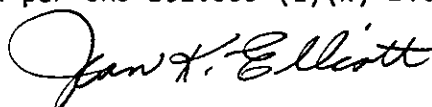


The Manager introduced the following items apart from the published Agenda:

1. The Manager distributed a packet of information relative to the HOPP annexation and a letter to the County Commission for City Commission acceptance and signature; all members of the Commission signed the letter.
2. The Manager presented a request for the City to pay for the water usage at the Ermatinger House. This matter was referred to the Finance Director to resolve.
3. The Manager noted the September "Cycle Across Oregon" and requested Commission sponsorship of an Oregon City Team which would include fronting the registration fee of \$65 per person for 10 applicants. It was moved by Lemons, seconded by Spear, to expend the \$650 to be refunded by participants.

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

With no further business, the meeting adjourned at 10:15 p.m. with the Commission convening an Executive Session per ORS 192.660 (1)(h) Litigation.



JEAN K. ELLIOTT, City Recorder

REGULAR MEETING

Oregon City, Oregon, May 12, 1988

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

Roll call showed the following present:

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

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

It was moved by Spear, seconded by Powell, to approve the minutes of May 4, 1988, as published.

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

This was the opportunity for citizens to present items for Commission consideration on future agendas. There was no audience nor Commission input. Mayor Mitchell read a card of thanks from Merrill Johnson for the City's donation to the Medal of Honor Memorial Fund. Also read was a letter commending Officer John Arnold for his assistance to the Juvenile Department.

Manager's Report No. 88-90, Vacation of Unbuilt "Public Road" - South of Hillcrest Street, West of Mt. View Cemetery - Public Hearing, was presented. The report noted that at its April 6, 1988 meeting, the City Commission adopted Resolution No. 88-13, which initiated proceedings to vacate the unbuilt public road that is adjacent to and west of Mt. View Cemetery. The Resolution also set the time of public hearing before the City Commission for Thursday, May 12, 1988, at 8:00 PM.

The Planning Commission considered the request at their April 26, 1988 meeting. No testimony in opposition was presented at that time. A letter of support for the vacation has been received by the owner of the vacant parcel to the west of the unbuilt road, and the other adjacent owner has also expressed support. The Planning Commission voted 8-0 to recommend approval of the street vacation.

Attached for Commission review were the following documents:

1. Planning Commission minutes of April 26, 1988.
2. Pre-Hearing Report.
3. Public Notice and Notice Map.

The report concluded that if the Commission approved the vacation, an ordinance would be prepared for adoption at a future meeting.

John Block, Development Services Director, presented the staff report and noted that there is a party interested in buying the property once the vacation makes it available for sale. He further noted that Public Storage was not in favor of the vacation because of their need for storm drainage. He advised that a 10 foot easement for a utility corridor could be accomplished.

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

Gary Bliss, representing Public Storage, addressed the Commission and noted their need for drainage to satisfy City requirements. He also noted that the City requires a 15 foot easement rather than 10 feet. After some discussion, it was moved by Spear, seconded by Powell to re-scheduled this matter to the June 1, 1988 agenda.

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

Manager's Report No. 88-94, Advance Financing of Public Improvements - Abernethy Interceptor - Informational Public Hearing, was presented. The report noted that at its April 6, 1988 meeting, the City Commission set May 12, 1988 at 8:00 p.m. as the date and time of the informational public hearing for advance financing of public improvements for the installation of the sewer laterals on the Abernethy Interceptor.

Pursuant to Ordinance No. 86-1000, Section 6, entitled Notification, the developer and the property owners were duly notified along with a Notice of Public Hearing published in the Enterprise Courier on Thursday, April 28 and Thursday, May 5, 1988.

The report concluded that also pursuant to Ordinance No. 86-1000, Section 5, after the informational public hearing, the City Commission has the sole discretion of deciding whether or not an advance financing resolution be adopted.

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

It was moved by Powell, seconded by Spear, to approve this project for advance financing and direct staff to prepare a resolution for the June 1, 1988 agenda.

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

Manager's Report No. 88-95, Advance Financing of Public Improvements - Newell Creek Trunk Sewer Schedules I and III Laterals - Informational Public Hearing, was presented. The report noted that at its April 6, 1988 meeting, the City Commission set May 12, 1988 at 8:00 p.m. as the date and time of the informational public hearing for advance financing of public improvements for the installation of the sewer laterals on the Newell Creek Interceptor, Schedules I and III.

Pursuant to Ordinance No. 86-1000, Section 6, entitled Notification, the developer and the property owners were duly notified along with a Notice of Public Hearing published in the Enterprise Courier on Thursday, April 28 and Thursday, May 5, 1988.

The report concluded that also pursuant to Ordinance No. 86-1000, Section 5, after the informational public hearing, the City Commission has the sole discretion of deciding whether or not an advance financing resolution be adopted.

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

It was moved by Powell, seconded by Wilson, to approve this project for advance financing and direct staff to prepare a resolution for the June 1, 1988 agenda.

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

Manager's Report No. 88-89, Proposed Ordinance No. 88-1005, An Ordinance Amending Title XI: Chapter 2, Section 3, of the 1963 City Code, Zoning: Official Zoning Map, of Oregon City, By Changing Certain Districts, was presented. The report noted that at its April 14, 1988 meeting, the City Commission approved the request of the Mt. View Professional Center, for a Comprehensive Plan Amendment and Zone Change, for property at 916 Gleason Street, from "R-6" Single-Family to "C" General Commercial.

Therefore, on the May 12, 1988 agenda, there was proposed Ordinance No. 88-1005 which would formally approve the action taken by the Commission.

Notice of proposed Ordinance No. 88-1005 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 Commission's prior approval of the annexation, it was recommended that first reading of proposed Ordinance No. 88-1005 be approved; second reading be called and approved for final enactment to become effective June 11, 1988.

Upon declaring a conflict, Mayor Mitchell passed chairing this item to Commissioner Spear.

It was moved by Powell, seconded by Lemons, to approve first reading of proposed Ordinance No. 88-1005.

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

Second reading was called after which it was moved by Lemons, seconded by Wilson, to approve second reading of Ordinance No. 88-1005 for final enactment.

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

Mayor Mitchell resumed chairing the meeting.

ORDINANCE NO. 88-1005

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 DOES ORDAIN AS FOLLOWS:

Whereas, public necessity and the general welfare of Oregon City require changes in certain districts, which changes have been referred to 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 can suitably be utilized for uses incident to "C" General Commercial District, for which there is a need in this area, and that such zoning is compatible with the neighborhood development, the findings, conditions and recommendations of the Planning Commission and staff are hereby adopted as the findings of this Commission, and the following described property, to-wit:

Part of Lot 6, Block 2, C.T. Tooze Addition to the City of Oregon City, in the County of Clackamas and State of Oregon, described as:

Beginning at a point 25.00 feet West and 123.00 feet South of the Northeast corner of Lot 6, Block 2, C.T. Tooze Addition to the City of Oregon City, according to the duly recorded plat thereof; thence South along the West side of a 50.00 foot street, 75.00 feet, to an iron pipe; thence North 87° 01' West parallel with the South line of said lot, 101.00 feet, to an iron pipe; thence North parallel with said street, 75.00 feet, to an iron pipe; thence South 87° 01' East parallel with the South line of said lot, 101.00 feet to an iron pipe at the point of beginning.

which is now zoned "R-6" Single-Family Dwelling District is hereby changed to "C" General Commercial District, and the Comprehensive Plan designation which is now "LR" Low Density Residential is hereby changed to "C" Commercial, conditioned upon the following:

1. That a landscape buffer six feet (6') in height be provided along the north and west property lines. Specific materials can be determined as part of the design review process for development of the parking lot.
2. Gleason Street adjacent to the site must be improved to City standards, including curbs and sidewalks.
3. The parking lot extension shall not have another driveway approach to Gleason Street.
4. The parcel approved for the plan/zone change may be used for parking lot purposes only.

Read first time at a regular meeting of the City Commission held on the 12th day of May, 1988, and the foregoing ordinance was finally enacted by the City Commission this 12th day of May, 1988.

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

ATTESTED this 12th day of May, 1988

/s/David D. Spear
DAVID D. SPEAR, Commission President

Manager's Report No. 88-87, State-Shared Revenue - Resolution No. 88-27, was presented. The report noted that on the May 12, 1988 agenda, there was proposed Resolution No. 88-27 regarding State-Shared revenue.

The report continued that the Intergovernmental Relations Division, Executive Department, State of Oregon, is responsible for certification of eligibility of cities for state-shared revenues derived from cigarette, liquor and highway taxes under ORS 221.760.

In order to be eligible to receive revenues, cities located within a county having more than 100,000 population must provide four or more of the following municipal services:

- police protection,
- fire protection,
- street construction, maintenance and lighting,
- sanitary sewers,
- storm sewers,
- planning, zoning and subdivision control,
- one or more utility services.

Oregon City does meet these requirements. In order to be certified, a resolution must be submitted to the Intergovernmental Relations Division, Executive Department, State of Oregon, by July 31, 1988.

Based upon the above information, it was recommended that Resolution No. 88-27 be adopted.

It was moved by Spear, seconded by Powell, to adopt Resolution No. 88-27.

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

RESOLUTION NO. 88-27

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

1. Police protection
2. Fire protection
3. Street construction, maintenance and lighting
4. Sanitary sewers
5. Storm sewers
6. Planning, zoning and subdivision control
7. One or more utility services

and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760,

NOW, THEREFORE, BE IT RESOLVED, that the City of Oregon City hereby certifies that it provides the following four or more municipal services enumerated in Section 1, ORS 221.760:

1. Police protection
2. Fire protection
3. Street construction, maintenance and lighting
4. Sanitary sewers
5. Storm sewers
6. Planning, zoning and subdivision control

Adopted, signed and approved this 12th day of May, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/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. 88-88, Annexation of Properties on South Rose Road and South End Road - Resolution No. 88-28, was presented. The report noted that at its April 14, 1988 meeting, the City Commission approved annexation of two parcels of property in the vicinity of South End Road and S. Rose Road, owned by Sam and Beverly Weiler, and Fred Willmon.

Therefore, on the May 12th agenda, there was proposed Resolution No. 88-28 which would approve the annexation and forward it to the Portland Metropolitan Area Local Government Boundary Commission for final action.

Based upon the Commission's prior approval of the annexation, it was recommended that Resolution No. 88-28 be adopted.

It was moved by Powell, seconded by Wilson, to adopt Resolution No. 88-28.

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

RESOLUTION NO. 88-28

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

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

It appearing that:

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

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

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

The foregoing Resolution adopted this 12th day of May, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/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. 88-91, City-Initiated Comprehensive Plan Amendment/Zone Change - Resolution No. 88-29, was presented. The report noted that in 1985, Richard C. Shrake obtained a Comprehensive Plan Amendment and Zone Change for the front portion of his property (approximately 4.5 acres). In March of 1988, the City Commission heard the appeal of Mr. Shrake, for a minor partition of a 17 acre parcel on Molalla Avenue. The request included a variance to allow access to the two rear parcels via a 50-foot easement on the southern edge of the property. The City Commission denied the request, concurring with staff's and Planning Commission's findings that the variance did not meet the required criteria, and that a public road was necessary to serve the properties.

Since the requirement for road dedication was not discussed or anticipated during the 1985 amendment, the applicant's representative has suggested that a like amount of commercially-zoned land should be added to compensate for the area that will be developed as a public road. The roadway will remove approximately .85 acre of land area from the commercially-zoned land. The issue of land area which will be lost through road dedication has been analyzed in follow-up discussions with the applicant's representative.

To accomplish such a request, a Comprehensive Plan Amendment and Zone Change is necessary. Because Comprehensive Plan Amendments can be requested by citizens only twice a year, the applicant is asking that the City Commission initiate a Plan Amendment and Zone Change on its own motion, as allowed by Section 11-12-1 of the City Code.

On the May 12, 1988 agenda, there was proposed Resolution No. 88-29 which would initiate the Comprehensive Plan Amendment and Zone Change for an additional portion of the Shrake Property with specifics to be submitted by the property owner.

Adoption of Resolution No. 88-29 does not imply approval of the Plan Amendment/Zone Change. The matter would be forwarded to the Planning Commission for their review and recommendation and then returned to the City Commission for a public hearing and decision. Additionally, a request for major partition could be heard by the Planning Commission at the same time.

It was recommended that Resolution No. 88-29 be adopted so that this matter can be referred to the Planning Commission for review and recommendation.

It was moved by Wilson, seconded by Powell, to adopt Resolution No. 88-29.

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

RESOLUTION 88-29

- WHEREAS, A Comprehensive Plan Amendment and Zone Change from Low Density Residential to General Commercial was approved in 1985 for 4.5 acres on Molalla Avenue, for land owned by Richard and LeeAnn Shrake; and
- WHEREAS, The property owner is now anticipating development requiring a minimum of four acres, and has petitioned for a minor partition to divide the commercially-zoned portion of his property from the residential property at the rear; and
- WHEREAS, The Planning Commission and City Commission have denied the requested partition, finding that grounds for a variance to provide access via easement were not met; and
- WHEREAS, A public need exists to provide a 60-foot road to serve the Shrake property and other properties to the west, to connect S. Meyers Road, thereby removing approximately .85 acres of the commercially-zoned Shrake property from potential development; and
- WHEREAS, No requirement for dedication of a public road was imposed in 1985 as part of the Comprehensive Plan Amendment/Zone Change; and

WHEREAS, It is the policy of the City Commission to encourage timely and orderly development within the City and its Urban Growth Boundary; and

WHEREAS, Because Comprehensive Plan Amendments can be requested by citizens only twice a year, the applicant is requesting the City Commission initiate a Plan Amendment and Zone Change:

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

1. That a request for Comprehensive Plan Amendment from Low Density Residential to Commercial, and a Zone Change from "R-10" Single-Family to "C" General Commercial, is hereby initiated by the City Commission on its own motion, and is hereby referred to the Planning Commission for review and recommendation. The specific boundary changes requested are to be submitted by the property owner.
2. That a request for major partition is also forwarded to the Planning Commission for review and decision. The specifics of the major partition are to be submitted by the property owner.

The foregoing Resolution Adopted this 12th day of May, 1988.

/s/Kenneth M. Mitchell
Mayor-Commissioner

/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. 88-92, Utility Agreement Between Clackamas County and the City of Oregon City, was presented. The report noted that on the May 12, 1988 agenda there was a Utility Agreement between Clackamas County and the City of Oregon City which would regulate the installation, maintenance and operation of City utilities on, over and under County roads.

The report further noted that City staff had reviewed the Agreement and made numerous changes. County staff reviewed and was in agreement with the changes. It was recommended that the Utility Agreement be approved.

The report concluded that upon City Commission approval, the Agreement will be forwarded to the Clackamas County Board of Commissioners for final execution.

It was moved by Wilson, seconded by Spear, that the Mayor and City Recorder are directed to execute the Utility Agreement between Clackamas County and the City of Oregon City.

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

Manager's Report No. 88-93, Molalla Avenue/Seventh and Taylor Streets - Improvement Plan, was presented. The report noted that the City requested traffic engineering assistance to analyze the Molalla Avenue, Seventh and Taylor Streets intersection through a grant from the Oregon Traffic Safety Commission's program on Assistance for Local Government. A copy of the final report is attached for City Commission review.

The report further noted that the Traffic Safety Board had reviewed the report and was recommending approval of Alternate 3. City staff concurred with this recommendation.

It was moved by Lemons, seconded by Powell, that the City Commission accepts the recommendation and approves the project for this summer's Capital Improvement Program.

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

Manager's Report No. 88-96, Acceptance of Supplemental Budget for Fiscal Year 1987-88 and Setting Date of Public Hearing, was presented. The report noted that on May 4, 1988, the Budget Committee approved a Supplemental Budget for Fiscal Year 1987-88 and referred it to the City Commission for acceptance and to set June 9, 1988 at 8:00 p.m. as the date and time of public hearing.

First notice of public hearing would be published on Thursday, May 19, 1988 with second notice published on Tuesday, May 31, 1988. Listed within that publication were resources and requirements for the General Fund and the 9-1-1 Reserve Fund as follows:

GENERAL FUND

Resource:

The State gas tax will increase by two cents (\$.02) per gallon for three years. The allocation to Oregon City will provide an additional \$40,000 for 1987-88.

Requirement:

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

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

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

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

9-1-1 RESERVE FUND

Resource:

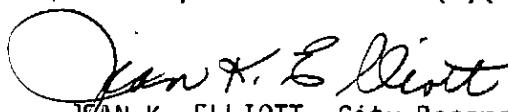
Ending cash balances at June 30, 1987 exceeded the budget for beginning cash carryover resources for the 1987-88 fiscal year due to delays in transferring the Communications Program for 9-1-1 to C-Com. The results were an under budgeting of resources available. The budget adjusts for the increase in resources in the current year.

Based upon the need for the Supplemental Budget, it is recommended that the Supplemental Budget for Fiscal Year 1987-88 be accepted and set for public hearing.

It was moved by Powell, seconded by Lemons, that the Supplemental Budget for Fiscal Year 1987-88 is hereby accepted and the date and time of public hearing set for June 9, 1988 at 8:00 p.m.

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

With no further business, the meeting adjourned at 9:00 p.m. with the City Commission convening an Executive Session per ORS 192.660 (1)(b) Litigation.


JEAN K. ELLIOTT, City Recorder

SPECIAL MEETING

Oregon City, Oregon, May 23, 1988

A special meeting of the City Commission was held in the Commission Chambers of City Hall on the above date at 7:55 p.m. for the purpose of discussing the results of the May 17, 1988 Special City election and a new proposed budget levy for submission to the voters on June 28, 1988.

Roll call showed the following present:

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

Thomas Fender III, City Manager
Scott Harper, Finance Director
Irmgard Marggi, Clerk of Commission

Approximately eight Department Directors, one member of the Press and a number of interested individuals were also present.