

At this time, Mayor Spear re-appointed Tim Ackerman, Youth Sports, 18900 Oaktree Avenue; Robert Light, OC Public Schools, 911 Madison Street; and, Larry Sparling, Resident-at-Large, 18823 Oaktree Avenue, to the Oregon City Recreation Association Committee with terms expiring December 31, 1991.

He also re-appointed James Ebert and Victor Overturf as HOPP representatives, and appointed Donna Edwards, 15978 S. Swan Avenue, Oregon City, to the Oregon City-METRO Enhancement Committee with terms expiring June 30, 1990.

There being no further business, the meeting adjourned at 11:50 p.m. No Executive Session was convened.



JEAN K. ELLIOTT, City Recorder

**REGULAR MEETING**      Oregon City, Oregon, November 15, 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	
Commissioner Bobby L. Smith	

It was moved by Fowler, second by Powell, to approve the minutes of November 1, 1989.

Commissioner Smith noted objection to the contents of Paragraph 9, Page 373, of the minutes of November 1. The City Attorney advised that the contents was a summarization of a report that had been presented with that being allowed to remain in the minutes.

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

Mayor Spear called for citizen presentation of future agenda items. Harold Nunn, 1077 Woodlawn Avenue, requested a discussion with the Commission regarding the recent insurance change. This was scheduled for a work session on Wednesday, December 6, 1989, at 6:00 p.m.

Timothy D. Roberts, 1600 S. Neibur Road, Oregon City, requested a work shop regarding the treatment of citizens by the police officers. Mr. Roberts was advised that this was not a matter for

Commission consideration and was directed to obtain legal counsel regarding any complaints filed.

Alayne Woolsey, addressed the Commission with an open invitation to attend the second annual tree lighting event on the Courthouse lawn on Friday, November 24, 1989 at 5:00 p.m.

Commission Report No. 89-244, Year-3 Yard Debris Agreement - Oregon City Garbage Company, was presented. The report noted that on the November 15, 1989 agenda was an agreement with Oregon City Garbage Company to operate the final year of the City Yard Debris Program for Commission consideration. A copy of the signed agreement was attached for Commission review.

The report continued that as the Commission would recall, this was the final year of a three-year fixed revenue brush pickup levy. Annual agreements have been executed with Oregon City Garbage Company to operate the program. Because of increases in disposal and the need to stay within the levy amount, a bag limit was put in place July 1, 1989.

The Year-3 agreement will continue the program with the bag limits through the end of available funding. With the bag limit in place, there should be enough funds to operate the program through June 1990. On the agreement, the monthly payments of \$5,660 exclude the disposal costs because they are now paid directly by the City as a pass-through and should not be listed in the monthly payment.

The report concluded by recommending that the City Commission approve the Year-3 agreement and authorize the Mayor and City Recorder to execute respectively. As a separate action, the City Commission may want to include planning for the continuation of the program after June in this year's budget process.

Richard Bloom, Sr., President of Oregon City Garbage Company was present to answer questions. VanOrman asked if there were any problems with the bag limit. He noted there were because residents have more than the limit and it must wait for pickup. He advised that if the limit is not adhered to, the fees would be raised higher or the material not accepted at the dumping station.

It was moved by Fowler, second by Smith, to authorize the Mayor and City Recorder to execute the agreement.

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

Commission Report No. 89-246, Oregon City Transportation Master Plan - Public Hearing, was presented. The report noted that on the November 15, 1989 agenda was a public hearing to consider adoption of the recently completed Transportation Master Plan.

The report continued that the Master Plan presented the results of the first comprehensive assessment of transportation problems and improvement needs in Oregon City since 1978. The impetus for the study was the City's desire to update the Transportation Plan element of the City Comprehensive Plan, as required by the public Facilities Rule (OAR 660, Division 11).

The Transportation Plan was intended to be the technical document for use by the City in the preparation of the public Facilities element of the Comprehensive Plan. Addressed in the Master Plan were all modes of transportation in Oregon City - the street system, parking, pedestrians, bicycles, transit, rail, and water transportation. The Plan also identifies a set of short- and long-term transportation projects and programs compatible with the Plan. The conclusions and recommendations presented in the report reflect the technical analysis conducted by the consultant, the consultant's judgement, and input received from City staff, Planning Commission, Traffic Safety Board and citizens.

The report outlined that on March 15, April 20, May 31, August 3 and August 14, 1989, the Planning Commission and Traffic Safety Board held joint work sessions to discuss various elements of the Transportation Plan. Following those work sessions, a final draft of the Plan was prepared.

On September 21, 1989, the Planning Commission held a public hearing to consider the final draft of the Transportation Plan. At that hearing, considerable testimony was presented regarding concerns for classification of Fifth Street, High Street and Linn Avenue as it related to preservation of the historic McLoughlin Neighborhood. In addition, at the September 21st hearing, Planning Commissioner Alayne C. Woolsey presented a report to the Planning Commission recommending a series of amendments to the final draft. The Planning Commission voted to accept the ten amendments as presented and to forward the Plan to the City Commission for final action. However, in subsequent action, the Planning Commission agreed that staff analysis on the ten amendments was needed and scheduled an additional public hearing to consider those ten amendments only.

On October 31, 1989, another public hearing was held to consider the ten amendments. Again, much testimony was presented, focusing on street classification for Fifth, High and Linn. The Planning Commission's final recommendation to the City Commission was to accept the Transportation Master Plan, with the following additions and amendments:

Amendments approved at the September 21, 1989 public hearing:

1. Delete (2) and (3) on Page 70 of the Transportation Study, based on the Parking Commission's recommendation.

2. Amend Objective #1 of Goal 8 to include the trolley car as a form of transportation.

Amendments approved at the October 31, 1989 public hearing (numbers of amendments correspond to Alayne Woolsey's September 21, 1989 report):

Amendment #1: "Classify Fifth Street, Linn Avenue and High Street as collectors."

Amendment #2: "Include the qualifying language found in the Comprehensive Plan's 'Street Planning Criteris' regarding major and minor arterials."

Amendment #3: "Study the feasibility of, and adopt if practicable, a perimeter road system to alleviate traffic burdens on established residential and commercial areas, and to facilitate access to the new urban renewal, Beavercreek, Molalla Avenue vicinity, as well as to the present Urban Renewal District downtown and 99E."

Amendment #4: "Keep Seventh, Molalla Avenue and Singer Hill as the McLoughlin Neighborhood arterial, and encourage the use of the corridor".

Amendment #5: "Recommend notification and public hearings prior to anticipated changes in the present signalization, signing and reclassification in neighborhood areas, and on arterials, when the effect of any changes would intensify traffic and parking problems in residential areas."

Amendment #6: Deleted.

Amendment #7: "Exempt historic areas and established residential neighborhoods from proposed bicycle facilities, where practicable, when they would displace on-street parking, limit accessibility, and/or replace needed traffic lanes presently in use."

Amendment #8: Develop and adopt (with citizen input) an appropriate internal hazardous materials routing study to protect commercial and residential zones as well as natural resource areas. Revise Figure 23 to reflect State truck route."

Amendment #9: "Approve the trolley car - parking lot - Transportation Center for inclusion to the study, and as a priority transportation project."

Amendment #10. Withdrawn by Alayne Woolsey.

With the amendments as listed, the Planning Commisison recommends approval of the Transportation Master Plan.

The report concluded that following action by the City Commission, an enabling ordinance would be prepared for adoption. Attached for Commission review were copies of the Transportation Master Plan (previously delivered), Planning Commission minutes, staff reports and correspondence.

John Block, Development Services Director, presented the report and read the proposed eight amendments to the Plan. He noted for the record that a copy of the Transportation Master Plan was submitted to the Commission for review. He then read a list of letters that had been received which presented citizen comments regarding the Plan. A letter from Phil Schuster which suggested that the City adopt a growth philosophy for the City and incorporate this in the Transportation Plan, supports diversion of traffic through neighborhoods through a perimeter system, suggests that a cost benefits analysis be done regarding whether streets should be widened or whether other traffic diversion should be done. He also questioned whether the City was following proper public hearing law. The City Attorney advised that this matter is generally a legislative action with individual notice not required. The notice that was given is attuned to matters of legislative import. The material is policy and legislative in nature with no notice problem.

Allan Danaher, JRH Transportation Engineering, Portland, addressed the Commission and presented an overview of the entire Transportation Master Plan concluding with the financial analysis and recommendations.

Powell asked if diversion programs had been considered to take the traffic off Linn Avenue which has caused much concern. He advised that as a result of the Planning Commission meetings, it is now being recommended as a collector street.

VanOrman asked if a comparative analysis had been done regarding existing traffic with future projections. She noted a 30 - 50 percent reduction in traffic since the ByPass opening and asked if the projections were based on that reduction. He noted that the projections take the existing traffic patterns at the time of the study. There is a significant increase of population and employment projected in the future.

Mayor Spear called a break at 9:12 with the meeting reconvening at 9:28 p.m.

Mayor Spear declared the hearing open and called for testimony. A sign-up sheet had been provided for those persons interested in providing testimony. Mayor Spear called from that list.

Tony Setera, 142 Beverly drive, advised that he owns a house at 461 Hilda Street and he was against the proposed extension of Magnolia Street.

William Daniels, 524 High Street, representing the Old Home Forum membes advised that the McLoughlin Neighborhood has too much traffic and encouraged diversion from High Street, 5th Street and Linn Avenue. He also opposed widening of Washington Street. He noted that the group would be interested in working with the Commission regarding alternatives.

Cheryl Hooper, 818 Linn Avenue, requested a look at Goal 3 to develop strategies for living through traffic in residential areas. She noted a contradiction to this Goal was in the plan to widen or change 5th/Linn Avenue. She disagreed that 5th/Linn Avenue would have to be widened or developed because of future increased traffic. She felt they should be kept as collector streets with traffic re-routed. She noted Goal 7, Objective 2, to identify residential parking control strategies to minimize disruption to residential areas. She noted a contradiction that it was established that in order to widen 5th/Linn to three lanes, parking along one side would have to be eliminated. A number rely on on-street parking in their daily routine and would like to know where there would be parking if there are eliminations. It was not a strategy to minimize disruption to a residential neighborhood. She concluded by asking the Commission to consider the negative the study would have on Oregon City.

Claire Met, 504 6th Street, also a member of the Old Home Forum. She expressed concern for the trees along Linn Avenue and believes the bike path along 5th and Linn Avenue would remove parking. She felt the Plan needs other alternatives.

Phil Schuster, 18844 S. Central Point Road, expressed concern regarding the notification process.

Mike Aronsen, 13427 Applegate Terrace, presented an overhead projection display of transparencies supporting his objection to the extension of Magnolia Street. He advised he opposes the extension because of the existence of Alden Street which would be improved for much less money and is already established to carry the traffic in the area. He provided examples of there being no justification for the extension. He concluded by recommending that the Plan delete all references to the Magnolia Street extension.

Barb Halverson, 18808 Roundtree Drive, president of Mt. Pleasant PTA, expressed concern that no safety issues had been addressed in the Plan. She noted objection to the proposed widening of Linn Avenue. She felt that Linn, 5th and High Streets should be kept as residential streets.

Betty Mumm, 463 Mt. View, spoke in favor of the planned Warner Parrott/Warner Milne/Linn Avenue realignment and noted wanting Oregon City history preserved.

*Correction  
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Brian Shaw, 1318 9th Street, expressed concern for the liveability of the McLoughlin area and does not want increased traffic. He noted the need for 4-way stops at 5th and Monroe and 9th and Jackson.

Keith Callaway, 704 Barclay Hills Drive, expressed objection to the Magnolia Street extension and expressed concern for the displacement of two elderly women who would lose their home to this project.

Terri Powers, 719 Magnolia, objected to the Magnolia Street extension and expressed concern that safety issues were not in the study.

Rob Guttridge, 815 Washington Street, submitted a petition signed by eight citizens which endorsed the City continuing to promote the use of the Molalla Avenue/Seventh Street/Singer Hill corridor as the main arterial route through the McLoughlin Neighborhood; implementing the Master Plan's neighborhood traffic control study which would discourage unnecessary traffic through the McLoughlin Neighborhood and reinforce the liveability of the area; restoring the pedestrian crosswalk at Ninth and Washington Streets; enforcement of the residential speed limit in the McLoughlin Neighborhood. The signers opposed the proposed three-lane section on Washington Street and any removal of on-street parking for residents.

Shellene Schneider, 512 Mt. Hood Street, expressed an objection to the Magnolia Street extension because it was not needed.

Bob Kelly, 702 Hilltop, expressed concern because safety was not addressed in the study.

With no further testimony, the hearing was closed.

It was moved by Fowler, second by Powell, to continue decision on this matter to the December 6, 1989 agenda in order to consider the information presented.

Block advised there were many comments offered that could easily be incorporated into the Plan. Residential parking was in the process of being presented to the Commission; regarding the Magnolia Street extension, the upgrading of Alden Street was a good suggestion; the intersection of Barclay Hills and Molalla Avenue could use further study; a re-evaluation of the Magnolia extension could be re-studied; Mt. Pleasant School crossing and safety/traffic diversion/Warner-Parrott, Warner Milne re-alignment were all reviewed in the Plan.

After discussion of the items that could be included in the Plan, it was moved by Fowler, second by Powell, to amend the motion to reflect this item to be presented at work session on Wednesday, December 13 with it being on the December 20 agenda.

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

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

Commission Report No. 89-237, Request for Comprehensive Plan Amendments and Zone Changes - properties on S. Molalla Avenue - recommendation from Planning Commission - Public Hearing, was presented. The report noted that on the November 15, 1989 agenda, was a public hearing to consider the requests of Molalla Avenue properties/Dave Greene, Faith & Life Free Methodist Church, Harley Bristol, Dennis V. Stuck, Estate of Sylvester W. Stalick, and Morris L. Womack for a Comprehensive Plan Amendment from "LR" Low Density Residential to "C" Commercial, and for a Zone Change from "R-10" Single-Family Residential to "C" General Commercial. The requests represented a cooperative effort of six property owners to convert their land along Molalla Avenue from residential to commercial designation. The parcels totalled 27.38 acres.

The report continued that the applicants originally filed their request for plan amendment/zone change in January of 1988. The application was first considered at a public hearing on March 22, 1988. At the request of planning staff, the Planning Commisison tabled the application until the April 26, 1988 meeting so that a commercial and industrial inventory could be completed. At the April meeting, the Planning Commisison held a public hearing and considered testimony from the applicants. The Commission recognized that the City had begun the process of conducting Periodic Review of the Comprehensive Plan and that the draft Periodic Review Order was expected to be completed in July 1988. Based on the proposed Periodic Review timeline, the Planning Commission tabled the application in April of 1988 and again in July of 1988, until completion of Periodic Review.

On October 24, 1989, the planning Commission resumed the public hearing. Staff recommendations were for denial of the Plan Amendment and Zone Change for all properties. The Planning Commission accepted tastimony from the applicants and surrounding property owners, and voted 7-0 to recommend denial of the requests.

As a separate action, staff recommended to the Planning Commission that alternative designations could be considered for some of the properties, as follows:

Dennis V. Stuck - Plan Designation: "O" Office/Zone: "LO:" Limited Office.

Stalick Estate - Plan Designation: "I" Industrial/Zone: "M-1" Campus Industrial.



Morris Womack - Plan Designation: "I" Industrial/Zone: "M-1" Campus Industrial.

Faith & Life Methodis Church - Plan Designation: "HR" High Density Residential/Zone: "RA-2" Multi-Family Residential.

Harley Bristol - Plan Designation: "C" Commercial/ Zone: "NC" Neighborhood Commercial, with conditions restricting high-traffic generating uses.

The Planning Commission took the following action on these recommendations:

If the City Commission adopts the following recommendation, some or all of the above-listed properties may re-file requests by January 31, 1990. Re-filing would be at the option of the property owner. If a property owner chose not to re-file, then no further action on that property would be taken. The fees would be waived, but the burden of proof for the Plan Amendment/Zone Change would still be on the applicant. Re-filing of the requests would not in any way constitute pre-approval because notice must still be given and hearings conducted. The City Commission could not discuss or consider the above recommendations at this time because the requests had not been filed.

The report instructed that the City Commission's role on these requests was the following:

1. A public hearing on the original requests must be conducted, and action taken on the Planning Commission's recommendation for denial. Following the public hearing, if the City Commission adopts the recommendation of the Planning Commission, a Final Order would be prepared for a future Commission agenda.
2. Action on the Planning Commission's supplemental recommendation should be taken. This would set a filing deadline for re-submission of requests following staff's recommendation and would also waive filing fees.

Attached for Commission review were staff reports, minutes, correspondence and original application materials.

The Development Services Director presented the report and noted that the six properties were presented as one single application because there were only two opportunities to file Plan Amendments with this being filed in January, 1988. These properties became involved with the City's Periodic Review process and with Metro's criteria that placed a restraint on the amount of Commercially-designated land that could be approved. He further noted that there should be specific criteria for commercial land, not just that the area was heavily travelled should it contain a concentration of commercial businesses. He concluded by noting that the Planning Commission felt that Commercial development in

the Hilltop area should be more contained and not be linearly spread out to Glen Oak Road. A two-part recommendation was presented to the Planning Commission - to deny the application in total or to modify it. The Planning Commission denied in total. That gave to the applicants an opportunity to re-file their application by January 31, 1990.

Commissioner Fowler declared a conflict and seated himself in the audience.

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

Morris Womack, 23551 S. Beatie Road, provided a history of the development of his property. He advised that he was also speaking for Harley Bristol, one of the applicants. He felt that perhaps the applications should be judged individually and not as one unit.

Dave Greene, 16651 S. Carus Road, advised that he was a developer of commercial properties and suggested that a guide be printed for the development of small properties.

Robert Sylva, 14288 S. Glen Oak, expressed concern regarding what will happen to these properties and felt that there was no need for a convenience store to increase traffic.

With no further input, the hearing was declared closed.

It was moved by Powell, to uphold the Planning Commission rejection and invite the original petitioners to re-file individually per staff recommendation and not as a group.

Motion failed for lack of second.

It was moved by VanOrman, second by Powell, to defer this issue to periodic review set for March, 1990.

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

It was moved by VanOrman, second by Smith, to table.

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

Mayor Spear declared a break at 11:15 with the meeting re-convening at 11:235 p.m.

Mayor Spear called for Items 5, 6 and 7 to be Consent items.  
Fowler declared abstention.

Commission Report No. 89-245, Dangerous Buildings - Beaver Court Apartments - 13935 through 14011 Beavercreek Road - Public Hearing, was presented. The report noted that on the November

15, 1989 agenda, was a public hearing to consider whether the Beaver Court Duplexes at 13935 through 14011 Beavercreek Road should be declared dangerous buildings.

At the November 1, 1989 meeting, the Commission adopted Resolution No. 89-59 which set November 15, 1989 as the public hearing date for this matter. Attached as background information was the November 1 Commission report.

The report continued that at issue was the matter of a failing septic system on the property that is discharging sewage upon the ground service in violation of City Code, Title VI, Chapter 3, Section 1 (C). The septic system has had an on-going history of problems and failures beginning in 1984. Clackamas County has sent numerous notices of violations, without correction by the owner.

The property was foreclosed by Benj. Franklin Savings and Loan and they are now in ownership. The City has been coordinating with owners on correcting the problem and they have proposed a plan of action to correct the problem. This plan has been reviewed by the City Engineer with two changes recommended. The Dangerous Building Report, attached, outlined the plan and the City Engineer's recommendation.

The report concluded that it was recommended that the City Commission approve the City Engineer's recommendation and continue the public hearing on the Beaver Court Duplexes' dangerous building determination to December 20, 1989.

Commission Report No. 89-238, Proposed Amendments to Zoning Ordinance - Request to Continue Public Hearing, was presented. The report noted that on October 31, 1989, the Planning Commission was scheduled to conduct a public hearing to consider two amendments to the Zoning Ordinance. However, due to the lateness of the October 31st meeting, the Planning Commission was unable to conduct the hearing, and continued the two amendments to their regular November meeting.

The proposed amendments were also advertised for a City Commission public hearing on November 15th and, therefore, that hearing must also be continued. It was requested that the City Commission continue the hearings for the following proposed amendments:

1. Regulations for accessory structures.
2. Minor amendment to address conflicting regulations.

It was requested that the hearing be continued to Wednesday, December 20, 1989, at 8:00 p.m.

Commission Report No. 89-239, Proposed Text Amendments to Comprehensive Plan - Request to Continue Public Hearing, was presented. The report noted that on October 3, 1989, the

Planning Commission was scheduled to conduct a public hearing to consider a text amendment to the Comprehensive Plan, regarding Planned Developments. The Planning Commission continued the proposed text amendment to their regularly scheduled November meeting.

The proposed amendment was advertised for a City Commission public hearing on November 15th and, therefore, that hearing must also be continued. It was requested that the City Commission continue the hearing for the proposed text amendment regarding Planned Developments to Wednesday, December 20, 1989, at 8:00 p.m.

It was moved by Powell, second by VanOrman, Items 5, 6 and 7 to Wednesday, December 20, 1989, at 8:00 p.m.

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

Commission Report No. 89-242, Proposed Ordinance No. 89-1036, An Ordinance Assessing Costs of Removal of Dangerous Building and Declaring an Emergency, was presented. The report noted that at its September 6, 1989 meeting, the City Commission conducted a public hearing to determine whether or not the single-story residential building on Tax Lot 9200, Map 2-2E-31BA, addressed as 1224-1226 Third Street, Oregon City, was dangerous to the public welfare and adjoining property. As a result of that hearing, Resolution No. 89-50, Final Order, was adopted which declared the building dangerous and directed abatement.

The report continued that on the November 15, 1989 agenda, there was proposed Ordinance No. 89-1036 which would assess and declare a lien against the described property.

Notice of proposed Ordinance No. 89-1036 had been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 5th Street by direction of the City Recorder. It was recommended that first and second readings be approved unanimously for final enactment to become effective immediately.

Upon adoption of Ordinance No. 89-1036, it would be forwarded to the County Clerk's office for lien recording.

It was moved by Powell, second by Fowler, to approve first reading of proposed Ordinance No. 89-1036.

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

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

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

## ORDINANCE NO. 89-1036

AN ORDINANCE ASSESSING COSTS OF REMOVAL OF DANGEROUS BUILDING AND  
DECLARING AN EMERGENCY

## OREGON CITY ORDAINS AS FOLLOWS:

Section 1. Pursuant to Final Order - Resolution No. 89-50, previously made by this Commission on September 6, 1989, the following costs are hereby assessed and declared a lien against Tax Lot 9200, Assessors Map 2-2E-31BA, located at 1224 and 1226 Third Street in Oregon City, Oregon:

Labor	\$ 641.52
Equipment	1,512.00
Materials\Fees	<u>3,861.77</u>
	\$ 6,015.29
Administrative Overhead (25 percent)	<u>1,503.82</u>
TOTAL	\$ 7,519.11

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

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of Oregon City in this: That it is necessary to secure payment of the above assessment, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read first time at a regular meeting of the Commission held on the 15th day of November, 1989, and the foregoing ordinance was finally enacted by the City Commission this 15th day of November, 1989.

\s\JEAN K. ELLIOTT, City Recorder

ATTESTED this 15th day of November, 1989.

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

Commission Report No. 89-240, Annexation of Properties on S. Anchor Way and S. Redland Road - Resolution No. 89-62, was presented. The report noted that on November 1, 1989, the City Commission considered several options for annexation of properties in the S. Anchor Way/S. Redland Road area. The City Commisison voted to approve Option #4, which included two petitioning properties and two non-petitioning properties, as

well as the Anchor Way and Redland Road rights-of-way.

The report continued that because there was not a majority of consent in this proposal, the annexation would need to be submitted as "City-initiated". For budgetary planning purposes, and at the request of one of the property owners, the City Commission should ask the Boundary Commission to impose a delayed effective date of April 1, 1990. Attached was Resolution No 89-62, which initiated the annexation. Following adoption of the resolution, the annexation proposal would be submitted to the Portland Metropolitan Area Local Government Boundary Commission for public hearing and final action.

It was moved by Fowler, second by Smith, to adopt Resolution No. 89-62.

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

#### RESOLUTION NO. 89-62

A RESOLUTION INITIATING ANNEXATION OF PROPERTIES IN THE VICINITY OF S. ANCHOR WAY AND S. REDLAND ROAD TO THE CITY OF OREGON CITY:

WHEREAS, annexation to the City of the territory described in Exhibit "A" and depicted in Exhibit "B" would constitute a "minor boundary change" under the boundary commission law, ORS 199.410 to 199.510; and,

WHEREAS, by authority of ORS 199.490 (1) (a), the City Commission of the City may initiate the annexation; and,

WHEREAS, the part of the territory that lies in the Clackamas County Fire District No. 71 would, by operation of ORS 199.510 (1), be automatically withdrawn from that district immediately upon consummation of the annexation; and,

WHEREAS, the City for reasons of budgetary planning requests that the annexation, if approved, take effect not sooner than April 1, 1990:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF OREGON CITY, a municipal corporation of the State of Oregon, at a regular session held on the 15th day of November, 1989, that:

Section 1. The Commission, pursuant to ORS 199.490 (1)(a) hereby initiates proceedings for annexation of the territory described in Exhibit "A" and depicted in Exhibit "B" to the City.

Section 2. The Commission hereby approves the proposed annexation and requests the Portland Metropolitan Area Local Government Boundary Commission to approve it, with an effective date of not sooner than April 1, 1990.

Section 3. The City Recorder is hereby directed to file a certified copy of this Resolution with the Boundary Commission at once.

The foregoing Resolution adopted this 15th day of November, 1989.

/s/  
Mayor-Commissioner

/s/Carol A. Powell  
Commissioner

/s/Daniel W. Fowler  
Commissioner

/s/Suzanne VanOrman  
Commissioner

/s/Bobby L. Smith  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 89-247, City/County Agreement to Construct a Downtown Parking Lot, was presented. The report noted that on the November 15, 1989 agenda was an intergovernmental agreement between the City and County that provided for the construction of an off-street parking lot in the vicinity of the Stokes Building. Attached was a copy of the Agreement for Commission review.

The report further noted that as the Commission might recall, the City required that 75 parking spaces be provided for the Stokes Building project. The City allowed on-street parking on 12th Street to be counted toward the 75-space requirement, but 19 spaces remain to be provided. The County has been leasing unimproved railroad property behind the Stokes Building for additional parking but because the lot is unimproved, does not count toward the 75-space requirement.

Instead of improving the railroad lot, the County is willing to pay the City an amount not to exceed \$47,500 to build the necessary parking. The City's Urban Renewal Agency has also been considering a plan to provide additional parking to offset the loss of parking for the proposed Tri-Met Transit Center project. Since both projects are in the vicinity of the Stokes Building, a consolidated project was being recommended. Funding for the City's share of the project can come from either Urban Renewal funds or Downtown Parking funds.

The report concluded by noting that the agreement had not been signed by Clackamas County; however, both the General Services Director and County Counsel are recommending approval. Following agreement approval, input on the location and size of project will be coordinated with the City's Downtown Parking Advisory Committee. If the supported the project, a motion approving the agreement and authorizing the Mayor and City Recorder to execute should be adopted. Following execution, the agreement would be forwarded to the Board of Commissioners for approval.

The City Attorney presented a memorandum which recommended that Paragraph 4 of the agreement be amended to read as follows: "In the event the City fails to acquire and construct the parking lot by December 30, 1990, Paragraphs 1 through 3 of this Agreement shall become null and void. However, the parking lot shall not waive or otherwise invalidate the County's obligation to provide the nineteen parking spaces required for the Stokes Building."

Commissioners Powell and Smith expressed concern regarding the proposed agreement. After discussion, it was moved by Fowler, second by VanOrman, to approve the agreement as outlined in Commission Report No. 89-247 with the amended Paragraph 4 and authorize execution.

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

Commission Report No. 89-241, Intergovernmental Agreement - Exchange of First Response Fire Areas Between Clackamas County Fire District No. 71 and Oregon City Fire Department, was presented. The report noted that on the November 15, 1989 agenda, there was an Intergovernmental Agreement to formalize the Exchange of First Response Fire Areas between Clackamas County Fire District No. 71 and Oregon City Fire Department as they now exist.

The report continued that at its August 22, 1989 meeting, this Intergovernmental Agreement was considered by Fire District No. 71 Board of Directors. The Agreement was approved and signed with staff directed to forward the Agreement to the City of Oregon City.

The terms of the Agreement would continue to provide on a temporary basis, an adequate level of fire protection and emergency services to the recently annexed area of the Holcomb-Park Place community and the unincorporated area known as "South End Road Response" area.

Since the City is in the Facility Master Plan process and this, along with service delivery considerations would necessitate changes, the term of the prepared agreement was too long. It was the staff position that the agreement be for annual periods with provision for renewal.

The report concluded that based upon the need for an Intergovernmental Agreement to provide fire and emergency services, it was recommended that the Commission authorize the Mayor and City Recorder to execute the Agreement as amended.

The City Attorney read the following new Section 10: "This agreement shall be effective upon the date of its execution until midnight July 1, 1990 and shall be renewable under the same terms for periods from July 1 to the following June 30 unless one or the other party gives written notice of non-renewal at least 30



days before the commencement of the renewal year; and provided, further, that this agreement may be amended or terminated by the parties by written mutual agreement at any time."

It was moved by Powell, second by VanOrman, to approve the agreement as amended.

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

Commission Report No. 89-250, Code Compliance Officer Funding Allocation and Enhancement Committee Recommendation, was presented. The report noted that at the Enhancement Committee's November 7 meeting, the Committee adopted a motion recommending \$7,500 in funds for the Code Compliance Officer position. The recommendation was subject to the City Commission providing \$7,500 in matching funds for the position. The funding allocation would fund the new consolidated enforcement program for six months. Funding to continue the program next fiscal year would be determined through the budget process.

The consolidated code enforcement program was assigned to the Development Services Department to implement one of the City Commission's goals for the fiscal year. A new chapter of City Code is being prepared that consolidates all enforcement provisions of the code into one chapter, titled "Code Enforcement" and creates a position with citation authority to administer the program.

The report continued that Commission discussion had centered on the appropriate funding source for the position. The position was discussed with the Enhancement Committee on October 25 and again November 7. The Enhancement Committee supported the position if the City Commission provided matching funds. The position was then presented to the City Commission on November 1 for discussion. The staff had recommended use of City Cleanup funds to fund the balance of the position. The Commission gave support to providing matching funds for the position but was not sure of using Cleanup funds (funds from the City's garbage franchise) because there was not yet an adopted budget for those funds and there were Commission questions on the legal ability to use franchise fees for personal services.

The use of Cleanup funds for the position was discussed at the November 13 Budget Committee meeting but a decision could not be made until a legal opinion was obtained on the use of funds question. The Budget Committee recommended a budget with funding for the position to be included in a contingency line item until the question of use of funds could be answered.

Since a public hearing on the Cleanup fund budget was planned for December 6, a final decision on the use of Cleanup funds for the position was needed. A legal opinion had been requested from the City Attorney on the use of funds question. Based on that

opinion, it was recommended that the City Cleanup funds be used to provide the matching funds for the Code Compliance Officer position.

The report concluded that if the City Commission supported the City Cleanup funding source, it would need to be included at the City Commisison supplemental budget hearing on December 6. As a follow up action, if the question of matching funds was resolved, the City Commission would need to act on the Enhancement Committee's recommendation to provide the other \$7,500 in matching funds.

The Manager noted that the City Attorney had presented a memorandum which advised that the use of Solid Waste Franchise funds for personnel services for the specific purposes of solid waste abatement is permissable. He further noted that a supplemental budget would be presented at the December 6 meeting which would have the funds in contingency with Commission direction needed to staff that the \$7,500 be used to establish this position.

It was moved by Powell, second by Fowler, to approve the position of Code Compliance Officer.

On discussion, it was noted that the funds could be used for nuisance abatement; solid waste services rendered to the City; removal of trees, leaves and brush; and, solid waste programs authorized by the City Commission. It was asked if the funding would allow for a broader scope of duties for that position because of two-source funding. The Attorney advised that the duties would include abandoned cars, abandoned buildings, accumulations of trash, as nuisance abatement. The Enhancement funds would be confined to a particular area and the time of the enforcement officer would have to be accounted.

Fowler asked how this would affect the current enforcement assignment. VanOrman asked when was code enforcement pulled out of the Police Department.

Block advised that code enforcement was in all departments currently and he provided examples. He noted that the intent was to get all chapters of the Code condensed into one chapter with one person doing all code enforcement. Powell asked if that included fire inspections. Block advised that no fire regulations were included. He noted that he did not visualize the new position doing animal control currently being performed. Fowler noted that whatever the current person is performing should be continued.

Smith expressed concern for this not being presented to the Budget Committee nor given a classification. He was not in favor of adding almost \$30,000 a year to the budget with no hearings. He noted believing that code enforcement should remain with the Police Department. He was not in favor of the proposal.

The Manager advised that the Finance Officer predicted an annual income on the Franchise agreement of approximately \$50,000. This will not sustain this effort totally. The main complaint the Manager has received from realtors is that they cannot sell properties because of properties that have serious code violations that makes it impossible for them to sell which contributes to the downward valuation of the City. He reminded the Commission of their nuisance abatement goal.

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

Commission Report No. 89-243, Storm Drain Easement Acceptance - Housing Authority of Clackamas County, was presented. The report noted that on the November 15, 1989 agenda was an executed Storm Drain Easement from the Housing Authority of Clackamas County for Commission acceptance. The easement covers a recently completed storm drainage improvement project adjacent to Warner-Parrott Road near Chapin Park.

The report further noted that the project resolved a long-standing drainage problem in the neighborhood. A second easement is being obtained from the Hazel Deman property and would be brought to the City Commission for acceptance on a future agenda. Attached were copies of the easement, legal description and map for Commission review.

The report concluded by recommending acceptance of the easement and authorization for the Mayor and City Recorder to execute.

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

Commissioner VanOrman exited the meeting.

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

Commission Report No. 89-248, Computer Upgrading for the City of Oregon City - Authorization to Negotiate, was removed from the agenda because of the potential of a joint agreement with the City of West Linn and the agreement not being sufficient based on the advice of counsel.

Commission Report No. 89-249, Classification/Compensation Study for Management, Supervisory and Confidential Employees - Adoption and Implementation, was presented. The report noted that at its November 1, 1989 meeting, the City Commission adopted a motion to table adoption of the Classification/Compensation Study for Management, Supervisory and Confidential Employees to the November 15, 1989 agenda, so that further consideration could be given this matter.

Therefore, on the November 15, 1989 agenda, there was the matter of adoption and implementation of the Study as prepared by Ralph Anderson and Associates. Attached was a copy of Commission Report No. 89-227 dated November 1, 1989.

Also attached was a Memorandum dated November 6, 1989, to the Mayor and City Commission from all members of the management staff urging adoption of the Study.

Based upon the understanding from the beginning of this process, it was recommended that the Study be adopted and implemented in total. With funding available, it was further recommended that the "step-to-step placement" be adopted effective July 1, 1989.

It was moved by Powell, second by Fowler, to adopt the Study and implement the "step-to-step placement" effective July 1, 1989.

On discussion, Fowler asked the Finance Officer for an explanation of a memorandum dated October 24, 1989 that included the costs. Harper noted that it showed what is currently available in each of the budget appropriations and carryover or contingency would be needed to complete that proposal. Each other proposal would require that much less funding from those sources. When asked what the amount of contingency was, Harper advised about \$70,000 with about another \$40,000 to be added making an approximate total of \$142,000. Fowler advised that he would support the motion because he feels that the study was done fairly and accurately and feels that the step-to-step would bring equity to the wages based on the study.

Smith expressed not being in favor of a 25 percent increase to one position and not in favor of a 9 percent increase to a contract position.

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

The Manager recalled Commission Report No. 89-250, the Code Compliance position and advised that the final part of that position was to act also on the Enhancement fee portion. It was moved by Powell, second by Fowler, to approve the expenditure of \$7,500 of Enhancement funds as recommended by the Committee.

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

There being no further business, the meeting adjourned at 12:25 p.m.

*Jean K. Elliott*

JEAN K. ELLIOTT, City Recorder

*Correction  
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