

**CITY OF OREGON CITY**

INCORPORATED 1844

# COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

August 20, 1997

Page 1 of 1

**Subject:** Setting Date of Special City  
Election and Adopting Ballot  
Titles - Resolution No. 97-42 and  
Resolution No. 97-43

**Report No. 97-120**

At its June 4, 1997 meeting, the City Commission was presented the Oregon City Fire Department Strategic Plan and, of the three members present, voted to accept the Plan. The goals and objectives of the Plan included providing services to the community that meet current needs and will adapt to future changes; obtain and manage a mix of human resources to meet identified service levels; develop performance standards that measure the department's ability to meet established service levels; research, obtain and manage financial resources necessary to meet current and future levels; identify and provide capital improvements necessary for supporting services levels; promote and establish Fire Department partnerships with the community; provide a responsive organization that manages all aspects of the department in an effective and efficient manner; and, prepare for and manage the emergency operations during a catastrophic or major event.

On the August 20, 1997 agenda is proposed Resolution No. 97-42 (copy attached) which sets November 4, 1997 as the date of a Special City Election for the purpose of voter approval of General Obligation bonded indebtedness in an amount not to exceed \$4.7 million for improvements and additions to the fire fighting facilities, vehicles and equipment. This Bond would levy approximately 41 cents per \$1,000 evaluation.

Also on the August 20, 1997 agenda is proposed Resolution No. 97-43 (copy attached) which sets November 4, 1997 as the date of a Special City Election for the purpose of General Obligation Bonded indebtedness in an amount not to exceed \$4.2 million for improvements and additions to the fire fighting facilities, vehicles and equipment. This Bond would levy approximately 37 cents per \$1,000 evaluation.

Presented at this time are proposed Resolutions No. 97-42 and No. 97-43 for Commission adoption, modification or rejection.

As soon as possible after adoption, the City Recorder/Election Officer must publish a Notice of Receipt of Ballot Title. In order to meet the requirement of filing the ballot measure on or before the 61st day prior to the November 4 election date, the measure/s must be filed with County Elections on or before September 4, 1997.

CHARLES LEESON  
City Manager

jke  
Attach.  
cc

Finance Director  
Fire Chief

00007

Attachment 4

**RESOLUTION NO. 97-43**

**A RESOLUTION CALLING A SPECIAL ELECTION AND ADOPTING A BALLOT TITLE TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF CONTRACTING A GENERAL OBLIGATION BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$4.7 MILLION AND EVIDENCING THE CITY'S OFFICIAL INTENT TO REIMBURSE CAPITAL EXPENDITURES.**

WHEREAS, the City Commission of the City of Oregon City, Oregon (the "City") has determined that there is a need to make improvements and additions to the fire fighting facilities, vehicles and equipment of the City as described on the Notice of Measure Election attached hereto (the "Projects"); and

WHEREAS, Oregon Revised Statutes 287.004 and Section 47 of the City's Charter authorizes the City to issue general obligation bonds, if approved by the City's electors; and

WHEREAS, the cost of such Projects is estimated to be not less than \$4.7 million, including the cost of issuance of bonds issued to finance the Projects; and

WHEREAS, the City intends to call a special election to seek voter approval to issue general obligation bonds to finance the Projects; and

WHEREAS, the City intends to reimburse itself for capital expenditures related to the Projects with the proceeds of the general obligation bonds; and

WHEREAS, United States Treasury Regulation Section 1.150-2 sets forth certain requirements that must be complied with in order for the reimbursement with proceeds of bonds to qualify as an expenditure of bond proceeds.

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

1. That a special election is hereby called for the purpose of submitting to the electors of the City the question of contracting a general obligation bonded indebtedness in an amount not to exceed \$4.7 million to finance the Projects. The general obligation bonds shall mature over a period of not more than 20 years.
2. That the election hereby called shall be held on the 4th day of November, 1997.

3. That the City directs that there shall be delivered to the elections officer of Clackamas County, Oregon not later than the 61st day before the date of the election a Notice of Measure Election in substantially the form attached hereto as Exhibit A, with such changes consistent with the provisions of this resolution as approved by the Mayor, the City Manager, the City Attorney and Bond Counsel.

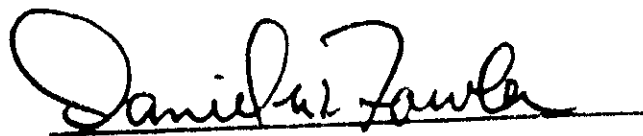
4. That the precinct and polling places, the judges and clerks thereof and the determination of whether said City election shall be a vote by mail election shall be as designated by the Clackamas County Clerk, who shall conduct the election in accordance with the laws of the State of Oregon.

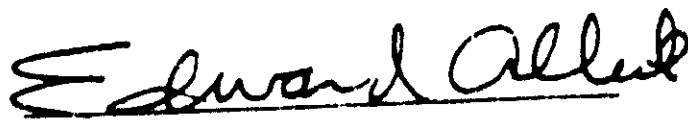
5. That if the bonds are approved by the voters, the City shall levy annually, as provided by law, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, without limitation, to pay the principal of and interest on the Bonds promptly as they become due and payable. Pursuant to ORS 310.145, the City hereby classifies the tax levy described in this section to be taxes imposed to pay the principal and interest on exempt bonded indebtedness and such taxes are not subject to the limits of section 11b, Article XI of the Oregon Constitution.

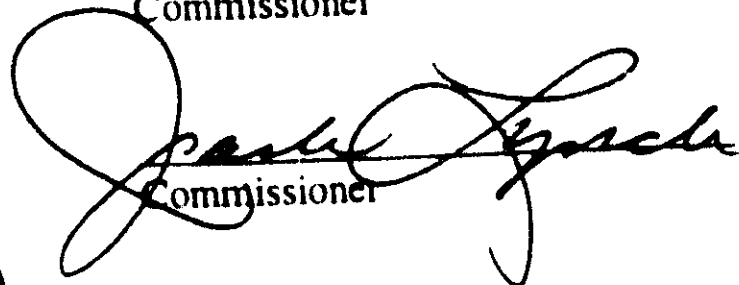
6. That it is the reasonable official intent of the City to reimburse itself for the capital expenditures associated with the Projects with the proceeds of such bonds in the principal amount not to exceed ~~\$4.7~~ million. This declaration of official intent is given pursuant to United States Treasury Regulations Section 1.150-2.

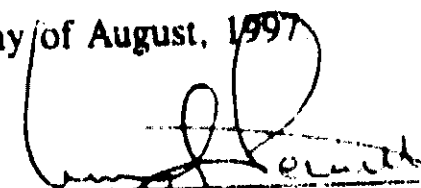
7. The City Recorder is hereby directed to post notices of said election at a conspicuous place in the City Hall and in one public place in each voting precinct of the City and to cause notice of said election to be published in The Oregonian, a newspaper of general circulation in the City. All of such notices shall be posted and published at least ten days prior to the date of said election in accordance with the Oregon City Charter of 1982

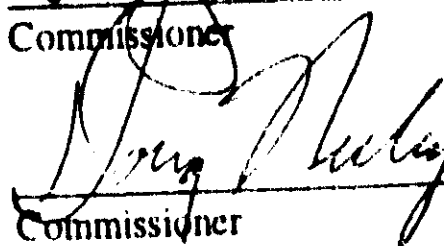
Adopted, signed and approved this 20th day of August, 1997

  
Mayor

  
Commissioner

  
Commissioner

  
Commissioner

  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

RESOLUTION NO. 97-43

00009

**EXHIBIT A**

**NOTICE OF MEASURE ELECTION**

**CITY OF OREGON CITY, OREGON**

Notice is hereby given that on Tuesday, November 4, 1997, an election will be held in the City of Oregon City, Oregon. The election will be conducted by mail. The following shall be the ballot title for the measure submitted to the electors thereof:

**CAPTION:** City of Oregon City, Oregon General Obligation Bond Authorization

**QUESTION:** Shall the City issue general obligation bonds not exceeding \$4.7 million to make improvements to its firefighting facilities, vehicles and equipment? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**SUMMARY:** This measure may be passed only at an election with at least a 50 percent turnout. Bond proceeds will be used to:

- (1) construct, equip, furnish, and acquire land for, a new South End Station;
- (2) remodel, equip and furnish Stations 203 and 204;
- (3) acquire firefighting vehicles and equipment; and
- (4) acquire land for a future fire station.

The bonds will mature over a period not exceeding 20 years from issuance date and may be issued in one or more series.

*No action taken*  
**RESOLUTION NO. 97-42**

**A RESOLUTION CALLING A SPECIAL ELECTION AND ADOPTING A BALLOT TITLE TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF CONTRACTING A GENERAL OBLIGATION BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$4.2 MILLION AND EVIDENCING THE CITY'S OFFICIAL INTENT TO REIMBURSE CAPITAL EXPENDITURES.**

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4. That the precinct and polling places, the judges and clerks thereof and the determination of whether said City election shall be a vote by mail election shall be as designated by the Clackamas County Clerk, who shall conduct the election in accordance with the laws of the State of Oregon.

5. That if the bonds are approved by the voters, the City shall levy annually, as provided by law, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, without limitation, to pay the principal of and interest on the Bonds promptly as they become due and payable. Pursuant to ORS 310.145, the City hereby classifies the tax levy described in this section to be taxes imposed to pay the principal and interest on exempt bonded indebtedness and such taxes are not subject to the limits of section 11b, Article XI of the Oregon Constitution.

6. That it is the reasonable official intent of the City to reimburse itself for the capital expenditures associated with the Projects with the proceeds of such bonds in the principal amount not to exceed \$4.2 million. This declaration of official intent is given pursuant to United States Treasury Regulations Section 1.150-2.

7. The City Recorder is hereby directed to post notices of said election at a conspicuous place in the City Hall and in one public place in each voting precinct of the City and to cause notice of said election to be published in The Oregonian, a newspaper of general circulation in the City. All of such notices shall be posted and published at least ten days prior to the date of said election in accordance with the Oregon City Charter of 1982.

Adopted, signed and approved this 20th day of August, 1997.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Comprising the City Commission  
of Oregon City, Oregon

RESOLUTION NO. 97-42

00012

# CLACKAMAS COUNTY



## VOTERS' PAMPHLET

**SPECIAL ELECTION  
NOVEMBER 4, 1997**

**JOHN KAUFFMAN  
COUNTY CLERK**

**Attachment 5**

## WEST LINN-WILSONVILLE SCHOOL

## CITY OF OREGON CITY

**Measure No. 3-96****Measure No. 3-97****ARGUMENT IN FAVOR**

Yes on 3-96

and

Yes on 52!

*Our Local Schools Need Both!*

There are two school measures on your November mail-in ballot - and both are very important. Our schools need your Yes vote on Measure 3-96 and Measure 52 - the statewide lottery-backed bonds for Oregon's schools!

Both Measures help our local schools. There are several ways in which Measure 52 is different - and important:

- Measure 52 is a statewide measure that benefits our local schools, and all school districts in each region of the state - The proceeds of Measure 52 bonds are distributed to all school districts according to enrollment. Our schools are guaranteed to get their fair share.
- Measure 52 pays for books, repairs, technology and other vital things that other bonds can't - New laws governing local bond measures prohibit them from being used for replacing worn or outdated books, new computers or other technology and many vital repairs like leaky roofs. Measure 52 bonds can be used for these things.
- Measure 52 comes from lottery dollars, not property taxes - Measure 52 is a great way to have the Oregon Lottery work for our schools! These bonds will be repaid from lottery income.

*Our local schools need both Measure 3-96 and Measure 52!  
Say "Yes - Yes" to our schools!*

Yes on Measure 52

Lottery Dollars for Local Schools

Submitted by

Eric F. Iverson

**NO ARGUMENTS AGAINST  
THIS MEASURE WERE FILED**

The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statements made in the argument.

**BALLOT TITLE****CITY OF OREGON CITY, OREGON GENERAL OBLIGATION BOND AUTHORIZATION**

**QUESTION:** Shall the City issue general obligation bonds not exceeding \$4.7 million to make improvements to its firefighting facilities, vehicles and equipment? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

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- (3) acquire firefighting vehicles and equipment; and
- (4) acquire land for a future fire station.

The bonds will mature over a period not exceeding 20 years from issuance date and may be issued in one or more series.

**EXPLANATORY STATEMENT**

The Main Fire Station, Station 204, was constructed in 1923 and has been determined by structural engineers to be unsafe and does not meet the requirements of the American With Disabilities Act (ADA). Fire Station 203, located at Clackamas Community College, also needs to be renovated to meet ADA and Fire Code requirements. Land would be purchased for a new fire station in the South End neighborhood in accordance with the Oregon City Fire Department's Strategic Plan, which was accepted by the City Commission, to meet growth needs and response times. The response times in this area are over 10 minutes. Response times throughout the City would be improved. Over 65% of the Fire Department responses are medical calls; it is the goal of the Fire Department to respond in 4 to 6 minutes from the time the 9-1-1 call is initiated.

If approved by the voters, this measure will authorize the issuance of not more than \$4.7 million of General Obligation bonds to finance the cost of purchasing land, constructing, equipping and furnishing of one new station; remodeling, renovating, expanding, equipping and furnishing Fire Station 203 and Fire Station 204; acquiring land for future fire service needs; and, upgrading and acquiring firefighting vehicles and equipment.

The bonds would mature not more than 20 years from their issuance and would be paid from an annual property tax levy upon all taxable property within the City, but only in an amount necessary to meet such payments. It is estimated that the cost of the \$4.7 million bond to an individual taxpayer will be approximately \$0.43 per \$1,000 assessed valuation. Based on a home valued at \$100,000, the cost per year would be \$43.00 or \$3.58 per month.

Submitted by

James X. Davis, Fire Chief  
City of Oregon City



# CITY OF OREGON CITY

## Measure No. 3-97

### ARGUMENT IN FAVOR

We are your Oregon City Firefighters. We represent the line firefighters and company officers of your fire department. We don't work in City Hall; we work in big red trucks. We don't wear coats and ties; we wear canvas pants with red suspenders. We work with tanks of air on our backs. When your cooking oil over-heats and sets your kitchen cabinets on fire or your mother-in-law has a stroke, we are the people that arrive to deal with the situation. We know the nuts and bolts of the emergency services that you pay for with your tax dollars because we are those nuts and bolts.

The time has come for us to ask you for help. Our fire department facilities and equipment are in desperate need of renovation and replacement. We know. We sleep at night in the circa 1923 main station, knowing that a structural engineer has determined it to be unsafe. We still drive the 25 year old fire engine. We watch new development challenge our ability to catch a fire in its early stages or restore the oxygen supply to a heart attack victim's brain before irreversible damage is done.

The bond issue before you is the product of a joint effort by citizens, community leaders, city staff and firefighters. We believe it is a financially responsible solution to the needs of Oregon City. Help us help you. Vote Yes on Measure 3-97.

Submitted by

Richard Hanna

Oregon City Paid Firefighter's Association

### ARGUMENT IN FAVOR

Taxes! Who doesn't hate them? If you want to start a lively debate in almost any group, try to decide which social service is worth its tax dollar and which isn't. Taxes are personal sacrifice for social good. The trouble is, personal sacrifice is easy to identify while social good is harder to agree on.

Ask that hypothetical group to name its top social priorities, though, and chances are good that emergency fire and medical services will rank high. We seem to agree that the services provided by your fire department are exactly the services that we should band together to support in our community.

The Oregon City Fire Department needs some of that support now. As fire service providers in the districts surrounding Oregon City, the firefighters of Local 1159 of the IAFF have watched as OCFD responsibilities have increased and OCFD assets have diminished.

The city has grown in size and valuation at an amazing rate. New neighborhoods sprout like mushrooms and established neighborhoods fill in any open lots. Commercial development is converting open fields to business parks.

During the same time, OCFD staffing has shrunk by nearly one third. The 30 full time employees in 1977 have shrunk to 21 employees in 1997. Equipment and buildings also need attention.

A blue-ribbon panel of city leaders, citizens, municipal staff and firefighters has answered the hard questions about what form that support should take. Ballot Measure 3-97 is the result of their work. Your community needs a high quality fire department. This is how tax money should be spent. Vote Yes on Measure 3-97.

Submitted by

Richard Hanna

Professional Firefighters of Clackamas County

The printing of this argument does not constitute an endorsement by Clackamas County, nor does the county warrant the accuracy or truth of any statements made in the argument.

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## CITY OF OREGON CITY

**Measure No. 3-97****ARGUMENT IN FAVOR****VOTE YES FOR FIRE PROTECTION**

Ballot Measure 3-97 enables the City of Oregon City to upgrade and expand its Fire Department emergency response services to levels that meet the expectations of the community.

This bond will provide funds to:

- Upgrade the Main Fire Station on 7th Street to prevent collapse during an earthquake and to meet the standards of the American Disabilities Act.
- Upgrade the College Fire Station on Molalla Avenue to current buildings codes and American Disabilities Act requirements, and to establish an Emergency Operation Center in the event of a major disaster, like a flood or an earthquake.
- Build a new facility increasing protection for the South End/Central Point areas, where current response times can be in excess of ten minutes.
- Replace current fire apparatus and equipment, some of which is nearly 25 years old.

The Oregon City Fire Department responds not only to fires, but to medical emergencies and motor vehicle accidents. New equipment will provide the Oregon City Fire Department with the newest emergency response technology. The citizens of Oregon City deserve the greatest service and care available. The cost of the bond per household per month pales in comparison to the cost of personal property, a home, or a life. At \$3.50 a month for a \$100,000 home, it is cheaper than an evening movie. Your 'YES' vote provides the necessary structural repairs and equipment purchases. Your 'YES' vote is reassurance that you will be aided promptly and efficiently in an emergency. It is imperative to vote 'YES' for your safety and the safety of your community.

**Please vote 'YES' for Ballot Measure 3-97.**

Submitted by

David Adelfhart and Mike Levine  
Yes for Fire Protection

**NO ARGUMENTS AGAINST  
THIS MEASURE WERE FILED.**

The printing of this argument does not constitute an endorsement by Clackamas County nor does the county warrant the accuracy or truth of any statements made in the argument.

## CITY OF CANBY

**Measure No. 3-98****BALLOT TITLE**

**MEASURE REQUIRING A CITY WIDE VOTE ON ALL ANNEXATIONS**

**QUESTION:** Shall all future annexations, including delayed, unless mandated by law, require a majority vote of the electors to be valid?

**SUMMARY:** Annexation is the legal process to bring property inside the City limits. Under current law, all annexation requests are approved or disapproved by the City Council. This proposal would change that and amend the City Charter to require that an annexation request must be voted on by the citizens of Canby, and receive a majority vote, before such request is approved. The request would still have to meet all land use laws.

**EXPLANATORY STATEMENT**

This measure would amend the Canby City Charter to require that all annexations to the City (unless mandated by law), be approved by a majority vote of the electors of the City. The exact text of the Charter amendment would be as follows:

"Chapter I, NAMES AND BOUNDARIES, Section 3:

**Section 3 BOUNDARIES.** The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of the voters. Unless mandated by law, annexations, delayed or otherwise, to the City of Canby, may only be approved by a majority vote among the electorate. The Recorder shall keep at the City Hall at least two copies of this Charter, in each of which shall be maintained an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the Recorder." (All amended portions are in bold)

Presently, the State law provides for methods by which the City can annex territory into the City. Traditionally, the City has annexed territory into the City with the consent of the property owner and the passage of an Ordinance by the City Council. The request for annexation, if approved by the Council, is thereafter forwarded to the Portland Metropolitan Local Government Boundary Commission (PMLGBC) with a recommendation for approval by the PMLGBC. The application did not have to be submitted to a vote of the people of the City. This amendment to the Canby City Charter would require the City to submit the matter to a vote of the electors of the City if the City or PMLGBC approves the application. In order for the territory to be annexed, there would have to be a favorable vote by a majority of the electors voting in the election. This amendment specifically states that it includes "annexations, delayed or otherwise." It is the intention that it includes all types of annexations, including contractual agreements to annex. The provision specifically excludes any annexations mandated by State law, such as for a health hazard.

Submitted by

Marilyn Perkeit  
Canby City Recorder

**CLACKAMAS COUNTY**  
**EXPLANATORY STATEMENT FOR COUNTY VOTERS' PAMPHLET**

**THIS FORM MUST BE TYPEWRITTEN.**

FOR THE ELECTION TO BE HELD ON

Tuesday, November 4, 1997

MEASURE NUMBER

3-97

BALLOT TITLE CAPTION

City of Oregon City, Oregon, General Obligation Bond Authorization

NAME OF PERSON RESPONSIBLE FOR CONTENT

James X. Davis, Fire Chief

NAME OF ORGANIZATION PERSON REPRESENTS, IF ANY

City of Oregon City

TELEPHONE (HOME)

TELEPHONE (WORK)

657-1365

The Main Fire Station, Station 204, was constructed in 1923 and has been determined by structural engineers to be unsafe and does not meet the requirements of the American With Disabilities Act (ADA). Fire Station 203, located at Clackamas Community College, also needs to be renovated to meet ADA and Fire Code requirements. Land would be purchased for a new fire station in the South End neighborhood in accordance with the Oregon City Fire Department's Strategic Plan, which was accepted by the City Commission, to meet growth needs and response times. The response times in this area are over 10 minutes. Response times throughout the City would be improved. Over 65% of the Fire Department responses are medical calls; it is the goal of the Fire Department to respond in 4 to 6 minutes from the time the 9-1-1 call is initiated.

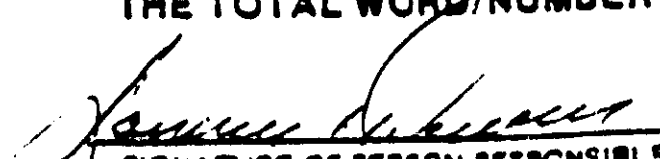
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Attachment 6

WORD/NUMBER COUNT TOTAL: \_\_\_\_\_

THE TOTAL WORD/NUMBER COUNT MAY NOT EXCEED 325 WORDS/NUMBERS.

  
SIGNATURE OF PERSON RESPONSIBLE  
FOR THE CONTENT OF STATEMENT

8/26/97  
DATE

00017

**REGULAR MEETING**

Oregon City, Oregon, December 3, 1997

A regular meeting of the City Commission was held at City Hall, 320 Warner Mill Road, on the above date at 7:00 p.m.

Roll call showed the following present:

Mayor Daniel W. Fowler  
 Commissioner Timothy J. Powell  
 Commissioner Edward Allick  
 Commissioner Douglas L. Neeley  
 Commissioner John F. Lynch, Jr.

Charles Leeson, City Manager  
 Daniel Kearns, City Attorney

The flag salute was lead by Mayor Fowler after which he called for approval of the minutes. It was moved by Powell, second by Lynch, to approve the minutes of the November 5, 1997, meeting.

On the call for corrections, Neeley noted the reference to "an unidentified male advised he was asked by the association" on the second to the last page was Mattsson and the Barclay Neighborhood Association. Regarding reference to "an unidentified female", it was Sha Spady.

MOTION CARRIED UNANIMOUSLY.

**DEPARTMENTAL UPDATE**

James Davis, Fire Chief, advised the Department was awarded a grant as a pilot program for Oregon City of Disaster Mitigation. He introduced Mike Maquire from Metro who explained the program. He advised he was the Senior Emergency Management Analyst with Metro and part of the natural hazards program in the data resource center.

He noted that after the flood of 1996, Mike Burton, Executive Director of Metro, and other held a meeting to discuss things that could be done in the future to reduce damages from floods and other disasters. It was felt that local governments could use assistance with hazard mitigation planning. This is new in government and is being pushed by the Federal Emergency Management Agency to reduce damages and loss of life by doing things before something happens rather than afterwards.

Metro has utilized part of the Earthquake Planning funds to craft a regional hazard mitigation plan. As part of that they wanted to work with a local government to develop a model plan. A request for interest was sent out and Chief Davis and the Community Development Director expressed interest.

Fowler asked the timeframe. The response was April 30 to have a draft available for the political process. Neeley reminded of the gas explosion with that line coming through Oregon City and asked if the plan would include this. The response was that the regional plan takes care of the big things. It is hoped from that, a smaller plan can identify local concerns. Powell asked if they were working with other governments as well. The response was Oregon City only.

Referring to a display map, Lynch asked if it identified major faults or was it just an analysis of the soils in the area. It was the latter.

Chief Davis advised of attending a Metro workshop in which the new MAD and GIS program was presented. It stands for the Metro Area Disaster Geographic Informational System which is on a CD Rom for the computer. The program is ahead of any other areas regarding disaster planning for natural

On the December 3, 1997 agenda are the Findings of Fact and Conclusions of Law and Order for Commission adoption. It was recommended that the Findings be adopted and the Mayor authorized to execute.

It was moved by Allick, second by Lynch, to accept the Findings of Fact as submitted.

On the call for discussion, Stacy Goldstein, Planner, advised that on Page 5 of the Findings, No. 1, last sentence: "Therefore 17.68.020 (B) is met" should read "is not met".

Neeley attentioned Page 2, last paragraph, "We find the net increase of 4 to 9 units (compared to the number of allowable units under the existing R-10 zone)..." should state the exact number of units under the R-10 zone. It was calculated to be 4 to 5. Referring to Page 3, last paragraph "There is an existing unimproved 40' right of way...". He asked if the availability was an issue to the applicant and was the paragraph necessary. Goldstein responded the right of way was existing as a platted street. Without the right of way, the property would be landlocked with no access. It was wanted to be made clear that the 40 foot right of way was available to the applicant should they come back with an application under the existing zoning. Fowler advised it was a statement of fact. Neeley advised he would support the motion if the two corrections were made.

Lynch advised of vacillating on this issue. The only issue he felt was credible was the concern about stormwater.

Regarding the traffic issue, Neeley noted the study being done during a time when it was not representative of traffic in general. He felt this was relevant for the findings.

Allick felt he was the only one on the Commission that felt traffic was relevant. Neeley disagreed and noted feeling that the increase in the number of housing units from this application would not have had a major impact on the volume of existing traffic, over several developments like this it would. Allick felt traffic was a valid reason for denial.

Fowler advised that he would again vote no on this application. Regarding traffic, the City requires an applicant to base the application on data. He agreed that it was not a good day for the traffic study.

Motion amended to include the word "not" on Page 5 and the words "up to 5 units" on Page 2.

Roll call: Neeley, Aye; Allick, Aye; Lynch, Aye; Powell, Aye; Fowler, Nay.

#### APPOINTMENTS BY MAYOR

At this time, Mayor Fowler re-appointed Paul Williams, Paul Trahan and John Buol to the Rate and Fee Review Committee with terms expiring October 31, 1999.

#### COMMISSION INFORMATION

Commission Report No. 97-170, November 4, 1997 - Special Election - Election Results, was presented. The report noted that on Tuesday, November 4, 1997, Oregon City voters cast votes for Measure 3-97 which asked the question "Shall the City issue general obligation bonds not exceeding \$4.7 million to make improvements to its firefighting facilities, vehicles and equipment?"

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

On the December 3, 1997 agenda was the Official Canvass with Over and Under Votes (copy attached) as prepared by the office of County Clerk and on file with the City Recorder. The Canvass shows the following:

Precinct	Yes	No	over	under	Total
0001	420	317	0	105	842
0002	425	301	3	100	829
0003	362	281	0	63	708
0005	306	203	0	58	567
0006	381	311	1	98	791
0007	679	469	0	121	1,269
0008	569	421	0	139	1,129
0009	185	229	0	58	472
0010	32	34	0	13	79
0011	192	108	0	38	338
TOTAL	3,551	2,674	4	793	7,022

ELIGIBLE VOTERS IN OREGON CITY. 11,670, which meets the super majority requirement.

Also presented was information received from Clackamas County elections regarding the number of ballots cast but were rejected for a specific reason.

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

Fowler asked where Precincts 9 and 10 were. The response was Park Place is Precinct 9 with 10 at the Elections office.

Fowler asked if there was a date in December or early January for the Commission to "gather". Neeley suggested it be after the beginning of the year. This would be to discuss growth, annexations, etc. The Commission agreed on Friday, January 16, 1998 from 3:00 to 6:00 PM. Neeley and Lynch felt it should be growth and capacity to deal with growth issues with a second meeting to include Department Directors. The Manager was directed to schedule this.

Allick wanted to discuss the Metro Enhancement boundary at some time soon. Fowler suggested separating the Committee from the boundary discussion. Fowler felt something written should be done by each Commissioner on what they think the boundary should be. These could then be discussed. Powell felt the Committee should be requested to do this also. Fowler wanted the opinion regarding boundary and funding from each Commission member and from the Committee so this could be decided by the first meeting in January. Frank O'Donnell asked if the public could submit also and suggested an invitation to the public through the media. The Manager advised it would be advertised.

Regarding the Capital Improvement Committee, Fowler advised being requested to appoint a member from Metro Enhancement, Budget, Park and Recreation, Transportation and Rate and Fee, as alternate and permanent representatives to the Capital Improvement group with their first meeting December 11, 1997. He will make the appointments at the next Commission meeting. Neeley felt neighborhoods will see capital improvement needs in their neighborhoods. Carson advised this would be a multi-year budgeting process with public hearings when persons can speak to it. At this time, it is a matter of putting together numbers and identify what should and should not be on the list.

Advisory Committee review this. Allick reminded this same discussion was before the Commission four years ago. Fowler noted there being instances where there is no option other than street parking.

Neeley wanted the Manager to be given direction to have the Parking Advisory Committee review this issue and make specific recommendations. The Manager asked if this would be specific to McLoughlin. Neeley responded specific to residences that do not have off street parking.

Lynch noted that the Parking Advisory Committee looked at this issue several years ago and asked if their findings were available for Commission review. There are a number of issues associated with this. This met Commission consensus.

With no further business, the meeting adjourned with the Commission convening an Executive Session pursuant to ORS 192.680 (1)(e) Real Property Transactions.



CHARLES LEESON, City Manager

Recording tape transcribed by:  
JEAN K. ELLIOTT, City Recorder

jke

#### REGULAR MEETING

Oregon City, Oregon, November 19, 1997

A regular meeting of the City Commission was held at City Hall, 320 Warner Milne Road, on the above date at 7:00 p.m.

Roll call showed the following present

Mayor Daniel W. Fowler  
Commissioner Timothy J. Powell  
Commissioner Edward Allick  
Commissioner Douglas L. Neeley  
Commissioner John F. Lynch, Jr

Charles Leeson, City Manager  
Jean K. Elliott, City Recorder  
Daniel Kearns, City Attorney

The flag salute was lead by Mayor Fowler after which he called for the Departmental Update.

#### DEPARTMENTAL UPDATE

Rick McClung, Public Works Director, advised that work would begin tomorrow morning on the rockfall on Singer Hill. There are about 500 tons of overhang to be brought down with an effort to protect the church parking lot above along with the historic stone wall as well as possible. It was anticipated that the area would be cleared by next Wednesday. Neeley asked how far back the failure went. McClung responded that the church property goes back 125 feet and public works crews marked that out with about 25 feet to the edge of their property. The effort is to get a 12:5 slope from the top to the bottom.

#### ANNOUNCEMENTS/REQUESTS FOR FUTURE AGENDA ITEMS

Allan Bedore, 16514 S Apperson, has a problem with an ordinance and feels there is a procedural irregularity. His vehicle was confiscated or towed and according the information concerning the ordinance he has a right to a hearing on this. He requested a hearing but was not given a hearing and was told he

It was moved by Powell, second by Allick, to approve the Consent Agenda Items 14, 15, 17 and 18 as recommended on each report.

Roll call: Powell, Aye; Neeley, Aye; Allick, Aye; Fowler, Aye.

\* Commission Report No. 97-166, Authorizing the issuance and Sale of \$ 00,000 of General Obligation Bonds - Resolution No. 97-53, was presented. The report noted that at the November 4, 1997 Special City election, the citizens of Oregon City approved, with a super majority, Ballot Measure 3-97 which authorized the issuance of general obligation bonded indebtedness.

On the November 19, 1997 agenda was proposed Resolution No. 97-53 which authorized the issuance and sale of \$4,700,000 general obligation bonds; designated bond counsel; authorized determination and method of bond sale; and, authorized designation of a financial advisor, paying agent and registrar.

Based upon voter approval of the General Obligation Bonds, it was recommended that the Commission adopt Resolution No. 97-53.

### RESOLUTION NO. 97-53

A RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF \$4,700,000 GENERAL OBLIGATION BONDS, SERIES 1997; DESIGNATING A BOND COUNSEL; AUTHORIZING DETERMINATION OF METHOD OF SALE; AUTHORIZING DESIGNATION OF A FINANCIAL ADVISOR, PAYING AGENT AND REGISTRAR.

WHEREAS, the City Commission of the City of Oregon City, Oregon (the "City") submitted to the voters of the City at an election on November 4, 1997, Measure 3-97 which sought the authorization to contract a general obligation bonded indebtedness in an amount not to exceed \$4,700,000 to make additions and improvements to the City's firefighting facilities (the "Projects"); and

WHEREAS, at least 50 percent of registered voters of the City eligible to vote in the election cast a ballot on Measure 3-97; and

WHEREAS, a majority of the voters of the City voting on Measure 3-97 approved of the issuance of the general obligation bonded indebtedness and

WHEREAS, the City now desires to proceed with the issuance of the general obligation bonds.

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

Section 1 Issuance of Series 1997 Bonds The City Commission of the City authorizes the issuance and sale of not to exceed \$4,700,000 General Obligation Bonds, Series 1997 (the "Bonds"). The Bonds shall be issued in denominations of \$5,000 each, or integral multiples thereof, as negotiable general obligation bonds of the City for a term not to exceed 20 years and shall bear interest at a true effective rate not to exceed six and one-half percent (6.5%) per annum. The Bonds shall be sold at not less than ninety-eight percent (98.0%) of par value. The City authorizes the City Manager or the Finance Director (the "Authorized Representative") to determine and designate the principal amount, dated date, maturity dates, principal serial maturities, optional redemption dates and premiums, if any, and term bond maturity or maturities, with or without premium, and to fix interest payment dates and to determine such other provisions as are deemed necessary and desirable for the sale and issuance of the Bonds. The Bonds may be issued in one or more series.

Section 2 Title and Execution of the Bonds The Bonds shall be entitled "City of Oregon City, Oregon, General Obligation Bonds Series 1997", or such other name approved by the Authorized



Representative, and shall bear the manual or facsimile signature of the Mayor and the manual or facsimile signature of the City Recorder. The Bonds may be issued in typewritten or certificate form as fully registered Bonds in the denomination of \$5,000 each or integral multiples thereof and may be transferred by the registered owner thereof in person, or by the owner's attorney, duly authorized in writing, at the office of the Registrar. The Registrar shall maintain a record of the names and addresses of the registered owners of the Bonds. The records of the registered bond ownership are not public records within the meaning of Oregon Revised Statutes 192.410(4).

All bonds issued upon transfer of or in exchange for Bonds shall be valid general obligations of the City evidencing the same debt and shall be entitled to the same benefits as the Bonds surrendered for such exchange or transfer. All fees, expenses and charges of the Paying Agent and Registrar shall be payable by the City.

**Section 3. Sale of Bonds.** The Bonds may be sold by competitive or negotiated sale as determined by the Authorized Representative. The Authorized Representative shall determine the requirements for the sale of the Bonds, subject to the provisions of this Resolution, that provides the most advantageous terms to the City. If sold at a competitive sale, the Authorized Representative is authorized to act on the bids and shall report the results of the sale to the City Commission to be entered into the public record of the City in accordance with ORS 287.026. If sold at a negotiated sale, the Authorized Representative is authorized to select an underwriter for the Bonds and to enter into a purchase agreement setting forth the terms of the sale of the Bonds.

**Section 4. Payment of Bonds.** The principal of the Bonds shall be payable upon presentation of the Bonds at maturity at the designated corporate trust office of the appointed Paying Agent. Payment of each installment of interest due each year shall be made by check or draft of the Paying Agent mailed on each interest payment date to the registered owner thereof whose name and address appears on the registration books of the City maintained by the Paying Agent as of the record date determined by the Authorized Representative.

**Section 5. Form of Bonds.** The Bonds shall be issued substantially in the form approved by the Authorized Representative and Bond Counsel.

**Section 6. Appointment of Paying Agent and Registrar.** The Authorized Representative is authorized to designate a Paying Agent and Registrar of the Bonds, or the City may serve as its own Paying Agent and Registrar. The Authorized Representative is authorized to negotiate and execute on behalf of the City a Paying Agent and Registrar Agreement. This Agreement shall provide for compliance with Oregon Administrative Rule 170-61-010. In addition, the City requests and authorizes the Paying Agent and Registrar to execute the Certificate of Authentication as of the date of delivery of the Bonds.

**Section 7. Tax Levy and Pledge.** The City shall levy annually, as provided by law, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, without limitation, to pay the principal of and interest on the Bonds promptly as they become due and payable. The City covenants with the owners of the Bonds to pledge such ad valorem taxes in sufficient amount to pay the principal of and interest on the Bonds as they respectively become due and payable. Pursuant to ORS 310.145, the City hereby classifies the tax levy described in this section to be taxes imposed to pay the principal and interest on exempt bonded indebtedness and such taxes are not subject to the limits of sections 11 or 11b, Article XI of the Oregon Constitution.

**Section 8. Contract with Registered Owners of Bonds.** In consideration of the purchase and acceptance of the Bonds, the provisions of this Resolution and the Bonds shall be deemed to be and shall constitute a contract between the City and the Registered Owners of the Bonds. The covenants and agreements to be performed by or on behalf of the City shall be for the equal benefit, protection and security of the Registered Owners of any and all Bonds, all of which shall be of equal rank without

preference, priority, or distinction among the Bonds except as expressly provided pursuant to this Resolution

Section 9. Tax Covenant. The proceeds of the Bonds shall be used and invested in such manner that the Bonds shall not become "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations. The City covenants that, within its lawful powers, it will not do, and will refrain from doing, anything in the issuance of the Bonds and in the investment and expenditure of the proceeds thereof which would result in the interest on the Bonds becoming taxable for federal income tax purposes.

Section 10. Appointment of Financial Advisor. The Authorized Representative is authorized to appoint a Financial Advisor to the City for the issuance of the Bonds.

Section 11. Appointment of Bond Counsel. The City does appoint the law firm of Mensereau & Shannon, LLP of Portland, Oregon as Bond Counsel for the issuance of the Bonds.

Section 12. Confirmation of Election. The City Commission hereby affirms the results of the election and declares the passage of Measure 3-97.

Section 13. Closing of the Sale and Delivery of the Bonds. The Authorized Representative is authorized to execute a purchase agreement for and on behalf of the City and to execute such additional documents, including a Tax Certificate, and any and all other things or acts necessary for the sale and delivery of the Bonds as herein authorized. Such acts of the Authorized Representative are for and on behalf of and are authorized by the City Commission.

Adopted, signed and approved this 19th day of November, 1997.

/s/Daniel W. Fowler  
Meyer

/s/Edward Allick  
Commissioner

/s/Timothy J. Powell  
Commissioner

/s/Doug Neeley  
Commissioner

\_\_\_\_\_  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

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Commission Report No. 97-169, System Development Charges for: Parks - Resolution No 97-54; Storm Drainage - Resolution No. 97-55, Transportation - Resolution No. 97-56, Wastewater - Resolution No. 97-57, and, Water - Resolution No. 97-58, was presented. The report noted that on the November 19 1997 agenda were proposed Resolutions No. 97-54/97-55/97-56/97-57 and 97/58 which repeal resolutions adopted in 1991, adopt amounts and methodologies for parks, storm drainage, transportation, wastewater and water system development charges and establish an effective date of 61 days after adoption and enactment

The charges are based on the methodologies presented in individual reports and recommendations made by Economic and Engineering Services, Inc, and attached as Exhibit 1 to their respective resolution. EES was requested to review the City's system development charges for consistency with ORS chapter 223 and recommend the amount of charges necessary to implement the City's capital improvement program over the next several years. The report identified the maximum amount of charges the City could collect.

On November 5, 1997, the Commission conducted a work session and reviewed the methodologies. The system development charges of other cities was also reviewed. The Commission directed staff to present resolutions establishing the individual charges for each system. At its April 7, 1997 meeting, the Oregon

**REGULAR MEETING**

Oregon City, Oregon, August 20, 1997

A regular meeting of the City Commission was held at City Hall, 320 Warner Milne Road, on the above date at 7:00 p.m.

Roll call showed the following present:

Mayor Daniel W. Fowler  
 Commissioner Timothy J. Powell  
 Commissioner Edward Allick  
 Commissioner Douglas L. Neeley  
 Commissioner John F. Lynch, Jr.

Charles Leeson, City Manager  
 Jean K. Elliott, City Recorder  
 Edward J. Sullivan, City Attorney

The flag salute was lead by Mayor Fowler after which he called for approval of the minutes. It was moved by Powell, second by Neeley, to approve the minutes of the July 16 and August 6, 1997, meetings. MOTION PASSED UNANIMOUSLY.

**DEPARTMENTAL UPDATE**

This was the opportunity for representatives of Tri-Met to present the expanded bus service in Oregon City. Ann Winthrop, Service/Planning Department of Tri-Met, and Michelle Madelina, Marketing Representative for Tri-Met, introduced themselves. Winthrop then provided background information on the expanded service. She noted that in Gresham, Oregon City, Hillsboro and Beaverton an extensive outreach effort was put forth inviting the community to participate in designing service. As a result, pilot projects were put in place. Pilot projects in Oregon City, Beaverton and Gresham will begin in September.

Beginning September 2, there will be 30-minute service on Line 33 from the Transit Center to the Community daily and an extension of Line 32 which, every 30-minutes, will follow the current route and at Warner Milne Road it is routed through the neighborhoods around the five corners area which is a one-directional loop turning off Molalla Avenue onto Warner Milne, left on Central Point, follow Partlow to South End, Barker Avenue, Telford Avenue and return to Molalla Avenue, once an hour between 5:45 AM and 7:00 PM.; between 9:00 AM and 3:00 PM, the service will be by mini-busses with lift services. They are 21-passenger, wheel chair and bicycle accessible. New shelters are being installed at Kaen Road, Beavercreek Road and at Willamette Falls Hospital.

Regarding community education, Michelle Madelina advised they have a special brochure with an Oregon City focus that talks about the new expanded local service and other transportation services like the Oregon City Trolley, the Pioneer Community Center, information on the Molalla Shuttle, destination information within Oregon City, and will be mailed to over 10,000 residents in Oregon City along with three free tickets and, news media advertising. On September 2, at 6:00 AM, she will be at the Oregon City Transit Center serving free coffee and donuts to express appreciation to riders. She invited attendance.

Lynch noted being impressed with what was being done. He noted the Projects in the Park Place area being under-served and asked what could be done to enhance their service. Winthrop advised the area was served by Line 34 and encouraged corresponding with the Executive Director of Tri-Met. Service changes occur every two months with the big change in September. She could make no promises.

Lynch asked if there was a monthly pass for local service and cost per trip. Madelina responded it was in one zone with the cost being \$1.05. It is possible to purchase a discounted book of 10 tickets and save money with them available locally. Monthly passes are available for \$36 for use within Oregon City for one or two zones, an all-zone is \$46 per month. Neeley attentioned an 85 cent fare which is another option.

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prospective investors. In addition, an official statement shall be prepared by the underwriter and ready for delivery to the purchasers of the Series 1997 Bonds no later than the seventh (7th) business day after the sale of the Series 1997 Bonds. When advised that the final official statement does not contain any untrue statement of a material fact or omit to state any material fact necessary to make the statements contained in the official statement not misleading in the light of the circumstances under which they are made, the Authorized Representative is authorized to certify the accuracy of the official statement on behalf of the City.

**Section 23. Contract with Record Owners of Series 1997 Bonds.** In consideration of the purchase and acceptance of the Series 1997 Bonds, the provisions of the 1994 Resolution which the City hereby affirms, this Resolution and the Series 1997 Bonds, including but not limited to the rate covenant and pledge of Net Revenues, shall be deemed to be and shall constitute a contract between the City and the Registered Owners of the Series 1997 Bonds and shall not be modified without the express written consent of the Registered Owners. The covenants and agreements to be performed by or on behalf of the City shall be for the equal benefit, protection and security of the Registered Owners of any and all Bonds, all of which shall be of equal rank without preference, priority, or distinction among the Bonds, except as expressly provided pursuant to the 1994 Resolution and this Resolution.

**Section 24. Closing of the Sale and Delivery of the Series 1997 Bonds.** The Authorized Representative is authorized to negotiate with the underwriter as to the terms and conditions of a Bond Purchase Agreement providing for the private negotiated sale of the Series 1997 Bonds. The Authorized Representative is authorized to execute the Bond Purchase Agreement for and on behalf of the City and to execute such additional documents, including a Tax Certificate, and any and all other things or acts necessary for the sale and delivery of the Series 1997 Bonds as herein authorized including the funding of the Escrow Deposit Fund for defeasance of that portion of the Series 1994 Bonds being refunded. Such acts of the Authorized Representative are for and on behalf of and are authorized by the City Council.

**Section 25. Continuing Disclosure.** The City covenants and agrees that it will comply with and c all of the provisions of the Continuing Disclosure Agreement. Notwithstanding any other provision of this Resolution, failure by the City to comply with the Continuing Disclosure Agreement will not constitute an event of default; however, any Registered Owner may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section.

**Section 26. Provisions of 1994 Resolution Incorporated.** The terms, provisions and covenants of the 1994 Resolution not inconsistent with the provisions of this resolution are incorporated herein by reference as if each such term, provision and covenant was fully set forth herein.

**Section 27. Severability.** If any one or more of the covenants, terms or agreement provided in this resolution to be performed on the part of the City shall be declared by any court of competent jurisdiction to be contrary to law, then such provisions shall be null and void and shall be deemed separable from the remaining covenants and agreements in this resolution and shall not affect the validity of the other provisions of this resolution or of any obligations.

Adopted, signed and approved this 20th day of August 1997

/s/Daniel W. Fowler  
Mayor

/s/Timothy J. Powell  
Commissioner

/s/Edward Allick  
Commissioner

/s/Doug Neeley  
Commissioner

/s/Jack Lynch  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon

Commission Report No. 97-120, Setting Date of Special City Election and Adopting Ballot Titles Resolution No. 97-42 and Resolution No. 97-43, was presented by the Manager. The report noted that

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at its June 4, 1997 meeting, the City Commission was presented the Oregon City Fire Department Strategic Plan and, of the three members present, voted to accept the Plan. The goals and objectives of the Plan included providing services to the community that meet current needs and will adapt to future changes; obtain and manage a mix of human resources to meet identified service levels; develop performance standards that measure the department's ability to meet established service levels; research, obtain and manage financial resources necessary to meet current and future levels; identify and provide capital improvements necessary for supporting services levels; promote and establish Fire Department partnerships with the community; provide a responsive organization that manages all aspects of the department in an effective and efficient manner; and, prepare for and manage the emergency operations during a catastrophic or major event.

On the August 20, 1997 agenda was proposed Resolution No. 97-42 which sets November 4, 1997 as the date of a Special City Election for the purpose of voter approval of General Obligation bonded indebtedness in an amount not to exceed \$4.7 million for improvements and additions to the fire fighting facilities, vehicles and equipment. This Bond would levy approximately 41 cents per \$1,000 evaluation.

Also on the August 20, 1997 agenda was proposed Resolution No. 97-43 which sets November 4, 1997 as the date of a Special City Election for the purpose of General Obligation Bonded indebtedness in an amount not to exceed \$4.2 million for improvements and additions to the fire fighting facilities, vehicles and equipment. This Bond would levy approximately 37 cents per \$1,000 evaluation.

Presented at this time are proposed Resolutions No. 97-42 and No. 97-43 for Commission adoption, modification or rejection.

As soon as possible after adoption, the City Recorder/Election Officer must publish a Notice of Receipt of Ballot Title. In order to meet the requirement of filing the ballot measure on or before the 61st day prior to the November 4 election date, the measure/s must be filed with County Elections on or before September 4, 1997.

The City Manager attentioned an error on the Exhibit to each resolution. Exhibit A to Resolution No. 97-42 should show \$4.2 million instead of \$4.7 million; and, Exhibit A to Resolution No. 97-43 should show \$4.7 million instead of \$4.2 million. The City Attorney further noted the need for similar corrections throughout each resolution. The Manager noted feeling it necessary to move this project forward at this time. If this is to be placed on the November 4 election, a decision must be made this evening. Two options were structured for the Commission to consider.

James Davis, Fire Chief, provided background information and outlined the options. The \$4.2 million option would build a new Station 204 and replace the existing fire station with the property sold. Figured into this were costs for survey, closing costs, site improvements, soils, station costs, a new South End Fire Station including the purchase of land, remodel of Fire Station 203, miscellaneous apparatus and fire truck, and purchase land for a fire station in the Beavercreek area, radio equipment, emergency operations center equipment, and furnishings for the fire stations. Bond Counsel has reviewed these purchases and felt they were legal.

The other option included remodel of Fire Station 204 with that reflecting the additional cost. Land would not have to be purchased but the station cost increases from \$1.2 to \$1.7 million for refurbishing that structure.

Neeley questioned acquiring land for a new fire station and asked if it was a future replacement for Station 203. Davis responded affirmatively. Neeley asked if SDCs could be used for acquiring land. The Manager responded they could not be used. The League of Oregon Cities has been working for this and for libraries and schools to be included in the definition.

Allick expressed concern regarding timing of this measure for November. He supported the need but has not seen 50 percent turnout in an off year. The Manager advised this was discussed but Chief Davis felt strongly about public support and was do-able with a lot of work. The May election will have an operating levy and the 50 percent question on the ballot.

Lynch agreed it will be a monumental job to get a 50 percent turnout but the need is there and supported submitting one of the measures for the November election. Powell agreed with the need and asked about a public safety issue and include the Police Department. Davis advised of having had discussions with the Police Chief and recommended keeping this on a single focus related to the Fire Department Strategic Plan. Powell expressed concern about nickel-and-diming the public with the fire issue, the library issue and operating issue. Lynch reminded this was a bond issue for capital improvements with operational needs being a separate issue, i.e., serial levy. The Manager noted this would be a 20-year bond versus a three-year or 5-year serial levy with the difference significant. He has made it clear to the Chief that these facilities will operate with or without the existing staff, perhaps necessitating recruitment of volunteers.

Neeley questioned manning three stations with existing staff. The City Manager responded that it may mean the South End Station goes through some change with the use of volunteers, which is not the most ideal. Neeley expressed concern about the Library losing resources. He asked if the measure passes, can the City hold off on constructing the South End Station until there are resources to man it. He noted the need for utilities with the result being that more money would be driven into the budget of the Fire Department with it coming from someplace.

Lynch advised that over the past five years, growth in the General Fund has not gone to the Fire Department with the Library being one of the largest growth areas in the General Fund. It is not that the Commission or City has ignored the Library, it is time for us to focus on the needs of the Fire Department. Neeley acknowledged that the Recreation budget has been growing but 85 percent of our tax revenues go into public safety.

Fowler noted facing challenges in the building of new stations. The challenge has been extended to the Chief to become creative, possibly through intergovernmental agreements. A future serial levy is not the choice at this time because it would be broad based. Fowler asked with or without the station in the McLoughlin area, what would be an acceptable disposition of that Fire Station, i.e., will it remain, will it be remodeled, what is the end use of the building, does the building dovetail with Urban Renewal since it is in the district.

Lynch advocated for Resolution No. 97-43 which was the more expensive. He felt the redevelopment of the existing station could and should be the cornerstone for the redevelopment of that corridor. He felt selecting the other option without a re-use of the existing building would not set well with the public, and, he felt the location was one of the best locations for a fire station.

Neeley questioned the \$1.2 million to build a new station versus \$1.7 to refurbish the old and asked if that included the cost of land and asked what that cost was. Davis responded anticipating \$100,000 for the purchase of land with that cost not included in the refurbish costs.

Powell expressed being in support of Resolution No. 97-43. He believed the location of Station 204 could be the keystone to the entire development area and preferred using Urban Renewal monies to enhance that area. Allick requested clarification of using Urban Renewal monies and if the ballot measure did not pass, would there be a vote on Urban Renewal monies to refurbish the station. The response was this was an option. The City Attorney responded that under the amendments by the last Legislature there were real questions over the use of Urban Renewal money and whether this can be done. This use is not in the current Plan with that having to be amended and amending the Plan triggers a series of new requirements and limitations.

The City Attorney advised that whatever resolution is adopted, all numbers have to be changed, i.e., Resolution No. 97-43 the Preamble needs to read \$4.7 million; the third Whereas needs to read \$4.7 million, Section 1 needs to read \$4.7 million, Section 6 needs to read \$4.7 million, and Exhibit A needs to read \$4.7 million. Resolution No. 97-42 needs to read \$4.2 million in the same spaces. Fowler felt it appropriate to do the right thing even though it may cost more.

John Williams, 1176 Sunny Lane, Chair of the South End Neighborhood Association, advised of not having a general meeting since this proposal was known, he could not speak for the Association, but for himself.

only. He felt there would be support for the measure because of the need for a station. He had the same reservations as Allick regarding the 50 percent. He supported preservation of the present fire hall.

Bill Daniels, 524 High Street, President of the McLoughlin Neighborhood Association, expressed concern about the fire station moving and felt it important to identify a first priority site to alleviate fears. He requested a copy of the Strategic Plan. He felt there was community support when there is a decision as to the old building. Neeley reminded that Lynch expressed support for the Resolution that called for renovation of the old fire station and not relocation.

Denyse McGriff, Vice-President of McLoughlin Neighborhood Association, advised that the Steering Committee has been meeting since last September. He recommended that someone from the Association be invited to meetings because this is critical to the Association. She requested a copy of the Plan. The Association wants to be involved. She noted that the building is the "Old City Hall" which is a designated historic landmark. She was interested in a copy of the study that was done.

Rick McClung, Public Works Director, reminded of a group that inquired about the building being used as a living arts building and re-opening the theater on the second floor.

Neeley asked about acquisition of land for a future fire station and did not agree with the site mentioned in the Strategic Plan; it was outside the Urban Growth Boundary.

Fowler asked about the use of funds to achieve the same results but not as listed and asked if there is the flexibility of either rebuilding or remodeling. James Shannon, Bond Counsel, Portland, responded that the way it is drafted, that would not be an option. The ballot title could be redrafted.

The Manager advised that all expenditures would be brought back to the Commission for decision.

It was moved by Lynch, second by Powell, to adopt Resolution No. 97-43 as corrected.

Roll call: Allick, Aye; Lynch, Aye; Powell, Aye; Neeley, Aye; Fowler, Aye.

No action was taken on Resolution No. 97-42.

Lynch reminded that of the three members present on June 4, 1997, the motion was to accept the Plan and not adopt it. He noted that the Fire Department does not have a comprehensive guiding document; the capital needs is one element of the Plan. Other elements of the Strategic Plan require discussion with major policy issues identified. Chief Davis was willing to schedule a work session to review concerns. Consensus was for a work session.

#### RESOLUTION NO. 97-43

A RESOLUTION CALLING A SPECIAL ELECTION AND ADOPTING A BALLOT TITLE TO SUBMIT TO THE ELECTORS OF THE CITY THE QUESTION OF CONTRACTING A GENERAL OBLIGATION BONDED INDEBTEDNESS IN AN AMOUNT NOT TO EXCEED \$4.7 MILLION AND EVIDENCING THE CITY'S OFFICIAL INTENT TO REIMBURSE CAPITAL EXPENDITURES.

WHEREAS, the City Commission of the City of Oregon City, Oregon (the "City") has determined that there is a need to make improvements and additions to the fire fighting facilities, vehicles and equipment of the City as described on the Notice of Measure Election attached hereto (the "Projects"), and

WHEREAS, Oregon Revised Statutes 287.004 and Section 47 of the City's Charter authorizes the City to issue general obligation bonds, if approved by the City's electors; and

WHEREAS, the cost of such Projects is estimated to be not less than \$4.7 million, including the cost of issuance of bonds issued to finance the Projects, and



WHEREAS, the City intends to call a special election to seek voter approval to issue general obligation bonds to finance the Projects; and

WHEREAS, the City intends to reimburse itself for capital expenditures related to the Projects with the proceeds of the general obligation bonds; and

WHEREAS, United States Treasury Regulation Section 1.150-2 sets forth certain requirements that must be complied with in order for the reimbursement with proceeds of bonds to qualify as an expenditure of bond proceeds.

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

1. That a special election is hereby called for the purpose of submitting to the electors of the City the question of contracting a general obligation bonded indebtedness in an amount not to exceed \$4.7 million to finance the Projects. The general obligation bonds shall mature over a period of not more than 20 years.
2. That the election hereby called shall be held on the 4th day of November, 1997.
3. That the City directs that there shall be delivered to the elections officer of Clackamas County, Oregon not later than the 61st day before the date of the election a Notice of Measure Election in substantially the form attached hereto as Exhibit A, with such changes consistent with the provisions of this resolution as approved by the Mayor, the City Manager, the City Attorney and Bond Counsel.
4. That the precinct and polling places, the judges and clerks thereof and the determination of whether said City election shall be a vote by mail election shall be as designated by the Clackamas County Clerk, who shall conduct the election in accordance with the laws of the State of Oregon.
5. That if the bonds are approved by the voters, the City shall levy annually, as provided by law, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, without limitation, to pay the principal of and interest on the Bonds promptly as they become due and payable. Pursuant to ORS 310.145, the City hereby classifies the tax levy described in this section to be taxes imposed to pay the principal and interest on exempt bonded indebtedness and such taxes are not subject to the limits of section 11b, Article XI of the Oregon Constitution.
6. That it is the reasonable official intent of the City to reimburse itself for the capital expenditures associated with the Projects with the proceeds of such bonds in the principal amount not to exceed \$4.7 million. This declaration of official intent is given pursuant to United States Treasury Regulations Section 1.150-2.
7. The City Recorder is hereby directed to post notices of said election at a conspicuous place in the City Hall and in one public place in each voting precinct of the City and to cause notice of said election to be published in The Oregonian, a newspaper of general circulation in the City. All of such notices shall be posted and published at least ten days prior to the date of said election in accordance with the Oregon City Charter of 1982.

Adopted, signed and approved this 20th day of August, 1997

/s/ Daniel W. Fowler  
Mayor

/s/ Timothy J. Powell  
Commissioner

/s/ Edward Allick  
Commissioner

/s/ Doug Neeley  
Commissioner

/s/ Jack Lynch  
Commissioner

Comprising the City Commission  
of Oregon City, Oregon



## EXHIBIT A

## NOTICE OF MEASURE ELECTION

## CITY OF OREGON CITY, OREGON

Notice is hereby given that on Tuesday, November 4, 1997, an election will be held in the City of Oregon City, Oregon. The election will be conducted by mail. The following shall be the ballot title for the measure submitted to the electors thereof:

**CAPTION:** City of Oregon City, Oregon General Obligation Bond Authorization

**QUESTION:** Shall the City issue general obligation bonds not exceeding \$4.7 million to make improvements to its firefighting facilities, vehicles and equipment? If the bonds are approved, they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

**SUMMARY:** This measure may be passed only at an election with at least a 50 percent turnout. Bond proceeds will be used to:

- (1) construct, equip, furnish, and acquire land for, a new South End Station;
- (2) remodel, equip and furnish Stations 203 and 204;
- (3) acquire firefighting vehicles and equipment; and
- (4) acquire land for a future fire station.

The bonds will mature over a period not exceeding 20 years from issuance date and may be issued in one or more series.

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Commission Report No. 97-116, Clackamas Cable Access Intergovernmental Cooperation Agreement Between the Cities of Gladstone, Oregon City and West Linn - Resolution No. 97-39, was presented by the Manager. The report noted that at its May 7, 1997 meeting, the City Commission adopted Resolution No. 97-20 which contained a Clackamas Cable Access Intergovernmental Cooperation Agreement between the cities of West Linn and Oregon City. The motion to adopt Resolution No. 97-20 provided for the agreement to sunset on June 30, 1997 because there were changes needed to improve the agreement.

On the August 20, 1997 agenda was proposed Resolution No. 97-39 which contained a new Clackamas Cable Access Intergovernmental Cooperation Agreement between the cities of Gladstone, Oregon City and West Linn.

Changes to the agreement are as follows:

- 1. Section 9 - Executive Committee. This is a new section to clarify the membership and duties of the executive committee.
- 2. Section 16 - Duration of Agreement and Termination. Formerly Section 14 - unchanged.
- 3. Section 17 - Support Services. Formerly Section 15. Added is a requirement that this effort be undertaken in accordance with all applicable laws, and that the terms thereof be reduced to writing.