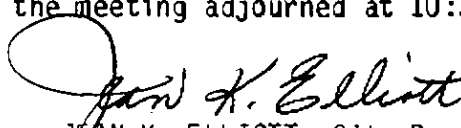


The City Attorney and Manager requested policy direction from the Commission. They were directed that if the County has no interest, neither does the City and that there is no need for appearance at the hearing.

With no further business, the meeting adjourned at 10:30 p.m.


JEAN K. ELLIOTT, City Recorder

REGULAR MEETING

Oregon City, Oregon, September 7, 1988

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

Roll call showed the following present:

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

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

It was moved by Lemons, seconded by Wilson, to approve the minutes of August 3, 1988, as published.

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

At this time, gifts presented to the City during the OCTA Convention at Independence, Missouri, were presented to the City. They included Independence Resolution 3077; an Independence city flag; a Trails flag; a pictorial scene of Independence, circa mid 1800s; and a "Buck Stops Here" desk plaque.

On the Mayor's call for future agenda items, Bill Osburn, 1003 17th Street, addressed the Commission relating problems union members have experienced with what the members perceive as an imbalance with Police enforcement of code and traffic violations. Mr. Osburn was advised of the City's position of neutrality during the strike and that representatives are to arrange a meeting with appropriate City Department Directors.

Manager's Report No. 88-180, Comprehensive Plan Amendment and Zone Change - Annexed Land north of Abernethy Road - Public Hearing. If approved, Proposed Ordinance No. 88-1024, 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 on July 28, 1988, the Portland Metropolitan Area Local Government Boundary Commission approved the annexation of approximately 6.09 acres on the north side of Abernethy Road, east of Washington Street, as requested by Park Place Development Corporation.

The report continued that on August 23, 1988, the Planning Commission held a public hearing for a Comprehensive Plan Amendment and Zone Change for the annexed land, to change designations from County to City. The Planning Commission voted 5-1 to recommend approval as per the staff recommendation, as follows:

Property annexed to Oregon City on July 28, 1988, as described in Boundary Commission Final Order No. 2528, should be designated "I" Industrial on the City Comprehensive Plan, and zoned "M-2" Heavy Industrial, to correspond with current Clackamas County Plan and Zoning designations. The property should also be assigned the "FP" Flood Plain Overlay Zone.

Attached for Commission review were the following documents: 1) Planning Commission Minutes - August 23, 1988; 2) Staff report; and, 3) Public Notice/Map.

The report concluded that if the Commission agreed and the Plan Amendment/Zone Change was approved, attached was proposed Ordinance No. 88-1024 which would enact the change. Notice of proposed Ordinance No. 88-1024 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.

Mayor Mitchell declared the public hearing open and called for testimony with none, the hearing was closed and first reading of proposed Ordinance No. 88-1024 was called.

It was moved by Spear, seconded by Powell, to approve first reading of proposed Ordinance No. 88-1024.

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

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

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

ORDINANCE NO. 88-1024

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:

OREGON CITY ORDAINS AS FOLLOWS:

Whereas, public necessity and the general welfare of Oregon City require changes to certain districts, which changes have been heard by the City Planning Commission and approved by it after public notice and hearing as required by Title XI: Chapter 13, Section 2, of the 1963 City Code, and the City Commission after public notice and hearing finding that the following described property which was annexed to Oregon City on July 28, 1988, can suitably be utilized for uses incident to the "M-2" Heavy Industrial District, and that such zoning corresponds to the current Clackamas County plan and zoning designations, and the findings, conditions and recommendations of the Planning Commission are hereby adopted as the findings of this Commission, and the property as described in attached Exhibit "A" which is now zoned "I-3" General Industrial (County) is hereby changed to "M-2" Heavy Industrial (City), and the Comprehensive Plan designation which is now General Industrial (County) is hereby changed to "I" Industrial (City). The property as described in attached Exhibit "A" is also designated "FP" Flood Plain Overlay District.

Read first time at a regular meeting of the City Commission held on the 7th day of September, 1988, and the foregoing ordinance was finally enacted by the City Commission this 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

Manager's Report No. 88-178, Request for Rate Adjustment - Oregon City Garbage Company - Public Hearing - Resolution No. 88-58, was presented. The report noted that on the September 7, 1988 agenda, there was a request from Oregon City Garbage Company for a rate increase that would raise garbage rates \$2.15 monthly per can and \$14.07 monthly per loose yard for containers effective November 1, 1988. This increase was the result of an increase in disposal fees of \$26.05 per ton for the Clackamas Transfer and Recycling Center (CTRC) approved by Metro. Oregon City Garbage Company indicates the rate increase is just a pass-through of the Metro disposal fee increase.

The report further noted that attached for Commission review was a copy of the request, a computation on the disposal fee increase, a summary of comparative cities' rates, and proposed Resolution No. 88-58 that would adopt the new rate schedule. Estle Harlan, Consultant for Oregon City Garbage Company, would be at the meeting to answer any questions the Commission would have.

The report concluded that if the Commission was supportive of the rate increase for the pass-through of the CTRC disposal fee increase, Resolution No. 88-58 should be adopted.

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

Estle Harlan, Consultant, addressed the Commission noting that the report precisely outlined the need as a pass-through of the Metro disposal fee. General discussion was conducted regarding current and future rates for garbage disposal.

With no further testimony, the hearing was closed.

It was moved by Powell, seconded by Spear, to adopt Resolution No. 88-58 as presented.

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

RESOLUTION NO. 88-58

WHEREAS, Ordinance No. 1848 was enacted on May 15, 1976, and said Ordinance enacted Chapter 4: Solid Waste and Waste Management of the 1963 City Code; and

WHEREAS, Resolution No. 76-24 was approved on June 10, 1976, and under said Resolution, an Agreement was entered into between the City of Oregon City and Richard Bloom for a Solid Waste and Waste Franchise; and

WHEREAS, Seciton 8-4-13 of Ordincnace No. 1848 provides that Rate shall be approved by the City Commission; and

WHEREAS, disposal fees at Clackamas Transfer and Recycling Center will increase November 1, 1988, by \$26.50 per ton and the Franchisee is seeking a pass-through to its customers of said disposal fee increase and has provided sufficient documentation to justify said increase in rates; and

WHEREAS, this increase is for disposal at the Clackamas Transfer & Recycling Center and in the event that solid waste is disposed of at other sites at less cost, the City will be entitled to rebate of the cost difference.

NOW, THEREFORE, BE IT RESOLVED that the Rate for the Solid Waste Service provided by Richard Bloom through Oregon City Garbage Co., now incorporated, shall be as set forth in the attached Exhibit "A" and said Rates shall be the maximum rates chargeable by the Franchisee.

That the new Rate Schedule set forth in Exhibit "A" shall be effective November 1, 1988.

Adopted, signed and approved this 7th day of September, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/David D. Spear
Commissioner

/s/Thomas F. Lemons
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/Carol A. Powell
Commissioner

Comprising the City Commission of
Oregon City, Oregon

Manager's Report No. 88-163, Oregon City Garbage Company - Yard Debris Program Agreement Renewal, was presented. The report noted that on the September 7, 1988 agenda, there was a request from Oregon City Garbage Company to renew the yard debris program agreement.

The report continued that on September 15, 1987, Oregon City residents approved a three-year serial levy to fund the City's yard debris program. The annual levy is for \$96,500, less an uncollected allowance of \$11,098, for an estimated collection of \$85,403. Last year the City collected \$87,878.35. The levy amount is equivalent to a \$0.221 per \$1,000 tax rate, based on the 1986-87 assessed value. Assessed values for the current year will be approximately the same as in the first year of the program.

As a part of the three-year levy, the City adopted a three-year yard debris program. The program identified costs necessary to run the program over the three-year period. Three and five percent increases were built into each year's operation for vehicle, fuel and labor costs to compensate for normal inflationary increases, along with a 9 percent annual increase for disposal costs. The City contracted on an annual basis with Oregon City Garbage Company to run the program.

The request indicates that the costs to run the yard debris program would be within the three-year program estimate in all areas except disposal. Instead of a 9 percent increase this year, there will be an 18 percent increase in disposal costs: Last Year's Contract Amount = \$77,316; Contract Computation in Levy = \$80,508; plus Additional Increase in Disposal Costs = \$1,350; equals a REvised Contract Amount of \$81,858.

The report concluded that Finance and Development Services staff evaluated the operation and disposal cost increases and found that there will be sufficient funds in the current levy to fund the program. It was recommended that the City Commission approve the Yard Debris Program Agreement renewal with Oregon City Garbage Company and authorize the Mayor and City Recorder to execute the Agreement.

Estle Harlan, Consultant for Oregon City Garbage Company, addressed the Commission and answered a few general questions regarding the program. The City Attorney advised that Section 3, line 6, should be modified to read "to be agreed upon mutually 'in writing' by the parties...". The modification was approved by all parties.

It was moved by Powell, seconded by Spear, to approve the Yard Debris Program Agreement renewal with Oregon City Garbage Company and authorize the Mayor and City Recorder to execute the agreement.

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

Manager's Report No. 88-166, Kelly Field Light Improvements Bid Award and Contract Authorization, was presented. The report noted that at the August 3, 1988 meeting, the City Commissions directed staff to proceed with the bidding process for the Kelly Field light improvements.

A notice was published in the Daily Journal of Commerce on August 11, 12 and 15, 1988 for proposals. Seventeen companies requested copies of the RFP and three submitted proposals which were attached for Commission review. Of the three that submitted proposals, two called the City to discuss the RFP, one of which was the low bidder was one of the two who called and then personally came in and discussed the project with City staff.

Two questions were raised during the bidding process. One was whether a 1000 watt or a 1500 watt fixture should be used; the other was whether the wiring should be overhead, as currently exists, or should be underground.

1000 Watt vs. 1500 Watt Lamps. In discussions with the contractors and with Interface Engineering (electrical engineers), it was recommended that 1500 watt lamps be used for the following reasons:

1. Typically, with normal usage the replacement cycle of four to five years would correspond with aiming adjustment cycle.
2. In northern states, with longer daylight hours in the summer playing months, the 1500 watt lamps are generally used.

Underground vs. Overhead. Advantages of underground wiring are:

1. Safety. If someone flew a kite and the string touched the bare overhead wire when the lights were on, they could get shocked.
2. Appearance. Underground is more pleasing to the eye.
3. The condition of the existing overhead wire may be questionable.
4. Underground is state-of-the-art.
5. Underground will eliminate transformers on the poles.
6. Underground will eliminate any pull on the poles that may affect aiming of the lights.

The advantages of conduit for underground installation is ability to repair or modify system in the future without digging new trenches.

The results of the bids were as follows:

<u>Firm</u>	<u>Alternate No. 1 (overhead)</u>	<u>Alternate No. 2 (underground)</u>
Northwest Recreation	*	\$36,236 2,600 ** \$38,836
Farnham Electric Co.	\$30,440	\$39,025 ***
Olson Electric Co.	\$47,677	\$62,372
Engineer's Estimate	\$36,000	\$40,000

* Northwest Recreation did not submit an overhead alternative. They felt the underground was the best alternative and the cost difference would not be that great.

** Conduit Option

*** Underground cable, no conduit

The report concluded that based on a review of the bid proposals, it was recommended that 1500 watt fixtures be used and that underground wiring in conduits be installed. For this alternative, the low bidder is Northwest Recreation. Based on their proposal and reference checks with Interface Engineering, who worked with them on the Tualatin Hills Park and Recreation District softball field lighting project, it was recommended that the City Commission accept the low bid of Northwest Recreation and authorize the Mayor and City Recorder to execute the attached Personal Services Agreement for the Kelly Field Lighting Project.

Manager's Report No. 88-166-A, Supplemental Report - Kelly Field Light Improvements - Expanded Project, was presented. The supplemental report noted that the Recreation and Memorials Director recommended that the City Commission consider expanding the Kelly Field project to include lighting the small field in the northeast corner of Kelly Field. Development Services obtained a price of \$25,162 from Northwest Recreation, the low bidder on the Kelly Field light project, to do the additional work. Since neither of these projects were budgeted nor anticipated, the City Commission may want to consider both projects at the same time.

On discussion, Lemons noted that discussion had been held prior regarding the lighting of the additional field. Wilson suggested setting this matter over to December or January because the lighting would not benefit any Clubs at this time of year. Powell and Spear concurred. Lemons noted that it was important to get this project completed now because to delay would mean re-bidding and additional cost.

It was moved by Wilson, seconded by Powell, to continue this matter to a meeting date in January, 1989.

Tim Richardson, representing Oregon City Youth Football and Oregon City Jr. Baseball, addressed the Commission noting that delay has caused the loss of the field for fall football and to further delay could cause loss for spring use.

John Block, Development Services Director, recommended accepting the low bid and extend construction for 90 days. Discussion was also held regarding acquisition of grant monies to pay for this construction. The City Attorney advised that the bid could only be accepted for the one field as advertised with any addition needing to be bid separately because it is a major project amount. On the discussion of funding, Scott Harper, Financial Services Director, noted that funding could be borrowed from another internal revenue fund and then repaid.

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

When asked by the City Attorney if this constituted the Commission rejecting all bids, the Commission advised that this was a rejection.

Manager's Report No. 88-162, Laurel Lane Sanitary Sewer L.I.D. - Consideration of Remonstrances - Public Hearing; and Creation of Laurel Lane Sanitary Sewer L.I.D. No. 88-01 - Resolution No. 88-56, was presented. The report noted that at the August 3, 1988 Commission meeting, the City Commission accepted the Engineer's report on the proposed Laurel Lane sanitary sewer local improvement district (LID). The Commission also adopted a resolution of intent, Resolution No. 88-54, to create the LID, which set September 7, 1988 as the public hearing date to consider any remonstrances against forming the district, directed that notices be provided to the property owners affected, and authorized engineering services to prepare the construction plans and specifications for the project. Notices of the public hearing and assessments were mailed to all property owners on August 26, 1988.

The report continued that on the September 7 agenda, there were several actions that would need to be considered by the City Commission. The first action involved a public hearing that would consider any written or oral remonstrances that were filed by affected property owners opposing the formation of the proposed LID. If objections were received from owners representing two-thirds of the area to be assessed, the formation proceedings need to be abandoned and not be subject to further hearing for at least three months. If there were less than two-thirds of the owners in the area assessed objecting, the Commission could go forward with the formation proceedings. The Mayor should open the public hearing and ask for a staff presentation, followed by any affected property owner remonstrances. The Commission would need to decide if the property owner was in the assessed area, and if it was a remonstrance or general question.

Continuing, the report noted that the second action involved the review of the final plans, specifications and cost estimates for the project. The City Commission should determine if the plans were consistent with the preliminary plans and cost estimate provided in the Engineer's report accepted by the Commission at the August 3rd meeting. If not consistent, the Commission may request amendments to the final plans and specifications.

The report further noted that if there were less than two-thirds objecting and the final plans and specifications and cost estimate were acceptable to the Commission, the City Commission could go forward and adopt proposed Resolution No. 88-56 creating the LID. The District is to be known as Sewer Improvement District No. 88-01. Resolution No. 88-56 also adopts the final plans and specifications and directs the City Recorder to advertise for bids on the project.

The report concluded that following the bid advertisement period, bids would be opened, with the bid award considered by the City Commission at the October 5, 1988 meeting. If the bids exceed the Engineer's estimate by 15 percent, the Commission will have to hold another hearing before proceeding with the construction of the project...

John Block, Development Services Director, presented the staff report and introduced John Hawthorne, City Engineer, who outlined the progress of the project thus far. He noted that no remonstrances had been filed.

Mayor Mitchell declared the hearing open and called for remonstrances. Hearing none, the hearing was closed.

It was moved by Wilson, seconded by Powell, to adopt Resolution No. 88-56 as presented.

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

RESOLUTION NO. 88-56

A RESOLUTION TO CREATE A LOCAL IMPROVEMENT DISTRICT FOR THE CONSTRUCTION OF SANITARY SEWERS TO SERVE LAUREL LANE.

WHEREAS, a petition requesting formation of a local improvement district to construct certain sanitary sewer improvements was filed with the City Recorder on the 27th of July, 1988; and

WHEREAS, at its August 3, 1988 meeting, the City Commission adopted Resolution No. 88-54, a resolution of intent to create a local improvement district and setting September 7, 1988 as the public hearing date and directing that notices be provided to property owners; and

WHEREAS, notice of the City Commission's intent to make such improvements and preliminary assessment were mailed on August 26, 1988, to the owners of properties to be assessed for the costs of such improvements; and

WHEREAS, a public hearing was held on September 7, 1988, for presentation of written and oral remonstrances to formation of said district and preliminary assessments; and

WHEREAS, on September 7, 1988, the City Commission reviewed final plans and specifications and cost estimates(s) and found them to be consistent with the preliminary plans and cost estimate(s), provided in the engineer's report; and

WHEREAS, the City Commission finds that construction of sanitary sewers to serve Laurel Lane would be in the public interest; and

WHEREAS, all requirements of City Code, Title I, Chapter 14 - Local Improvement Districts for creating a local improvement district have been met.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OREGON CITY that the local improvement district for the construction of sanitary sewers to serve Laurel Lane is created and shall be known as Sewer Improvement District No. 88-01. Said district is described as follows:

A tract of land situated in the William Holmes Donation Land Claim No. 46, and No. 38, in the northwest quarter of Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

Beginning at the southeast corner of the duly recorded plat of "Rilance Estates"; thence north along the east line of said "Rilance Estates" a distance of 250.00 feet to the northwest corner of that certain tract of land conveyed to Charles L. Livesay, et ux, by deed recorded on July 1, 1970, under Film Jacket No. 70-12675 deed records Clackamas County; thence east along the north line of said Livesay tract a distance of 105.00 feet to the southwest corner of that certain tract of land described in contract to Ludvick W. Carlson, et ux, by contract recorded on February 15, 1973, under Film Jacket No. 73-4603 deed records Clackamas County; thence north along the west line of said Ludvick tract, a distance of 117.7 feet more or less to the south line of that certain tract of land conveyed to Joseph D. Mayer, et ux, by deed recorded on October 27, 1979, under Film Jacket No. 79-46918 deed records Clackamas County; thence west along the south line of said Mayer tract a distance of 105.00 feet to the southwest corner thereof; thence north along the west line of said Mayer tract a distance of 126.00 feet to the northwest corner thereof; thence east along the north line of said Mayer tract and an extension thereof a distance of 263.00 feet to the west line of a 25.00 foot wide public road known as Laurel Lane; thence south along said west line a distance of 64.00 feet to the northwest corner of that certain tract of land conveyed to Raymond L. Minor, et ux, by deed recorded on June 5, 1947, in Book 391, Page 472, deed records Clackamas County; thence east along the north line of Minor tract a distance of 191.78 feet to a point in the west line of Parcel I of that certain tract of land described in contract to CEI-Clipper Ridge, A California Limited Partnership, by contract recorded on July 30, 1982, under Film Jacket No. 82-21199 deed records Clackamas County; thence south along the west line of said CEI-Clipper Ridge tract a distance of 400 feet more or less to an angle point in said CEI-Clipper Ridge tract; thence west along said CEI-Clipper Ridge tract and the north line of that certain tract of land conveyed to Action Lands Limited, a Limited Partnership, by deed recorded on June 27, 1974, under Film Jacket No. 74-17867 Clackamas County deed records, a distance of 204.9 feet to the northwest corner of said Action Lands Limited tract; thence south along the west line thereof and the east line of that certain tract of land described in contract to Pat J. Bell, et al, by contract recorded on May 13, 1985, under Film Jacket No. 85-16150 deed records Clackamas County a distance of 405 feet more or less to the southeast corner of said Bell tract; thence west along the south line of said Bell tract a distance of 230 feet to the southwest corner thereof; thence north along the west line of said Bell tract a distance of 380.33 feet to the south line of that certain tract of land conveyed to Kenneth R. Matteucci, et ux, by deed recorded on June 5, 1978, under Film Jacket No. 78-23742 deed records Clackamas County; thence west along the south line of said Matteucci tract a distance of 15 feet more or less to the point of beginning. Containing an area of 6.48 acres more or less.

RESOLVED, the final plans and specifications are hereby adopted and the City Recorder is hereby directed to advertise for bids on Sewer Improvement District No. 88-01 according to the said plans and specifications.

The foregoing Resolution adopted this 7th day of September, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/David D. Spear
Commissioner

/s/Thomas F. Lemons
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/Carol A. Powell
Commissioner

Comprising the City Commission of
Oregon City, Oregon

Mayor Mitchell declared a break at 9:45 with the meeting reconvening at 9:52 p.m.

Manager's Report No. 88-167, Traffic Signal Maintenance and Miscellaneous Electrician Services Proposal, was presented. The report noted that at the June 29, 1988 City Commission meeting, the Commission authorized requesting proposals (RFP's) for traffic signal maintenance and miscellaneous electrician services. RFP's were sent to six electrical contractors and advertised in the Daily Journal of Commerce three times. Five additional electrical contractors requested copies of the RFP. Only one proposal was received by the July 29 submittal date. Several of the contractors were called to determine why they did not bid. The responses included - "Too busy at the present time and for the coming year"; "services include on-call as needed with short time frame which could cause difficulty in scheduling equipment and personnel from other jobs"; "24-hour response time not realistic, 72-hour or longer would be needed"; "did not have signal maintenance technician capabilities, would have to depend on factory equipment distributors and dealers for maintenance assistance".

The report further noted that the City Commission's direction was to bid and contract for traffic signal and miscellaneous electrician services. On an interim basis, the Commission's direction had been to bid all non-emergency electrical and signal repair work and to use Team Electric on all emergency electrical and signal work. The Commission's goal was to bid the services instead of using Team Electric on an on-call basis and to get all electrical and traffic signal maintenance needs under one service contract.

The report continued that Development Services staff reviewed the one proposal received and determined that it meets the requested services and provides a reasonable cost for the services proposed. Team Electric has indicated to the City that if the proposal is not accepted, they will no longer be able to provide on-call emergency services without a contract. The City Commission should either accept the proposal and authorize contract preparation or reject the proposal and authorize some other course of action.

The report concluded that in a separate action, Development Services staff is requesting authorization to create and fill a City Maintenance Electrician position. If this position is approved, these contract services could be provided on an interim basis until the City Electrician was hired and capable of doing the work. The City would still need traffic signal maintenance contract services until the new position was also certified to do that work. Because the new position would be for electrical

maintenance work only, all new electrical construction projects would still be bid out and contracted for.

Supplemental Report - Traffic Signal Maintenance and Miscellaneous Electrician Services Proposal, was presented in conjunction with Manager's Report No. 88-167. The report noted that at the September 7th pre-agenda meeting, the City Commisison questioned whether Clackamas County could provide the services on a contract basis as they do for the cities of Milwaukie and Estacada. Development Services staff contacted the County for interest in providing the services and on services cost.

The report continued that the County was interested but only for traffic signal maintenance services and not miscellaneous electrician service. The service costs are labor at approxzimately \$56/hour for two men, equipment rental at established rental rates, and materials at cost. They would have a minimum charge of \$200 for after hours and weekend calls.

The report further noted that this compares to Team Electric's proposal of \$35/hour for labor, and material and equipment at cost plus ten percent. The main difference in the service costs is that Team Electric would utilize the City's bucket truck and one man to reduce costs. The City did not want to use the City's truck or manpower. Mr. Nelson said the cost differences would be about the same, even though the County's labor and equipment costs would be higher because the County would emphasize a preventive maintenance program. The County is currently negotiating with Team Electric for signal maintenance services, but would still be interested in providing the signal maintenance services to the City.

The supplemental report concluded that if the City Commission supports County services instead of accepting the Team Electric proposal, additional direction would be needed on provision of interim electrician services.

The Manager advised that this matter and the following could be considered in tandem. Discussion was conducted regarding the need for preventive maintenance and that the City was in need of not only preventive maintenance but now many things in need of actual repair.

In considering the two reports in one action, it was moved by Wilson, seconded by Powell, to accept the Clackamas County service proposal and direct staff to fill the Maintenance Electrician position.

On discussion, concern was expressed regarding considering the two matters as one action. Whereupon, the motion and second were withdrawn and the issues considered separately.

It was moved by Powell, seconded by Wilson, to accept the proposal by Clackamas County and direct staff to pursue filling the position of Maintenance Electrician.

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

Manager's Report No. 88-168, Development Services Department Vacancies - Authorization to Recruit and Fill Vacancies, was presented. The report noted that with the retirement of Bob Smith, the death of Eldon Dunsmoor and the accident that took Tom Hughart's life, the Public Works Maintenance Division is short three people. Tom and Eldon's positions were not included in the FY 88-89 budget, but Bob's position was included in the budget and approximately \$60,000 is available to fund

replacement positions and the need to replace some of the utility maintenance personnel.

The report continued that because of the continuing need for electrical services, the Development Services Department has reviewed staffing needs of the Public Works Maintenance Division and is recommending that the City create and fill a City Maintenance Electrician position and fill one of the vacated Utility Worker positions. The Utility Worker would be assigned to the Water Division, but would float to other Divisions as needed. The Maintenance Electrician would be primarily involved in miscellaneous electrical repair work, but would also float as needed for utility maintenance work.

Attached to the report was a memorandum from Bill Jackson indicating the need to fill some of the Utility Worker positions and a memorandum summarizing the electrical maintenance costs for the past year. Most of the electrical maintenance work could have been done by a City Maintenance Electrician. The City would still need to hire a contractor for emergency electrical and traffic signal maintenance services on an interim basis until the City electrician is hired and certified. Both reports support the need to create and/or fill these positions. Attached for Commission review was a job description for a Maintenance Electrician position. The recommended monthly salary range for this position is \$1,680 to \$2,164, which is the same salary range as the Public Works Lead Worker positions.

The report concluded by recommending that the City Commission approve the Maintenance Electrician position and salary range and authorize recruitment for both Utility Worker and Electrician positions. The Civil Service Commission will also need to review and approve the Maintenance Electrician job description. In a related item, there was need for Commission action on Miscellaneous Electrical and Traffic Signal Maintenance Services.

It was moved by Lemons, seconded by Spear, to not fill any positions at this time because of budget constraints.

Considerable discussion was held regarding the need to replace positions vacated and the need for a maintenance electrician. After discussion, Spear withdrew his second to the motion. The motion then died for lack of second.

It was then moved by Spear to table this matter to the September 15 meeting. The Mayor declared the motion dead for lack of second and it was then moved by Powell, seconded by Wilson, to accept the recommendation to fill the Maintenance Electrician position.

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

Manager's Report No. 88-179, Utility Easement Vacation - Lot 10, Block 3, Oaktree Subdivision - Public Hearing; if approved, proposed Ordinance No. 88-1023, An Ordinance Vacating a Dedicated Utility Easement in Oregon City, Clackamas County, Oregon, was presented. The report noted that at its August 3, 1988 meeting, the City Commission adopted Resolution No. 88-53, which initiated proceedings for vacation of a 5-foot utility easement at the southeast property line of Lot 10, Block 3, Oaktree Subdivision. The vacation is at the request of the property owners, Ronald and Cheryl Fullerton. Analysis of the proposed vacation was as follows:

The Oaktree Subdivision was platted in 1976, and included a dedication of 5-foot utility easements along all side yards. The easement requested for vacation has no utilities within it.

As stated in their application, the property owners are requesting vacation of the easement so that a garage for their recreational vehicle can be constructed in the side yard. The lot is on a corner, but is not of a traditional configuration. In addition, the house on the is very long and narrow, and leaves few alternatives for an accessory structure.

The report continued that notice of the proposed vacation had been advertised and posted and mailed notice was sent to surrounding properties. One telephone inquiry was received as of September 1, 1988, but no specific opposition was voiced.

Attached for Commission review was a notice map/public notice, and supporting information submitted by the property owners. Staff recommendation was to vacate the 5-foot utility easement at the southeast property line of Lot 10, Block 3, Oaktree Subdivision, as requested by the Fullertons. The report concluded that if the vacation is approved, proposed Ordinance No. 88-1023 was attached which would enact the vacation. Notice of proposed Ordinance No. 88-1023 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.

Mayor Mitchell declared the hearing open and called for testimony. With none, the hearing was closed.

It was moved by Wilson, seconded by Powell, to approve first reading of proposed Ordinance No. 88-1023.

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

Second reading was called after which it was moved by Wilson, seconded by Spear, to approve second reading for final enactment.

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

ORDINANCE NO. 88-1023

AN ORDINANCE VACATING A DEDICATED UTILITY EASEMENT IN OREGON CITY, CLACKAMAS COUNTY, OREGON:

WHEREAS, it appears to the City Commission of Oregon City, Oregon, that on August 3, 1988, RESOLUTION NO. 88-53 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 utility easement in the Oaktree Subdivision, 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 Records, and that the matter of said vacation together with a hearing of any objections or claims to be heard and considered concerning said vacation would be heard and considered at 8:00 PM on Wednesday, September 7, 1988, 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 that no objections or claims have been filed concerning said vacation, that said vacation is in the public interest, that the requisite consents to said vacation have been duly filed herein and that all expenses and assessments in connection

therewith have been paid, now therefore,

OREGON CITY ORDAINS AS FOLLOWS:

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

A five-foot (5') utility easement at the southeast property line of Lot 10, Block 3, Oaktree Subdivision.

be and the same is hereby vacated.

Read first time at an adjourned regular meeting of the City Commission held on the 7th day of September, 1988, and the foregoing ordinance was finally enacted by the City Commission on the 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

Manager's Report No. 88-177, Supplemental Budget No. 1 for Fiscal Year 1988-89 - Public Hearing - Resolution No. 88-57, was presented. The report noted that on July 25, 1988, the Budget Committee approved a Supplemental Budget for Fiscal Year 1988-89 and referred it to the City Commission for acceptance and public hearing.

Subsequently, at its August 3, 1988 meeting, the City Commission accepted the supplemental budget for fiscal year 1988-89 and set the date of public hearing for September 7, 1988 at 8:00 p.m. First and Second Notices of Public Hearing were published on Friday, August 19 and Friday, August 26, 1988, respectively. Listed within that publication were resources and requirements for creation and modification of the following funds:

Civic Improvement Trust Fund
Downtown Parking Fund
Brush Pick Up Levy Fund
Assessments Collection Fund
Federal Revenue Sharing Fund
General Fund

Attached to this report was an explanation of the activity related to each of the funds listed above. Also attached was proposed Resolution No. 88-57. If there was no opposition to the Supplemental Budget, it was recommended that Resolution No. 88-57 be adopted.

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

It was moved by Spear, seconded by Wilson, to adopt Resolution No. 88-57 as presented.

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

RESOLUTION NO. 88-57

WHEREAS, Oregon City has or will receive during the 1988-89 budget year the following sums:

(R-1)	<u>CIVIC IMPROVEMENT TRUST FUND</u>	
	Cash Carryover:	
	OCCIT	\$ 24,156
	Revenues:	
	OCCIT: Hotel/Motel Tax Receipts	\$ 40,000
	Contributions	4,000
	Interest Earned	1,000
		<u>\$ 45,000</u>
		<u>\$ 69,156</u>
(R-2)	<u>DOWNTOWN PARKING FUND</u>	
	Resources:	
	Parking Lot Charges	\$ 26,000
	Parking Permits	21,000
	Courtesy Park Fees	1,000
	Beginning Cash Carryover	<u>0</u>
		<u>\$ 48,000</u>
(R-3)	<u>BRUSH PICKUP LEVY FUND</u>	
	Resources:	
	Current Tax Receipts	\$ 86,850
	Prior Tax Receipts	4,800
	Interest Earned	1,000
	Beginning Cash Balance	<u>86,850</u>
		<u>\$ 179,500</u>
(R-4)	<u>ASSESSMENTS COLLECTION FUND</u>	
	Resources:	
	Collections on Assessments	\$ 19,970
	Interest Earned	2,000
	Beginning Cash Balance	<u>57,770</u>
		<u>\$ 79,740</u>
(R-5)	<u>FEDERAL REVENUE SHARING FUND</u>	
	Resources:	
	Interest Earned	\$ 35,000
	Beginning Cash Balance	<u>315,000</u>
		<u>\$ 350,000</u>

(R-6) GENERAL FUNDResources:

FRS Operating Transfers	\$250,000
FRS Transfer to Carry Forward	<u>100,000</u>

\$ 350,000

and

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

(E-1) CIVIC IMPROVEMENT TRUSTExpenditures:

OCCIT: Miscellaneous	\$ 1,000
Tourist Promotion	35,000
Civic Improvements	<u>33,165</u>
	\$ <u>69,156</u>

\$ 69,156

(E-2) DOWNTOWN PARKING FUNDExpenditures:

Lease of Lot	\$ 8,800
Maintenance of Lot	1,000
Parking Program Supplies	2,500
Transfer to General Fund:	
Administrative Expenses	4,800
Repayment of 1st Yr. Costs	
(50% of total)	3,197
Payment for Lot (50% of total)	16,078
Expansion of Parking Program	<u>11,625</u>

\$ 48,000

(E-3) BRUSH PICK UP LEVY FUNDExpenditures

Current Year Contract	\$ 79,710
Transfers to General Fund:	
Prior Year's Costs	64,419
Current Administration	4,025
Contingency	5,025
Unappropriated Fund Balance	<u>26,321</u>

\$ 179,500

(E-4)	<u>ASSESSMENTS COLLECTION FUND</u>		
	Expenditures:		
	Materials and Services	\$ 5,000	
	Capital Outlay:		
	LID - Advance Payments	50,000	
	LID - Transfer to General		
	Fund for Costs	5,000	
	Debt Service - Lottery Funds:		
	Interest	0	
	Principal	0	
	Contingency	<u>19,740</u>	
			<u>\$ 79,740</u>
(E-5)	<u>FEDERAL REVENUE SHARING FUND</u>		
	Expenditures:		
	Transfers:		
	General Fund Tax Offset	\$100,000	
	General Fund Fire Engine	150,000	
	General Fund Unappropriated		
	Cash Carry Forward	100,000	
	Contingency	<u>0</u>	
			<u>\$ 350,000</u>
(E-6)	<u>GENERAL FUND</u>		
	Expenditures:		
	Transfers:		
	General Fund Tax Offset	\$100,000	
	General Fund Fire Engine	150,000	
	General Fund Unappropriated		
	Cash Carry Forward	<u>100,000</u>	
			<u>\$ 350,000</u>

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 through E-6), and hereby makes additional expenditures as authorized by such appropriations.

Adopted, signed and approved this 7th day of September, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/s/David D. Spear
Commissioner

/s/Wayne G. Wilson
Commissioner

/s/
Commissioner

/s/Carol A. Powell
Commissioner

Comprising the City Commission
of Oregon City, Oregon

ORDINANCES

Manager's Report No. 88-159, Proposed Ordinance No. 88-1011, An Ordinance Amending Title XI: Zoning, Chapter 8: Variances, of the 1963 City Code, by Deleting Section 1: Authorization to Grant or Deny Area Variances; Section 2: Authorization to Grant or Deny Design Variances; and Section 3: Grounds for Variances, and Replacing them with New Section 1: Authorization to Grant or Deny Variances; and Section 2: Grounds for Variances - Second Reading - continued from August 3, 1988 Meeting, was presented. The report noted that the Oregon City Charter of 1982, Chapter VIII, Ordinances, Section 34, Mode of Enactment, (b), states, in part, the following: "...an ordinance may be enacted at a single meeting of the commission by unanimous vote of all commission members present..."

At the August 3, 1988 meeting, first reading of proposed Ordinance No. 88-1011 was approved on a three - aye; one - nay; with one absent, vote. Therefore, on the September 7, 1988 agenda, there was proposed Ordinance No. 88-1011 presented for second reading.

It was recommended that second reading of proposed Ordinance No. 88-1011 be approved for final enactment to become effective October 7, 1988.

Second reading was called after which it was moved by Wilson, seconded by Spear, to approved second reading for final enactment.

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

ORDINANCE NO. 88-1011

AN ORDINANCE AMENDING TITLE XI: ZONING, CHAPTER 8: VARIANCES, OF THE 1963 CITY CODE, BY DELETING SECTION 1: AUTHORIZATION TO GRANT OR DENY AREA VARIANCES; SECTION 2: AUTHORIZATION TO GRANT OR DENY DESIGN VARIANCES; AND SECTION 3: GROUNDS FOR VARIANCES, AND REPLACING THEM WITH NEW SECTION 1: AUTHORIZATION TO GRANT OR DENY VARIANCES; AND SECTION 2: GROUNDS FOR VARIANCES.

OREGON CITY DOES ORDAIN AS FOLLOWS:

That TITLE XI: ZONING, Chapter 8: VARIANCES of the 1963 City Code is hereby amended to delete Section 1: AUTHORIZATION TO GRANT OR DENY AREA VARIANCES, and Section 2: AUTHORIZATION TO GRANT OR DENY DESIGN VARIANCES, and replacing them with Section 1: AUTHORIZATION TO GRANT OR DENY VARIANCES, to read as follows:

11-8-1 AUTHORIZATION TO GRANT OR DENY VARIANCES: According to procedures set forth in Section 11-8-4, the Planning Commission or the Planning Director may authorize variances from the requirements of this Title. In granting a variance, the Planning Commission or Planning Director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this Title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

OREGON CITY DOES FURTHER ORDAIN AS FOLLOWS:

That TITLE XI: ZONING, Chapter 8: VARIANCES; is hereby amended by adding Section 2: GROUNDS FOR VARIANCES; to read as follows:

11-8-2 GROUNDS FOR VARIANCES: A variance may be granted only in the event that all of the following conditions exist:

- (A) That the literal application of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this ordinance; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site.
- (B) That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this ordinance.
- (C) The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased.
- (D) No practical alternatives have been identified which would accomplish the same purposes and not require a variance.
- (E) That the variance requested is the minimum variance which would alleviate the hardship.
- (F) That the variance conforms to the Comprehensive Plan and the intent of the ordinance being varied.

Read first time at a regular meeting of the City Commission held on the 3rd day of August, 1988 and the foregoing ordinance was finally enacted by the City Commission this 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

Manager's Report No. 88-173, Proposed Ordinance No. 88-1021, An Ordinance Amending Title IX: Public Ways and Property, Chapter 3: Parkings, Section 3: Grass to be Mowed, of the 1963 City Code, was presented. The report noted that on the September 7, 1988 agenda, there was proposed Ordinance No. 88-1021 which would amend the current requirement of property owner and occupant to mow the parking grass and keep the sidewalk clean to include areas where there is no existing sidewalk.

The report continued that proposed Ordinance No. 88-1021 was consistent with the City's beautification effort to promote an aesthetic atmosphere for the promotion of growth and development.

The report concluded that Notice of proposed Ordinance No. 88-1021 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.

It was moved by Powell, seconded by Spear, to approve first reading of proposed Ordinance No. 88-1021.

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

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

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

ORDINANCE NO. 88-1021

AN ORDINANCE AMENDING TITLE IX: PUBLIC WAYS AND PROPERTY, CHAPTER 3: PARKINGS, SECTION 3: GRASS TO BE MOWED, OF THE 1963 CITY CODE,

OREGON CITY ORDAINS AS FOLLOWS:

That Title IX: PUBLIC WAYS AND PROPERTY, Chapter 3: PARKINGS, Section 3: GRASS TO BE MOWED, of the 1963 City Code is hereby amended to read as follows:

9-3-3: GRASS TO BE MOWED: It is hereby the duty of the owner and occupant of any such premises to keep the grass mowed in the parking at all times and to keep the sidewalk clean from leaves or other rubbish and dirt. If there is no sidewalk and/or parking, it shall be the duty of the owner and occupant of such premises to keep the grass mowed all the way to the street, and the area clear of leaves, rubbish and obstructing vegetation.

Read first time at a regular meeting of the Commission held on the 7th day of September, 1988, and the foregoing was finally enacted by the City Commission this 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

The Commission was advised that the next four proposed ordinances could be considered enmasse.

Manager's Report No. 88-170, Proposed Ordinance No. 88-1018, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 14, 1988, 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 12 Molalla Avenue, Oregon City.

On June 27, 1988, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weed nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 12, 1988, the Public Works Supervisor was requested to assign Public Works personnel to the removal of the weed nuisance on this and other properties.

On August 9, 1988, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Mr. Moffitt. 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 7, 1988 agenda, there was proposed Ordinance No. 88-1018 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 88-1018 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.

Upon adoption, Ordinance No. 88-1018 would be forwarded to the County Clerk's office for lien recording.

ORDINANCE NO. 88-1018

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: Grass and weeds on property described as Tax Lot 10100, Section 32CB, T. 2S., R.2E., W.M., located between 143 Molalla Avenue, and the alley adjacent to 129 Molalla Avenue, Oregon City.

WHEREAS, said grass and weeds were removed by the City and Notice of Proposed Assessment mailed to Joseph E. Moffitt, owner of said property, on August 9, 1988, 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, Section 32C8, T. 2S., R. 2E., W.M.:

Labor	\$ 61.56
Equipment	50.50
Administrative Overhead	<u>28.03</u>

TOTAL: \$ 140.09

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 7th day of September, 1988, and the foregoing ordinance was finally enacted by the City Commission this 7th day of September, 1988.

/s/Jean K. Elliott

JEAN K. ELLIOTT, City Recorder

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell

KENNETH M. MITCHELL, Mayor

Manager's Report No. 88-171; Proposed Ordinance No. 88-1019, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 14, 1988, a Notice to Remove Nuisance was sent to Leonard Setera, owner of property described as Tax Lot 2000, Map 2-2E-32CC, located at 405 Molalla Avenue, Oregon City.

On June 27, 1988, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weed nuisance and recommended that the City Manager order abatement in accordance with City Code, Title, 9, Chapter 7, Section 5. On July 12, 1988, the Public Works Supervisor was requested to assign Public Works personnel to the removal of the weed nuisances on this and other properties.

On August 9, 1988, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Mr. Setera. 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, the Notice has not been returned, nor have objections been filed.

On the September 7, 1988 agenda, there was proposed Ordinance No. 88-1019 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 88-1019 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.

Upon adoption, Ordinance No. 88-1019 would be forwarded to the County Clerk's office for lien recording.

ORDINANCE NO. 88-1019

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: Grass and weeds on property described as Tax Lot 2000, Section 32CC, T. 2S., R.2E., W.M., located at 405 Molalla Avenue, Oregon City.

WHEREAS, said grass and weeds were removed by the City and Notice of Proposed Assessment mailed to Leonard Setera, owner of said property, on August 9, 1988, 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 405 Molalla Avenue, Oregon City, Clackamas County, Oregon, and described as Tax Lot 2000, Section 32CC, T. 2S., R. 2E., W.M.:

Labor	\$ 289.83
Equipment	126.50
Dumping Fee	23.05
Administrative Overhead	<u>109.85</u>

TOTAL:	\$ 549.23
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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 7th day of September, 1988, and the foregoing ordinance was finally enacted by the City Commission this 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

Manager's Report No. 88-172, Proposed Ordinance No. 88-1020, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 14, 1988, a Notice to Remove Nuisance was sent to H & H Investment, Willamette View Research, % Dr. Dan Beeson, owner of property described as Tax Lot 100, Map 2-2E-5CA, located between 1145 and 1161 Molalla Avenue, Oregon City.

On August 2, 1988, the Code Enforcement Officer advised that to that date, nothing had been done to abate the weed nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On August 2, 1988, the Public Works Supervisor was requested to assign Public Works personnel to the removal of the weed nuisance on this property.

On August 9, 1988, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to H & H Investment, Willamette View Research, % Dr. Dan Beeson. 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 objections have been filed.

On the September 7, 1988 agenda, there was proposed Ordinance No. 88-1020 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 88-1020 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.

Upon adoption, Ordinance No. 88-1020 would be forwarded to the County Clerk's office for lien recording.

ORDINANCE NO. 88-1020

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: Grass and weeds on property described as Tax Lot 100, Section 5CA, T. 2S., R. 2E., W.M., located between 1145 and 1161 Molalla Avenue, Oregon City.

WHEREAS, said grass and weeds were removed by the City and Notice of Proposed Assessment mailed to H & H Investment, Willamette View Research, % Dr. Dan Beeson, 7215 S.E. 13th Avenue, Portland, Oregon, owner of said property, on August 9, 1988, 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 1145 and 1161 Molalla Avenue, Oregon City, Clackamas County, Oregon, and described as Tax Lot 100, Section 5CA, T. 2S., R. 2E., W.M.:

Labor	\$ 224.99
Equipment	127.25
Administrative Overhead	<u>88.06</u>
TOTAL:	\$ 440.30

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 7th day of September, 1988, and the foregoing ordinance was finally enacted by the City Commission this 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

Manager's Report No. 88-169, Proposed Ordinance No. 88-1017, An Ordinance Assessing Costs of Nuisance Removal, was presented. The report noted that on June 14, 1988, a Notice to Remove Nuisance was sent to Lewis F. Young, owner of property described as Tax Lot 12100, Map 2-2E-32CB, located at 115 Molalla Avenue. The letter was returned marked "Return to Sender, No Forwarding Order on File, Unable to Forward".

On June 27, 1988, the Code Enforcement officer advised that to that date, nothing had been done to abate the weed nuisance and recommended that the City Manager order abatement in accordance with City Code, Title 9, Chapter 7, Section 5. On July 12, 1988, the Public Works Supervisor was requested to assign Public Works personnel to the removal of the weed nuisances on this and other properties.

On August 8, 1988, the City Recorder mailed via certified mail, a "Notice of Proposed Assessment" to Mr. Young at the only address of record. 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. On August 10, 1988, the letter was returned with the envelope marked "Returned to Sender, Undeliverable as Addressed, Forwarding Order Expired".

On the September 7, 1988 agenda, there was proposed Ordinance No. 88-1017 which assessed the costs of removal of the nuisance. Notice of proposed Ordinance No. 88-1017 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.

Upon adoption, Ordinance No. 88-1017, would be forwarded to the County Clerk's office for lien recording.

ORDINANCE NO. 88-1017

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: Grass and weeds on property described as Tax Lot 12100, Section 32CB, T. 2S., R. 2E., W.M., located at 115 Molalla Avenue.

WHEREAS, said grass and weeds were removed by the City and Notice of Proposed Assessment mailed to Lewis F. Young, owner of said property, on August 8, 1988, 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 115 Molalla Avenue, Oregon City, Clackamas County, Oregon, and described as Tax Lot 12100, Section 32CB, T. 2S., R. 2E., W.M.:

Labor	\$ 130.44
Equipment	66.00
Administrative Overhead	<u>49.11</u>

TOTAL: \$ 245.55

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 7th day of September, 1988, and the foregoing ordinance was finally enacted by the City Commission this 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

The City Recorder advised that no contact had been received regarding any of the matters. It was moved by Powell, seconded by Wilson, to approve first reading of proposed Ordinance No. 88-1018; No. 88-1019; No. 88-1020; and, No. 88-1017.

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

Second reading of each was called after which it was moved by Powell, seconded by Wilson, to approve second readings for final enactment.

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

Manager's Report No. 88-174, Proposed Ordinance No. 88-1022, An Ordinance Amending Title X: Traffic, Of the 1963 City Code, by Adding Chapter 9: Skateboards and Human Powered Vehicles, and Declaring an Emergency, was presented. The report noted that on the September 7, 1988 agenda, there was proposed Ordinance No. 88-1022 which would establish regulations for skateboarding and human powered vehicles including bicycles.

Periodically, the problem of skateboard use on City streets and sidewalks has aroused complaints from citizens and merchants. At the May 4, 1988 Commission meeting, Commissioner Spear requested that an ordinance regarding the use of skateboards be prepared and submitted to the Commission for adoption. Additionally, the scope of the request was expanded to encompass all human powered vehicles including bicycles. The ORS Chapters relating to all human powered vehicles has been incorporated within the proposed ordinance by reference.

Also contained within the proposed ordinance are specific skateboard behaviors which are prohibited, i.e. leaving the curb in areas of traffic, crossing blind alleyways without stopping, and riding on main arterials. Discretion is provided enforcement officials to cite those either impeding traffic or posing unreasonable risks to persons or property.

Notice of proposed Ordinance No. 88-1022 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.

Based upon the concerns expressed regarding skateboarding on City streets, it was recommended that proposed Ordinance No. 88-1022 be approved by unanimous vote of the Commission upon being read first in full and then by title to become effective immediately upon final enactment on September 7, 1988.

It was moved by Powell, seconded by Spear, to approve first reading of proposed Ordinance No. 88-1022.

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

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

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

ORDINANCE NO. 88-1022

AN ORDINANCE AMENDING TITLE X: TRAFFIC, OF THE 1963 CITY CODE BY ADDING CHAPTER 9: SKATEBOARDS AND HUMAN POWERED VEHICLES, AND DECLARING AN EMERGENCY

OREGON CITY ORDAINS AS FOLLOWS:

Section 1: That Title X: TRAFFIC, of the 1963 City Code, be and the same is hereby amended by adding Chapter 9: SKATEBOARDS AND HUMAN POWERED VEHICLES, to read as follows:

CHAPTER 9

SKATEBOARDS AND HUMAN POWERED VEHICLES

- 10-9-1: DEFINITIONS: For purposes of this chapter, human powered vehicles are defined as, but not limited to, skateboards, scooters, sleds or toy vehicles of any kind. This definition does not include wheelchairs.
- 10-9-2: BICYCLISTS: For purposes of regulating and governing the conduct of bicyclists, Oregon Revised Statutes (ORS) 814.400 to 814.480, is hereby adopted and made a part of this Code as if set out at length herein. Its provisions shall apply to all operators of human powered vehicles, as well as to bicycles.
- 10-9-3: SKATEBOARDS
- (A) A skateboard rider commits the violation of Careless Skateboarding when he or she rides a skateboard on a sidewalk within the City in a manner that endangers or is likely to endanger pedestrian traffic, or when he or she does not yield absolute right of way to pedestrians passing on the same sidewalk.
- (B) A skateboard rider commits the violation of Careless Skateboarding when he or she rides a skateboard from a curb or place of safety into the street anywhere motorized traffic is present.
- (C) A skateboard rider commits the violation of Careless Skateboarding when, while using the sidewalks of the Central Business District, he or she crosses the entrance to an alleyway without coming to a stop. A stop shall be defined as a full stop, with one foot stationary on the pavement.
- (D) A skateboard rider commits the violation of Careless Skateboarding when he or she rides a skateboard on a main arterial street within the City, in such a way or at such a time as to either impede traffic or to pose an unreasonable risk to persons or property.
- 10-9-4: PENALTY: Violation of any provision of this Chapter shall be punishable by a fine not to exceed One Hundred Dollars (\$100) for each violation.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of Oregon City in this: That it is necessary to provide an immediate procedure to remedy the current unsafe practice of skateboarding and use of human powered vehicles; therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its enactment by the Commission.

Read first time at a regular meeting of the Commission held on the 7th day of September, 1988, and the foregoing was finally enacted by the City Commission this 7th day of September, 1988.

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

ATTESTED this 7th day of September, 1988.

/s/Kenneth M. Mitchell
KENNETH M. MITCHELL, Mayor

Manager's Report No. 88-176, 1988-89 Tax Base Measure - November 8, 1988 General Election - Resolution No. 88-59, was presented. The report noted that on the September 7, 1988 agenda, there was proposed Resolution No. 88-59 which contained a ballot title which asked the question "Shall Oregon City Revise its Tax Base to its Current Reduced General Fund Levy of \$2,986,216, Effective July 1, 1989?" In order to place the tax base issue on the November 8, 1988 ballot, the City must file with the County Clerk no later than 61 days prior to the election, a Ballot Title. The Ballot Title must be filed no later than September 8, 1988.

Attached was a copy of Commission Memorandum No. 88-19 dated August 26, 1988 which provided information pertinent to the establishment of a new tax base. This Memorandum was presented to the Budget Committee for consideration at their meeting on August 29, 1988.

At the August 29, 1988 meeting, the Budget Committee discussed the issue of presenting a tax base to the voters at the November 8, 1988 General Election. As a result of that discussion, the Budget Committee recommended that the City Commission approve the amount of \$2,986,216. That amount represents the General Fund levy of \$2,317,707 approved by voters at the June Special City Election and the City's current tax base amount of \$668,509. The Committee requested that the Brush Pickup Levy not be consolidated with the General Fund levy.

Based upon the City's need to seek voter approval of a revised tax base at the General Election, it was recommended that the Commission adopt proposed Resolution No. 88-59.

It was moved by Powell, seconded by Spear, to adopt Resolution No. 88-59 as presented.

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

RESOLUTION NO. 88-59

WHEREAS, the City Commission of Oregon City has determined that a new tax base should be established as authorized by Subsection (2), Section II, Article XI, Oregon Constitution, in order to permit the proper operation of City affairs within limitation contained in said Section II, Article XI, and

WHEREAS, it is necessary to submit the question of establishing a new tax base to the legal voters of Oregon City.

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the following measure shall be submitted to the legal voters of Oregon City at the regular City general election to be held on Tuesday, November 8, 1988, between the hours of 8:00 o'clock a.m. and 8:00 o'clock p.m., with the polling places to be those designated by the Clackamas County Clerk, who shall conduct the election.

BALLOT TITLE

Measure No. 3-_____

CAPTION: To Replace 1930s Tax Base Limitation with a New Limitation.

QUESTION: Shall Oregon City Revise its Tax Base to its Current Reduced General Fund Levy of \$2,986,216, Effective July 1, 1989?

EXPLANATION: The City provides Police, Fire, Streets, Parks, Recreation, Senior Center, Library and Development Services. The approved 1988-89 budget for these services requires a total levy of \$2,986,216. Of this amount the City can levy \$668,509 (its 1930's tax base) and the June voter approved one-year levy of \$2,317,707 for the remainder.

The City is proposing that the financing of these basic services be consolidated into a single revised and updated tax base. The tax reductions effected for 1988-89, and the Brush Pickup levy will not be affected.

Oregon City is a major community business supporting and protecting homes and businesses. A new tax base limit of \$2,986,216 will provide efficient management of your public resources.

() YES, I approve the measure.

() NO, I do not approve the measure.

BE IT FURTHER RESOLVED by the City Commission of Oregon City that the City Recorder is hereby directed to post notice of said election in a conspicuous place in the City Hall and in one public place in each voting precinct of the City and to cause notice of said election to be published in the Enterprise-Courier, a newspaper of general circulation in Oregon City, Oregon, all of said notices to be posted and published at least ten days prior to the date of said election.

Adopted, signed and approved this 7th day of September, 1988.

/s/Kenneth M. Mitchell
Mayor-Commisisoner

/s/Carol A. Powell
Commissioner

/s/Thomas F. Lemons
Commissioner

/s/David D. Spear
Commissioner

/s/Wayne G. Wilson
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Manager's Report No. 88-157, Parking Restriction - 8th Street at Barclay House - Resolution No. 88-55, was presented. The report noted that at the August 3, 1988 meeting, Commissioner Spear identified a parking conflict existing on Sundays at the Barclay House, as both the Barclay House and Methodist Church compete for the available parking spaces. Commissioner Spear suggested that the City staff study the potential of designating one space adjacent to the Barclay House at the end of 8th Street on the south side for staff use only.

The report continued that Development Services staff reviewed the potential of restricting one parking space to Barclay House staff use and determined that there should not be an adverse parking impact for the church, as other on-street spaces could be used. In order for the parking restriction on public right-of-way to be enforceable, a resolution needed to be adopted by the City Commission. Proposed Resolution No. 88-55 designates the subject space as restricted for "Barclay House Staff Use Only" and authorizes the City Manager to install necessary signing.

It was moved by Powell, seconded by Spear, to adopt Resolution No. 88-55 as read.

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

RESOLUTION NO. 88-55

WHEREAS, by Section 3, Chapter 2, Title X, of the 1963 City Code, the City Manager subject to the approval of the City Commission by resolution may make appropriate designations for the regulation of vehicular and pedestrian traffic; and

WHEREAS, after careful study it has been determined that the following area requires traffic regulation;

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that:

The parking space on the south side of 8th Street west of Center Street adjacent to the Barclay House as shown on Attachment "A" be designated as "Barclay House Staff Only"

BE IT FURTHER RESOLVED by the City Commission of Oregon City that the City Manager be and he is authorized and directed:

To install necessary signs, markers and painted areas to carry the powers enumerated above into effect.

Adopted, signed and approved this 7th day of September, 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. 88-164, Transfer of Jurisdiction of Certain County Roads, was presented. The report noted that the City and County have identified several sections of County road within the City limits that should be transferred to the City, subject to the payment of road improvement funds as per standard County policy. The County has offered to provide \$52,500 in road improvement funds if the City accepts jurisdiction. The roads identified for transfer include:

1. Agnes Avenue; County Road No. 22295
2. Division Street - 9th Street to Morton Road; County Road No. 22239
3. Center Street - Clinton Street north; County Road No. 22104
4. Sunset Avenue - Ogden Drive to South End Road; County Road No. 22103
5. Gaffney Lane - Berta Drive to City limits; County Road No. 32006

The report continued that the transfer will help reduce jurisdictional boundary issues and provide funds to make needed road improvement. It was recommended that the City Commission adopt a motion approving the transfer of jurisdiction of the above described County roads and request the Clackamas County Board of Commissioners adopt an order officially transferring jurisdiction.

It was moved by Wilson, seconded by Spear, to accept the transfer of jurisdiction of the roads as listed in Commission Report No. 88-164 from County to City.

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

At this time, Mayor Mitchell appointed Brian D. Shaw, Building Designer, 1318 9th Street, Oregon City, and Ronald H. Bessflug, Building Official, 18303 S. Waldow Road, Oregon City, Housing Advisory and Appeals Board with terms to expire September 1, 1992; Rob Barrentine, Architect, 200 N. State Street, Lake Oswego, Housing Advisory and Appeals Board, with term expiring September 1, 1991; Dan Mountjoy, 702 4th Avenue, Oregon City, Historic Review Board, with term expiring June 4, 1991.

Manager's Report No. 88-165, Proposal for Services - Downtown Marketing Study, was presented. The report noted that Lord and Associates were proposing to provide market research and analysis services that would determine the development opportunities and constraints for downtown Oregon City. When Lord and Associates were working on the Waterfront Market Feasibility Study, they reviewed the overall condition of the downtown area and determined that without continued upgrading in the downtown area, it would be difficult to attract new investment into downtown.

The report further noted that the Urban Renewal District is five years old and, even though the City has completed several projects and the County has completed some consolidation efforts, enumerated below, no real investment or growth has occurred.

City Projects

1. Traffic circulation and diagonal parking (1983)
2. Ornamental street lights (1983)
3. Landscape islands (1985)
4. Exterior painting, sign and awnings program (12 projects - 1985)
5. Street trees (1987)
6. Huntley-Draper parking lot and parking management program (1987-88)
7. Wheelchair ramps (Fall 1988)

County Projects

1. Stokes Building renovation - Corrections Division
2. Bunick Building renovation - Social Services Division
3. Miscellaneous office relocation into existing leased space

The report continued that Lord and Associates reviewed the Urban Renewal Plan and supporting documents for the downtown area and conclude that the plans reflect many good projects and provide good direction for future upgrading, but do not address the market opportunities and constraints. They recommended that specific retail and commercial service options be identified and priorities set for implementing the changes needed to attract new investment and development.

Since the City Commission recently restructured the Urban Renewal Board and has directed staff to work with the new board on updating the plan, the market study could provide a logical basis for updating the plan. The Urban Renewal District is underfunded and not able to implement the original projects and, without new projects occurring, will never be able to implement the intent of the plan. A study that will identify specific firms to contact, coupled with an incentive program using anticipated tax increment revenues, may be the catalyst needed to move the District forward. The proposal would cost \$12,000. Since there was approximately \$15,000 in tax increment revenue unallocated in the District this year, it was suggested the \$12,000 come from those funds.

The report concluded that staff was supportive of this approach to moving the District forward and encouraged City Commission approval. The study would be consistent with City Commission goals on improving the Downtown business climate and on establishing financial stability in downtown and the Urban Renewal District.

It was moved by Powell, seconded by Spear, to approve the proposal for services for the Downtown Marketing Study as outlined.

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

Manager's Report No. 88-181, Use of Park Trust Funds for Horseshoe Shelters, was presented. The report noted that a request had been received from the Oregon City Horseshoe Club for assistance to build shelters over eight horseshoe pits in Clackamette Park. The Club needs approximately \$6,000 for the materials with Club members providing the labor to construct the shelters.

The report noted that there was approximately \$3,500 available in Park Trust funds that could be used for the project with the additional \$2,500 coming from the Civic Improvement Trust Fund upon approval by the Trustees. The Club indicates there are tourism benefits from tournaments and members will present this request to the Trust at their September 7 meeting.

It was moved by Spear, seconded by Wilson, to approve the request as presented.

On discussion, Lemons asked about requiring the sports clubs to contribute to the upkeep of the sports fields and expressed favor of the horseshoe club doing the same. Powell noted that this would be an additional maintenance project and additional liability for the City. The motion and second were withdrawn.

It was then moved by Spear, seconded by Powell, to table this matter for review by the Recreation Advisory Board.

The following items were presented for Commission approval as a matter of formality and could be approved in one motion. If discussion of a particular item was requested, that item could be taken from the Consent Agenda and considered separately.

Manager's Report No. 88-175, Sale of Unredeemed/Surplus City Property, was presented. The report noted that on Saturday, September 10, 1988, Clackamas County is conducting a Cooperative Government Public Auction. The City has the following items proposed for sale at that Auction:

- Computer Equipment: NCR 8200 CRT, Disc Drive and 35 Disc Packs
- 2 - 1985 Ford LTD Police Vehicles
- 1 - 1980 Kawasaki KZ100 Police Motorcycle
- 1 - Toro Groundsmaster 72 inch Lawnmower with Trailer
- 1 - Hustler 72 inch Lawnmower
- 1 - Hustler 72 inch Lawnmower with Trailer
- 1 - Essick Roller with Trailer
- 1 - Street Painter with Trailer
- Miscellaneous Shoulder Weapons (rifles, shotguns)

The report continued that City Code, Title 6; Chapter 8, Section 3, Sale of Unredeemed Property, states in part the following: "Property which has remained unclaimed for six (6) months shall be disposed of by public sale. The City Recorder shall publish notice of such public sale in a newspaper of general circulation within the City of Oregon City at least ten (10) days prior to the sale and shall also mail notice thereof to any legal owners or holders of a security interest in any property to be sold."

The report further noted that as enumerated above, the property being offered for sale is unredeemed/surplus City property or property awarded to the City by Court order; therefore, notification of legal owners was either not necessary or names of which are totally unknown. On Wednesday, August 31, 1988, a Notice of Sale of Unredeemed/Surplus Property was duly published in the Enterprise Courier.

The report concluded by noting that the opportunity of Clackamas County's Governmental Public Auction provided the City with an efficient, inexpensive manner to dispose of unredeemed/surplus items. Proceeds and expenses are shared by all entities taking part in the auction. It was recommended that Commission approval be granted to place the above items in the Auction to be held September 10, 1988.

Manager's Report No. 88-161, Intergovernmental Agreement between Clackamas County and Oregon City - McLoughlin/Ely Neighborhood Sidewalk Project, was presented. The report noted that at its October 3, 1984 meeting, the City Commission approved the three-year list of Community Development Block Grant (CDBG) projects for the City. The Neighborhood Sidewalk Project was planned to be completed in 1987 and is the last City project remaining in the County's 1985 to 1988 CDBG program. \$60,000 in CDBG funds was programmed for the project. With the \$60,000, there is an additional 2 percent or \$12,000 in local match funding that will be provided by the City. \$6,000 will be an in-kind contribution provided by the Engineering Division for construction inspection services, with the additional \$6,000 provided in cash.

The report continued that on the September 7, 1988 agenda, there was an Intergovernmental Agreement committing the funding for the project and authorizing the construction. The project will be under construction and completed this fall. Attached was a copy of the Agreement and map of the project area for Commission review.

The report concluded by recommending that the City Commission approve the Agreement and adopt a motion authorizing the Mayor and City Recorder to execute the Agreement. Following execution, the City will forward the Agreement to the County for execution.

Manager's Report No. 88-158, Sewer Treatment Plant (STP) Demolition Project - Economic Development Feasibility Study, was presented. The report noted that one of the conditions of the City's Community Development Block Grant award for the demolition of the Sewer Treatment Plant was to conduct a study determining the economic development potential of the Sewer Treatment Plant site. In April, the City Commission approved hiring Lord and Associates, Inc., to do the feasibility study. This study is now complete and

a copy was attached for Commission review. A copy has also been sent to Clackamas County requesting removal of the grant condition and authorization to proceed with the demolition project.

The report continued that the study focuses on an analysis of the development outlook for a new hotel on the site. The principal conclusions were:

1. Demand for lodging in northwest Clackamas County has been strong since the completion of the I-205 Freeway in late 1982. Occupancy at the four new motor inns that have been built since 1980 is high.
2. Population and employment has grown rapidly there in recent years. The outlook is for continued growth, with 35,000 new residents and 13,000 new jobs expected by 1995. Hotel demand will grow more rapidly; 300 to 600 additional rooms will be supportable by 1995.
3. Competitive hotel sites in the sub-region are limited and none have the potential of the Oregon City riverfront site. It should be particularly attractive to Portland's large and growing group market.
4. The potential is partially conditional upon Oregon City continuing its economic development and environmental upgrading efforts. Because of its history and setting, the area has significant economic potential.

A concept plan and description of the proposed hotel development was also attached for Commission review. A 160-room facility is being recommended. The project would cost approximately \$6 million and would generate approximately \$200,000 per year in tax increment revenue to the Urban Renewal District.

The report concluded by noting that there were numerous other decision points that would need to be addressed in the future, such as, property value, leasing versus sale of the site, extent of utility relocations involved, development incentives, etc. It was not the intent to answer these questions at this time as they can be answered following demolition of the treatment plant and hiring of a consultant to market the site. The report recommended that the City Commission accept the economic feasibility study and authorize negotiating with a consultant to market the site for hotel development. In a parallel action, a City/County agreement would be prepared authorizing the Sewer Treatment Plant Demolition Project.

Manager's Report No. 88-182, Intergovernmental Agreement Between Clackamas County and Oregon City - Sewer Treatment Plant Demolition Project, was presented. The report noted that on the September 7, 1988 agenda, there was an Intergovernmental Agreement between the City and County for the demolition of the sewer treatment plant. The agreement commits \$40,000 of Community Development Block Grant funds for the project. Twenty percent, or approximately \$10,000 in local match funding will be provided by the City. The funds will come from the City's Sewer Fund.

The report continued that the project was previously approved in February and included as one of the City's projects for the 1988-91 3-year program. The project will be under construction and completed this fall. Attached was a copy of the agreement for Commission review. In a parallel action, the City Commission is being asked to adopt the Market and Financial Feasibility Study that identifies the economic development potential of the property. It was recommended that the City Commission approve the agreement and adopt a motion authorizing the Mayor and City Recorder to execute the agreement. Following execution, the City would forward the agreement to the County for execution.

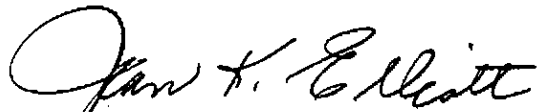
Manager's Report No. 88-160, Municipal Judge - Compensation, was presented. The report noted that on October 15, 1987, an Employment Agreement was entered into between the City of Oregon City and Ronald D. Thom for services as Municipal Court Judge. Section 5 of the Employment Agreement, entitled Compensation, states the following: "Compensation shall be at a monthly rate of \$1,800 from the date of execution of this agreement through March 31, 1988. The Commission shall review and establish compensation for the period April 1, 1988 through September 30, 1988."

The report continued that on July 19, 1988, an Executive Session was held pursuant to ORS 192.660 (1) (i) Employee Evaluations, wherein the City Commission reviewed the Employment Agreement. As a result of that review, the Commission directed that compensation for the contracted service of Municipal Judge be increased \$500 per month. On the September 7, 1988 agenda was the matter of an adjustment of \$500 per month for the contracted service of Municipal Court Judge effective July 1, 1988.

It was moved by Lemons, seconded by Wilson, to approve Report No. 88-175; Report No. 88-161; Report No. 88-158; Report No. 88-182; and, Report No. 88-160, as outlined.

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

There being no further business, the meeting adjourned at 11:20 p.m. with the Commission convening an Executive Session per ORS 192.660 (2) Labor Negotiations.



JEAN K. ELLIOTT, City Recorder