

Joy Abele, 704 Main Street, addressed the Commission noting that the meeting had been given by the Council for Economic Development in Oregon and that she had been impressed with the conference. She noted that one speaker felt economic development involved real estate and another speaker felt economic development involved finance. She stressed the need to "sell" Oregon City and presented brochures and advertising that Clackamas County was producing to sell the Sunnyside - 205 area. There was a concurrence that Clackamas County should be also selling their home location of Oregon City.

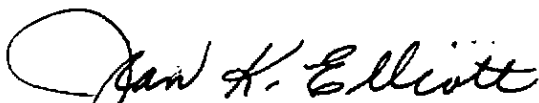
Alayne Woolsey, 818 4th, addressed the Commission noting the need for a Marketing Manager to sell Oregon City. Some discussion followed regarding this need.

At the conclusion of general discussion, it was moved by Thom, seconded by Spear, to re-schedule the budget election date to May 17, 1988.

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

The Commission requested a report on October 7, 1987 regarding the Parkplace annexation issue.

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

  
JEAN E. ELLIOTT, City Recorder

#### REGULAR MEETING

Oregon City, Oregon, October 7, 1987

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	Thomas Fender III, City Manager
Commissioner David D. Spear	Jean K. Elliott, City Recorder
Commissioner Ronald D. Thom	John C. Anicker, City Attorney
Commissioner Thomas F. Lemons	
Commissioner Carol A. Powell	

It was moved by Lemons, seconded by Powell, to approve the minutes of September 10, 1987, as published.

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

At this time, the City Recorder read the following letter to the Mayor and members of the Commission into the record: "Re: Resignation as City Commissioner".

"Since you have granted me the honor of representing the citizens of Oregon City as your new Municipal Court Judge, I hereby tender my resignation as City Commissioner, Position 2.

I have been proud to have served the citizens of this City since January 10, 1980 as a City Commissioner and your Mayor. Now the time has come to pass the mantle to my colleagues new and old.

I shall treasure the memory of working with all the Commissioners, past and present, and with all the members of the dedicated City staff.

I have always tried to do what I felt was in the best interest of the community. Although our viewpoints may have differed, I always believed we all had the same goal in mind, i.e., the continued existence, growth, and prosperity of the City of Oregon City.

I leave in your capable hands the future development of this fine city.

Thank you for the opportunity to have given a part of me to all of you.  
Sincerely, RONALD D. THOM, City Commissioner"

It was moved by Lemons, seconded by Spear, to accept the resignation of Commissioner Thom.

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

It was then moved by Lemons, seconded by Powell, to appoint Mr. Thom as Municipal Court Judge.

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

At this time, Alan R. Jack, District Court Judge, administered the Oath of Office which was followed by comments as presented by Judge Thom.

This was the opportunity for citizens to present items for Commission consideration on future agendas. Linda Mahan, Advertising Director, Enterprise-Courier, 10th and Main Streets, addressed the Commission requesting a waiver of the insurance requirement and the "hold harmless" agreement for placing tables in the sidewalk in Downtown Oregon City for the Fourth Annual Trick or Treat event. The Manager reminded the Commission of the liability that would be placed on all officials if this requirement were to be waived and if there was no agreement to hold the City harmless should something happen. It was the consensus of the Commission members that they were not prepared to waive the requirements and suggested that an alternate to the request be presented at the next meeting or put in place to hold the event.

Jerry Grisham, 14162 S. Spangler Road, addressed the Commission noting that on September 9, 1987, a letter was sent to seven Oregon Congressional officials requesting support and leadership in moving the United States Congress forward on enacting legislation to create a national monument at the "End of the Oregon Trail in Oregon City". In light of that, he presented proposed Resolution No. 87-28 which would further that request by the City Commission granting real property as owned by the City along with a portion owned and granted by Clackamas County. After a short discussion, it was moved by Powell, seconded by Lemons, to adopt Resolution No. 87-28 as read by the City Attorney.

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

## RESOLUTION NO. 87-28

WHEREAS, the City of Oregon City, Oregon, has previously designated a site in Oregon City as the "End of the Oregon National Historic Trail" and caused appropriate monumentation to be constructed thereon financed through community support, and

WHEREAS, the Oregon Legislative Assembly in 1987 Regular Session has adopted House Joint Memorial 18 recognizing the authenticity and significance of said site and urged the Congress of the United States to enact legislation to create an appropriate national monument thereon, and

WHEREAS, Clackamas County by contemporaneous action is likewise joining in this request for Congressional designation.

NOW THEREFORE be it resolved by the City Commission of Oregon City, Oregon, that said site be designated by the Congress of the United States of America as a National Historic Site, and be it further resolved that that portion of the real property described in Exhibit A attached hereto owned by the City of Oregon City and such further portion thereof that is so designated by Clackamas County, Oregon, is hereby granted and made available for such Congressional designation as a National Historic Site.

Adopted, signed and approved this 7th day of October, 1987.

/s/ Kenneth M. Mitchell  
Mayor-Commissioner

/s/ David D. Spear  
Commissioner

/s/ Thomas F. Lemons  
Commissioner

/s/ Carol A. Powell  
Commissioner

Commissioner

Comprising the City Commission  
of Oregon City, Oregon

At this time, Mayor Mitchell presented an Employee Service Award to Cathy Galbraith, Director of Development Services, in recognition of her 10 years with the City of Oregon City and noted that she will be leaving City service for a position in Seattle.

Mayor Mitchell then appointed Robert L. Gaiser, 425 Weleber, Oregon City, to an unexpired term on the Library Board, to December 31, 1987.

Manager's Report No. 87-114, Dangerous Building, 206 Third Avenue, Public Hearing, was then presented. The report noted that at its August 5, 1987 meeting, the City Commission adopted a resolution which set a date for public hearing regarding property located at 206 Third Avenue. Because the "Notice of Hearing of Dangerous Building Before the City Commission" was not published, there was need to reschedule the public hearing.

At its September 2, 1987 meeting, the City Commission adopted Resolution No. 87-21 which rescheduled October 7, 1987 as the date of public hearing to determine whether or not the house located at 206 Third Avenue was a dangerous building and should or should not be abated and caused to be removed.

On September 24, 1987, a "Notice of Hearing of Dangerous Building Before the City Commission" was mailed along with a copy personally delivered to Leonard Setera, 1620 18th Street, owner of the property. Also, on September 24, 1987, the Notice was duly published in the Enterprise-Courier.

At its August 27, 1987 meeting, the Historic Review Board considered plans presented by the property owner for renovation of the building. At that meeting, the Board approved the plans contingent upon the following nine conditions:

1. A building permit must be obtained prior to start of any rehabilitation work.
2. Siding to be used shall be rounded drop siding, to match the original siding material.
3. Windows to be installed shall be wood frame thermopane, with an internal grid system to provide the appearance of multi-pane windows, as proposed by the applicant. A sample of windows (via brochure, photograph or actual sample) shall be submitted to staff for review and approval prior to installation.
4. The French doors at the rear of the house are approved as proposed. A sample of the doors (via brochure, photograph or actual sample) shall be submitted to staff for review and approval prior to installation.
5. The dormer alteration is approved as proposed.
6. Other damaged house elements, i.e. skirting, window trim, cornerboards, brackets and other detailing, shall be restored to materials as originally constructed.
7. Gutters shall be 4-inch K-style or wooden fascia type.
8. New roofing is to be consistent with the Historic Review Board's policy for roofing.
9. The project shall proceed in a timely manner.

On the October 7, 1987 agenda, there was the matter of the public hearing as advertised. A copy of Manager's Report No. 87-93 was provided for Commission consideration at the public hearing. The City's Building Official advised that the condition of the building, to date, remains unchanged.

Staff report was presented by the Manager. The Mayor declared the public hearing open and called for testimony. Mr. Setera requested the City Commission to not condemn the building but allow him to repair.

Ron Storzbach, Building Official, addressed the Commission suggesting a time table of 60 to 90 days be allowed for certain exterior repairs with a total interior/exterior renovation within 180 days from the date of this hearing.

With no testimony opposed to the condemnation, Mayor Mitchell then called for testimony in favor of condemnation. Mark Pyrch, 208 3rd Avenue, presented the detrimental aspects of the site and noted the slow progress of the Canemah area in terms of renovation of properties and concluded by noting the need for condemnation of the site.

Dan Fowler, Chair of the Historic Review Board, 1103 Washington Street, agreed that the site has been an eyesore for a number of months but questioned ordering the condemnation without a permit having been issued for repair. Mr. Pyrch noted an opportunity had been available and the permit was not obtained. When asked by Mayor Mitchell if he (Mr. Setera) could have the site renovated within 180 days he replied that he could. The public hearing was declared closed.

It was moved by Spear, seconded by Lemons, to adopt the action and conditions of the Historic Review Board as outlined in Commission Report No. 87-114 and direct that a building permit be issued with the project totally complete 180 days from this date.

On discussion, the City Attorney advised that with the adoption of this motion, there could be an automatic abatement of the dangerous building if it is not totally renovated in 180 days.

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

Manager's Report No. 87-120, Request for Annexation, East Side of Molalla Avenue, South of Clackamas Community College, Public Hearing, was then presented. The report noted that at its September 22, 1987 meeting, the Planning Commission considered the request of the Estate of Sylvester Stalick for annexation of a 14.94 acre parcel located on the east side of Molalla Avenue, directly south and adjacent to Clackamas Community College.

As a part of any annexation, letters of interest are sent to surrounding property owners, to determine if any additional property owners are interested in annexation. As a result of this correspondence, one property owner (Harley Bristol) has submitted a petition for two separate parcels of property.

At their September 22nd meeting, the Planning Commission recommended approval of annexation of the Stalick property, as well as the additional Bristol properties. The Planning Commission also directed staff to re-notify property owners in the area of the Bristol properties, and to determine additional interest in annexation. No additional petitions for annexation have been filed at this time; a final report will be given to the City Commission at the hearing on October 7th. (It should be noted that the Bristol property located at the intersection of Molalla Avenue and Glen Oak Road is contiguous to current City limits and can be annexed at this time; the other Bristol property - further east on Glen Oak Road - can only be annexed if additional property owners also consent, in order to make it contiguous.)

The following items were presented for Commission review:

1. Location map indicating Stalick (green) and Bristol (yellow) properties.
2. Planning Commission minutes from September 22, 1987 meeting.
3. Pre-Hearing Report, prepared for Planning Commission meeting.
4. Public Notice and Notice Map.

Based upon the City Commission's decision at the public hearing, a resolution would be prepared for the October 15th meeting, to forward the annexation to the Portland Metro Area Boundary Commission for final decision.

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

Harley Bristol, 14401 S. Glen Oak Road, addressed the Commission requesting approval of the annexation as it would be a benefit to him as a property owner and to the City.

With no testimony in opposition, Mayor Mitchell declared the hearing closed.

It was moved by Powell, seconded by Spear, to approve the request for annexation as presented.

Roll call: Lemons, Abstain (out of room during discussion); Powell, Aye; Spear, Aye; Mitchell, Aye.

Manager's Report No. 87-115, Proposed Ordinance No. 87-1010, An Ordinance Adopting An Official Flag, was then presented. The report noted that at its September 2, 1987 meeting, the City Commission, on motion, accepted and adopted the flag as presented including the stipulations and directed that an ordinance be drafted to officially adopt the flag.

On the October 7, 1987 agenda, there was proposed Ordinance No. 87-1010 which would adopt an official City flag. Contained within the ordinance were the stipulations as requested by the donor.

Notice of proposed Ordinance No. 87-1010 has 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.

On discussion, Mayor Mitchell requested the following amendment to the ordinance: "Finally, special recognition is extended to Alayne C. Woolsey who designed, made and donated this flag to Oregon City."

It was moved by Powell, seconded by Spear, to approve first reading of proposed Ordinance No. 87-1010 as amended and read by the City Attorney.

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

Second reading was called after which it was moved by Spear, seconded by Lemons, to approve second reading for final enactment to become effective November 6, 1987.

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

#### ORDINANCE NO. 87-1010

#### AN ORDINANCE ADOPTING AN OFFICIAL CITY FLAG

WHEREAS, a number of interested citizens have lent their time, experience and skill to the design and production of a City flag for the City of Oregon City, Oregon, and

WHEREAS, said flag has been presented to the City for its exclusive use subject to certain conditions as hereafter set forth,

#### OREGON CITY DOES ORDAIN AS FOLLOWS:

Section 1. That the flag as designed is hereby accepted by the City and officially designated the official flag of the City of Oregon City, the original of which is on file in the City Recorder's office.

Section 2. The City of Oregon City hereby agrees that the flag, flag design and seal shall be the exclusive property of the City and permission to duplicate, reproduce or otherwise utilize said property shall only be granted for the exclusive benefit of the citizens of Oregon City and under none but the foregoing circumstances shall consent be given for use or duplication by any other entity, public or private.

Section 3. The City Commission of Oregon City, acting on its own behalf and on behalf of the citizens of the City, hereby extends the following individuals sincere thanks and gratitude for their individual efforts in achieving the design and production of the flag:

Father Joseph Browne  
Cecil Edwards

Sandra J. Carlson  
Wayne G. Wilson

Finally, special recognition is extended to  
Alayne C. Woolsey  
who designed, made and donated this flag to Oregon City.

Read first time at a regular meeting of the Commission held on the 7th day of October, 1987, and the foregoing ordinance was finally enacted by the City Commission this 7th day of October, 1987.

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

ATTESTED this 7th day of October, 1987.

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

Manager's Report No. 87-118, Proposed Ordinance No. 87-1011, An Ordinance Amending Title III: Departments, Chapter 6: Library Department, Section 3, of the 1963 City Code, was then presented. The report noted that on the October 7, 1987 agenda, there was proposed Ordinance No. 87-1011 which amended the Library Board and expanded the purpose and functions of the Board.

For some time, the Library Board has been examining its purpose and functions in an effort to make the Board a more active and representative participant in the planning, development and provision of library services.

The following were changes addressed in proposed Ordinance No. 87-1011 and had been recommended by the Library Board:

- 3-6-3 (A) That the Board be expanded from five to seven members. The purpose is to provide a wider base of community participation at a time when a major evolution of the library is under consideration.
- 3-6-3 (B) That Board appointments be limited to two consecutive four-year terms. This provide conformity between City Code and Oregon Statutes (ORS 357.465).
- 3-6-3 (C) That the charges of the Board be expanded in order to more accurately describe the wide variety of tasks involved in carrying out their responsibilities.

Notice of proposed Ordinance No. 87-1011 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.

On discussion, Roger McClurg, Library Director, addressed the Commission noting an amendment to the proposed ordinance. It was proposed that the membership on the board be comprised of five members who shall be residents of the City of Oregon City and two members who shall be residents of that area comprising postal zip codes 97045 and 97004 which are outside the boundar of Oregon City. This would enable to Board to consist of non-city taxpayers who contribute to the countywide Library Serial Levy of which Oregon City receives an amount per year. Jan Salisbury, 120 Canemah, Chair of the Library Board was present and concurred with the amendment.

It was moved by Spear, seconded by Powell, to approve first reading of proposed Ordinance No. 87-1011 as amended and read by the City Attorney.

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

Second reading was called after which it was moved by Lemons, seconded by Powell, to approve second reading for final enactment to become effective November 6, 1987.

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

#### ORDINANCE NO. 87-1011

AN ORDINANCE AMENDING TITLE III: DEPARTMENTS, CHAPTER 6: LIBRARY DEPARTMENT, SECTION 3, OF THE 1963 CITY CODE

OREGON CITY DOES ORDAIN AS FOLLOWS:

That Title III: DEPARTMENTS, Chapter 6: LIBRARY DEPARTMENT, Section 3, of the 1963 City Code, be and the same is hereby amended to read as follows:

3-6-3: LIBRARY BOARD: There is hereby established a Library Board whose members, term, officers, duties and powers shall be as follows:

- (A) Membership on the Board shall be comprised as follows: Five (5) members shall be residents of the City of Oregon City; Two (2) members shall be residents of that area comprising postal zip codes 97045 and 97004 which are outside the boundary of Oregon City.

In addition, the Mayor may with the approval of the City Commission appoint a current member of the Clackamas County Library Board who is an Oregon City resident to serve on the Board as an alternate member. Such alternate member shall have full voting rights as a Board member at such times as less than the full membership is present and shall also serve as a liaison between the County and City Boards. Such alternate member shall serve for an indefinite term at the pleasure of the Mayor.

- (B) Appointments to the Library Board shall be for a term of four (4) years or until successors are appointed. Terms of office shall commence on the first day of the calendar year. Vacancies shall be filled for the remainder of the unexpired term as original appointments are provided. No person shall hold appointment as



a member for more than two (2) full consecutive terms, but any person may be appointed again to the Board after an interval of one (1) year. If necessary to establish continuity of membership, appointments may be made for less than a four (4) year term.

(C) The Board shall elect a chairman and such other officers as it may deem necessary at its first meeting in each calendar year; it shall establish a regular time and place for meetings and shall adopt such rules as it deems necessary to conduct its business.

(D) The Board shall:

1. Advise the City Commission and Library Director on policy matters pertaining to the Oregon City Public Library.
2. Assist in the preparation and presentation of the Library's annual operating budget.
3. Assist in the development of short and long term goals for the provision of public library services to the community.
4. Represent the interests of Library users of Oregon City.
5. Foster public knowledge and support of the Library's role in the community and promote the use of the Library by City residents.
6. Participate in network or state activities intended for library board members that promote or advance the cause of library services.
7. Perform such other related duties as requested by the City Commission.

Read first time at a regular meeting of the Commission held on the 7th day of October, 1987, and the foregoing ordinance was finally enacted by the City Commission this 7th day of October, 1987.

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

ATTESTED this 7th day of October, 1987

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

Manager's Report No. 87-117, Proposed Ordinance No. 87-1012, An Ordinance Amending Title VI: Police Regulations, of the 1963 City Code by Enacting Chapter 3: Forfeiture and Declaring an Emergency, was then presented. The report noted that on the October 7, 1987 agenda, there was proposed Ordinance No. 87-1012 which amended Title VI of the Police Regulations by enacting Chapter 3, Forfeiture and declared an emergency..

Proposed Ordinance No. 87-1012 provided for the civil forfeiture of property that is the proceeds and instrumentals of illegal narcotics and gambling activities. This ordinance will provide the Police Department with an effective law enforcement tool in dealing with drug trafficking and illegal gambling and will help deter these activities within the City by not returning the property which encourages repeat activities.

Notice of proposed Ordinance No. 87-1012 has 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 moved by Spear, seconded by Lemons, to approve first reading of proposed Ordinance No. 87-1010 as read by the City Attorney.

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

Second reading was called after which it was moved by Lemons, seconded by Powell, to approve second reading for final enactment to become effective immediately.

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

#### ORDINANCE NO. 87-1012

AN ORDINANCE AMENDING TITLE VI: POLICE REGULATIONS, OF THE 1963 CITY CODE, BY ENACTING CHAPTER 3: FORFEITURE AND DECLARING AN EMERGENCY

OREGON CITY DOES ORDAIN AS FOLLOWS:

Section 1. That Title VI: POLICE REGULATIONS, of the 1963 City Code be and the same is hereby amended by enacting Chapter 3: FORFEITURE, to read as follows:

#### CHAPTER 3

#### FORFEITURE

6-3-1: TITLE: This chapter consisting of Sections 6-3-1 through 6-3-9 shall be known as the Forfeiture Ordinance of the City of Oregon City and may be so pleaded and referred to.

6-3-2: POLICY AND PURPOSE:

(A) The City Commission finds that:

1. Property that is seized from arrested persons which constitutes the proceeds or instrumentalities of a narcotics or gambling charge must generally be returned to the criminal upon disposition of the charge.
2. These instrumentalities and proceeds are often used to further narcotics trafficking or gambling. The return of the property thus serves to encourage and perpetuate the commission of crime within the city limits of Oregon City.

(B) The City Commission therefore declares that to protect the safety and welfare of the residents of the City of Oregon City it is in the best interest of the City of Oregon City to:

1. Cripple drug trafficking and narcotics activities within this City by depriving narcotics dealers, and those persons dealing with them, of the instrumentalities and proceeds of their trade;
2. Seize gambling equipment, records, and the proceeds of the gambling activity;
3. Otherwise deter such activity and remove the operating instrumentalities, profits and proceeds of narcotics and gambling transactions from dealers; and
4. Use the forfeited property to further fund law enforcement and criminal prosecution functions.

6-3-3: DEFINITIONS: As used in this ordinance, unless the context requires otherwise:

- (A) "Conspiracy" is the term as defined at ORS 161.450 (1985 ed.)
- (B) "Controlled Substances" is the term defined at ORS 475.005(6) (1985 ed.) except that this shall not include less than one avoirdupois ounce of marijuana.
- (C) "Deliver" or "Delivery" is the term defined at ORS 475.005(8) (1985 ed.).
- (D) "Facilitate" means that the property must have some substantial connection to or be instrumental in the commission of the underlying illegal activity which this ordinance seeks to prevent.
- (E) "Gambling" is the term defined at ORS 167.117(4) (1985 ed.)
- (F) "Prohibited Activity" means:
  - 1. Gambling or promotion of gambling; or
  - 2. The manufacture or delivery of controlled substances; or
  - 3. The possession of controlled substances with the intent to deliver.
- (G) "Manufacture" is the term defined at ORS 475.005(14) (1985 ed.).
- (H) "Marijuana" is the term defined at ORS 475.005(15) (1985 ed.).
- (I) "Possession of Controlled Substances With the Intent to Distribute" is the phrase defined at 21 U.S.C. 841(a)(1) (1976 ed., published 1981).
- (J) "Production" is the term defined at ORS 475.005(19) (1985 ed.).
- (K) "Promotion of Gambling" is the term defined at ORS 167.117 (10) (1985 ed.).

6-3-4: FORFEITURE:

- (A) Any person who engages in or enters into a conspiracy to engage in prohibited activity within the City limits of Oregon City shall forfeit to the City of Oregon City the following property:
  - 1. All controlled substances which are intended for or have been manufactured or delivered as defined in section 6-3-3.
  - 2. All raw materials, products, containers, equipment, books, records, research materials (including formulas, microfilms, tapes and data) of any kind which are used or are intended for use, to manufacture, compound, store, process or deliver any controlled substances.
  - 3. All conveyances, including aircraft, vehicles or vessels which are used to manufacture or deliver or in any manner to facilitate the manufacture or delivery of any controlled substance or any such conveyance which is used to transport or conceal any controlled substance.
  - 4. All monies, negotiable instruments, securities or other things of value furnished or exchanges or intended to be furnished or exchanged by or to any person to facilitate any prohibited activity, and all proceeds and profits traceable to such furnishment, exchange or prohibited activity.
  - 5. All proceeds, profits and things of value, including residential property, traceable to any prohibited activity.
  - 6. All equipment, materials or records of any sort that are used or intended for use to facilitate any prohibited gambling activity.
  - 7. All real property, including any right, title and interest in the whole of any lot or tract of land and any appurtenances or improvements, which is used to commit or facilitate the commission of a violation of this ordinance.
- (B) This ordinance shall not apply to those unlawful acts defined in ORS 166.720(1) and (2) (1985 ed.).

6-3-5: SEIZURE: Any property subject to forfeiture to the City of Oregon City under this ordinance may be seized by any police officer on behalf of the City of Oregon City without issuance of court process when:

- (A) The seizure is incident to an arrest or search under a search warrant or an inspection under an administrative search; or
- (B) The property subject to seizure has been the subject of a prior judgment in favor of the City of Oregon City in a forfeiture proceeding under this ordinance; or
- (C) A police officer lawfully seizes the property under ORS 133.525 thru 133.703 (1985 ed.) and has probable cause to believe that the property has been used or is intended for use in or to facilitate prohibited activity as defined by this ordinance.

6-3-6: INSTITUTION OF LEGAL PROCEEDINGS:

- (A) In the event of a seizure under this ordinance, the City Attorney, acting in the name of the City, shall institute an in rem forfeiture proceeding to obtain a judgment of forfeiture against the seized property.
- (B) The proceedings shall be instituted in accordance with the Oregon Rules of Civil Procedure and the Oregon Rules of Evidence relating to civil actions.
- (C) An action under this ordinance shall be commenced within thirty (30) days after the property seized on behalf of the City of Oregon City for purpose of this ordinance. This section shall operate as a limitation period on the forfeiture action.
- (D) The defendant or owner of the property may demand a trial by jury in any civil action brought pursuant to this section.
- (E) The City Attorney shall be entitled to deduct from the proceeds any attorney fees, costs and expenses incurred in the litigation and investigation and investigation of the action.

6-3-7: DISPOSITION OF PROPERTY:

- (A) Prior to obtaining any forfeiture judgment, any money, securities and negotiable instruments that are not retained for evidentiary purposes shall be deposited with the City Recorder pending the outcome of the forfeiture proceedings.
- (B) The seized property shall be kept in the custody of the City of Oregon City. Except as provided in 6-3-7 (A), the Chief of Police shall hold the property for the City of Oregon City for safekeeping until a forfeiture judgment is obtained.
- (C) When a judgment of forfeiture is obtained under this ordinance, the property described in 6-3-7 (A) & (B) shall be disposed of as follows:
  1. At the discretion of the Chief of Police, the forfeited property may be retained for official use in law enforcement activities. When the Chief of Police determines no enforcement purposes, it shall be sold in accordance with 6-3-7 (C) (2) & (3) of this section.
  2. Property (except money, securities and negotiable instruments) which is not required by law to be destroyed and which is not harmful to the public shall be sold by the City Recorder at public sale.
  3. The proceeds of any sale and any money, securities or negotiable instruments shall be deposited in a separate designated fund to be used for law enforcement purposes.

4. In the event the property has been seized through the joint efforts of the police officers of the City of Oregon City and the police officers of any other governmental agency, the forfeited property or the proceeds thereof may be allocated between the respective parties in such proportions as the parties may mutually agree.

6-3-8: AFFIRMATIVE DEFENSE TO NON-CONSENSUAL USE OF PROPERTY FOR PROHIBITED ACTIVITY: No property shall be forfeited under this ordinance to the extent of the interest of an owner who did not consent to or was not aware of the use of the property in the prohibited activity.

6-3-9: SEPARABILITY: If any section, clause or phrase of this ordinance, or its application to any statute, is determined by any court of competent jurisdiction to be invalid or unenforceable for any reason, such determination shall not affect the validity of the remainder of the ordinance or its application to any other statute, which shall continue to be in effect.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of Oregon City in this: Forfeiture of contraband will serve to deter crime; 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 October, 1987, and the foregoing ordinance was finally enacted by the City Commission this 7th day of October, 1987.

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

ATTESTED this 7th day of October, 1987.

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

Manager's Report No. 87-113, Sister City Relationship Between Independence, Missouri and Oregon City, Oregon, Resolution No. 87-24, was then presented. The report noted that on the October 7, 1987 agenda, there was proposed Resolution No. 87-24 which will initiate discussion of a Sister City relationship between Independence, Missouri, and Oregon City, Oregon, who share a common heritage as terminus of The Oregon Trail. Resolution No. 87-24 also provide for Commission discussion and citizen input of this matter on the October 15 agenda.

On discussion, Mayor Mitchell requested the resolution be amended to read "Whereas, the cities of Independence, Missouri, Beginning of the Oregon Trail, and Oregon City, Oregon, End of the Oregon Trail, share a common historical heritage, and"

John Salisbury, 120 Canemah Road, Chair of the City's Sister City Program, asked if the Sister City Committee would be given this assignment. He was advised that they would ultimately become involved.

It was moved by Powell, seconded by Lemons, to adopt Resolution No. 87-24 as amended and read by the City Attorney and to pursue establishing a Sister City relationship with Independence, Missouri, with recommendations to be presented for discussion on October 15, 1987.

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

#### RESOLUTION NO. 87-24

WHEREAS, the cities of Independence, Missouri, Beginning of the Oregon Trail, and Oregon City, Oregon, End of the Oregon Trail share a common historical heritage, and

WHEREAS, because of this heritage both cities are particularly concerned with historical preservation of appropriate buildings and sites for the benefit of their citizens and interested visitors, and

WHEREAS, a sharing of common interests and concerns would be beneficial to both cities,

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that Oregon City does hereby declare its intention to initiate proceedings preliminary to establishing a Sister City relationship with Independence, Missouri and invites Independence, Missouri to likewise express its interest in such a program, and

BE IT FURTHER RESOLVED that at the City Commission meeting on Thursday, October 15, 1987, at the hour of 8:00 p.m., an agenda item be designated for Commission discussion of such a Sister City relationship and for input from interested citizens.

Adopted, signed and approved this 7th day of October, 1987.

/s/ Kenneth M. Mitchell  
Mayor-Commissioner

/s/ David D. Spear  
Commissioner

/s/ Thomas F. Lemons  
Commissioner

/s/ Carol A. Powell  
Commissioner

/s/ \_\_\_\_\_  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Mayor Mitchell declared a break at 9:35 p.m. with the meeting reconvening at 9:47 p.m.

Manager's Report No. 87-111, Collective Bargaining Agreement Between the City and Oregon City Police Employees Association, Memorandum of Understanding, Transfer of Communications Center (Communications Specialists), Resolution No. 87-23, was then presented. The report noted that at its August 14, 1986 meeting, the City Commission adopted Resolution No. 86-35 which contained a labor agreement between the City and OCPEA for the period July 1, 1986 to June 30, 1988.

At its September 2, 1987 meeting, the City Commission approved an Agreement Between Clackamas County and the City for 9-1-1 Answering and Dispatch Services effective October 1, 1987. At that time, the Commission was notified that

negotiations with OCPEA representatives was progressing. It was anticipated that four employees would be transferred with three being placed on a seniority list to be hired as positions became available.

On the October 7, 1987 agenda, there was Resolution No. 87-23, which contained a Memorandum of Understanding regarding the transfer of the City's Communication Center as it relates to the transfer of employees to C-COMM.

As a result of the negotiation process, the contracting out and transfer of employees from the City to C-COMM shall be governed by seventeen conditions as listed in the Memorandum.

It was moved by Lemons, seconded by Spear, to adopt Resolution No. 87-23 containing the Memorandum of Understanding in an effort to continue the transition of the City's Communications Program to Clackamas County.

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

#### RESOLUTION NO. 87-23

WHEREAS, the City of Oregon City and the County of Clackamas have previously negotiated an agreement for assumption of emergency dispatch service by the County, and

WHEREAS, it is necessary to define the rights of transferred employees,

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that the attached MEMORANDUM OF UNDERSTANDING between the City of Oregon City, Clackamas County, and the Oregon City Police Employees Association representing said transferred employees, is hereby approved and the Mayor and City Recorder directed to execute the same on behalf of the City.

Adopted, signed and approved this 7th day of October, 1987.

/s/ Kenneth M. Mitchell  
Mayor-Commissioner

/s/ David D. Spear  
Commissioner

/s/ Thomas F. Lemons  
Commissioner

/s/ Carol A. Powell  
Commissioner

/s/  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Manager's Report No. 87-122, Metropolitan Service District Appeal, Findings of Fact and Final Order, was then presented. The report noted that at its September 2, 1987 meeting, the City Commission conducted a public hearing to consider a request by Metropolitan Service District to modify a condition of their existing Conditional Use Permit for Clackamas Transfer and Recycling Center (CTRC) to rescind the current 700/day tonnage limit.

As a result of that hearing, the City Commission denied the request. Attached was a copy of the Findings of Fact and Final Order as prepared by Edward J. Sullivan, Attorney at Law, in support of the decision of the Commission. An appeal period of ten calendar days will begin upon Commission adoption of the Findings and Final Order.

Also attached was a copy of Comments on Proposed Findings as prepared by Daniel Cooper, General Counsel, Metropolitan Service District.

On discussion, the Manager advised that amendments had been made to Pages 10 and 16 on the advice of Mr. Sullivan, the City's land use Attorney.

It was moved by Powell, seconded by Spear, to adopt the Final Order and Findings of Fact and Conclusions of Law as amended.

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

James Curtis, 16038 S. Depot Lane, representing HOPP, addressed the Commission asking if they were aware of SB 100; they replied affirmative. He then asked if they were aware of HOPP a Citizens Participation Organization; they replied affirmative. He concluded by noting that HOPP would have liked to have been working with the Commission to reach this decision. He further noted the address of HOPP to be P.O. Box 615, Oregon City.

Manager's Report No. 87-119, Sale of Molalla Avenue Pump Station Property, was then presented. The report noted that at its September 10, 1987 meeting, the City Commission conducted a public hearing to obtain citizen regarding the proposed sale of the City's abandoned Pump Station property adjacent to the Clairmont Club on Molalla Avenue.

As a result of that hearing, the City Commission unanimously approved a motion to approve the sale of the property. Upon approval of that motion, the Utilities Superintendent questioned what was to be done with the pumps and pipes remaining in the structure. The City Commission then unanimously approved tabling this matter to the October 7, 1987 agenda to provide adequate time for the salvage of those items.

All equipment that is or will be of value to the City has been removed; Portland General Electric has terminated the power and the electrical panel has been removed. It was recommended that the property be sold as it now stands with salvage or removal of the building the responsibility of the purchaser.

Comments contained within the appraisal report noted that the best use of the property would be as joinder with the adjacent property to the north. Through the Market Comparison approach, based on its contribution as joinder, the corrected market value of the property was estimated to be \$17,700 or \$8.50 per square foot.

It was recommended that the City Commission authorize the City Manager to negotiate the sale of the property and report the result of said negotiations prior to acceptance of the bid.

On discussion, the Manager advised the Commission that the current interested party was not prepared to buy, but, rather to take an option.



It was moved by Spear, seconded by Lemons, that the Manager is hereby authorized to negotiate the sale of the property and report the result of the negotiations prior to acceptance of the bid.

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

Manager's Report No. 87-112, Disposition of Unclaimed Property, was then presented. The report noted that at its September 2, 1987 meeting, the City Commission was requested to approve conversion of items of unclaimed property and direct it be utilized for City purposes pursuant to Ordinance No. 86-1005.

At that meeting, the City Commission questioned whether or not the property had been advertised as required by the ordinance. Lacking this, the Commission directed the advertisement and return of this matter to the October 7, 1987 agenda. On September 21, 1987, this matter was duly advertised and on the October 7, 1987 agenda, there is the request for the following items to be converted to City use.

1. 09888 Revolver - .38 cal S&W model 36, sn24225
2. 10085 Video cassette player
3. 10841-4 AM/FM cassette player - Sanyo 220602003
4. 12372 Pistol - .45 cal Colt Mk IV, snFA116091
5. 13305 Pistol - .45 cal Colt, sn708578216
6. 13381 Video camera - RCA color, sn1422846-4
7. 13391-2 Radio - GE 3-6200A
8. 14179-1 Scanner - Regency 220-B76367
9. 14555-6 Lock pick set
10. 15415-2 Power hand saw - Black & Decker 7308
11. 15585 Saw - power hacksaw Milwaukee

Based on Ordinance No. 86-1005, it was recommended that the City Commission approve the conversion of the above listed unclaimed property and direct it be utilized for City purposes.

It was moved by Powell, seconded by Spear, to approve the conversion of the listed unclaimed property and direct it be used for City purposes.

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

Manager's Report No. 87-116, Intergovernmental Agreement with Clackamas County for Community Development Block Grant Funds - 1988/1990, was then presented. The report noted that in 1978, Clackamas County was designated an "entitlement" county, with the concurrence of the cities that make up the county. Representatives of each city sit on the Community Development Block Grant Policy Advisory Board to make decisions on how the funds are distributed. Projects are funded based on applications submitted by the respective cities and are reviewed by the entire Policy Advisory Board.

At its September 5, 1984 meeting, the City Commission approved an Intergovernmental Agreement with Clackamas County for the Community Development Block Grant Program effective September 28, 1984 through July 1, 1988 and authorized Cathy Galbraith, Development Services Director to represent the City of Oregon City on the Policy Advisory Board. Subsequently, at its October 3, 1984 meeting, the City Commission endorsed a number of projects and directed staff to complete project applications.

On the October 7, 1987 agenda, there was a proposed Intergovernmental Agreement between Oregon City and Clackamas County which ensures our participation in the program for the next three years. Approval of this agreement would allow the County to apply for and receive approximately \$4.8 million of CDBG funds for the period November 9, 1987 through July 1, 1991.

The new agreement made no changes to the way the program is currently operated. Oregon City has received substantial funding for a variety of projects which include park acquisition, water line replacement, sidewalk replacement, park improvements, and Senior Center construction, to name a few.

It was recommended that the proposed Intergovernmental Agreement with Clackamas County be approved.

It was moved by Powell, seconded by Spear, that the Mayor is authorized to sign the Intergovernmental Agreement with Clackamas County for Community Development Block Grant Funds effective November 9, 1987 through July 1, 1991.

It was further authorized that on a temporary basis, the City Manager is appointed to the Policy Advisory Board to replace Cathy Galbraith.

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

Manager's Report No. 87-110, Abandoned Sewage Treatment Plant Property, was then presented. The report noted that at its September 10, 1987 meeting, the City Commission requested a report regarding the use or disposal of the abandoned sewage treatment plant property.

Attached was a copy of a memorandum dated April 16, 1984, which discusses the physical features and factual information about the sewage treatment plant and fire training tower site, which are owned by Oregon City. Following the preparation of this memorandum, and consideration by the Commission, the City Commission chose to acquire the property immediately to the west of the sewage treatment plant (known as the "Penrod" property) to protect it from a potential gravel transport operation. The Commission also spent some time and funds investigating the feasibility of an RV campground operation on the properties.

Appraisal prices of all of the properties have been obtained by a professional appraiser. Letters of solicitation were also sent to a variety of hotel/motel developers to determine their interest, if any, in the site. Some follow-up contracts resulted, but no purchase was ever proposed. The properties should be viewed as excellent riverfront property, complicated by their location in the Willamette River floodplain, which restricts development, unless built to floodplain elevation. The adjacent International Dunes Motel is built to floodplain elevations, and as is apparent, parking is located underneath the building.

The abandoned sewage treatment plant is the property of Oregon City. The long-term plan has been to remove the plant and redevelop that property, as well as to remove the fire training tower facility on the property to the north for consolidated development of the two parcels. At this time, it would be appropriate to consider development options.

In the last several months, potential developments of the site have been rumored, ranging from a major outdoor store/retail type use, to a large office development. Neither of the developments have been brought forward in any kind of concrete way. The removal and construction elsewhere of a fire training tower for the firefighters also needs to be planned prior to development.

The properties are designated Quasi-Public on the 1980 Comprehensive Plan, and zoned "R10" Single Family Residential, which is the zone applied to all properties with that Plan designation. Plan and Zone changes need to be obtained, reflecting the discontinued public use of those properties. The City is obliged to follow its own rules for Plan and Zone changes, as is required of other property owners.

The issue of legal title to the property on which the sewage treatment plant sits and the fire training tower is located need to be resolved. Lengthy discussions have been held regarding the two properties that were deeded by Clackamas County to Oregon City for park and sewage plant use. That deed stipulates that if the sewage treatment plant use ceases, the property must be used for park purposes or it reverts back.

In the last several years, discussions have been held with current and past City and County staff regarding County sign-off to the City's intent to redevelop the property. This is based on the premise that the City has met the intent of the deed, since the property was used for sewage treatment plant purposes for many years. Discussions involving Cathy Galbraith, Oregon City Development Services Director, Winston Kurth, County Public Works Director, previous City Manager Noel Klein, and County Counsel Michael Judd, resulted in a verbal agreement that the County would sign over any claim to the property, to allow the City to redevelop it. This needs formal, legal pursuit.

The two irregular pieces of property that are shown on the attached map as being part of the McLoughlin Boulevard right-of-way are not part of the right-of-way. The piece through the middle of the property is a City street that can be vacated and the outlined fringe has been eliminated as right-of-way property. Therefore, these pieces are no longer of concern regarding development of the property.

This report was prepared at the request of the City Commission.

The Manager noted that acquisition of deed to the property was being pursued and the Commission would be kept informed as to progress.

Manager's Report No. 87-109, "Gateway Project" - Update, was then presented. The report noted that at its September 2, 1987 meeting, the City Commission requested an update regarding the "Gateway Project".

In 1984, in response to the complaints and concerns raised by area property owners, Oregon City and Clackamas County jointly undertook to plan for and attempt to implement improvements to the Park Place area entrance to Oregon City. That area came to be known as the "Gateway Project", and a "Gateway Landscape and Image Improvement Plan" resulted and was adopted in May of 1985.

As part of that project, the City set out to contact property owners in the area to attempt to achieve voluntary participation in improvements to the property. The letter sent to those property owners, dated April of 1984 from then-

Mayor Ron Thom, is attached, along with a survey form/questionnaire that was included with the letter. The communication from the County Commission, from then-Commissioner Ralph Groener, dated January 1984, to some affected County property owners, is also attached. Additionally, attached are major excerpts from the May 1985 Gateway Plan.

The intent of the project was to improve a major entrance to Oregon City and Clackamas County that had and continues to have a variety of image problems. Major developments are a gravel mining/rock crushing and cement-making operation, the Tri-City sewage treatment plant, Metro's transfer and recycling center, Rossman's landfill and methane gas facility, and Publisher's lumber mill. All of these uses could benefit from improvements identified in the Plan. It must be noted that a number of improvements have taken place.

The project plan resulted in major landscaping of the detention basin by Metro, the repainting and cleanup of several small commercial operations along the corridor, some landscaping and fencing at the sawmill, and some improvements to the east side of Washington Street along the length of the landfill. Some improvements are yet to be completed. The State Highway Department, who was a strong participant in the project, has recently let the contract for major landscaping in relation to the ByPass. This landscaping is due to be completed in December of 1987 and will result in major improvements in the area.

Specific improvements recommended for the major users, i.e. Oregon City, Metro, the lumber mill, and the landfill, are attached. A number of improvements were recommended to the Oregon City-Kelly Field "End of the Oregon Trail" area, to be undertaken by Oregon City. The recently completed End of the Oregon Trail Kioske can be viewed as a portion of that project. Recommendations to re-design the City parking lot to provide landscaping in that parking area, to replace the guard rail along Washington Street in front of the parking lot, and to remodel Kelly Field restrooms have not been completed.

It is recommended that efforts for the improvements made by property owners to date be recognized, and additional improvements be encouraged. It is further recommended that the City proceed as is feasible with the improvements in the Kelly Field area and that the City work strongly with Clackamas County to achieve some degree of "closure" to Rossman's Landfill, which continues to be a visual problem in the area. Closure of the drainage ditch in front of the lumber mill should be sought by working with the owners of that development. Landscape improvements at the Metro site are continuing.

This information was provided at the request of the City Commission.

On discussion, the cost regarding replacement of the guardrail was requested and the Manager requested to pursue questions regarding the remaining funds in the Clousure Fund.

Manager's Report No. 87-121, Lottery Fund and Project - Update, was then presented. The report noted that at its September 10, 1987 meeting, the City Commission requested a Lottery funds and Red Soils Infrastructure update.

On August 31, 1987, a letter was sent to the Intergovernmental Relations Division to clarify the issue of available/unavailable matching funds for transportation improvements. IRD has not responded to the letter in writing, but

has indicated in telephone conversations with the Director of Development Services, their concern for providing a good transportation connection from Red Soils to the ByPass.

Murray, Smith and Associates, Inc. is continuing work on utilities design/construction for Red Soils. The Planning phase has been initiated to develop base maps and existing utility locations. Work has started on review of previous site development concepts proposed by Clackamas County. Alternate development scenarios and layouts will be completed in this phase of work.

This information was provided at the request of the City Commission.

On discussion, the Commission was advised that no written response had been received from IRD as yet with it anticipated in the near future. Staff was requested to pursue Beaver Creek Road improvements from Molalla Avenue to the signal light.

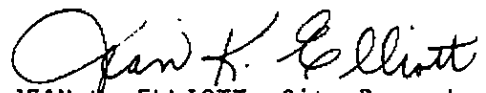
Manager's Report No. 87-108, Special City Election - September 15, 1987 - Election Results, was then presented. The report noted that on Tuesday, September 15, 1987, Oregon City's Ballot Measure No. 51 which asked the question "Shall the City of Oregon City levy \$96,500 for three years outside the tax base for yard debris collection beginning in 1987-88?" was presented to the voters.

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

Attached was a copy of the certified Statement of Votes Cast as prepared by the Office of County Clerk and on file in the City Recorder's office. The statement showed a total of 1,848 "yes" votes as opposed to 1,728 "no" votes with 7 overvotes and 95 undervotes for a total of 3,678 votes cast.

This information was being provided pursuant to Chapter 6, Section 27 of the Oregon City Charter of 1982.

There being no further business, the meeting was adjourned at 10:45 p.m.

  
JEAN K. ELLIOTT, City Recorder

#### REGULAR MEETING

Oregon City, Oregon, October 15, 1987

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: