

postal review of the City; update on Sunday attendance at the Municipal Pool; the lack of landscaping at the parking lot behind the Main Fire Station; requested a copy of the Administrative and Commission Policy Manuals; requested a report on the number of abandoned cars tagged; and, the number of nuisance abatements pursued. VanOrman requested presentation of a residential parking permit. *Corrected*
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There being no further business, the meeting adjourned at 10:00 p.m.

Jean K. Elliott

JEAN K. ELLIOTT, City Recorder

REGULAR MEETING

Oregon City, Oregon, August 10, 1989

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

Roll call showed the following present:

Mayor David D. Spear	Thomas Fender III, City Manager
Commissioner Carol A. Powell	Jean K. Elliott, City Recorder
Commissioner Suzanne VanOrman	Mark Greenfield, City Attorney
Commissioner Daniel W. Fowler	
Commissioner Bobby L. Smith	

Upon the call for approval of the minutes of August 2, 1989, VanOrman requested that Page 229 of the minutes of August 2 be corrected to reflect that she "requested information of a residential parking permit be presented to the Parking Advisory Committee for study and future recommendation to the Commission".

Fowler requested that Page 229 of the minutes of August 2 be corrected to reflect that he "requested that in the City's review of street improvements, that we allow the postal service to review those street improvements as to placement of mail boxes".

It was moved by Fowler, second by VanOrman, to approve the minutes of August 2, 1989, as corrected.

Roll call: VANOrman, Aye; Powell, Aye; Fowler, Aye; Smith, Aye; Spear, Aye.

Mayor Spear called for citizen presentation of future agenda items.

There was no audience input. Fowler requested that staff begin the process of taking to the Planning Commission to provide an overlay zone for a possible tourist commercial for the Lagoon; and, staff to provide an update on any vacancies on any Committees.

The matter of a work session regarding the City's boards and committees was set for September 26, 1989 at 7:00 p.m. at the Senior Center.

Commission Report No. 89-155, Sale of Surplus City-Owned Property - Public Hearing, was presented. The report noted that on February 12, 1988, the City received a letter from the property owner of land adjacent to vacated public right-of-way indicating an interest in purchasing the City-owned right-of-way. Also attached was a map which showed the exact location of the property. The property owner was still interested in the purchase and requested the City begin the process of declaring it surplus.

The report continued that at its July 5, 1989 meeting, the City Commission reviewed this request and directed that an appraisal be obtained and public notice be provided. Attached was a copy of the appraisal report and Notice of Public Hearing for Commission information.

ORS 221.725 (4) states: "The nature of the proposed sale and the general terms thereof, including an appraisal or other evidence of the market value of the property, shall be duly disclosed by the city council at the public hearing. Any resident of the City shall be given an opportunity to present written or oral testimony at the hearing."

Therefore, on the August 10, 1989 agenda, there was the public hearing to declare a portion of public right-of-way that was vacated in 1988 as surplus and consider the sale of that parcel.

The report concluded that to date, no written correspondence had been received. If there were no issues that develop during the public hearing, it was recommended that the City Commission declare the property surplus and authorize the sale at the appraised value of \$20,200.

Because this matter had been published for public hearing on the August 2 agenda; it was moved by VanOrman, second by Powell, that this matter be tabled for re-publishing.

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

Commission Report No. 89-162; Petition for Street Vacation - Unbuilt Elyria Street, east of Magnolia Street, south of Cascade Street - Public Hearing, was presented. The report noted that the City received a petition for street vacation from Raymond J. Bartel, agent for V. Gordon Linville. The area requested for vacation is unbuilt Elyria Street between Block 8 and Block 9 in the Mountain View Addition to Oregon City. The unbuilt street is generally located east of Magnolia Street and south of Cascade Street (south of existing Barclay Village Apartments). Elyria Street is currently a 40-foot dedicated right-of-way.

The report continued that on July 5, 1989, the City Commission adopted Resolution No. 89-33 initiating vacation proceedings and setting the date of the public hearing for Thursday, August 10, 1989. To consider vacation of a dedicated right-of-way, the City Commission must determine whether the following conditions are met:

1. There is no present or future public need for the street.
2. The vacation is in the best public interest.
3. There would be no impacts to adjacent properties.
4. Consent of adjacent property owners.

These criteria were addressed as follows:

1. There is no present or future need for the street. The Mountain View Addition to Oregon City was platted in 1890. Elyria Street was platted as a 40-foot right-of-way, and lots in the Mountain View Addition were typically 50x100 in size. Elyria Street in this location has never been improved. As noted by the applicant, the Mountain View Addition was platted without regard to topography. There have been numerous street vacations in the Mountain View Subdivision over the years. In 1964, Elyria Street between Mt. Hood and Duane Streets was vacated, as was Vermylea Street from Cascade to Duane and Mt. Hood Street from Elyria Street to Alden Street. (The vacation of these streets reserved an easement for utilities). In 1973, Alden Street from Cascade Street to Duane Street was vacated (with no easements). Clearly, the topography in the area has prompted the street vacations over time.

2. The vacation is in the best public interest. As discussed under #1, the proposed vacation would be consistent with along history of vacations in the Mountain View Addition. The lotting pattern in this plat did not recognize the topography, making it impractical for contemporary subdivision development. Further, the current owner has no desire to develop the property in its current lot configuration. There is a pending request that would result in an expansion of the Barclay Village Apartments by developing approximately 74 units on the property that now surrounds unbuilt Elyria Street. If that development plan does not take place and the street has been vacated, the 50x100 lots would lose their "lot of record" (grandfathered) status. In addition, Elyria Street has only a 40-foot dedicated right-of-

way, making it substandard under the City's current development standards. The City subdivision ordinance states that a "minor street less than 2,400 feet in length which cannot be extended" must have a minimum right-of-way of 50 feet. A cul-de-sac or similar turn-around would also need to be designed. As a final point, because of the 1964 street vacations, several of the lots within the applicant's property have already lost their lot of record status because they have no street frontage. Staff's conclusion is that any practical subdivision development of this property would require replatting that takes into account the actual topography.

3. There would be no impacts to adjacent properties. This street is unimproved and has never been used for public travel. Because of previous vacations, substandard right-of-way width and topography, it could not be extended to serve adjacent property. No adjacent properties would be directly affected by the vacations, for the reasons as stated in #2 above.

4. Consent of adjacent property owners. The property owner, V. Gordon Linville, owns the land on both sides of the portion of Elyria Street requested for vacation. Mr. Linville has initiated this action and therefore has consented to the vacation.

The report concluded by noting that it was staff's finding that the requested vacation met the criteria for a street vacation. It was recommended that the vacation of Elyria Street as described in Resolution No. 89-33 be approved. If approved by the Commission, an ordinance to enact the vacation would be prepared for a future meeting.

The City Attorney advised that discussion be limited to the issue vacation of the street and not a land use issue which is currently in a separate proceeding before the Planning Commission. He advised that the main issue is whether or not there is public need for the street.

The Manager reiterated the four criteria to be considered for the street vacation and called upon the Development Services Director to explain the criteria applied to the issue. A display of maps showing topography was used during his presentation of the Commission Report.

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

Ray Bartell, 2515 SE Harrison, Milwaukie, Architect who prepared the application and representative of Gordon Linville, owner of the property, addressed the Commission noting that he agreed with the staff report. He displayed a diagram of the surrounding area and street system which included the topography of the area and advised that an explanation of how the criteria was being met had been made part of the record earlier. He noted the property was accessed by Magnolia and Cascade Streets via Barclay Hills Drive

off Molalla Avenue. The land represents about nine city blocks of area that does not have any other dedicated streets within it with the exception of an "L" shaped street. To the north, the streets have been vacated and north of that there is basically unbuildable terrain either for development or roads. The purpose of the vacation was to place the land in a more developable state as development was prepared in order to supply a circulation pattern on the property that would relate to the topography and the features of the property. The main traffic carriers in the area are Cascade, Magnolia and Barclay Hills with no need for this street to provide access to any other property other than its own property. He noted that the property to the southeast edge starts a steep canyon which is not accessible to roads.

With no testimony in favor of the vacation, Mayor Spear called for testimony in opposition.

Terri Powers, 716 Magnolia Street, presented a request from the Ely Neighborhood to postpone this decision until development on the property could be determined. She noted being a member of the Planning Commission which was studying a Transportation Plan for the City with this particular neighborhood having a lot of problems relating to transportation and would like this action postponed until the Transportation Plan is completed or the development of this area is determined.

David Bonner, 701 Mt. Hood Street, addressed the Commission noting that because Mt. Hood Street cannot be a road that is accessed he feels that Elyria Street, if vacated, there would be no access to his lower lot for future development. The Development Services Director advised there is no vacation proposed beyond 701 Mt. Hood Street and the back half of his property is not of legal lot size at the present. It could be made legal through the vacation of a portion of Mt. Hood right-of-way. He recommended that the property owners of 701 and 802 work together to vacate that remaining part of Mt. Hood Street right-of-way then the back portion would be developable with access from Magnolia on Mt. Hood. VanOrman asked regarding no dedicated right-of-way beyond the junction of Elyria and Mt. Hood. This was correct. The only dedicated right-of-way known was what was shown on a map in the report.

With no further testimony, the hearing was closed.

It was moved by Powell, second by Fowler, to approve the request for street vacation as presented.

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

Commission Report No. 89-163, Adoption of Water, Sewer and Drainage Master Plans - Public Hearing, was presented. The report noted that on July 25, 1989, the Planning Commission held a public hearing on the Water, Sewer and Drainage Master Plans. The Master Plans are an element of a Public Facility Plan the City must adopt as part of periodic review of the Comprehensive Plan. Although the City Commission had reviewed these Plans at previous meetings, public hearings must be conducted because the plans are an element of the Comprehensive Plan.

The Planning Commission approved the Water Master Plan and Sewer Master Plan with no modifications.

The Planning Commission recommended that the following modifications be made to the Drainage Master Plan (Goals h. and i. on Pages A-1 and A-2):

Current Language:

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

Recommended Language:

h. Regulate filling and encroachment on drainage channels.

Current Language:

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

Recommended Language:

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

With those changes, the Drainage Master Plan was recommended for approval.

The report concluded that the Planning Commission heard considerable testimony concerning drainage issues and its relationship to wildlife and other natural resources in the City and Urban Growth Area. The Drainage Master Plan, as a technical document, is not appropriate for inclusion of such policies. However, wildlife and natural resource issues will be addressed in policies in the Comprehensive Plan. Attached was information submitted by persons testifying at the Planning Commission hearing. It was recommended that the City Commission adopt the Water, Sewer and Drainage Master Plans with the changes listed above.

It was moved by VanOrman, second by Smith, that because the material was received late, this matter be tabled to the September 6, 1989 agenda.

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

Commission Report No. 89-161, Appeal of Planning Commission Decision - Conditional Use Permit for Log Sorting/Storage Operation - Property on Agnes Avenue, by the Knappton Corporation, was presented. The report noted that on June 27, 1989, the Planning Commission held a public hearing to consider the request of the Knappton Corporation for a Conditional Use Permit, to establish a log sorting and storage operation on Agnes Avenue, east of Parker's Lagoon and west of Interstate 205 in the Park Place area. The Planning Commission voted 3-2 to approve the conditional use permit, with the following conditions:

1. The use is approved through the term of the sub-lease with Reidel International--August 7, 1992. The conditional use permit shall be void if Knappton's tenancy with Reidel International Inc., or Riedel International Inc.'s tenancy with Dakota Minerals or Dakota's successor terminates prior to the end of the lease period. Any extension of the use beyond August of 1992 shall require approval of a new conditional use permit.
2. Site plan and design review is required for the use, as set forth in Section 11-9 of the Zoning Ordinance.
3. The log storage/sorting operation shall be subject to all City of Oregon City System Development fees.
4. The Knappton Corporation shall request Dakota Minerals to provide deeds of dedication and/or quitclaim deeds for Agnes Avenue right-of-way. Specifics of the area to be dedicated are contained in documents prepared by the City Engineer. A copy of the request from Knappton to Dakota shall be submitted to the City.
5. A fully executed copy of the lease between the Knappton Corporation, Riedel International, and receiver of Dakota Minerals shall be submitted to the City prior to beginning construction of site improvements.
6. A portable trailer is approved for office purposes, for the term of the conditional use permit, provided appropriate anchoring measures as required by the Building Official can be met.
7. The accessways necessary for emergency vehicles must have a hard surface--concrete, asphalt, or hard-packed gravel. The applicant must receive written approval of the Fire Department for the emergency accesses, and adequacy of fire hydrants, prior to occupancy.
8. The fence along the entire Agnes Avenue frontage must be removed, or the fence must be replaced as necessary to be in good repair for the entire length of the property along Agnes Avenue.

Barbed wire along the top of the fence must be turned in. This shall be accomplished prior to occupancy.

9. Parking spaces, paved or graveled, shall be provided adjacent to the office, at a rate of one space per on-site employee, plus two vendor/visitor spaces. Parking areas must be complete prior to occupancy.

10. The applicant shall consult a landscape architect/designer to formulate a landscape plan for the area along the Agnes Avenue frontage. The plan shall contain, at a minimum, a mix of deciduous trees and evergreens that have a high rate of survival given the conditions of the site. The plan must be submitted to and approved by the Planning Division prior to occupancy. The plan must set forth a time frame for installing the various components of the plan. It shall also contain applicant's agreement to have the landscaping installed in accordance with the plan. If the landscaping cannot be installed within the time frame in the approved plan, a bond in the amount of improvements must be posted. The following landscape materials, sizing and spacing are suggested:

*Lombardy Poplar, 10-12 feet tall, spaced 8-10 feet apart
 **Scotch Pine, 10-12 feet tall, spaced 8-10 feet apart, to be planted approximately 15 feet in front of the Poplar trees to avoid invasion of root zones

11. To monitor possible groundwater contamination from the log storage operation, an annual water quality report shall be prepared and submitted by the applicant. The Department of Environmental Quality shall review the report and determine if corrective measures are required. Expense of any corrective measures shall be borne by the applicant.

12. Any drainage improvements along Agnes Avenue needed as a result of the applicant's use of the site shall be completed by the applicant, as determined by the City Engineer. Applicant shall maintain the graveled portion of Agnes Avenue from the south end of the pavement to the Main Street Extension in adequate conditions to handle heavy trucks. Annual maintenance shall be done on a time schedule to be agreed upon between applicant and the City Engineer.

13. Historic architectural elements from the James Seavey House (e.g. columns, doors, windows, etc.) must be offered for salvage to qualified salvage companies or other parties interested in salvaging of the elements for preservation and re-use. The house must be offered for free to any party interested in re-locating it to another site. To provide a reasonable period for publicity, the property should be prominently posted and advertisements taken in local newspaper for a period of at least 45 days. Prior to any work commencing on the Seavey House, the applicant must obtain approval from the Historic Review Board.

The Planning Commission decision modified the staff recommendation on Conditions #10 and #12, which were presented as follows:

Staff Condition #10: The applicant shall consult a landscape architect/designer to formulate a landscape plan for the area along the Agnes Avenue frontage. The plan shall contain, at a minimum, a ix of deciduous trees and evergreens that have a high rate of survival given the conditions of the site. The plan must be submitted to and approved by the Planning Division. Landscaping must be installed prior to occupancy. If the landscaping cannot be installed within that time frame, a bond in the amount of improvements must be posted. The following landscape materials, sizing and spacing is suggested:

*Lombardy Poplar, 10-12 feet tall, spaced 8-10 feet apart
 **Scotch Pine, 10-12 feet tall 8-10 feet apart, to be planted approximately 15 feet in front of the Poplar trees to avoid invasion of root zones

Staff Condition #12: Street improvements to Agnes Avenue, from the northerly boundary of the Knappton site, to the intersection with the Main Street extension, shall be completed by the applicant, including any necessary drainage improvements as determined by the City Engineer. Street improvements shall be completed as per City of Oregon City design plans for Agnes Avenue. Street and drainage improvements must be completed prior to occupancy, or a timeframe must be mutually agreed upon by the applicant and the City of Oregon City Development Services Director. The applicant shall be responsible for annual maintenance of the street.

On July 7, 1989, an appeal of the Planning Commission's decision was filed by James R. Ebert, Secretary/Treasurer of the Holcomb-Outlook-Park Place Community Planning Organization. Mr. Ebert, on behalf of the CPO, had testified in opposition to Knappton's request at the Planning Commission hearing.

Attached were the following materials for Commission review of this appeal:

1. Appeal submitted by the Holcomb-Outlook-Park Place CPO.
2. Response to appeal, submitted by John C. Caldwell, Attorney for the Knappton Corporation.
3. Minutes of the June 27, 1989 Planning Commission hearing.
4. Staff Report for the June 27, 1989 Planning Commission hearing.
5. Letter submitted by the HOPP CPO in opposition to the request.
6. Application submitted by the Knappton Corporation.

The report concluded by noting that when considering an appeal, the City Commission's options as outlined in the City Code are to affirm, reverse or amend the decision of the Planning Commission.

Following the Commission's decision, findings and a final order will be prepared for adoption.

The Development Services Director introduced the application submitted by Knappton and explained that this was an appeal by the Holcomb Outlook Park Place Neighborhood Association with the burden resting with them to present testimony to refute the Planning Commission decision to approve the request. A wall map was on display which outlined the property in question and included the Agnes Avenue roadway. Powell asked regarding no authorization included to upgrade Agnes Avenue. Smith commented on the condition of the gravel road with it being declared as a main thoroughfare. With heavy truck use, the City should insist on paving to control the dust. Block advised that because the road has had public use, the City felt the need for certain improvements. The property owner would have to dedicate the right-of-way to the City before improvements could be made and there were a number of partly secured creditors involved which would have to be cleared prior to dedication. The Planning Commission felt that improvements should not be imposed. He further noted that the City Commission could approve, deny or amend the Planning Commission decision.

The City Attorney advised that this is an appeal and is a hearing on the record with review limited to no evidence that was not presented to the Planning Commission.

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

Jim Ebert, Secretary/Treasurer of the HOPP Association, addressed the Commission noting that the appeal was filed by HOPP in a letter dated June 29, 1989. He reiterated the objections being that the requested use is inconsistent with the current property uses; approving this project in view of other plans gives a negative view to the public; and, he noted the turpentine leacheate from the logs. He noted having a problem with the aesthetics with the improvements planned with no screening that would be effective and was concerned with the roads and increased dust pollutant and traffic.

When asked regarding the turpentine pollutants and if he had statistics regarding how long it stays in the ground, is it a contaminant for the water table, or is it an inconvenience meaning you cannot grow food on that land. He noted it is a natural product from logs and there would be a concentration near the water. This would be an additional pollutant source. What is in the ground will show up in the Clackamas and Willamette Rivers and would probably be spread over a longer period of time and release more gradually as water leaches through the soil and gets rid of it. What washes out from surface drainage would be more concentrated and would have a greater effect on the rivers.

John Caldwell, Attorney for Knappton Corporation, addressed the Commission noting that he presented this matter on behalf of Knappton to the Planning Commission.

He noted taking issue with the appeal filed by the Neighborhood Council. He obtained the ByLaws of the HOPP Neighborhood Council and requested a copy of the minutes of the organization. He noted from the ByLaws that the Coordinating Council must present its vote to the general membership meeting providing decision and that the Coordinating Council must vote on all questions arising by motion from within. The Council shall keep a master file of all correspondence and records available to public access and inspection. He learned that Mr. Curtis and Mr. Ebert did not represent the Neighborhood Council. He noted feeling that this appeal was the decision of these two persons. Unable to obtain minutes and does not think there was any meeting. He advised that his assistant was informed that when there was no quorum, no minutes were kept. Felt that the Commission needs to look at this as an appeal by Mr. Ebert and Mr. Curtis.

He further noted that the permit was not the ordinary Conditional Use Permit. It would be for less than two years. He noted that the Planning Commission conditioned the permit to expire with the lease. He again noted that this would be for less than two years. He presented the thought that if this use was not approved, there are some heavy industrial uses that would be permitted in this area. At this time, the land is not being used and this would provide an interim use for it.

When asked of the time frame for implementation of the use, it was noted 3 to 6 months. When asked how far down Agnes the landscaping is planned, it was noted to the end of the pavement. The fire danger was questioned; Fire Chief Leeson advised that Knappton has agreed to meet all concerns, i.e. access, distance between yard storage, and basic good housekeeping for cold deck storage.

In rebuttal, Mr. Ebert advised that he had just returned from vacation and learned that the Attorney was seeking minutes of meetings. He advised that yesterday, he was requested for minutes from March through July. He acquired all but two months and would get them to the Attorney tomorrow. He advised that the Community Review Committee was the officers of the Association with the ByLaws requiring to have every other month meetings. They hold monthly meetings. The meeting which proposed and passed unanimously the appeal, was attended by 15 to 20 members besides the officers on June 21, 1989. He assured this was not a one or two person decision.

With no further testimony, the hearing was closed.

Powell expressed concern to this proposal because of future planned use and expressed concern regarding the City being able to end the Condition Use Permit in two years. Smith noted that he would trade the landscaping for paving of the road.

The Manager advised that this would be for a three year span to 1992. The Development Services Director advised that this would be to August of 1992.

Fowler asked if the City could rescind the Conditional Use Permit or place an expiration time could be placed on the Permit. The City Attorney advised that the first condition of approval indicates that this Permit expires on August 7, 1992 and if they want to continue the use, they would have to re-apply for a new use. This is not an approval that continues indefinitely. There is nothing to prevent a property owner from coming in before that date to request a permanent use of the property and file an application before that date and the standards that are in effect that the application is filed are the standards that would apply. There is a risk in any event. If they wanted to re-apply, they would probably re-apply in time to have it decided before the expiration date. There is nothing that binds the Commission to approve a re-application. Some clarification is needed if the expiration date is actually August 7 or August 31, 1992. He advised that there is no vested right to continue this use after August, 1992.

It was moved by Powell, second by Fowler, to uphold the Planning Commission decision with the addition of "no vested right to continue this use after August, 1992, shall result from this decision"; and re-instate staff's Condition No. 10 and Condition No. 12 in the original report provided to the Planning Commission with Permit to expire August 7, 1992.

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

Mayor Spear declared a break at 9:30 with meeting reconvening at 9:40 p.m.

It was announced by Mayor Spear that unless an objection was heard, the Commission would consider the following three issues and provide one motion for the adoption of each: No objection was heard.

Commission Report No. 89-157, Dangerous Building - 1224-1226 Third Street (Duplex) - Resolution No. 89-44, was presented. The report noted that at the July 19, 1989 meeting, the City Commission adopted Resolution No. 89-40 which set August 10, 1989, 8:00 p.m. as the time and date for a public hearing to determine whether or not a fire damaged building addressed as 1224-1226 Third Street, Lot 4, Block 21, Fallsview Addition to Oregon City (Tax Lot 9200, Map 2-2E-31BA), was a dangerous building and should or should not be abated and caused to be

removed.

The report continued that because the City Recorder failed to publish the Notice of Public Hearing in accordance with City Code, there was need to reschedule the public hearing.

Therefore, on the August 10, 1989 agenda, there was Resolution No. 89-44 which rescheduled the time and date for the public hearing.

Also attached for Commission review was Commission Report No. 89-144 which contained the background information relative to the condition of the building addressed as 1224-1226 Third Street.

To date, the property owner had not corrected the dangerous building status of the structure. Therefore, the City Commission was again hereby notified that the structure addressed as 1224-1226 Third Street (a duplex) was classified as a dangerous building under City Code, Title 4, Chapter 3, Section 1(D).

It was recommended that the City Commission adopt Resolution No. 89-44 so this matter could be brought to conclusion.

It was moved by VanOrman, second by Powell, to adopt Resolution No. 89-44, Resolution No. 89-42 and Resolution No. 89-43 as presented.

Roll call:

RESOLUTION NO. 89-44

A RESOLUTION SETTING THE DATE AND TIME OF PUBLIC HEARING TO DETERMINE WHETHER OR NOT A FIRE DAMAGED BUILDING IS A DANGEROUS BUILDING AND SHOULD OR SHOULD NOT BE REMOVED.

WHEREAS, inspection and report of the hereinafter described premises have been made on April 4, and July 13, 1989, and

WHEREAS, Walter Romaneschi, P.O. Box 1151, Redwood City, California, 94061, owner of the hereinafter described real property has been in writing by letter April 4, 1989, requested to remedy the condition of the fire damaged building thereon, and

WHEREAS, the City Commission of Oregon City on July 19, 1989, adopted Resolution No 89-40 which set the date and time for public hearing on Thursday, August 10, 1989, at 8:00 p.m. and directed the City Recorder to publish and mail notice of said public hearing, and

WHEREAS, the Notice of Public Hearing was not published and mailed in accordance with City Code.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of Oregon City does hereby set Wednesday, September 6, 1989, in the Commission Chambers at the City Hall, 320 Warner Milne Road, Oregon City, Oregon, at 8:00 p.m., as the time and place for a public hearing to determine whether or not the fire damaged building located on the following described real property in Oregon City, Clackamas County, Oregon, to-wit:

Tax Lot 9200, Map 2-2E-31BA (Located at 1224-1226 Third Avenue)

is a dangerous building and should or should not be abated and caused to be removed, and that the City Recorder publish and mail notice of said public hearing in accordance with Title 4, Chapter 3, of the 1963 City Code.

Adopted, signed and approved this 10th day of August, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/Daniel W. Fowler
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Carol A. Powell
Commissioner

/s/Bobby L. Smith
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report No. 89-153, Dangerous Buildings - 18767 and 18785 Leland Road - Resolution No. 89-42 - Setting Public Hearing Date, was presented. The report noted that on the August 10, 1989 Commission agenda, there was a request by the City's Building Official to set a public hearing date of September 6 to declare the buildings at 18767 and 18785 Leland Road dangerous buildings. Both buildings are unsecured and are being damaged by vandalism and a garage is in danger of collapse.

Attached was a copy of the notice to the property owner ordering the dangerous condition be corrected for Commission review. If the property owner fails to comply with the Order, it will be recommended that the City Commission declare the buildings to be dangerous buildings and order City forces to correct the dangerous condition at the property owner's expense.

The report concluded by noting that the City Commission would be advised on August 10 if the property owner had made any progress on correcting the dangerous condition.

RESOLUTION NO. 89-42

A RESOLUTION SETTING THE TIME AND DATE OF A PUBLIC HEARING TO DETERMINE WHETHER THE STRUCTURES AT 18767 AND 18785 LELAND ROAD ARE DANGEROUS BUILDINGS.

WHEREAS, the City's Building Official has inspected the structures at 18767 and 18785 Leland Road, and

WHEREAS, the Building Official has filed a report indicating that dangerous conditions do exist in violation of City Code, Title 4, Chapter 3, and

WHEREAS, the property owner of the above identified property, Kenneth Leavens, 3140 S.E. Hawthorne, Portland, Oregon, 97214, has been notified by Certified, Return Receipt Requested, mail of the dangerous conditions, and

WHEREAS, said owner has been ordered to correct said condition and as of the date of this resolution had not corrected the conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of Oregon City does hereby set Wednesday, September 6, 1989, at 8:00 p.m., in the Commission Changes at City Hall, 320 Warner Milne Road, Oregon City, Oregon, as the time and place for a public hearing to determine whether the structures at

18767 and 18785 Leland Road
Tax t 1000, Map No. 3-2E-6DC

are dangerous buildings, and that the City Recorder publish and mail notice of said public hearing in accordance with Title 4, Chapter 3, of the 1963 City Code.

Adopted, signed and approved this 10th day of August, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/Daniel W. Fowler
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Carol A. Powell
Commissioner

/s/Bobby L. Smith
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report No. 89-154, Dangerous Building - 601 Lawton Road - Resolution No. 89-43 Setting Public Hearing Date, was presented. The report noted that on the August 10, 1989 agenda, there was a request by the City's Building Official to set a public hearing date of September 6 to declare the building at 601 Lawton Road a dangerous building. The building has a broken sewer service lateral that is discharging raw sewage onto an adjacent property.

The report concluded that attached was a copy of the notice to the property owner ordering the dangerous condition be corrected for Commission review. If the property owner fails to comply with the Order, it will be recommended that the City Commission declare the building to be a dangerous building and order City

forces to correct the dangerous condition at the property owner's expense. The Commission would be advised on August 10 if the property owner had made any progress on correcting the dangerous condition.

RESOLUTION NO. 89-43

A RESOLUTION SETTING THE TIME AND DATE OF A PUBLIC HEARING TO DETERMINE WHETHER THE STRUCTURE AT 601 LAWTON ROAD IS A DANGEROUS BUILDING.

WHEREAS, the City's Building Official has inspected the structure at 601 Lawton Road, and

WHEREAS, the Building Official has filed a report indicating that dangerous conditions do exist in violation of City Code, Title 4, Chapter 3, and

WHEREAS, the property owner of the above identified property, David and Sherry Feb, 10429 SE 24th Street, Milwaukie, Oregon, 97222, has been notified by Certified, Return Receipt Requested, mail of the dangerous conditions, and

WHEREAS, said owner has been ordered to correct said condition and as of the date of this resolution has not corrected the conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of Oregon City does hereby set Wednesday, September 6, 1989, at 8:00 p.m., in the Commission Chambers at City Hall, 320 Warner Milne Road, Oregon City, Oregon, as the time and place for a public hearing to determine whether the structure at

601 Lawton Road
Tax Lot 500, Map No. 3-2E-11DB

is a dangerous building, and that the City Recorder publish and mail notice of said public hearing in accordance with Title 4, Chapter 3, of the 1963 City Code.

Adopted, signed and approved this 10th day of August, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/Daniel W. Fowler
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Carol A. Powell
Commissioner

/s/Bobby L. Smith
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report 89-159, Proposed Annexation of Property on S. South End Road - Resolution No. 89-46, was presented. The report noted that on the August 10, 1989 agenda, there was a double-majority annexation request to annex nineteen parcels along S. South End Road, S. Rose Road, and S. Salmonberry Drive. The South End and Rose Road and Salmonberry Drive rights-of-way were also proposed to be annexed as they were adjacent to the properties.

The total annexation proposal consisted of approximately 75.81 acres. Five property owners requested annexation of eight separate parcels, including the Dr. John McLoughlin Elementary School. The other parcels that have petitioned for annexation are mostly undeveloped, but include three single-family residences.

The report continued that the proposed annexation also included several parcels that have not petitioned at this time. Annexation of these parcels would create a more logical boundary by including intervening properties on the northwest side of South End Road, and by allowing annexation of the Rose Road right-of-way. Rose Road is currently classified as a "public road", which means that although it is not in private ownership, no government agency is responsible for maintaining or upgrading it. The road is currently in an extremely substandard and deteriorated condition. If the Rose Road properties and right-of-way are approved for annexation, staff proposes that the City accept jurisdiction of the road and plan substantial road and drainage improvements. The non-consenting properties are mostly undeveloped, but include six vacant parcels and five single-family residences.

If annexation as proposed by staff is approved, a small island of five parcels will be created along S. Rose Road. These properties cannot be proposed for annexation at this time because a double-majority is not possible.

The properties are designated for low-density residential development on the Clackamas County Comprehensive Plan Map, which would correspond to a single-family City zone. Zoning hearings would be scheduled following annexation.

The report concluded by recommending that the Commission adopt Resolution No. 89-46 and forward the annexation request to the Portland Metropolitan Area Local Government Boundary Commission for consideration.

The Development Services Director presented the report. VanOrman requested an explanation of "double majority". This was provided by the City Attorney who also advised of the procedure regarding the Commission adoption of the resolution and the forwarding of this matter to the Boundary Commission for formal hearing.

With this matter not being a formal hearing, but with Mayor Spear's consent, the following provided opposition to the proposed annexation:

DuWayne Knutson, 2017 Conestoga Lane, West Linn; Jim Hendrickson, 19101 S. South End Road; John Dinges, 18896 S. Rose Road; Ed Aarons, 18235 S. Charlie Court; Mike Gornick, 18974 S. Rose Road; Ann Hendrickson, 19101 S. South End Road; Lorene Keeper, 19024 S. Rose Avenue; and, Ronald Weston, 19340 S. Maywood.

Upon close of the opposition, it was moved by Powell, to adopt Resolution No. 89-46. Motion failed for lack of second. It was then moved by Smith, second by VanOrman, to forward the annexation to the Boundary Commission and exclude all property facing Rose Road.

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

RESOLUTION NO. 89-46

A RESOLUTION INITIATING A DOUBLE-MAJORITY ANNEXATION REQUEST TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION FOR PROPERTY IN THE GENERAL VICINITY OF SOUTH SOUTH END ROAD, SOUTH ROSE ROAD, AND SOUTH SALMONBERRY DRIVE.

WHEREAS, the City Commission is authorized by ORS 199.490 (2) (a) (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 the written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City 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) (a) (B); and

WHEREAS, the territory proposed to be annexed is presently within the Clackamas County Fire District No. 71, and would, by operation of ORS 199.510 (2) (a), be automatically withdrawn from that district immediately upon consummation of the annexation.

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

Section 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;

Section 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.

Adopted, signed and approved this 10th day of August, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/
Commissioner

/s/Bobby L. Smith
Commissioner

/s/
Commissioner

/s/Suzanne VanOrman
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report No. 89-160, Proposed Annexation of Property on Morton Road - Resolution No. 89-47, was presented. The report noted that on the August 10, 1989 agenda, there was a double-majority annexation request to annex five parcels on Morton Road. Annexation of the Morton Road right-of-way is also proposed, as well as the unbuilt Harriet and Georgia Avenue rights-of-way.

The report continued that the parcels consist of approximately 2.2 acres. The consenting properties include two single-family residences and one vacant parcel. There are also two non-consenting properties proposed, to create a more logical boundary for the annexation. One of the consenting properties has a failing septic system and wishes to connect to the City sewer system. The non-consenting properties consist of a small vacant parcel and one single-family residence, which already receives City water and fire protection, as to many other properties outside the City on Morton Road.

The report concluded that if approved, this annexation will also create a small island of three parcels. It is staff's opinion that once the majority of Morton Road has been annexed, the City should accept jurisdiction and plan substantial road improvements. Morton Road, which is currently under County jurisdiction, is in a very deteriorated and substandard condition.

The property is designated for low-density residential development on the Clackamas County Comprehensive Plan Map, which would correspond to a single-family City zone. Zoning hearings would be scheduled following annexation. It was recommended that the Commission adopt Resolution No. 89-47 and forward the annexation request to the Portland Metropolitan Area Local Government Boundary Commission for consideration.

Bill Brockney, 133 Barker Road, speaking for his father who owns property involved in the annexation, noted not being in favor of the annexation.

It was moved by Fowler, second by Powell, to adopt Resolution No. 89-47 as presented.

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

RESOLUTION NO. 89-47

A RESOLUTION INITIATING A DOUBLE-MAJORITY ANNEXATION REQUEST TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION FOR PROPERTY IN THE GENERAL VICINITY OF MORTON ROAD, EAST OF DIVISION STREET.

WHEREAS, the City Commisison is authorized by ORS 199.490 (2) (a) (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 the written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City 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) (a) (B); and

WHEREAS, the territory proposed to be annexed is presently within the Clackamas County Fire District No. 71, and would, by operation of ORS 199.510 (2) (a), be automatically withdrawn from that district immediately upon consummation of the annexation.

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

Section 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;

Section 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.

Adopted, signed and approved this 10th day of August, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/Daniel W. Fowler
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Carol A. Powell
Commissioner

/s/Bobby L. Smith
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Commission Report No. 89-158, Proposed Annexation of Property on S. Leland Road - Resolution No. 89-45, was presented. The report noted that on the August 10, 1989 agenda, there was a double-majority annexation request to annex two parcels on South Leland Road, west of Clairmont Way, east of S. Pease Road. The property has frontage on both South Leland and South Pease Roads, and annexation of the rights-of-way adjacent to the subject property is also proposed.

The report continued that the parcels consist of 17.99 acres. The large parcel (17.73 acres) is owned by Keith J. Kinsman, who has requested annexation. The property is mostly undeveloped, and is occupied by two single-family residences - the 1851 Ainsworth House (listed on the National Register of Historic Places), and a rental residence. The other parcel proposed for annexation is a .26 acre strip of land adjacent to the Ainsworth property, owned by Clackamas County. This parcel is proposed as a non-consenting property.

The report concluded by noting the properties were designated for low-density residential development on the Clackamas County Comprehensive Plan Map, which would correspond to a single-family City zone. Because the Ainsworth House has been designated as a land mark by the Clackamas County Commission, the house will also be subject to the City's Historic Overlay Zone, which requires review of any proposed exterior alterations or new construction. Zoning hearings will be scheduled following annexation. It was recommended that the Commission adopt Resolution No. 89-45 and forward the annexation request to the Portland Metropolitan Area Local Government Boundary Commission for consideration.

Commissioner Fowler declared a conflict of interest and left the meeting room.

The Development Services Director presented the Commission Report and advised that the petitioner was present. He noted the addition of a small strip of land adjacent to the Ainsworth property which is owned by Clackamas County as being a non-consenting property. He noted all services as being available to the properties.

Keith Kinsman, 19131 S. Leland Road, petitioner, addressed the Commission noting that he has initiated the annexation request and would respond to any questions posed.

With this not being a formal hearing, but with Mayor Spear's consent, the following provided opposition to the proposed annexation:

Wade McGillivray, 12233 S. Meadow Lawn Drive; John Conrad, 19056 S. Pease Road; Ken Blood, 19052 S. Pease Road; Mark Vandehey, 19200 S. Leland Road; Bill Riggs, 19155 S. Pease Road; 19161 Clairmont Way; and, Don Phillips, 19060 S. Leland Road.

Smith noted that this is a situation wherein the owner has requested annexation to the City and feels the City should honor that request.

It was moved by Smith, second by VanOrman, to adopt Resolution No. 89-45.

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

RESOLUTION NO. 89-45

A RESOLUTION INITIATING A DOUBLE-MAJORITY ANNEXATION REQUEST TO THE PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION FOR PROPERTY IN THE GENERAL VICINITY OF SOUTH LELAND ROAD WEST OF CLAIRMONT WAY, EAST OF SOUTH PEASE ROAD.

WHEREAS, the City Commission is authorized by ORS 199.490 (2) (a) (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 the written consent from owners of more than half the land in the territory proposed to be annexed; and

WHEREAS, the City 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) (a) (B); and

WHEREAS, the territory proposed to be annexed is presently within the Clackamas County Fire District No. 71, and would, by operation of ORS 199.510 (2) (a), be automatically withdrawn from that district immediately upon consummation of the annexation.

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

Section 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;

Section 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.

Adopted, signed and approved this 10th day of August, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/Carol A. Powell
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/
Commissioner

/s/Bobby L. Smith
Commissioner

Comprising the City Commission
of Oregon City, Oregon

Mayor Spear declared a break at 12:07 with the meeting reconvening at 12:15 a.m. Commissioner Fowler rejoined the meeting.

Commission Report No. 89-167, Request for Rate Adjustment - Oregon City Garbage Company - Resolution No. 89-48, was presented. The report noted that at the March 4, 1987 Commission meeting, Resolution No. 87-6 was adopted which established a new rate schedule for Oregon City Garbage Company. The rate change was effective April 1, 1987 and subsequently has been modified only on November 1, 1988 for the change in METRO tipping fees. During the twenty-nine months since April 1, 1987, costs have continued to rise at or above normal inflationary levels, notably, gasoline which has increased at a high level.

Background

Original Franchise Established	July, 1935
Last Rate Adjustment - Tipping Fee	November 1, 1988
Last Rate Adjustment - Hauler Costs	April 1, 1987
Previous Adjustment - Hauler Costs	January 1, 1986
Current and Proposed Rates	Attachment B

Proposal

Request by Franchisee for continuation of contract with Oregon City with rates adjusted. The overall effect as proposed by Franchisee would be to increase rates 12.32 percent. The increase includes 4 percent for the City Franchise Fee which is a part of the new Franchise Agreement. The first residential can with a weekly pick up would be \$11.40, which is an increase from the current \$10.15.

Consideration

It is stated in the Franchise Agreement that a reasonable rate of return shall be allowed in the rate setting. Following the April 1, 1987 rate change, return to Franchisee initially rose but has been declining and will become a loss without an increase. The requested rate increase attempts to sustain a positive return within the forecast for cost changes, almost all of which would be increases. After allowing for the \$.45 (4% franchise fee), rates would be lower in Oregon City than West Linn, Molalla,

Clackamas County or Multnomah County. The Franchise Fee of 4 percent will be used for paying for City garbage service, general City clean up and Code enforcement efforts. Comparison to other areas was shown in an Attachment.

Summary

An adjustment of current rates needs to be made. This adjustment will enable the Franchisee to continue serving Oregon City on a basis consistent with prior years and abides by the Franchise Agreement.

Conclusion

The Franchisee has made a reasonable request which deserves to be timely acted upon. The changes in Attachment A should be approved in order to assure a continuation of the current level of service. The change should be effective September 1, 1989.

Recommendation

It is recommended that rates be adjusted as shown in Attachment A and that the City Commission adopt proposed Resolution No. 89-48.

It was moved by Smith, second by VanOrman, to adopt Resolution No. 89-48 as presented.

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

RESOLUTION NO. 89-48

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, Section 8-4-13 of Ordinance No. 1848 provides that Rates shall be approved by the City Commission; and

WHEREAS, the Franchisee is seeking an increase in collection rates to its customers and has provided sufficient documentation to justify said increase in rates.

NOW, THEREFORE, BE IT RESOLVED that the Rate for 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 September 1, 1989.

Adopted, signed and approved this 10th day of August, 1989.

/s/David D. Spear
Mayor-Commissioner

/s/Daniel W. Fowler
Commissioner

/s/Suzanne VanOrman
Commissioner

/s/Carol A. Powell
Commissioner

/s/Bobby L. Smith
Commissioner

Comprising the City Commission
of Oregon City, Oregon

EXHIBIT "A" - RATE SCHEDULE - To Resolution Approving Rates

OREGON CITY GARBAGE CO. - RATES
Effective Date: September 1, 1989

I. Thirty-Two Gallon Cans:

A. RESIDENTIAL RATES

The rate per 32 gallon can per month shall be:

One Collection Per Week	One (1) Can	\$11.40 per month
One Collection Per Week	Two (2) Cans	\$21.10 per month
Each Additional Can	One (1) Can	\$ 9.70 per month
One Stop Per Month	One (1) Can	\$ 6.70 per month

B. MOBILE COURTS

Where the owner of the Court accepts and pays the bill for the entire Court and the cans are set on the curb, the Rate for a 32-gallon can/one stop per week service shall be \$9.80 per can.

C. COMMERCIAL RATES

The Commercial Rates shall apply to all customers other than Residential units and Mobile Courts.

One collection per week service shall be \$13.00 for the first can and \$10.95 for each additional can, and for multiple collections per week, the Rates shall be multiples of the foregoing Rates.

II. Containers:

A. LOOSE MATERIAL

Number of Stops Per Week and Charges Per Month

<u>Size</u>	<u>One</u>	<u>Two</u>	<u>Three</u>	<u>Four</u>	<u>Five</u>	<u>Six</u>
1-1/3 Cubic Yard First Container	85.25	159.85	234.60	309.25	384.05	469.25
Ea. Add. Container	80.05	150.20	220.60	290.85	361.15	441.15
1-1/2 Cubic Yard First Container	92.80	174.25	256.20	337.10	418.95	512.00
Ea. Add Container	87.15	163.80	240.95	317.20	394.10	481.55
2 Cubic Yard First Container	123.25	231.35	339.50	447.60	555.80	678.95
Ea. Add Container	115.70	217.15	319.40	421.20	523.10	638.75

B. COMPACTED MATERIAL

Compacted Containers that can be dumped into a collection truck shall be charges 2.2 times the Loose Material rate for containers. Compactors shall be compatible with the equipment of the Collector.

III. Drop Boxes:

- A. Loose Material - For each 20 cubic yard box, a basic charge of \$80.55 and for each 30 cubic yard box, a basic charge of \$102.45; plus the cost of disposal in each instance. Rental of \$6.50 per day shall be chargeable for each drop box on location more than 48 hours.
- B. Compacted Material - The service fee for a compacted drop box under 18 cubic yards shall be \$90.00 plus cost of disposal. For compacted drop boxes of larger size, the per cubic yard capacity charge shall be the approved charge allowed by Clackamas County, plus cost of disposal.
- C. A drop off charge of \$12.60 will be charged in addition to fees described in A. and B. above.

IV. Any Other Type of Service:

If, due to changes in technology or needs of residents and business people of Oregon City, additional or other type services are needed, the charge for the service shall not be discriminatory, shall be reasonable, and shall be commensurate with the Rates above, and shall not exceed the Rates most generally applicable in the Portland Metropolitan area.

Commission Report No. 89-152 Deed of Dedication - Tax Lot 1700, 3-2E-5CA, was presented. The report noted that on the August 10, 1989 agenda, there was a deed of dedication from David L. Neff on Tax Lot 1700, Map No. 3-2E-5CA, for Commission acceptance. This dedication was inadvertently overlooked by the State of Oregon Department of Transportation when they improved the Molalla Avenue/Warner Milne interseciton in 1981.

The report continued that the property owner is interested in partitioning the property and when the City staff noticed the dedication oversight, requested the owner dedicate the 10 feet of additional right-of-way necessary. This dedication will allow the existing sidewalk to be within the public right-of-way. A copy of the deed was attached for City Commission review.

The report concluded by recommending that the City Commission accept the deed of dedication and authorize the Mayor and City Recorder to execute. Following execution, the City Recorder would record in Clackamas County Deed Records.

It was moved by Powell, second by Fowler, to accept the deed of dedication and authorize the Mayor and City Recorder to execute.

The City Attorney advised that in the Deed of Dedication, the consideration listed as zero dollars is inappropriate and should be amended to \$1.00. It was then moved by VanOrman, second by Fowler, to amend the original motion to list the consideration as \$1.00.

Roll call on amendment: Powell, Aye; Fowler, Aye; Smith, Aye; VanOrman, Aye; Spear, Aye.

Roll call on amended motion: Fowler, Aye; Smith, Aye; VanOrman, Aye; Powell, Aye; Spear, Aye.

Commission Report No. 89-164, Maintenance Agreements, was presented. The report noted that on the August 10, 1989 agenda, there were Maintenance Agreements between the City and Tateshina Sister City Committee, Oregon Trail Foundation, Inc., and McLoughlin Memorial Association for Commission review. The agreements clarified the responsibility of the City and the three groups with respect to grounds maintenance around the structures.

The report continued that there had been some confusion over who was responsible for what. When the City permitted the various projects to be located on City property, the on-going grounds maintenance was either not fully understood at the time, or through the years had changed in perception.

Last year, staff recommended that the City prepare agreements that clarified the respective roles. These agreements have been prepared and are ready for City Commission consideration. A cover letter from Mayor Spear was recommended to accompany the agreements to the individual groups. Copies were attached for Commission review.

The report concluded by recommending that the City Commission approve the agreements and authorize the Mayor and City Recorder execute respectively.

It was directed that this report be continued until after the work session with all board, commission and committee members.

Commission Report No. 89-156, Liquor License Application - Hing's Restaurant, 517 Main Street - Change of Ownership, was presented. The report noted that at a special meeting of the City Commission held March 28, 1983, Commission Policy 1-7 entitled "Approval of Liquor License Renewals" was adopted. Commission Policy 1-7 states as follows: "The Mayor is authorized to approve all liquor license renewals if those renewals are approved and recommended by the Fire and Police Departments. The approval by the Mayor can be made without City Commission authorization. However, all new liquor licenses shall be submitted to the City Commission for consideration."

The report continued that on the August 10, 1989 agenda, there was an application for an OLCC liquor license for a Change of Ownership from Union Restaurant Ltd (The Little Panda) to Jenny S. Wong, 5415 SE 91st, Portland; Heyley C. Wong, 5426 SE 91st, Portland; and, Kwong Wan Hui, 3718 SE 66th, Portland, for Hing's Restaurant. Police Department investigation revealed no adverse information that would warrant denial of the application. It was recommended that the application be approved.

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

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

Commission Report No. 89-165, Blue Ribbon Committee Recommendations - Final Draft of Cities' Response, was presented. The report noted that on the August 10, 1989 agenda, there was the Final Draft of Cities' Response to the recommendations as presented by the Blue Ribbon Committee on Law Enforcement. A work session regarding this matter was scheduled for Wednesday, August 9, 1989, at 7:00 p.m. Financial data from that meeting would become part of the record.

The report concluded that this matter was now to be presented to Clackamas County; therefore, the City Commission at this time was being requested to either adopt or present an alternative.

The Manager reminded the Commission of the work session on Monday night and advised that there needs to be authorization for the Mayor to execute a letter to the County Commission and then the forwarding of the Blue Ribbon Report to the County Commission.

It was moved by Powell, second by Fowler, to authorize the Mayor to execute the letter to the County Commission as accompanied within the report.

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

It was moved by Powell, second by Fowler, to approve the Cities Association draft as prepared by the City Managers and Police Chiefs in response to the Blue Ribbon Report.

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

Commission Report No. 89-166, General Manager - Employment Agreement, was presented. The report noted that on August 6, 1987, an Employment Agreement was entered into between the City of Oregon City and Thomas Fender III for services as General Manager. Section 2 of the Employment Agreement, entitled "Term", states the following: "The term of employment shall be seventeen (17) months with automatic one-year renewals subject to the right of termination as hereafter provided. The term of the agreement is from August 10, 1987 to December 31, 1988."

Without reference to the Charter, this Agreement was extended through December 31, 1989 by the Commission on October 5, 1988. Upon the Manager's review and Counsel's opinion, this language has been found to be inconsistent with Chapter V, Section 21 (b) whereby the Manager is to be appointed for an "indefinite term" subject to renewal. The referenced Section specifically states:

"(b) Term. The Manager shall be appointed for an indefinite term and may be removed at the pleasure of the Commission. Upon a vacancy occurring in the office of Manager after the first appointment pursuant to this Charter, the Commission at its next meeting shall adopt a resolution of its intention to appoint another Manager. Not later than four months after adopting the resolution, the Commission shall appoint a Manager to fill the vacancy."

On July 24, 1989 an Executive Session was scheduled by the Mayor pursuant to ORS 192.660 (1) (i) Employee Evaluation and Section 6 of the referenced Agreement, wherein the City Commission reviewed the Manager's performance and discussed amendments to the evaluation criteria pursuant to Section 6A of the referenced Employment Agreement.

As a result of that review, the City Commission and the Manager set forth the following points of consensus:

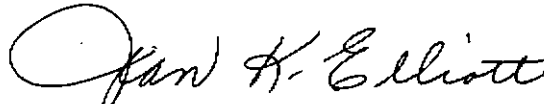
1. Additional evaluation criteria would be mutually beneficial.
2. The Manager would assemble representative samples of evaluation processes and the Commission would Work Session this matter in the future. (The Manager forwarded said information on July 27, 1989).
3. Any new criteria could be applied prospectively only, however, an initial "bench Mark" evaluation would be helpful in establishing a mutual understanding of the Manager's role in determining and implementing Commission policy and Charter authority.

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

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

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

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



JEAN K. ELLIOTT, City Recorder

REGULAR MEETING

Oregon City, Oregon, September 6, 1989

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

Roll call showed the following present:

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

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

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

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