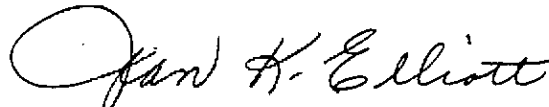


4. The Manager expressed a willingness to extend his service to the City.

Therefore, on the August 10, 1989 agenda, there was the matter of accepting the consensus of the Executive Session and authorizing the Mayor to conform the Manager's Employment Contract to the City Charter.

This matter was continued to work session to be held in September, 1989.

There being no further business, the meeting adjourned at 12:30 a.m.



JEAN K. ELLIOTT, City Recorder

#### REGULAR MEETING

Oregon City, Oregon, September 6, 1989

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 David D. Spear	Thomas Fender III, City Manager
Commissioner Carol A. Powell	Jean K. Elliott, City Recorder
Commissioner Suzanne VanOrman	Edward Sullivan, City Attorney
Commissioner Daniel W. Fowler	

It was moved by Powell, second by Fowler, to approve the minutes of August 10, 1989.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

At this time, Mayor Spear called for citizen presentation of future agenda items. There was no audience input. Powell advised she had received a letter from Loaves and Fishes and referred it to staff. Fowler requested that staff contact Jim Ryan of the School District who is in charge of the Tracker Mentor Program and is trying to obtain mentors in the community to assist children in the school district, to make a presentation at a Commission meeting; and he requested a proposal on an ordinance regarding tree removal be presented. The Manager advised that Development Services was working on that matter with the Commission directing that this matter be brought directly to them. He requested a report on the City garbage rates. The Manager advised that an order had been sent to the Company and a report would be provided to the Commission. VanOrman requested a report be provided on the Loaves and Fishes matter by next Thursday. The Manager advised that a plan to modify the reduction in the Yard Debris program during the months of leaf shedding was being worked out.

Mayor Spear read a proclamation proclaiming the week of September 24 - 30, 1989 as "Economic Opportunity Week in Oregon City".

Commission Report No. 89-168, Sale of Surplus City-Owned Property - Public Hearing, was presented. The City Attorney advised that this matter had been advertised earlier than allowed by State statute and suggested that it be set over to the September 14, 1989 agenda. The Commission so directed.

Commission Report No. 89-174, Dangerous Building - 1224-1226 Third Street (Duplex) - Public Hearing; If Approved for Abatement, Resolution No. 89-50, Final Order, was presented. The report noted that at its August 10, 1989 meeting, the City Commission adopted Resolution No. 89-44 which rescheduled September 6, 1989, as the date of public hearing to determine whether or not the duplex located at 1224-1226 Third Street was a dangerous building and should or should not be abated and caused to be removed.

The report continued that on August 23, 1989, a "Notice of Hearing of Dangerous Building Before the City Commission" was mailed to Walter Romaneschi, owner of the property. Also, on August 25, 1989, the notice was duly published in the Enterprise-Courier.

On the September 6, 1989 agenda, there was the matter of public hearing as advertised. Attached was a copy of Commission Report No. 89-144 which was presented to the Commission on July 19, 1989. Copies of the resolution setting the public hearing and affidavit of posting and mailing were also attached for Commission review. This was being provided for Commission consideration at the public hearing. The Building Official advised that the condition of the building, to date, remained unchanged.

The report concluded by noting that if the City Commission declared 1224-1226 Third Street a dangerous building, the attached Resolution No. 89-50 should be adopted.

Ron Storzbach, Building Official for the City, presented testimony regarding his observations of the condition of the property and his unsuccessful attempts to work with the owner in an effort to assist in bringing the structures to Code. At the conclusion of his presentation, Mayor Spear declared the public hearing open and called for testimony. With none offered, the hearing was declared closed.

It was moved by Powell, second by VanOrman, to adopt Resolution No. 89-50 as presented.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

BEFORE THE CITY COMMISSION OF THE CITY OF OREGON CITY  
IN THE MATTER OF THE DECLARATION OF A DANGEROUS BUILDING AT 1224-  
1226 THIRD STREET OREGON CITY

FINAL ORDER - RESOLUTION NO. 89-50

The above entitled matter came on regularly before the City Commission at its meeting of September 6, 1989; and

It appearing to the Commission that Walter Romaneschi is the owner of a building located at 1224-1226 Third Street, Oregon City, which is within the corporate limits of the city; and

It appearing to the Commission that the Commission has received a report from the City Manager determining that a dangerous building existed on the above described property and that upon receipt of such report the Commission did, at its regular meeting of August 10, 1989, set a hearing on the matter on September 6, 1989 during the regular City Commission meeting of that date and caused notice to be given of the hearing, all in accordance with section 4-3-3 of the Oregon City Code; and

It appearing to the Commission that a hearing was held before it on the 6th day of September, 1989 and that Building Official Ron Storzbach testified on the issue on whether a dangerous building, as defined by section 4-3-1 of the City Code, was present on property; and

It appearing to the Commission that, upon conclusion of the hearing that such a dangerous building was present on the subject property, and the Commission being fully advised in the premises; it is therefore

RESOLVED AND ORDERED that:

1. The Commission determines that it has jurisdiction over the matter, based on the affidavit of service and the affidavit of publication and Report of the City Manager No. 89-174 which are part of the files in this case;
2. Based on the aforesaid City Manager's Report, and the testimony of Building Official Ron Storzbach and the photographs submitted at the hearing, the City Commission finds and determines that a "dangerous building", as defined by section 4-3-1 of the City Code, exists at 1224-1226 Third Street, Oregon City;
3. The determination of the dangerous building is based on the following findings of fact and conclusions of law:

a. The subject property contains a structure which was partially burned on November 20, 1988. The damage to the house is in the interior portions and the loss of the roof of the structure. The Building Official testified, and the Commission believes, that the aforesaid structure is, especially liable to fire because of a want of proper repairs and its dilapidated condition. The Commission therefore concludes that the aforesaid structure is a "dangerous building" under section 4-3-1 (A) of the City Code.

b. The Commission believes the report that the subject structure contains rubbish and waste from the previous fire, and wastes in the area surrounding the structure, as indicated by the photos, and that the presence and nature of such wastes and the location of the structure indicated above render the structure especially liable to cause fire and endanger the safety of occupants of the building and to human life both in the vicinity and to firefighters if another fire occurred. The Commission therefore concludes that the aforesaid structure is a "dangerous building" under section 4-3-1 (B) of the City Code.

c. The Commission has viewed the photographs, heard the testimony of Building Official Ron Storzbach, and determines that the dilapidated and deteriorated condition of the building endangers persons or property by reason of its partial collapse. The City Commission believes the testimony of the Building Official that the subject structure "sustained extensive damage to the interior and structural roofing members". The City Commission is especially concerned about children who may wander into such structure and be injured by a partial collapse thereof. The Commission therefore concludes that the aforesaid structure is a "dangerous building" under section 4-3-1 (D) of the City Code.

4. The Commission notes that knowing maintenance of a dangerous building is prohibited by section 4-3-2 of the City Code for a period of 10 days or more after receipt of a notice to the owner thereof that such a building exists. The Building Official and City Recorder have provided said notice by certified return receipt mail service to the owner of said structure, Mr. Walter Romaneschi and by this final order, the Commission determines that the required notice for the hearing of September 6, 1989, has been provided and the owner Mr. Walter Romaneschi will be liable for violation of Section 4-3-2 if the structure which is the subject of these proceedings remains a dangerous building for a period on excess of 10 days following receipt of a copy of this Final Order.

5. Based on testimony given that a "dangerous building", as defined by section 4-3-1 of the City Code exists, the Commission hereby gives notice that it will cause the nuisance to be abated summarily after 10 days from receipt by the building owner of a copy of this Final Order as provided by section 4-3-6 of the City Code by demolishing the same without further notice, or hearing and may take such other action as provided by law, including but not limited to, the abatement and lien procedure set forth by

section 4-3-5 of the City Code.

Adopted, signed and approved this 6th day of September, 1989.

/s/David D. Spear  
Mayor-Commissioner

/s/Carol A. Powell  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/  
Commissioner

/s/Daniel W. Fowler  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 89-175, Dangerous Building - 601 Lawton Road - Public Hearing; If Approved for Abatement, Resolution No. 89-53, Final Order, was presented. The report noted that at its August 10, 1989 meeting, the City Commission adopted Resolution No. 89-43 which rescheduled September 6, 1989, as the date of public hearing to determine whether or not the building located at 601 Lawton Road was dangerous building and should or should not be abated and caused to be removed.

The report continued that on August 23, 1989, a "Notice of Hearing of Dangerous Building Before the City Commission" was mailed to David and Sherry Feb, owner of the property. Also, on August 25, 1989, the Notice was duly published in the Enterprise-Courier.

On the September 6, 1989 agenda, there is the matter of public hearing as advertised. Attached was a copy of Commission Report No. 89-154 which was presented to the Commission on July 19, 1989. Copies of the resolution setting the public hearing and affidavit of posting and mailing were also attached for Commission review. This was being provided for Commission consideration at the public hearing. The Building Official advises that the condition of the building, to date, remained unchanged.

The report concluded that if the City Commission declared 601 Lawton Road a dangerous building, attached Resolution No. 89-53 should be adopted.

Ron Storzbach, Building Official, presented testimony regarding his personal observations of the property and the time frames he followed regarding pursuit of property owner abatement of the condition of the property.

Mayor Spear declared the public hearing open and called for testimony. With none offered, the hearing was declared closed.

It was moved by Powell, second by VanOrman, to adopt Resolution No. 89-53 as presented.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

BEFORE THE CITY COMMISSION OF THE CITY OF OREGON CITY  
IN THE MATTER OF THE DECLARATION OF A DANGEROUS BUILDING AT 601  
LAWTON ROAD, OREGON CITY

FINAL ORDER - RESOLUTION NO. 89-53

The above entitled matter came on regularly before the City Commission at its meeting of September 6, 1989; and

It appearing to the Commission that David and Cherie Feb are the owner of a building located at 601 Lawton Road, Oregon City, which is within the corporate limits of the city; and

It appearing to the Commission that the Commission has received a report from the City Manager determining that dangerous buildings exist on the above described property and that, upon receipt of such report the Commission did, at its regular meeting of August 10, 1989, set a hearing on the matter on September 6, 1989 during the regular City Commission meeting of that date and caused notice to be given of the hearing, all in accordance with section 4-3-3 of the Oregon City Code; and

It appearing to the Commission that a hearing was held before it on the 6th day of September, 1989 and that Building Official Ron Storzbach testified on the issue of whether dangerous buildings, as defined by section 4-3-1 of the City Code, was present on property; and

It appearing to the Commission that, upon conclusion of the hearing that such a dangerous building was present on the subject property, and the Commission being fully advised in the premises; it is, therefore

RESOLVED AND ORDERED THAT:

1. The Commission determines that it has jurisdiction over the matter, based on the affidavit of service and the affidavit of publication and Report of the City Manager No. 89-175 which are part of the files in this case;
2. Based on the aforesaid City Manager's Report, and the testimony of Building Official Ron Storzbach and the photographs submitted at the hearing, the City Commission finds and determines that "dangerous buildings", as defined by section 4-3-1 of the City Code, exist at 601 Lawton Road, Oregon City;
3. The determination of the dangerous building is based on the following findings of fact and conclusions of law:
  - a. The subject property contains a residential structure which is not connected to a legal on-site sanitary sewerage disposal system or to the public sanitary sewer system in Lawton Road. The Building Official testified, and the Commission believes that the aforesaid structure is, especially liable to cause the spread

of contagious or infectious disease. The Commission therefore concludes that the aforesaid structure is a "dangerous building" under Section 4-3-1 (C) of the City Code.

4. The Commission notes that knowing maintenance of a dangerous building is prohibited by section 4-3-2 of the City Code for a period of 10 days or more after receipt of a notice to the owner thereof that such a building exists. The Building Official and City Recorder have provided said notice by certified return receipt mail service to the owner of said structure, David and Cherie Feb and by this final order, the Commission determines that the required notice for the hearing of September 6, 1989, has been provided and the owner David and Cherie Feb will be liable for violation of Section 4-3-2 if the structure which is the subject of these proceedings remains a dangerous building for a period on excess of 10 days following receipt of a copy of this Final Order.

5. Based on testimony given that a "dangerous building", as defined by section 4-3-1 of the City Code exists, the Commission hereby gives notice that it will cause the nuisance to be abated summarily after 10 days from receipt by the building owner of a copy of this Final Order as provided by section 4-3-6 of the City Code by demolishing the same without further notice or hearing and may take such other action as provided by law, including but not limited to, the abatement and lien procedure as set forth by section 4-3-5 of the City Code.

Adopted, signed and approved this 6th day of September, 1989.

/s/David D. Spear  
Mayor-Commissioner

/s/Carol A. Powell  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/  
Commissioner

/s/Daniel W. Fowler  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 89-176, Dangerous Building - 18767 and 18785 Leland Road - Public Hearing; If Approved for Abatement, Resolution No. 89-51, Final Order, was presented. The report noted that at its August 10, 1989 meeting, the City Commission adopted Resolution No. 89-44 which scheduled September 6, 1989, as the date of public hearing to determine whether or not the buildings located at 18767 and 18785 Leland Road were dangerous buildings and should or should not be abated and caused to be removed.

The report continued that on August 23, 1989, a "Notice of Hearing of Dangerous Building Before the City Commission" was mailed to Kenneth Leavens, owner of the property. Also, on August 25, 1989, the Notice was duly published in the Enterprise-Courier.

On the September 6, 1989 agenda, there is the matter of public hearing as advertised. Attached was a copy of Commission Report No. 89-153 which was presented to the Commission on August 10, 1989. Copies of the resolution setting the public hearing and affidavit of posting and mailing were also attached for Commission review. This was being provided for Commission consideration at the public hearing. The Building Official advised that the condition of the buildings, to date remained unchanged.

The report concluded that if the City Commission declared 18767 and 18785 Leland Road dangerous buildings, attached Resolution No. 89-51 should be adopted.

Ron Storzbach, Building Official, presented testimony regarding his personal observations of the condition of the property. He advised that Jim Irvine contacted him on September 1, 1989 regarding obtaining a permit to work on the property. On September 6, 1989, the permit was issued with a stipulation that the work be completed by the end of September. He concluded by requesting that this matter be continued to allow for the completion of improvements.

It was moved by VanOrman, second by Fowler, to continue this matter to October 4, 1989 at 8:00 p.m.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Commission Report No. 89-182, Adoption of Water, Sewer and Drainage Master Plans - Public Hearing, was presented. The report noted that the City Commisison approved the preparation of Water, Sewer and Drainage Master Plans over two years ago. The Master Plans are a requirement of the City's public facility plan portion of the Comprehensive Plan. These plans were completed and presented to the City Commission in September and October, 1988, by the Engineering firms involved. The Commission accepted them and directed that they go to the Planning Commisison for public hearing and recommendation for the update to the City's Comprehensive Plan. Copies of the Master Plans have been provided to the Commission for review.

The Planning Commission held their public hearing on the Master Plans July 25, 1989 and made recommendations to:

1. Approve the Water and Sewer Master Plans with no modifications, and
2. Approve the Drainage Master Plan with modifications to Goals h. and i. on pages A-1 and A-2 as follows:

Current Language:

h. Regulate filling and encroachment on drainage channels to retain capacity to convey present and potential future peak discharges;



Recommended Language:

h. Regulate filling and encroachment on drainage channels.

Current Language:

i. Maximize efficient use of the natural drainage system of streams, lakes and wetlands found within the Oregon City Urban Growth Area;

Recommended Language:

i. To the extent consistent with the conservation and protection of such resources, make effective use of the natural drainage system of streams, lakes and wetlands found within the Oregon City Urban Growth Area.

The report continued that the Planning Commission heard considerable testimony concerning drainage issues and its relationship to wildlife and other natural resources in the City and Urban Growth Area. Copies of correspondence was attached for Commission review. The Drainage Master Plan is a technical document and not appropriate for inclusion of wildlife and natural resource policies. Wildlife and natural resource issues will be addressed however, in other policies in the Comprehensive Plan.

The report concluded by recommending that the City Commission adopt the Water, Sewer and Drainage Master Plans as recommended by the Planning Commission.

The Development Services Director presented the report and had display boards which provided a graphic illustration of each Master Plan. He noted that the Master Plans were a requirement of LCDC rules and they will be consolidated into one document entitled "Public Facility Plan" and will be an appendix in the City's Comprehensive Plan. He concluded by reading the two recommended language changes for the Drainage Master Plan and referred to a letter from Jerry Herrmann, Director of the Environmental Learning Center, regarding concern for the wildlife and natural resource issues. He noted that these concerns were not germane to the hearing on the Drainage Master Plan but indicated that those issues would be addressed in review of the Comprehensive Plan.

Mayor Spear declared the public hearing for the three Master Plans open and called for testimony. With no testimony offered in favor of the Plans, he called for testimony opposed.

Jerry Herrmann, Director of the Environmental Learning Center, 15178 S. Highland Road, addressed the Commission noting that his main concern was a need for revision of the Drainage Master Plan regarding on-sight detention which he felt was not addressed in the Plan.

The Manager asked if Mr. Herrmann had any specific language at this time that could be considered regarding this matter. He then asked if there would be comfortability in the concept of advancing this plan in the current form with staff to work with revising it in the coming months. Considerable discussion was held regarding the absence of detention in the Drainage Master Plan. After this discussion, it was moved by Fowler, second by VanOrman, to continue the Drainage Master Plan to the September 14, 1989 agenda.

The Development Services Director noted that the Planning Commission made modified language recommendations to accommodate the issue of detention. He called attention to the recommended language. He noted that fisheries have not been quantified as to need. He advised that if quantifiable information is received that a certain stream can only handle a certain amount of run-off without impacting a fishery, then limits can be placed on that stream with anything over that requiring detention. VanOrman asked if the City is already requiring detention, why doesn't the Plan recognize that. Block advised that the Plan recognizes that existing drainageways can accommodate the existing run-off but what the ELC's concern is excess flows that might impact the fishery with this then being a fishery issue. It is better to use existing drainageways if they have capacity than to build a series of detention areas where they are not needed. The Master Plan states that there is adequate capacity in the drainageways but the Plan has not looked at excess flows that may impact the fishery. He concluded by noting that the recommended language is adequate to address the issue.

Dick Baumgartner, Beavercreek area, addressed the Commission noting that he was a volunteer at ELC and does not want the canyon ruined with the City's run-off. He noted feeling that the City needs to protect its natural resources.

With no further input, Mayor Spear closed the public hearing.

Roll call: VanOrman, Aye; Powell, Nay; Fowler, Aye; Spear, Aye.

It was then moved by Fowler, second by Powell, to direct staff to prepare ordinances adopting the Water and Sewer Master Plans and present for Commission approval.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

The City Attorney advised that Agenda Item 9, Proposed Ordinance No. 89-1016; Agenda Item 10, Proposed Ordinance No. 89-1017; Agenda Item 11, Proposed Ordinance No. 89-1018; Agenda Item 12, Proposed Ordinance No. 89-1019; and, Agenda Item 13, Proposed Ordinance No. 89-1020, could be considered as Consent Items if no audience or Commission objection was presented. There was none. It was then moved by Powell, second by Fowler, to approve first reading of proposed Ordinances numbered 89-1016, 1017, 1018, 1019 and 1020.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Second reading was called after which it was moved by Powell, second by Fowler, to approve second reading for final enactment.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

Commission Report No. 89-169, Proposed Ordinance No. 89-1016, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 22, 1989, a Notice to Remove Nuisance was sent to Rosemary Shipley, owner of property described as Tax Lot 9200, Map 2-2E-31DA, located at 1224 3rd Street, Oregon City.

On July 6, 1989, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weeds nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 7, 1989, the Public Works Superintendent was requested to coordinate removal of the weeds nuisance on this property.

The report continued that on August 2, 1989, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Rosemary Shipley, P.O. Box 1151, Redwood City CA 94061. The Notice of Proposed Assessment included the costs to be assessed and a lien to be declared against the above described property unless written objections were filed with the City Recorder within 20 days of the Notice. To date, no objection has been filed.

On the September 6, 1989 agenda, there was proposed Ordinance No. 89-1016 which would assess the costs of removal of the nuisance. Notice of proposed Ordinance No. 89-1016 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

Upon adoption, Ordinance No. 89-1016 would be forwarded to the County Clerk's office for lien recording.

#### ORDINANCE NO. 89-1016

#### AN ORDINANCE ASSESSING COSTS OF NUISANCE REMOVAL

WHEREAS, pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, the following condition of a nuisance and removal thereof was required: Wild grasses, weeds and thistles on property described as Tax Lot 9200, Assessor's Map 2-2E-31DA, located at 1224 3rd Street, Oregon City.

WHEREAS, said wild grasses, weeds and thistles were removed by the City and Notice of Proposed Assessment mailed to Rosemary Shipley, P.O. Box 1151, Redwood City CA 94061, owner of said property, on August 2, 1989, and no objections having been filed thereto,

OREGON CITY ORDAINS AS FOLLOWS:

The following costs are hereby assessed and declared a lien against property located at 1224 3rd Street, Oregon City, Clackamas County, Oregon, and described as Tax Lot 9200, Assessor's Map 2-2E-31DA:

Labor	\$ 61.47
Equipment	\$ 46.00
	<u>\$ 107.47</u>
Administrative Overhead (25 percent)	\$ 26.87
TOTAL	\$ 134.34

Pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, said lien shall bear interest at the legal rate from the date of lien entry.

Read first time at a regular meeting of the Commission held on the 6th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 6th day of September, 1989.

/s/Jean K. Elliott  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of September, 1989.

/s/David D. Spear  
DAVID D. SPEAR, Mayor

Commission Report No. 89-170, Proposed Ordinance No. 89-1017, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 19, 1989, a Notice to Remove Nuisance was sent to Pamela Salladay, owner of property described as Tax Lot 200, Map 3-2E-6CA, located at 161 Canemah Road, Oregon City.

On July 6, 1989, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weeds nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 7, 1989, the Public Works Superintendent was requested to coordinate removal of the weeds nuisance on the property.

The report continued that on August 2, 1989, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Pamela Salladay, 161 Canemah Road, Oregon City. The letter was returned marked "moved, left no address". The Notice of Proposed Assessment included the costs to be assessed and a lien to be declared against the above described property unless written objections are filed with the City Recorder within 20 days of the Notice. To date, no objection has been filed.

On the September 6, 1989 agenda, there was proposed Ordinance No. 89-1017 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 89-1017 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

#### ORDINANCE NO. 89-1017

##### AN ORDINANCE ASSESSING COSTS OF NUISANCE REMOVAL

WHEREAS, pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, the following condition of a nuisance and removal thereof was required: Wild grasses, weeds and thistles and berry vines on property described as Tax Lot 200, Assessor's Map 3-2E-6CA, located at 161 Canemah Road, Oregon City.

WHEREAS, said wild grasses, weeds, thistles and berry vines were removed by the City and Notice of Proposed Assessment mailed to Pamela Salladay, 161 Canemah Road, Oregon City, owner of said property, on August 2, 1989, and no objections having been filed thereto,

##### OREGON CITY ORDAINS AS FOLLOWS:

The following costs are hereby assessed and declared a lien against property located at 161 Canemah Road, Oregon City, Clackamas County, Oregon, and described as Tax Lot 200, Assessor's Map 3-2E-6CA:

Labor	\$ 97.98
Equipment	\$ 43.00
	<u>\$ 140.98</u>
Administrative Overhead (25 percent)	<u>\$ 25.25</u>
TOTAL	\$ 166.23

Pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, said lien shall bear interest at the legal rate from the date of lien entry.

Read first time at a regular meeting of the Commission held on the 6th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 6th day of September, 1989.

/s/Jean K. Elliott  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of September, 1989.

/s/David D. Spear  
DAVID D. SPEAR, Mayor

Commission Report No. 89-171, Proposed Ordinance No. 89-1018, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 13, 1989, a Notice to Remove Nuisance was sent to Joseph E. Moffitt, owner of property described as Tax Lot 10100, Map 2-2E-32CB, located between 143 Molalla Avenue and the alley adjacent to 129 Molalla Avenue, Oregon City.

On June 28, 1989, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weeds nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 5, 1989, the Public Works Superintendent was requested to coordinate removal of the weeds nuisance on the property.

The report continued that on August 2, 1989, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Joseph E. Moffitt, 18582 S. Nora Lane, Mulino OR 97042. The letter was returned marked "unclaimed". The Notice of Proposed Assessment included the costs to be assessed and a lien to be declared against the above described property unless written objections are filed with the City Recorder within 20 days of the Notice. To date, no objection has been filed.

In 1986 and 1988, liens of \$50 and \$140.09 respectively, were assessed for nuisance removal on this same property. In each instance, Notices were sent and received by Mr. Moffitt at the Mulino address. This year the notice was returned "unclaimed".

The report concluded that on the September 6, 1989 agenda, there was proposed Ordinance No. 89-1018 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 89-1018 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

## ORDINANCE NO. 89-1018

## AN ORDINANCE ASSESSING COSTS OF NUISANCE REMOVAL

WHEREAS, pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, the following condition of a nuisance and removal thereof was required: Wild grasses, weeds and thistles and berry vines on property described as Tax Lot 10100, Assessor's Map 2-2E-32CB, located between 143 Molalla Avenue and the alley adjacent to 129 Molalla Avenue, Oregon City.

WHEREAS, said wild grasses, weeds, thistles and berry vines were removed by the City and Notice of Proposed Assessment mailed to Joseph E. Moffitt, 18582 S. Nora Lane, Mulino OR 97042, owner of said property, on August 2, 1989, and no objections having been filed thereto,

## OREGON CITY ORDAINS AS FOLLOWS:

The following costs are hereby assessed and declared a lien against property located between 143 Molalla Avenue and the alley adjacent to 129 Molalla Avenue, Oregon City, Clackamas County, Oregon, and described as Tax Lot 10100, Assessor's Map 2-2E-32CB:

Labor	\$ 28.81
Equipment	<u>\$ 28.50</u>
	\$ 57.31
Administrative Overhead (25 percent)	<u>\$ 14.33</u>
TOTAL	\$ 71.64

Pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, said lien shall bear interest at the legal rate from the date of lien entry.

Read first time at a regular meeting of the Commission held on the 6th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 6th day of September, 1989.

/s/Jean K. Elliott  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of September, 1989.

/s/David D. Spear  
DAVID D. SPEAR, Mayor

Commission Report No. 89-172, Proposed Ordinance No. 89-1019, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 13, 1989; a Notice to Remove Nuisance was sent to Willamette View Research, owner of property described as Tax Lot 100, Map 3-2E-5CA, located east of Molalla

Avenue between 1145 Molalla Avenue and 1161 Molalla Avenue, Oregon City.

On June 27, 1989, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weeds nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 5, 1989, the Public Works Superintendent was requested to coordinate removal of the weeds nuisance on the property.

The report continued that on August 2, 1989, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Willamette View Research, 7215 S.E. 13th Avenue, Portland OR 97202. The Notice of Proposed Assessment included the costs to be assessed and a lien to be declared against the above described property unless written objections were filed with the City Recorder within 20 days of the Notice. To date, no objection had been filed.

The report also noted that in 1988, a lien of \$440.30 was assessed for nuisance removal on this same property.

The report concluded that on the September 6, 1989 agenda, there was proposed Ordinance No. 89-1019 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 89-1019 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

#### ORDINANCE NO. 89-1019

#### AN ORDINANCE ASSESSING COSTS OF NUISANCE REMOVAL

WHEREAS, pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, the following condition of a nuisance and removal thereof was required: Wild grasses, weeds and thistles and berry vines on property described as Tax Lot 100, Assessor's Map 3-2E-5CA, located east of Molalla Avenue between 1145 Molalla Avenue and 1161 Molalla Avenue, Oregon City.

WHEREAS, said wild grasses, weeds, thistles and berry vines were removed by the City and Notice of Proposed Assessment mailed to Willamette View Research, 7215 S.E. 13th Avenue, Portland OR 97202, owner of said property, on August 2, 1989, and no objections having been filed thereto,

OREGON CITY ORDAINS AS FOLLOWS:



The following costs are hereby assessed and declared a lien against property located east of Molalla Avenue between 1145 Molalla Avenue and 1161 Molalla Avenue, Oregon City, Clackamas County, Oregon, and described as Tax Lot 100, Assessor's Map 3-2E-5CA:

Labor	\$ 67.42
Equipment	\$ 36.00
	<u>\$ 103.42</u>
Administrative Overhead (25 percent)	\$ 25.86
TOTAL	\$ 129.28

Pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, said lien shall bear interest at the legal rate from the date of lien entry.

Read first time at a regular meeting of the Commission held on the 6th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 6th day of September, 1989.

/s/Jean K. Elliott  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of September, 1989.

/s/David D. Spear  
DAVID D. SPEAR, Mayor

Commission Report No. 89-173, Proposed Ordinance No. 89-1020, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 12, 1989, a Notice to Remove Nuisance was sent to E. E. Mitchell, owner of property described as Tax Lot 8100, Map 2-2E-32BB, located at 1114 Monroe Street, Oregon City.

On June 30, 1989, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weeds and shrub nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 5, 1989, the Public Works Superintendent was requested to coordinate removal of the weeds and shrub nuisance on the property.

The report continued that on August 2, 1989, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to E. E. Mitchell, 19290 S. Elizabeth Court, Oregon City OR 97045. The Notice of Proposed Assessment included the costs to be assessed and a lien to be declared against the above described property unless written objections were filed with the City Recorder within 20 days of the Notice. To date, no objection has been filed.

The report concluded that on the September 6, 1989 agenda, there was proposed Ordinance No. 89-1020 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 89-1020 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment.

# ORDINANCE NO. 89-1020

## AN ORDINANCE ASSESSING COSTS OF NUISANCE REMOVAL

WHEREAS, pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, the following condition of a nuisance and removal thereof was required: Wild grasses, and shrubs on property described as Tax Lot 8100, Assessor's Map 2-2E-32BB, located at 1114 Monroe Street, Oregon City.

WHEREAS, said wild grasses, and shrubs were removed by the City and Notice of Proposed Assessment mailed to E. E. Mitchell, 19290 S. Elizabeth Court, Oregon City OR 97045, owner of said property, on August 2, 1989, and no objections having been filed thereto,

## OREGON CITY ORDAINS AS FOLLOWS:

The following costs are hereby assessed and declared a lien against property located at 1114 Monroe Street, Oregon City, Clackamas County, Oregon, and described as Tax Lot 8100, Assessor's Map 2-2E-32BB:

Labor	\$ 61.47
Equipment	\$ 46.00
	<u>\$ 107.47</u>
Administrative Overhead (25 percent)	<u>\$ 26.87</u>
TOTAL	\$ 134.34

Pursuant to Title IX, Chapter 7, Section 5, of the 1963 City Code, said lien shall bear interest at the legal rate from the date of lien entry.

Read first time at a regular meeting of the Commission held on the 6th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission this 6th day of September, 1989.

/s/Jean K. Elliott  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of September, 1989.

/s/David D. Spear

DAVID D. SPEAR, Mayor

Commission Report No. 89-180, Street Vacation - East of Magnolia Street, south of Cascade Street - Proposed Ordinance No. 89-1023, was presented. The report noted that on August 10, 1989, the City Commission held a public hearing to consider a request to vacate unbuilt Elyria Street, east of Magnolia, south of Cascade. The Commission voted to approve the vacation as requested.

Attached was proposed Ordinance No. 89-1023, enacting the street vacation. Notice of proposed Ordinance No. 89-1023 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment. Following enactment, the City Recorder would record the vacation.

It was moved by VanOrman, second by Powell, to approve first reading of proposed Ordinance No. 89-1023.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

Second reading was called after which it was moved by Powell, second by VanOrman, to approve second reading for final enactment.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

#### ORDINANCE NO. 89-1023

AN ORDINANCE VACATING ELYRIA STREET LOCATED EAST OF MAGNOLIA STREET, SOUTH OF CASCADE STREET, IN OREGON CITY, CLACKAMAS COUNTY, OREGON.

WHEREAS, it appears to the City Commission of Oregon City, that on July 5, 1989, RESOLUTION 89-33 was duly adopted initiating action on its own motion pursuant to ORS 271.080 to and including ORS 271.230, for the vacation of a street east of Magnolia Street, South of Cascade Street, and thereafter the City Recorder caused notice to be given by posting and publication as required by law, and the proof of said posting and publication is on file with the City Recorder, and that the matter of said vacation together with a hearing of any objections of claims to be heard and considered concerning said vacation would be heard and considered at 8:00 p.m. on Wednesday, August 10, 1989, in the meeting room of the City Commission in the City Hall, 320 Warner-Milne Road, Oregon City, Oregon, and said hearing having been held, and it appearing no objections or claims have been filed concerning said vacation, and that the public interest will not be prejudiced by the said vacation; now therefore,

OREGON CITY ORDAINS AS FOLLOWS:

That the following described street within the corporate limits of Oregon City, Clackamas County, Oregon, to-wit:

A tract of land situated in the Northeast quarter of the Northwest quarter of Section 5, in Township 3 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot 1, Block 8 of the duly recorded plat of "Mountain View Addition to Oregon City", County Plat No. 69; THENCE S. 0° 06' E. along the West line of said Block 8 and the Easterly right-of-way of Elyria Street (a 40 foot right-of-way), a distance of 350.00 feet; THENCE West a distance of 40.00 feet to a point in the East line of Block 9 of said plat and the Westerly right-of-way of said Elyria Street; THENCE No. 0° 06' W. along the East line of said Block 9 and the Westerly line of said Elyria Street a distance of 350.00 feet to the Northeast corner of Lot 16 of said Block 9; THENCE East a distance of 40.00 feet to the POINT OF BEGINNING.

Containing an area of 0.3214 acres (14,000 square feet) more or less, be and the same is hereby vacated.

Read first time at a regular meeting of the City Commission held on the 6th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission on the 6th day of September, 1989.

/s/Jean K. Elliott  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of September, 1989.

/s/David D. Spear  
DAVID D. SPEAR, Mayor

Commission Report No. 89-179, Alley Vacation - West of Polk Street, between 8th and 9th Streets- Proposed Ordinance No. 89-1022, was presented. The report noted that on August 2, 1989, the City Commission held a public hearing to consider a request to vacate the easterly 105 feet of the alley in Block 37 of the Clackamas County Addition to Oregon City No. 1. The Commission voted to approve the vacation as requested.

Attached was proposed Ordinance No. 89-1022, enacting the alley vacation. Notice of proposed Ordinance No. 89-1022 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street, by direction of the City Recorder. It was recommended that first reading be approved, second reading be called and approved for final enactment. Following enactment, the City Recorder would record the vacation.

It was moved by VanOrman, second by Powell, to approve first reading of proposed Ordinance No. 89-1022.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

Second reading was called after which it was moved by VanOrman, second by Powell, to approve second reading for final enactment.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

#### ORDINANCE NO. 89-1022

AN ORDINANCE VACATING A DEDICATED ALLEY LOCATED WEST OF POLK STREET, BETWEEN 8TH AND 9TH STREETS, IN OREGON CITY, CLACKAMS COUNTY, OREGON.

WHEREAS, it appears to the City Commission of Oregon City, that on June 7, 1989, RESOLUTION NO. 89-25 was duly adopted initiating action on its own motion pursuant to ORS 271.080 to and including ORS 271.230, for the vacation of an alley west of Polk Street between 8th and 9th Street, and thereafter the City Recorder caused notice to be given by posting and publication as required by law, and the proof of said posting and publication is on file with the City Recorder, and that the matter of said vacation together with a hearing of any objections of claims to be heard and considered concerning said vacation would be heard and considered at 8:00 p.m. on Wednesday, August 2, 1989, in the meeting room of the City Commission in the City Hall, 320 Warner-Milne Road, Oregon City, Oregon, and said hearing having been held, and it appearing no objections or claims have been filed concerning said vacation, and that the public interest will not be prejudiced by the said vacation; now therefore,

#### OREGON CITY ORDAINS AS FOLLOWS:

That the following described alley within the corporate limits of Oregon City, Clackamas County, Oregon, to-wit:

A portion of Lots 2 and 3 of Block 37 of the duly recorded plat of "Clackamas County Addition to Oregon City No. 1", Clackamas County, Oregon, and being more particularly described as follows:

COMMENCING at the most Easterly corner of said Block 37; THENCE South 34° West along the Southeast line thereof a distance of 129.00 feet to a point in the most Southwesterly line of the Northeasterly 5.00 foot strip vacated in Ordinance No. 1395, said point being the POINT OF BEGINNING of the tract herein to be described; THENCE North 56° West along said Southwesterly line a distance of 105.00 feet to a point; THENCE South 34° West a distance of 16.00 feet to a point in the Northeasterly line of the Southwesterly 5.00 foot strip vacated in said Ordinance No. 1395; THENCE South 56° East along said Northeasterly line a distance of 105.00 feet to a point; THENCE 34° East a distance of 16.00 feet to the POINT OF BEGINNING.

Containing an area of 0.0771 acres (3,360 square feet), more or less, be and the same is hereby vacated.

Read first time at a regular meeting of the City Commission held on the 6th day of September, 1989, and the foregoing ordinance was finally enacted by the City Commission on the 6th day of September, 1989.

/s/Jean K. Elliott  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of September, 1989.

/s/David D. Spear  
DAVID D. SPEAR, Mayor

Mayor Spear declared a break at 9:10 with the meeting reconvening at 9:17 p.m.

Commission Report No. 89-181, Resolution No. 89-49 - Resolution of Support for "The Sweater Lady Ltd.", was presented. The report noted that a request had been submitted from Phyllis Koessler, president of The Sweater Lady Ltd., asking the City Commission to pass a resolution of support for the business to receive financing from the Oregon Business Development Fund (OBDF).

The report continued that The Sweater Lady Ltd. was established in 1983 and is currently operated in West Linn. Ms. Koessler proposes to relocate to downtown Oregon City and expand the operation, which produces childrens' knitted clothing. The expansion of the operation to Oregon City would involve the creation of eight to twelve new jobs, specifically focusing on the disabled, economically disadvantaged and displaced worker.

The report concluded that attached was Resolution No. 89-49 which expressed support for the relocation of The Sweater Lady Ltd. to Oregon City, and encouraged the State of Oregon to assist in financing the project.

Scott Stryker, husband of the President, addressed the Commission and outlined the process that the business follows and displayed samples of their product.

It was moved by Powell, second by VanOrman, to adopt Resolution No. 89-49 as presented.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

## RESOLUTION NO. 89-49

A RESOLUTION IN THE MATTER OF APPROVAL OF OREGON BUSINESS DEVELOPMENT FUND PROJECT PROPOSAL BY THE SWEATER LADY LIMITED.

WHEREAS, the City Commisison of Oregon City finds that the development of the buisness facility and creation of new jobs by The Sweater Lady Ltd., would foster the economic growth and legislative policy as set forth in ORS 280.520 and 280.585, and

WHEREAS, ORS 280.532 requires, before the approval of an Oregon Business Development Fund project by the State of Oregon, that the governing body of the appropriate local government recommended the project, and

WJHEREAS, the City Commission finds that the completion of the above project within the City of Oregon City would be in the best interests of the citizens of Oregon City;

NOW, THEREFORE, BE IT RESOLVED that Oregon City requests the Economic Development Commission and the State of Oregon to assist in the financing of the above project within the City of Oregon City, through the Oregon Business Development Fund, secured by the improvements as provided by ORS 280.532.

Adopted, signed and approved this 6th day of September, 1989.

/s/David D. Spear  
Mayor-Commissioner

/s/Carol A. Powell  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/  
Commissioner

/s/Daniel W. Fowler  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 89-183, Transfer of Jurisdiction of Certain County Roads - Resolution No. 89-52, was presented. The report noted that with the annexation of the Holcomb, Outlook, Park Place Health Hazard area in July, the City took over Police services in the area. The Northwest seciton of the Park Place Interchange has been a concern for law enforcement officials because of the high use of the Clackamas River and the limited amount of County Sheriff patrols on the three remaining portions of County roads in this area; Washington Street, Pope Lane and Bridgeview Lane. A map was attached.

The report further noted that the Police Department had recommended the possible closure of Bridgeview Lane but this could not be done until the City has jurisdiction for this road. The Development Services Department reviewed the Police Department recommendation and recommends that the City accept jurisdiction over the remaining portion of Washington Street and Pope Lane at the same time. This will transfer all remaining

County roads in this area to the City. Last year the City accepted jurisdiction of the Northern section of Agnes Avenue from the County, and would have accepted jurisdiction for the other roads, but they were outside the City limits at the time.

The report concluded that Clackamas County policy is to provide a transfer payment equivalent to a two-inch asphaltic pavement overlay, for the roads transferred. The payment amount would be \$25,000. If the City Commission supports accepting jurisdiction of the above roads, it should adopt Resolution No. 89-52. Following adoption, an order would be prepared for Board of County Commission adoption.

The City Attorney advised that Pope Lane was erroneously listed as "Polk" Lane in the resolution and needed to be corrected. Correction noted.

It was moved by Powell, second by Fowler, to adopt Resolution No. 89-52 as corrected.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

#### RESOLUTION NO. 89-52

A RESOLUTION ACCEPTING THE TRANSFER OF CERTAIN COUNTY ROADS UPON PAYMENT OF REQUIRED ROAD IMPROVEMENT FUNDS.

WHEREAS, on September 6, 1989, the City Commission of Oregon City adopted a motion requesting transfer of the following County roads:

1. Bridgeview Lane (22297) in its entirety.
2. Washington Street (22294) from Agnes Avenue to the Gladstone City limits.
3. Pope Lane (22296) in its entirety.

and

WHEREAS, Clackamas County has agreed to pay the City \$25,000 for the transfer of the above County roads; and

WHEREAS, it is in the public interest for this transfer to take place.

NOW, THEREFORE, BE IT RESOLVED that the City Commission accepts jurisdiction of said mentioned County roads upon payment of \$25,000 from Clackamas County.



Adopted, signed, and approved this 6th day of September, 1989.

/s/David D. Spear  
Mayor-Commissioner

/s/Carol A. Powell  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/  
Commissioner

/s/Daniel W. Fowler  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 89-178, Appeal of Planning Commission Decision - Conditional Use Permit for Log Sorting/Storage Operation - Property on Agnes Avenue, by the Knappton Corporation - Final Order and Adoption of Findings, was presented. The report noted that on August 10, 1989, the City Commission considered the appeal of the Holcomb-Outlook-Park Place Neighborhood Association, with regard to a conditional use permit granted to the Knappton Corporation by the Planning Commission in June 1989.

The report concluded that the City Commission's decision was to amend the decision of the Planning Commission. The decision was to approve the conditional use permit for a log sorting/storage operation as requested, but to reinstate two of the original staff-recommended conditions that had been modified by the Planning Commission. The Commission also specified that the conditional use permit would have an expiration date of August 7, 1992. Attached for Commission review was the Final Order and findings for the action. It was recommended that the Final Order and findings be adopted.

It was moved by Powell, second by Fowler, to adopt the Final Order and Findings as presented.

Roll call: Powell, Aye; Fowler, Aye; VanOrman, Aye; Spear, Aye.

Commission Report No. 89-177, Liquor License Application - Howell's Restaurant & Lounge, 508 Seventh Street - Add Partner, 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 those 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 September 6, 1989 agenda, there was an application for an OLCC liquor license to Add Partner for Howell's Restaurant & Lounge. Police Department investigation revealed no adverse information that would warrant denial of the application.

Based upon the information presented, it was recommended that the liquor license application be approved.

It was moved by VanOrman, second by Fowler, to approve the liquor license application as submitted.

Roll call: Fowler, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Commission Report No. 89-184, Newell Creek Drainage Basin - Detention Project Consultant Selection, was presented. The report noted that on the September 6, 1989 City Commission agenda was a professional services agreement to provide engineering analysis and design services for the Newell Creek Drainage Basin Detention project. This project was an outgrowth of the Berryhill Shopping Center drainage concerns and the adequacy of proposed Environmental Learning Center Fish Ladder project to handle the projected storm water flows in the Newell Creek Drainage Basin.

The report continued that the Detention Project will answer the concerns of both the fish ladder design and the shopping center drainage. Three engineering proposals were received for the project, i.e., Kampe Associates, Inc.; Lee Engineering, Inc.; and, OTAK, Inc.

Development Services staff evaluated the three proposals and recommended that the firm of Kampe Associates, Inc., be selected. The engineering analysis will cost \$5,400 with an additional \$3,200 for design and construction document preparation.

The report concluded by noting that a copy of the professional services agreement was attached for City Commission review and if approved, a motion should be adopted authorizing the City Manager to execute.

It was moved by Fowler, second by VanOrman, to authorize the City Manager to execute the Professional Services Agreement with Kampe Associates, Inc.

Roll call: VanOrman, Aye; Powell, Aye; Fowler, Aye; Spear, Aye.

At this time, Mayor Spear re-appointed Wesley C. Wood to the Housing Advisory and Appeals Board with term expiring September 1, 1993. VanOrman requested that advertisements be placed to fill the vacancies on all boards.

This was the opportunity for Commission members to present items for future agendas. Mayor Spear and Commissioner Powell requested that a tree removal ordinance be presented as soon as possible.

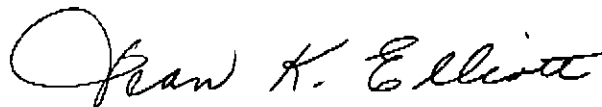
Fowler requested:

1. That work sessions be scheduled for every Friday morning. The City Attorney advised that items for discussion need to be advertised as accurately as possible for each work session.
2. That a copy of the ordinance that created the Sister City Committee be provided.
3. That a form for citizen communication to Commission/Manager/staff/or a committee, be developed and available for use.
4. That a policy regarding the monthly newsletter be developed.
5. That pictures of all board members be displayed in City Hall.
6. That there be a re-negotiation of the contract with METRO regarding the enhancement fee.
7. That plans for the Cemetery and parks be drafted that outline what is planned for capital improvements each year, to include fencing.
8. That the Facilities Study get underway.

The Manager advised that the Facilities Study is beyond the capability of staff to do themselves and are looking for a firm to handle it.

The Manager reminded of a work session scheduled for Friday, September 15, 1989 at 7:30 a.m. and he reminded the Commission of the need for legislative issues for the 1991 session.

There being no further business, the meeting adjourned at 9:55 p.m.



JEAN K. ELLIOTT, City Recorder