchell continued the appointment to the Urban Renewal Agency to the July 6, 1988 meeting.

Commissioner Powell inquired about the status of the Setera property and was advised there had been no progress in the abatement.

Commissioner Spear noted a complaint from a resident who lives near 14th Street that there is a lack of signing regarding the McLoughlin House and the Barclay House. He requests staff to review and report by Memorandum.

Commissioner Lemons requested that minutes of the Law Enforcement Blue Ribbon Committee be provided to each Commission member.

Manager's Report No. 88-112, Proposed Ordinance No. 88-1007, An Ordinance Imposing a Tax on Certain Solid Waste Received for Processing Within the City of Oregon City - Second Reading, continued from June 1, 1988 meeting, was presented. The report noted that at its June 1, 1988 meeting, the City Commission approved first reading of proposed Ordinance No. 88-1007 with a three "aye", two "nay" vote.

The Oregon City Charter of 1982, Chapter VIII, Ordinances, Section 34, Mode of Enactment, (b) states the following:

"(b) ...an ordinance may be enacted at a single meeting of the commission by unanimous vote of all commission members present, upon being read first in full and then by title."

Since the vote on the motion to approve first reading carried a three "aye" and two "nay" vote, it was necessary to continue second reading to the next Commission meeting. Therefore, on the June 9, 1988 agenda, proposed Ordinance No. 88-1007 was being presented for second reading and final enactment. Upon final enactment, Ordinance No. 88-1007 will become effective July 9, 1988 or;

Further, since that action certain negotiation between Metro and the City has resulted in a substitute action whereby the attached agreement may be adopted by the Commission in lieu of a second reading of this ordinance.

Commissioner Powell read the following letter to the Commission:

"June 9, 1988

Mr. Jim Curtis
HOPP Association
Post Office Box 615
Oregon City, Oregon 97045

Dear Mr. Curtis:

Oregon City is both aware of and sympathetic to the concerns of the residents of the HOPP community. We particularly want to be responsible regarding the Clackamas Transfer and Recycling Center (CTRC).

The proposed agreement between Oregon City and Metro pertaining to the operation of the CTRC contains a provision for the payment of an enhancement fee. Also contained in that agreement is an understanding that Oregon City will appoint a Citizen's Advisory Committee, whose task will be to recommend plans, programs and projects that will rehabilitate and enhance the area around the CTRC.

While the proposed agreement does identify that certain areas will be represented through membership, the City does have the authority to structure that Committee and the City proposes the following:

The Committee is proposed by the City to be seven (7) members with the membership as follows:

- Two (2) members from the HOPP community
- One (1) member of the Oregon City Planning Commission
- One (1) member of the City Commission
- One (1) Metro Councilor representing this district
- Two (2) Clackamas County residents, neither of whom shall reside within the City or the geographic area described as the HOPP community.

It is understood that the appointments to this Committee, with the exception of the Metro member, are the prerogative of the Oregon City Commission, however this Commission is agreeable to the HOPP Association nominating their own candidates. The City Commission asks that the HOPP Association forward no less than four (4) applications for consideration.

/s/Kenneth M. Mitchell

Mayor-Commissioner

Commissioner

/s/David D. Spear

Commissioner

Commissioner

Commissioner".

Upon conclusion of the reading of the above letter, Mayor Mitchell read the following letter:

"June 7, 1988

Hon. Rena Cusma, Executive
Metropolitan Service District
2000 SW First
Portland, OR 97201

Re: Metro-Oregon City Intergovernmental Agreement for CTCRC

Dear Ms. Cusma:

The City of Oregon City transmits herewith its signed agreement regarding the above-referenced matter.

This is an historic occasion for the region. Not only has the agreement ended an extended period of disharmony and litigation, but it has the potential for establishing a model of cooperation between local and regional levels of government. You and the Council members who worked so hard to forge this agreement should be commended by the people you serve.

Our Commission has one additional matter for Metro's consideration. We have not requested it be made a part of the agreement, but we think it is relevant to your separate, rate-setting functions for the CTCRC.

We understand through the trial testimony of Mr. Owings that Metro has established a fee of \$3.00 per ton of waste or solid waste delivered to CTCRC as a disincentive for the use of the CTCRC and, therefore as a means of compliance with the tonnage limitations imposed by the City's Conditional Use Permit. There now appears to be less need for the disincentive, in view of the agreement and Metro's work at establishing the CTCRC and the progress toward resolution of the Washington County transfer station issues.

The Commission therefore requests that the Metro Council avoid, if at all possible, raising the rates at CTRC, especially for its Clackamas County customers, as a result of the fee imposed under the enclosed agreement. We realize that rate-setting is both within your authority and competence. We do not know how much of the present \$3.00 disincentive fee is utilized in transportation of waste or solid waste to disposal points. However, if that fee is not currently fully utilized, we request that no extra charges be passed along to commercial haulers and other users of CTRC.

Again, we thank you for your work in resolving our differences and look forward to a cooperative and healthy relationship in the future.

Sincerely,

Mayor

Commissioner

Commissioner

Commissioner

Commissioner".

It was determined that there must first be a determination on the agreement; then, take action on the ordinance; and, the need for Commission approval to take all action necessary to seek remand.

It was moved by Lemons, seconded by Spear, to enter into the agreement as set before them.

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

Mayor Mitchell requested all Commission members sign the letter to Mr. Curtis.

It was moved by Spear, seconded by Wilson, to table proposed Ordinance No. 88-1007.

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

It was moved by Spear, seconded by Wilson, to seek voluntary remand of the Conditional Use application.

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

It was moved by Lemons, seconded by Spear, to set a public hearing authorizing the Conditional Use Permit.

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

It was moved by Spear, seconded by Wilson, to authorize the City Manager to do all acts necessary to implement the terms of the agreement between the City and Metro.

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

AGREEMENT

THIS AGREEMENT is entered into by and between the CITY OF OREGON CITY, OREGON, ("OREGON CITY"), and the METROPOLITAN SERVICE DISTRICT ("METRO"). The parties agree as follows:

A. METRO agrees to:

1. Subject to the limitations expressed elsewhere in this Agreement, pay to OREGON CITY an amount equal to 50 cents per ton for all solid waste received at the facility known as the Clackamas Transfer & Recycling Center (hereinafter "the FACILITY") except for source separated recyclable materials. This amount shall be referred to as the "total amount." Payments to OREGON CITY shall be made according to the following provisions and shall be made on a quarterly basis.

(a) As part of the total amount paid to OREGON CITY by METRO, an amount equal to the current millage rate assessed by OREGON CITY against all property located within the boundaries of OREGON CITY times the true cash value of the FACILITY, shall be paid by METRO directly to the OREGON CITY General Fund and be subject to expenditure at the discretion of the Oregon City Commission for general governmental purposes. Such amount shall be credited against the total amount payable by METRO. The true cash value of the FACILITY shall be determined by mutual agreement of the parties. If the parties fail to agree on what the true cash value is the question of true cash value shall be determined by binding arbitration pursuant to the rules of the American Arbitration Association. For the purpose of this section "FACILITY" shall include the entire real property and all improvements thereon.

(b) The balance of the total amount payable to METRO shall be deposited in a separate, dedicated fund for the purpose of rehabilitation and enhancement of the area around the transfer station within the city limits of Oregon City as determined by OREGON CITY pursuant to the terms of this Agreement.

2. Deliver to OREGON CITY monthly reports of activity at the FACILITY including data on the gross weight of solid waste received in vehicles that are weighed as they enter the FACILITY, the number of other vehicles assessed fees on an estimated volume basis, and the tonnage of solid waste transferred from the FACILITY.

3. Not exceed the volume limitation provided for in section B(5) hereof and to take every measure feasible to reduce tonnage at the FACILITY to 700 tons per day on a monthly average by January 1, 1991.

4. Request that the Court of Appeals dismiss METRO's appeal of the decision of the Circuit Court for Clackamas County in Case No. 87-5-295.

B. OREGON CITY will:

1. Appoint a citizens' advisory committee to recommend to the City Commission plans, programs and projects for the rehabilitation and enhancement of the area around the FACILITY. The committee shall include as members a member of the HOPP community, a member of the Oregon City Planning Commission, a member of the Oregon City Commission, and the Metro Council member representing the district which includes Oregon City.
2. The City Commission after receiving a recommendation from the citizens' committee shall determine the boundary of the area eligible for rehabilitation and enhancement.
3. Create a special fund and ensure that only plans, projects and programs determined by the City Commission to be suitable for the rehabilitation and enhancement are authorized for funding from such special fund.
4. Report annually to METRO on the expenditures of the special fund and fund balance no later than September 1 of each year.
5. Acting in its role as a quasi-judicial body, consider and process METRO's request consistent with applicable provisions of the Oregon City zoning ordinance the following request by METRO:

METRO requests that the current tonnage limitation at the FACILITY be increased effective July 1, 1988, to a monthly average of 1,200 tons per day for the months of July, August, September, October, May and June of each year, and 1,000 tons per day for the months of November, December, January, February, March and April. METRO further requests that upon the commencement date of this Agreement the tonnage limitations for each month shall be cumulative so that any amounts by which METRO does not meet or exceed the monthly tonnage allowance in any given month may be carried over and credited to the tonnage limitation in any future month at METRO's discretion during the term of this Agreement. METRO further requests that it not be in violation of the tonnage limitation if the total tonnage by which METRO may have exceeded the allowed tonnage during any one month (taking into account METRO's allowance for previous underutilized monthly tonnage as described above) does not exceed one-half the total monthly tonnage allowed for the month in which the excess has occurred; provided, however, that such excess tonnage shall not cumulatively exceed 18,600 tons over the life of this Agreement.

OREGON CITY may review the conditions contained in the Conditional Use Permit other than the tonnage limitations on an annual basis.

6. Remove from current consideration the proposed ordinance imposing a 50 cent per ton tax on commercial haulers of solid waste using the FACILITY. Further OREGON CITY agrees if during the term of this Agreement it adopts such a proposed tax or similar tax or charge that imposes a fee on haulers of commercial solid waste or other users of the FACILITY except as may be imposed by any tax duly adopted by OREGON CITY of general applicability to all persons doing business in Oregon City, then METRO shall have no further obligation to pay the sums provided for in paragraphs A 1. and 2. above and the tonnage limitations provided for in B 5. shall continued.

C. The parties shall jointly request remand of METRO's application to OREGON CITY for use of the FACILITY with unlimited tonnage which was disallowed by OREGON CITY by final order entered October 7, 1987, and appealed to LUBA by METRO and further appealed to the Court of Appeals by METRO (LUBA Case No. 87-093) (Court of Appeals Case No. 847965) to the City Commission and vacation of the LUBA order.

D. Term. The term of this Agreement is for the thirty (30) months commencing on July 1, 1988, except that the provision for payment of the 50 cent per ton fee to OREGON CITY shall not take effect until such time as OREGON CITY shall enter its final order revising the tonnage levels to the limits provided for in section B.5. above and further provided that in the event that the tonnage limitations and 50 cent per ton fee shall not take effect until after July 1, 1988, then this Agreement shall continue for the thirty (30) month period commencing on the date that the tonnage limitation requested by METRO is adopted by OREGON CITY. Payments to Oregon City, however, shall be made on all tonnage received at the FACILITY after May 31, 1988, on a retroactive basis.

E. Notice. Any notice required pursuant to this Agreement shall be delivered as follows:

If to OREGON CITY: Thomas Fender III
City Manager
City Hall
320 Warner Milne Road
Oregon City OR 97045

Copy to: Edward Sullivan
City Attorney
% Mitchell, Lang & Smith
2000 One Main Place
101 S.W. Main Street
Portland OR 97204

If to METRO: Rena Cusma, Executive Officer
Metropolitan Service District
2000 S.W. First Avenue
Portland OR 97201-5398

Copy to: Daniel B. Cooper
General Counsel
Metropolitan Service District
2000 S.W. First Avenue
Portland OR 97201-5398

Or as to such individuals as the parties may designate in writing in the future.

G. This Agreement sets forth the entire obligation of the parties to each other in connection with the FACILITY herein described except for further conditions not inconsistent with this Agreement have previously been provided for in the Conditional Use approval entered by OREGON CITY in 1981 as has been amended from time to time.

H. This Agreement is subject to specific enforcement by the courts at the request of either party.

I. Remedies.

1. A default of this Agreement by METRO shall result in reinstatement of the 700 ton per day limitation on operation of the FACILITY contained in the Conditional Use Permit conditions in effect on June 1, 1988. In addition, METRO shall continue to be liable for the payment of the fees provided for in section A 1. and A-2. above.

2. Default by OREGON CITY for failure to comply with its obligations in section B above (excepting those quasi-judicial actions which METRO is requesting of OREGON CITY), shall be grounds for METRO to seek specific enforcement of the terms of this Agreement allowing utilization of the FACILITY subject to the tonnage limitation provided herein and further shall be grounds for METRO withholding any further payments due to OREGON CITY pursuant to the terms of paragraph A above and OREGON CITY shall not be entitled to any payment from METRO for tonnage received during the period which the default exists. If at any time during the term of this Agreement, OREGON CITY, acting in a quasi-judicial or legislative capacity, changes any of the terms of the request by METRO contained in section B 5. above, then for the duration of any such change METRO shall not be obligated to make any payments under section A 1. of this Agreement.

3. Each party agrees to give thirty (30) days written notice to the other in the event that it determines a default exists specifying the nature of the default and giving the other party the opportunity during said 30-day period to cure the default before taking any further action.

J. This Agreement shall become effective upon execution by the parties after prior approval of the terms of this Agreement by Metro Council and Oregon City Commission.

DATED this day of , 1988.

CITY OF OREGON CITY

METROPOLITAN SERVICE DISTRICT

By: _____
Kenneth Mitchell

By: _____
Rena Cusma

Title: Mayor

Title: Executive Officer

APPROVED AS TO FORM:

APPROVED AS TO FORM:

Oregon City City Attorney

General Counsel

With regard to the letter addressed to Mr. Curtis, Lemons was adamantly against excluding Oregon City residents from the Committee noting that he wanted a situation of parity. Powell explained this is only an advisory committee; there were problems with HOPP and there will be public meetings wherein friends can be made. There was considerable discussion regarding the formation of the advisory committee. It was explained that there are problems with HOPP, the meetings will all be public wherein friends can be made. The Agreement was fine with the Mayor. Spear noted the power of the Commission. Lemons again stated he only desired one Oregon City resident to be on this committee. It was decided that three members from HOPP, one Commission

member, one Planning Commission member, one citizen-at-large and DeJardin comprise the advisory committee. Powell requested the City Manager draft another letter to Mr. Curtis.

It was moved by Wilson, seconded by Powell, to appoint an Advisory Committee to include: Three (3) members from HOPP; One (1) City Commissioner; One (1) Planning Commissioner; One (1) Oregon City resident-at-large; and, Mr. DeJardin.

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

Mayor Mitchell read a proclamation proclaiming June 25, 1988 at "Library Appreciation Day in Oregon City".

Manager's Report No. 88-113, Liquor License Application - La Hacienda Mexican Restaurant, #76 Oregon City Shopping Center - Greater Privilege, 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 June 9, 1988 agenda, there was an application for an OLCC liquor license for a change to Greater Privilege (Dispenser Class C) for the La Hacienda Mexican Restaurant, #76 Oregon City Shopping Center, as submitted by Dos Rios Pacific, Inc. Police Department investigation revealed 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 Lemons, seconded by Spear, to approve the liquor license application as submitted.

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

Manager's Report No. 88-106, Petition for Annexation of Property on Abernethy Road - Resolution No. 88-36, was presented. The report noted that a petition for annexation had been submitted by Park Place Development, Inc., for 6.09 acres on the north side of Abernethy Road, across from the Clackamas County office complex.

A staff report detailing facts and findings about the site was attached for Commission review. Also attached was a vicinity map and application materials submitted by the applicant.

Upon Commission approval of the annexation, proposed Resolution No. 88-36 was being presented for Commission adoption. Resolution No. 88-36 would forward the annexation to the Portland Metropolitan Area Local Government Boundary Commission for final action.

Following annexation, the Planning Commission and Clackamas County will process a comprehensive plan and zone change for the property (from County zoning to City zoning) which follows procedures contained within the final draft of the proposed Annexation ordinance as approved at the April 14, 1988 Commission meeting.

Don Vedder, 126 Cherry Avenue, addressed the Commission noting that the closed landfill is not adjacent to the property, there is no specific use of the property at the present time but the need for water and sewer to satisfy prospective customers is present. He noted that this is the oldest part of the landfill. Lemons expressed not wanting to create island in annexations and requested that this matter be returned to the Commission if this annexation does create an island.

It was moved by Lemons, seconded by Spear, to adopt Resolution No. 88-36.

On discussion it was emphasized that there should be no smoke-producing types of industry proposed for this region.

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

RESOLUTION NO. 88-36

A RESOLUTION INITIATING ANNEXATION OF TERRITORY TO THE CITY OF OREGON CITY.

This matter is before the City Commission of the City of Oregon City, hereinafter referred to as the Commission; and

It appearing that:

1. The Commission is authorized by ORS 199.490 (2) (B) to initiate an annexation upon receiving consent in writing from a majority of the electors registered in the territory proposed to be annexed and written consent from owners of more than half the land in the territory proposed to be annexed.
2. The Commission has received the necessary "consents" in sufficient numbers to meet so-called "double-majority" annexation requirements listed above and has set the boundary of the territory proposed for annexation as authorized by ORS 199.490 (2) (B).
3. The territory proposed to be annexed is presently within the Clackamas County Fire District No. 54, and would, by operation of ORS 199.510 (1), be automatically withdrawn from that district immediately upon consummation of the annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OREGON CITY, AS FOLLOWS:

1. That the Commission by this Resolution approves the proposed annexation with the boundaries described in Exhibit "A" and depicted in Exhibit "B" attached hereto;
2. That the City Recorder is hereby directed to file certified copies of the statements of consent and this Resolution with the Portland Metropolitan Area Local Government Boundary Commission at once.

The foregoing Resolution adopted this 9th day of June, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/David D. Spear
Commissioner

/s/Thomas F. Lemons
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Manager's Report No. 88-110, Supplemental Budget for Fiscal Year 1987-88 - Public Hearing - Resolution No. 88-40, was presented. The report noted that at its May 2, 1988 meeting, the Budget Committee approved a Supplemental Budget for fiscal year 1987-88 and referred it to the City Commission for approval and public hearing.

Subsequently, at its May 12, 1988 meeting, the City Commission accepted the supplemental budget for fiscal year 1987-88 and set the date of public hearing for June 9, 1988 at 8:00 p.m. First and Second Notices of Public Hearing were published on Thursday, May 19 and Tuesday, May 31, 1988, respectively.

Listed below was an explanation of the expenditures and revenues which appeared in the proposed Supplemental Budget:

GENERAL FUND

Resource: Additional revenue from the State Gas Tax.

Requirement:

Traffic signal work as necessitated by a transfer from the State of signals on 7th Street and Molalla Avenue and their subsequent failure. The principal symptom is erratic or non-response to the "lane loops" leaving the signal inoperative or on straight mechanical timing. Further, this issue is exacerbated by the departure of the former Communications Supervisor. His expertise in repairing the signals was required by the complexity and diversity of the units belonging to the City.

Standardization and technology for simply replacing the boards as separate units, will allow for training Street personnel without extensive electrical training to service the units. The old system is more subject to failure and more complex to diagnose and repair.

The Transportation Plan for Oregon City has already been accepted, if funded other than from Contingency.

The remaining funds will extend the street overlay program. The need has always exceeded resources as this is preventive maintenance which extends the life of streets if timely performed.

9-1-1 RESERVE FUND:

Addition of \$29,535 to Beginning Fund Balance to be used for Materials and Services for C-COMM transfer and expense.

The report concluded that on the June 9, 1988 agenda, there was proposed Resolution No. 88-40 for Commission review. If there was no opposition to the Supplemental Budget, it was recommended that Resolution No. 88-40 be adopted.

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

With no testimony offered, the hearing was closed. It was moved by Lemons, seconded by Wilson, to adopt Resolution No. 88-40.

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

RESOLUTION NO. 88-40

WHEREAS, Oregon City has or will receive during the 1987-88 budget year the following sums:

(R-1) GENERAL FUND:
State Gas Tax \$ 40,000

(R-2) 9-1-1 RESERVE FUND:
Addition to Beginning Fund Balance \$ 29,535

and

WHEREAS, pursuant to ORS 294.480 Oregon City has prepared a Supplemental Budget of expenditures as follows:

(E-1) GENERAL FUND:
Street Department
Traffic Signals \$20,000
Transportation Plan 15,000
Street Overlays 5,000
\$ 40,000

(E-2) 9-1-1 RESERVE FUND:
Materials/Services - Communications \$ 29,535

and has given due notice thereof in accordance with said section and a public hearing held this date, and no objections being filed and following such hearing,

NOW THEREFORE BE IT RESOLVED that the City Commission of Oregon City does hereby make additional appropriations as described in (E-1), and (E-2), and hereby makes additional expenditures as authorized by such appropriations.

Adopted, signed and approved this 9th day of June, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/David D. Spear
Commissioner

/s/Thomas F. Lemons
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Manager's Report No. 88-107, Proposed Ordinance No. 88-1009, An Ordinance Amending Title XI: Chapter 2, Section 3, of the 1963 City Code, Zoning: Official Zoning Map, of Oregon City, by Changing Certain Districts, was presented. The report noted that at its April 14, 1988 meeting, the City Commission approved the request of George Eby for a Comprehensive Plan Amendment and Zone Change for a .92 acre parcel east of Molalla Avenue and north of Harris Lane (adjacent to the "Bargain Barn"), from "RD-4" Two-Family Residential to "C" General Commercial.

The report continued that on the June 9, 1988 agenda, there was proposed Ordinance No. 88-1009 which would formally approve the action taken by the Commission.

Based upon the Commission's prior approval of the annexation, it was recommended that first reading of proposed Ordinance No. 88-1009 be approved; second reading be called and approved for final enactment to become effective July 9, 1988.

Based upon a prior declaration of conflict of interest, Mayor Mitchell exited the meeting with Commission President Spear presiding.

It was moved by Lemons, seconded by Powell, to approve first reading of proposed Ordinance No. 88-1009.

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

Second reading was continued to the July 6, 1988 meeting.

Mayor Mitchell rejoined the meeting.

Manager's Report No. 88-116, Parking Restrictions - Mt. Pleasant Elementary School Crosswalk - Resolution No. 88-37, was presented. The report noted that on the June 9, 1988 agenda, there was proposed Resolution No. 88-37 which was proposed in an effort to improve the safety of the Mt. Pleasant Elementary School crosswalks.

The report provided the following background. On Linn Avenue adjacent to Mt. Pleasant Elementary School, there exists two crosswalks with "no parking" zones along the east and west sides of Linn Avenue. The configuration of these two crosswalks and "no parking" areas has led to some confusion to motorists and a safety hazard due to limited sight distance for the north crosswalk.

At the May 18, 1988 meeting of the Traffic Safety Board, the Board recommended the following to improve the safety of the Mt. Pleasant School crosswalks:

1. Replace two crosswalks with one adjacent and north of the existing north crosswalk. This will remove the crosswalk from the driveway on the east side of Linn Avenue and locate it in a position that can be observed by school staff.
2. Restrict additional parking ("NO PARKING OR STOPPING") on the west side of Linn Avenue for 57 feet between the new crosswalk location and an existing 36 inch oak tree located approximately 60 feet north of the relocated crosswalk. This will provide visibility for approaching traffic from the north, and considerably improve safety.

3. Change existing restricted parking from "NO PARKING 8:00 AM TO 4:00 PM SCHOOL DAYS" to "NO PARKING AND STOPPING" on the west side of Linn Avenue for 50 feet south of the relocated crosswalk. This will provide additional visibility for approaching traffic from the south.
4. Install necessary signs, markers and painted areas to inform motorists of the parking restrictions.

In conclusion, the report noted that the background information indicated that additional parking restriction was required for safety.

Based upon the information provided, it was recommended that the City Commission adopt Resolution No. 88-37 which directs the implementation of an additional parking restriction on Linn Avenue.

It was moved by Lemons, seconded by Powell, to adopt Resolution No. 88-37.

On discussion, Lemons requested that a map accompany future reports of this nature to provide the Commission with visualization of proposed changes.

Mayor Mitchell declared a recess at 9:45 with the meeting reconvening at 9:53 p.m.

Lemons requested that the parking changes be returned to staff and the Traffic Safety Board for further review. He suggested there are better methods for changes, i.e. elimination of one crosswalk or move one toward Warner Parrott Road. He requested public input from neighboring residents. Mayor Mitchell requested a transcription of the tape of this discussion be forwarded to the Traffic Safety Board. Spear expressed the need for further review.

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

Manager's Report No. 88-115, Urban Growth Boundary Amendment - Resolution No. 88-35, was presented. The report noted that on the June 9, 1988 agenda, there was proposed Resolution No. 88-35 which was a resolution in support of a request for an amendment to the City's Urban Growth Boundary as requested by James H. Bean.

The report continued that Mr. Bean was requesting an Urban Growth Boundary Amendment from the Metropolitan Service District for a 15.36 acre parcel adjacent to and east of Willamette Falls Hospital. A map depicting the subject property was attached for Commission information. Mr. Bean owns the 9.21 acre property to the north of this property and wants to consolidate both parcels for a proposed retirement housing project.

METRO has requested that a Resolution of Support be adopted by the City Commission prior to a formal application being submitted for the amendment. METRO only accepts applications annually, with the application deadline in July. Development Services staff had reviewed the request and was supportive of the amendment. All City services are available in this area with the change being a logical extension of the City limits.

The report concluded that following the Urban Growth Boundary Amendment, the City would have the opportunity to consider annexation, Comprehensive Plan and zoning requests. If the City Commission was supportive of this amendment, proposed Resolution No. 88-35 should be adopted and direct that it be submitted to METRO as a part of Mr. Bean's application.

It was moved by Wilson, seconded by Powell, to adopt Resolution No. 88-35.

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

RESOLUTION NO. 88-35

WHEREAS, a parcel of land owned by James Bean and identified as TL 300, Assessor's Map 2-2E-32AA, located east of Willamette Falls Hospital, is situated within the City limits at the eastern limits of the City's Urban Growth Boundary; and

WHEREAS, a substantial portion of the above-referenced parcel was acquired by the Oregon Department of Transportation, for construction of the Oregon City By-Pass; and

WHEREAS, a 15.36 acre parcel south of and contiguous to the above-referenced parcel is under the same ownership, but not included in the City's Urban Growth Boundary; and

WHEREAS, construction of the Oregon City By-Pass has isolated this 15.36 acre parcel from rural service districts and had made Oregon City the logical provider of services; and

WHEREAS, the property owner desires to accomplish a Urban Growth Boundary amendment through the Metropolitan Service District to include the 15.36 acre southern parcel within Oregon City's Urban Growth Boundary; and

WHEREAS, the property owner has indicated a desire to consolidate the two parcels for development as a senior housing facility, a needed housing type in Oregon City; and

WHEREAS, the requested amendment is a logical extension of the City limits and all urban services can be made available upon annexation of the property.

NOW THEREFORE BE IT RESOLVED that:

1. The City Commission expresses its support for the request of James Bean for an amendment to include TL 100, Assessor's Map 2-2E-32AD, within Oregon City's Urban Growth Boundary.
2. The City Commission urges Metro and other affected agencies to approve and effect this Urban Growth Boundary amendment as soon as possible.

Adopted, signed and approved this 9th day of June, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/David D. Spear
Commissioner

/s/Thomas F. Lemons
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Manager's Report No. 88-108, Transfer of Appropriations for Fiscal Year 1987-88 - Resolution No. 88-38, was presented. The report noted that at the June 1, 1988 meeting, the City Commission voted to return the \$500,000 lottery fund grant plus the five percent (5%) interest due per the original contract. Therefore, on the June 9, 1988 agenda, there was proposed Resolution No. 88-38 which presented changes to certain appropriations as follows:

Infrastructure Development Fund: Increase: Debt Service Appropriation to return loan funds and pay interest as of June 6, 1988.

Decrease: Construction and Engineering Capital Outlay for projects not to be completed.

In order to make the transfer of appropriations as needed, it was necessary for the City Commission to approve a resolution. Based upon the information provided, it was recommended that Resolution No. 88-38 be approved.

The Commission was advised that contact was made with Robert Schumaker, Director of Economic Development, and with Ed Riley of the Lottery Commission. Lemons asked if there was complete understanding regarding this issue. The reply was unsure. VanderZanden, Clackamas County Planning, felt it necessary to ask the State for more time and indicated the interest of two businesses in the Red Soils property.

After considerable discussion, it was moved by Spear, seconded by Lemons, that on the eleventh (11th) day from this date (June 9, 1988) the lottery funds be returned to the State of Oregon unless word is received from property authorities that might change that so we can use the funds.

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

Powell explained that she voted "nay" because the selected date will be six days past the deadline.

Staff was directed to advise VanderZanden of Oregon City's position at this time.

No action was taken on Resolution No. 88-38.

Manager's Report No. 88-109, Transfer of Appropriations for Fiscal Year 1987-88 - Resolution No. 88-39, was presented. The report noted that to close the 1987-88 fiscal year within appropriations, transfers from Contingency are necessary. Therefore, on the June 9, 1988 agenda, there was proposed Resolution No. 88-39 which presented changes to certain appropriations as follows:

GENERAL FUND:

Non-Departmental: Increase: Building Maintenance.

Decrease: Contingency.

Increase: Staff recruitment.

Decrease: Contingency.

Increase: Civil Service hiring expenses.

Decrease: Contingency.

Legal Department: Increase: Contracted legal services \$21,000.

Decrease: Contingency.

In order to make the transfer of appropriations as needed, it was necessary for the City Commission to approve a resolution. Based upon the information provided, it was recommended that Resolution No. 88-39 be approved.

It was moved by Lemons, seconded by Wilson, to adopt Resolution No. 88-39.

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

RESOLUTION NO. 88-39

WHEREAS, ORS 294.450 provides the legal basis for transfers of appropriations within a fund, and

WHEREAS, the City Commission adopted a budget for 1987-88 and by Resolution No. 87-15 made appropriations for the current fiscal year; and

WHEREAS, the need now exists to transfer additional appropriations within the General Fund to prevent a deficit.

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the Changes to Appropriations as attached and made a part hereof, be authorized.

Adopted, signed and approved this 9th day of June, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/David D. Spear
Commissioner

/s/Thomas F. Lemons
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Manager's Report No. 88-114, Transfer of Appropriations for Fiscal Year 1987-88 - Resolution No. 88-41, was presented. The report noted that when the Communications Program and building security monitoring systems were transferred, the total equipment and program costs were uncertain and, therefore, not totally funded. Therefore, on the June 9, 1988 agenda, there was proposed Resolution No. 88-41 which presented changes to certain appropriations as follows:

Non-Departmental: - Increase: Transfer to 9-1-1 Reserve Fund.

Decrease: Non-Departmental Contingency, Utilities and photocopy and software for amounts not needed for other purposes.

Recreation Department: Decrease: Senior Center and Aquatics Utilities. The mild winter utilized less funds than anticipated.

9-1-1 RESERVE FUND: Increase: Revenue transfer from General Fund for Communications related costs.

Increase: Capital Outlay expenditure for equipment.

The report concluded that in order to make the transfer of appropriations as needed, it was necessary for the City Commission to approve a resolution. Based upon the information provided, it was recommended that Resolution No. 88-41 be approved.

It was moved by Spear, seconded by Powell, to adopt Resolution No. 88-41.

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

RESOLUTION NO. 88-41

WHEREAS, ORS 294.450 provides the legal basis for transfers of appropriations within a fund, and

WHEREAS, the City Commission adopted a budget for 1987-88 and by Resolution No. 87-15 made appropriations for the current fiscal year; and

WHEREAS, the need now exists to transfer additional appropriations within the General Fund to prevent a deficit.

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the Changes to Appropriations as attached and made a part hereof, be authorized.

Adopted, signed and approved this 9th day of June, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/David D. Spear
Commissioner

/s/
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Manager's Report No. 88-117, Transfer of Appropriations for Fiscal Year 1987-88 - Resolution No. 88-42, was presented. The report noted that in order to have appropriations sufficient to fund necessary expenditures for 9-1-1 and transfer of the Communications Department, an adjustment between Materials and Services appropriations and Capital Outlay is needed. Therefore, on the June 9, 1988 agenda, there was proposed Resolution No. 88-42 which presented changes to certain appropriations as follows:

Non-Departmental: - Increase: Capital Outlay for conversion to C-COMM and update of old equipment.

Decrease: Materials and Services costs for Communications.

The report concluded that in order to make the transfer of appropriations as needed, it was necessary for the City Commission to approve a resolution. Based upon the information provided, it was recommended that Resolution No. 88-42 be approved.

On discussion, Spear asked if McNeel was furnished a radio; if so, it should be recalled. Wilson suggested a pager instead. Lemons noted objecting to this issue from the beginning. He noted money being spent but not on a priority basis; that bidding should be followed for maintenance of the traffic lights; and, he felt the money was not spent wisely. Powell requested all costs for alarms, labor and materials for all City buildings. The City Manager noted that he will try to get the State to update the traffic signals given to the City which should relieve some of the high cost of maintenance. Lemons noted the upgrade was to have been done in the transfer of the signals and still wants competitive bidding.

It was moved by Powell, seconded by Wilson, to adopt Resolution No. 88-42.

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

RESOLUTION NO. 88-42

WHEREAS, ORS 294.450 provides the legal basis for transfers of appropriations within a fund, and

WHEREAS, the City Commission adopted a budget for 1987-88 and by Resolution No. 87-15 made appropriations for the current fiscal year; and

WHEREAS, the need now exists to transfer additional appropriations within the General Fund to prevent a deficit.

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the Changes to Appropriations as attached and made a part hereof, be authorized.

Adopted, signed and approved this 9th day of June, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/David D. Spear
Commissioner

/s/
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Manager's Report No. 88-111, Intergovernmental Agreement with the City of Lake Oswego - Radio Transmission Pole Near Waterboard Park, was presented. The report noted that the City of Lake Oswego had approached staff with a request to install a radio transmission pole in the unbuilt Promontory Avenue right-of-way at the Falls View Overlook (the "Cross"). The pole was needed for Lake Oswego's repeater system for emergency services. The pole would be placed adjacent to an existing Pacific Northwest Bell pole.

The request must be approved by the Planning Commission as a Conditional Use Permit prior to installation. However, because the City of Lake Oswego has no jurisdiction over use of the right-of-way, they are requesting approval of an intergovernmental agreement granting the authority to place the pole. Approval of the agreement does not imply approval of the Conditional Use Permit by the Planning Commission. It does, however, grant the Lake Oswego Police Department the authority to apply for the Conditional Use Permit. When the request for Conditional Use Permit has been filed, the Planning Commission's responsibility will be to determine suitability of the site for the proposed use.

The intergovernmental agreement does not constitute an easement. It is a revocable license that allows Lake Oswego to use an Oregon City right-of-way. The agreement may be terminated with 180 days (6 months) notice, in the event that Promotory Avenue is needed for City purposes.

The report concluded that if the Commission agreed, the proposed intergovernmental agreement was attached for adoption.

It was moved by Lemons, seconded by Powell, to authorize the Mayor to execute the intergovernmental agreement.

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

Manager's Report No. 88-105, Special City Election - May 17, 1988 - Election Results, was presented. The report noted that on Tuesday, May 17, 1988, Oregon City's Ballot Measure 3-1 which asked the question "Shall the City of Oregon City levy \$2,402,452 outside the tax base for operating purposes for 1988-89?" was presented to the voters.

The Oregon City Charter of 1982, Chapter 6 Elections, Section 27 Canvass of Returns, states in part the following: "...The results of all elections shall be entered in the record of the proceedings of the Commission. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition..."

Attached was a copy of the certified Summary of Votes Cast as prepared by the Office of County Clerk and on file in the City Recorder's office. The statement shows a total of 1,507 "yes" votes as opposed to 1,525 "no" votes with 11 overvotes and 160 undervotes for a total of 3,203 votes cast.

The report concluded that this information was being provided pursuant to Chapter 6, Section 27 of the Oregon City Charter of 1982.

With no further business, the meeting adjourned at 10:45 p.m., with the Commission convening an Executive Session per ORS 192.660 (1)(d) Labor Negotiations.

Irmgard Marggi
IRMGARD MARGGI, Clerk of the Commission

SPECIAL MEETING Oregon City, Oregon, June 29, 1988

A special meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 7:00 p.m.

Roll call showed the following present:

Mayor Kenneth M. Mitchell	Thomas Fender III, City Manager
Commissioner David D. Spear	Jean K. Elliott, City Recorder
Commissioner Thomas F. Lemons	
Commissioner Carol A. Powell	
Commissioner Wayne G. Wilson	

Mayor Mitchell opened the meeting by calling for items for Commission consideration on future agendas. Alayne Woolsey, 818 4th Street, presented a discussion of reimbursement of expenses for the Oregon-California Trails Association (OCTA) conference. This matter was referred to the Civic Improvement Trust for discussion at their next meeting.

Commissioner Lemons joined the meeting at this point.

Commissioner Powell requested that a date be scheduled to conduct a performance evaluation regarding the City Manager. The date of July 19, 1988 was selected for an executive session. On this date will be the performance evaluation of the Municipal Judge at 6:00 p.m. with the City Manager to follow.

Manager's Report No. 88-119, Transfer of Appropriations for Fiscal Year 1987-88 - Resolution No. 88-43, was presented. The report noted that at the June 9, 1988 meeting, the City Commission was presented a resolution to transfer appropriations to provide a means to return the \$500,000 lottery fund grant. At that meeting, a motion was adopted approving the return of the funds, however, no action was taken with regard to the resolution.

The report continued that on the June 29, 1988, Special Meeting agenda, there was Resolution No. 88-43 which presented changed to certain appropriations as follows:

Infrastructure Development Fund: Increase: Debt Service appropriation to return loan funds and pay interest.
Decrease: Construction and Engineering Capital Outlay for projects not to be completed.