

MILWAUKIE
CITY COUNCIL MEETING
March 16, 1982

COUNCIL CHAMBERS

1404th Meeting

6:15- Interviews - Planning Commission

Council received a request from Paul Roeger, Office Engineer, to delay appointment to the Traffic Safety Commission until additional applications are received.

Mayor Burgess announced that Wallace Bischoff would be detained until 7:30 p.m. The following councilors interviewed applicants for the Planning Commission:

Mel Paulson	Donald Graf
Mayor Joy Burgess	Roger Hall

Also present:

Laurie Perkin, Secretary

The following applicants were interviewed:

Marvin Cohen, 4629 SE Rockwood, Milwaukie
James E. McDonald, 3902 SE Wake, Milwaukie
John Littlehales, 12435 SE 43rd, Milwaukie

Under consideration also: Alfred Liane, 4809 SE Monroe, Milwaukie

The one thousand four hundred and fourth meeting of the City Council of the City of Milwaukie, Oregon was held at 7 p.m. on March 16, 1982 with the following councilors present:

Mel Paulson	Donald Graf
Mayor Joy Burgess	Roger Hall
Wallace Bischoff(arrived at 7:15)	

Also present:

Richard D. Bailey, City Manager Pro Tem
Greg Eades, City Attorney
Topaz Faulkner, Planning Director
Laurie Perkin, Secretary

The invocation was given by Mayor Burgess and the pledge of allegiance was recited.

Mayor Burgess announced that consideration of ordinances would be delayed until the arrival of Bischoff.

PUBLIC HEARING- 82-83 Budget

The Public Hearing was declared open at 7:05 p.m.

Gordon Erickson, Finance Director stated the purpose of the public hearing was to meet state requirements to provide public citizen input to the city council prior to adopting a tax levy resolution. He asked for comments on the following items: city budget, use of state revenue sharing funds, and use of federal revenue sharing funds.

Bill Hupp, 2626 SE Washington, asked if all monies allocated were included in the present proposed budget and made the suggestion that some funds be allocated for the equipping of the new rescue vehicle. Erickson said that all funds were included in the budget. Bailey said that the rescue vehicle was being equipped and would be operable in two to three weeks. The funds used for this purpose would be repaid to the general fund as donations came in.

There were no further questions and there was no written correspondence.

The public hearing was declared closed at 7:10 p.m.

Payment of Bills

It was MOVED by Graf, SECONDED by Paulson that the bills listed for March 16, 1982 be approved for payment. MOTION CARRIED unanimously. Bill Hupp suggested that Council state what the bills are for when discussing them.

Bischoff arrived at 7:15

PUBLIC HEARING-ANNEXATION, PLAN MAP AMENDMENT, ZONE CHANGE-
SE HARRISON ST. RESOLUTION 6-1982, ORDINANCE 1518 and ORDINANCE
1519.

The public hearing was declared open at 7:20 p.m.

No conflict of interest was declared and no written communication was received. Topaz Faulkner, Community Services Director, referred to the seven findings of the Planning Commission in memo dated February 10, 1982.

Ginny Snodgrass, Applicant, 9203 SW Cree Circle spoke on behalf of client, declaring that the area needed to be identified as either city or county and answered questions from Council.

No one spoke in opposition to the annexation.

The public hearing was declared closed at 7:25 p.m.

It was MOVED by Graf, SECONDED by Paulson to adopt Resolution 6-1982 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE A-82-2) MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Paulson, that Ordinance No. 1518 be read the first time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Paulson that the ordinance be read the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Paulson, to adopt Ordinance 1518 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON PROVIDING FOR THE RECLASSIFICATION OF CERTAIN PROPERTY IN THE CITY FROM CLACKAMAS COUNTY LOW-DENSITY TO CITY LOW-DENSITY RESIDENTIAL AND AMENDING ORDINANCE NUMBER 1437 (COMPREHENSIVE PLAN) AND THE COMPREHENSIVE PLAN MAP ACCORDINGLY. A-82-2) MOTION CARRIED with the following roll call vote: AYES: Paulson, Bischoff, Burgess, Graf, Hall. NOES: none. Ordinance 1518 passed the Council and was so declared by the Mayor.

It was MOVED by Graf, SECONDED by Hall, to read Ordinance 1519 the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Graf to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Paulson, to adopt Ordinance 1519 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REZONING CERTAIN PROPERTY IN THE CITY FROM CLACKAMAS COUNTY R-10 TO CITY R-7, AND AMENDING ORDINANCE NUMBER 1438.) MOTION CARRIED with the following roll call vote: AYES: Paulson, Bischoff, Burgess, Graf, Hall. Ordinance No. 1519 passed the Council and was so declared by the Mayor.

Presentation by Financial Consultant-Ordinance 1520 authorizing issuance of sale of general obligation improvement bonds.
Rebecca Marshall, Assistant Vice President, First Interstate Bank of Oregon has been retained by city as a consultant on the forthcoming bond sale. She made a presentation on the selling of bonds, explained the terminology and concepts, types of bonds, and process used in selling bonds. There was discussion on interest rates and market prospective. It was recommended that the bonds have a maximum interest rate not to exceed a net effective rate of fourteen percent per annum. Bids will be received until April 20, 1982 at 11 a.m. and shall be acted upon by Council at a special meeting on April 20, 1982 at 12:00 noon. It was MOVED by Graf, SECONDED by Bischoff to read Ordinance 1520 the first time by title only. MOTION CARRIED unanimously. It was MOVED by Paulson, SECONDED by Bischoff to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Hall, to adopt Ordinance 1520 (AN ORDINANCE OF THE CITY OF MILWAUKIE AUTHORIZING ISSUANCE OF GENERAL OBLIGATION IMPROVEMENT BONDS AND DECLARING AN EMERGENCY) MOTION CARRIED with the following roll call vote: AYES: Paulson, Bischoff, Burgess, Graf, Hall. NOES: none

RESOLUTION 7-1982 calling an election on the 82-83 operating tax levy.

It was MOVED by Paulson, SECONDED by Hall to adopt Resolution 7-1982 (A RESOLUTION OF THE CITY OF MILWAUKIE CALLING AN ELECTION ON THE 1982-83 OPERATING TAX LEVY) MOTION CARRIED unanimously.

Request for agreement between Wichita Water District and City of Milwaukie.

Public Works Director has prepared memo dated March 12, 1982 requesting that the Public Works Department of the City be allowed to negotiate a potential contract with Wichita Water District for the assumption of maintenance and operation of the district. The agreement will either involve a partial assumption of the district located in the city or of the total district within given periods of time. Staff will return to council with a proposed contract by the first or second meeting in April.

It was MOVED by Graf, SECONDED by Bischoff to authorize staff to work out an acceptable agreement with Wichita Water District. MOTION CARRIED unanimously.

Appointment to Planning Commission

It was MOVED by Burgess, SECONDED by Paulson to appoint Alfred Liane to the Planning Commission. MOTION CARRIED with the following roll call vote: AYES: Paulson, Burgess, Graf, Hall. ABSTAIN: Bischoff.

It was MOVED by Hall, SECONDED by Bischoff to appoint John Littlehales to the Planning Commission. MOTION CARRIED with the following roll call vote: AYES: Paulson, Burgess, Hall, Graf. ABSTAIN: Bischoff.

Alfred Liane and John Littlehales were appointed to the Planning Commission.

CONSENT AGENDA

Approval of Minutes- February 23,26- March 2, 1982

Liquor license renewals:

The Little Store

Plaid Pantry Market No. 79

Riverside Saloon

Ballot Measure # 4 - Increased Gas tax

Public Works Director has prepared a memo dated March 4, 1982 requesting support of Ballot Measure # 4 which will implement a 3 year program of increasing the state gas tax at a rate of 1¢ per gallon per year. This will provide additional revenues for street repair.

It was MOVED by Paulson, SECONDED by Bischoff, to approve the consent agenda. MOTION CARRIED unanimously.

INFORMATIONPlanning Commission Attendance

Topaz Faulkner, Community Services Director, said that the average attendance of the Planning Commission is 75%. The members unable to be present have always called in prior to the meeting. They are all aware of the necessity for attendance and will continue to make every effort to be available.

Jones v. Milwaukie re Transit Center location

Paulson asked if Floyd Jones appeal before the Land Use Board of Appeals is upheld, would Tri-Met automatically revert to the original site. Staff was directed to contact Tri-Met, informing them that before another site is chosen, they must come before Council again.

Comprehensive Plan Map Amendments

Topaz Faulkner provided information regarding proposed comprehensive plan amendments and proposed zoning ordinance amendments. The present zoning does not match the Comprehensive Plan and some areas that are shown as high density on the plan map are low density. There was general discussion on reasons for changes. Faulkner answered questions from Council regarding low density-high density. There will be a public hearing on this possibly on the 20th of April.

OTHER BUSINESS

Topaz Faulkner requested Council to set up a work session on economic development. She provided definitions and descriptions of terms used in the field of economic development. The meeting was set for Thursday, March 25 at 6:30 p.m.

The meeting was adjourned at 9:07 p.m.

ATTEST:

Laurie Perkin, Secretary

Joy Burgess, Mayor

MILWAUKIE
CITY COUNCIL AGENDA
March 16, 1982
7p.m.

COUNCIL CHAMBERS

1404th Meeting

6:15 - Interviews for Planning Commission and Traffic
Safety Commission

I CALL TO ORDER

- a) Call to order
- b) Invocation
- c) Pledge of allegiance

II AUDIENCE PARTICIPATION

III PUBLIC HEARINGS

- a) 82-83 Budget
- b) Use of State Revenue Sharing Funds
- c) Use of Federal Revenue Sharing Funds
- d) Annexation, Plan Map Amendment, Zone change
SE Harrison St. Resolution 6-1982
Ordinance 1518 and Ordinance 1519

IV LEGISLATION

- Payment of bills
- a) Presentation by Financial Consultant on pending
bond sale
- b) Ordinance 1520 authorizing issuance of
sale of general obligation improvement bonds
- c) Resolution 7-1982 calling an election on the
82-83 operating tax levy
- d) Request for agreement between Wichita Water District
and Milwaukie
- e) Appointment to Planning Commission and Traffic
Safety Commission

V CONSENT AGENDA

- a) Approval of minutes - February 23 and 26, 1982
March 2, 1982
- b) Liquor License renewals
 - 1. The Little Store
 - 2. Plaid Pantry Market No. 79
 - 3. Riverside Saloon
- c) Ballot Measure # 4- Increased gas tax

VI INFORMATION

- a) Letter from Bob Wynia re Cable T.V.
- b) Letter from L. Kay Kingsley re Jones v. Milwaukie
- c) Memo from P.W. Director re bridge replacement
funds - SE 17th/Johnson Creek
- d) Memo to SCAC and Center Ad. Board re meetings
at Milwaukie Center
- e) Report on Planning Commission attendance

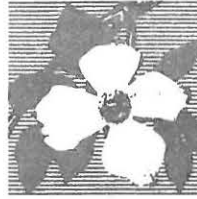
INFORMATION - continued

- f) Application for liquor license-Kellogg Enterprises
- g) Employment agreement- City Manager
- h) Memo from Robert Heard re Union/Grand Viaduct
- i) Discussion of Comprehensive Plan amendments
- j) Federal Revenue Sharing Hearing- Minutes-March 11,1982
- k) Memo from P.W. Director re McLoughlin Blvd. Northern Corridor Project
- l) SCAC minutes - February 12, 1982
- m) Letter from Gary DiCenzo re meetings at Center

OTHER BUSINESS

Schedule work session on economic development

ADJOURNMENT



III
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MEMORANDUM

TO: CITY COUNCIL

FROM: PLANNING DEPARTMENT

RE: A-82-2; PRC-82-2, ZC-82-2 - Ginni Snodgrass
Location: 5718, 5760, 5761 S.E. Harrison Street

DATE: FEBRUARY 10, 1982

At the meeting held February 9, 1982, the Milwaukie Planning Commission approved petition for annexation, initiated Comprehensive Plan Map Amendment from County to City Low-Density, and Zone Change from County R-10 to City R-7 of the property located east of intersection of Stanley Avenue and Harrison Street, (5718, 5760, 5761 S.E. Harrison Street), Tax Lots 3700, 5500, and 5600. The Planning Commission action was support by the following:

FINDINGS:

1. The proposed annexation would comply with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policy 2.A, Page 38.
 - B. OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
 - C. OBJECTIVE #4 - Dual Interest Area Plan Compatibility, Policy 1, Page 88.
 - D. OBJECTIVE #6 - Annexation, Policy 1, Page 90.
2. Would match the Low-Density Land Use Designation.
3. Annexing the parcel could reduce irregularity of the City Boundary and would fill in the unincorporated area north and south of Harrison, east of Stanley Avenue.
4. The annexation will not adversely effect health, safety and welfare of the community.
5. The annexation would satisfy public need for additional housing.
6. The City R-7 Zoning would match present zoning of adjacent City properties.

III D (2)

MEMORANDUM TO CITY COUNCIL
FEBRUARY 10, 1982 - A-82-2; PRC-82-2; ZC-82-2
PAGE 2

FINDINGS: (Continued)

7. The annexation complies with the Dual Interest Area Agreement.

ATTACHMENTS:

STAFF REPORT, February 9, 1982
Annexation Resolution
Comprehensive Plan and Zone Change Ordinances

III
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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE. A-82-2

WHEREAS, a request has been made for annexation to the territory described below, and

WHEREAS, annexation of the territory to the City has been initiated by landowner's statement of consent, in accordance with ORS 222.170, and would therefore constitute a so-called "triple majority" annexation under ORS 222.170 and a "minor boundary change" under the Boundary Commission Law, ORS 199.410 to 199.510, and

WHEREAS, the part of the territory that lies in the Clackamas County Rural Fire Protection District No. 1 would be operation of ORS 199.510 (2) be automatically withdrawn from that district immediately upon consummation of the annexation;

NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Milwaukie that the Council approves annexation of the following described property and requests the Boundary Commission to approve it and effect it as soon as possible;

IN THE COUNTY OF CLACKAMAS, STATE OF OREGON TO WIT:

Lot 4, Block 2, ELDORA ADDITION 534, the North one hundred (100) feet, Lot 11, Block 1, ELDORA ADDITION 534, the East seventy-eight (78) feet, Lot 10, Block 1, ELDORA ADDITION 534; ALSO INCLUDED:

A part of southeast Harrison Street, described as follows: Beginning at the southeast corner of Lot 4, Block 2, ELDORA ADDITION 534, which is the true point of beginning; thence southeasterly forty-five (45) feet, more or less, to the northeast corner of Lot 11, Block 1, ELDORA ADDITION 534; thence west one hundred seventy-eight (178) feet to a point; thence northeasterly sixty-five (65) feet, more or less, to the southwest corner of Lot 4, Block 2, ELDORA ADDITION 534; thence east one hundred twenty (120) feet to the true point of beginning.

BE IT FURTHER RESOLVED that the City Recorder is directed to file certified copies of the statements of consent and of this Resolution with Portland Metropolitan Area Local Government Boundary Commission at once.

Introduced and adopted by the City Council on _____, 1982.

ATTEST:

Lori Perkin, City Recorder

Joy Burgess, Mayor

Approved as to form:

III
D(4)

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON PROVIDING FOR THE RECLASSIFICATION OF CERTAIN PROPERTY IN THE CITY FROM CLACKAMAS COUNTY LOW-DENSITY TO CITY LOW-DENSITY RESIDENTIAL AND AMENDING ORDINANCE NUMBER 1437 (COMPREHENSIVE PLAN) AND THE COMPREHENSIVE PLAN MAP ACCORDINGLY . A-82-2

WHEREAS, the City Council adopts the recommendation of the Planning Commission to amend the City's Comprehensive Plan by changing certain property classification from Clackamas County Low-Density to City Low-Density Residential.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Property contained within the boundaries of the following legal description is changed from Clackamas County Low-Density to City Low-Density Residential:

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON TO WIT:

Lot 4, Block 2, ELDORA ADDITION 534, the North one hundred (100) feet, Lot 11, Block 1, ELDORA ADDITION 534, the East seventy-eight (78) feet, Lot 10, Block 1, ELDORA ADDITION 534; ALSO INCLUDED:

A part of southeast Harrison Street, described as follows: Beginning at the southeast corner of Lot 4, Block 2, ELDORA ADDITION 534, which is the true point of beginning thence southeasterly forty-five (45) feet, more or less, to the northeast corner of Lot 11, Block 1, ELDORA ADDITION 534; thence west one hundred seventy-eight (178) feet to a point; thence northeasterly sixty-five (65) feet, more or less, to the southwest corner of Lot 4, Block 2, ELDORA ADDITION 534; thence east one hundred twenty (120) feet to the true point of beginning.

Section 2. The Comprehensive Plan and Plan Map of the City of Milwaukie is hereby amended to reflect the change recommended by the Planning Commission, in Section 1.

Read the first time on _____, 1982 and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1982.

Signed by the Mayor on _____, 1982.

ATTEST:

Lori Perkin, City Recorder

Joy Burgess, Mayor

Approved as to form:

Greg Eades, City Attorney

ORDINANCE NUMBER 1519

III D (5)

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REZONING CERTAIN PROPERTY IN THE CITY FROM CLACKAMAS COUNTY R-10 TO CITY R-7, AND AMENDING ORDINANCE NUMBER 1438.

WHEREAS, the City Council adopts the recommendation of the Planning Commission, after proceedings initiated by it pursuant to Article 9 of Ordinance Number 1438, regarding this property.

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The following property is rezoned from County R-10 to City R-7:

IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON TO WIT:

Lot 4, Block 2, ELDORA ADDITION 534, the North one hundred (100) feet, Lot 11, Block 1, ELDORA ADDITION 534, the East seventy-eight (78) feet, Lot 10, Block 1, ELDORA ADDITION 534, ALSO INCLUDED:

A part of southeast Harrison Street, described as follows: Beginning at the southeast corner of Lot 4, Block 2, ELDORA ADDITION 534, which is the true point of beginning; thence southeasterly forty-five (45) feet, more or less, to the northeast corner of Lot 11, Block 1, ELDORA ADDITION 534; thence west one hundred seventy-eight (178) feet to a point; thence northeasterly sixty-five (65) feet, more or less, to the southwest corner of Lot 4, Block 2, ELDORA ADDITION 534; thence east one hundred twenty (120) feet to the true point of beginning.

Section 2. The Zoning Map, a part of Ordinance Number 1483, is amended to include this zone change.

Read the first time on _____, 1982 and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1982.

Signed by the Mayor on _____, 1982.

ATTEST:

Lori Perkin, City Recorder

Joy Burgess, Mayor

Approved as to form:

Greg Eades, City Attorney

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ANNEXATION
CITY OF MILWAUKIE
Legal Description
(Exhibit "A")

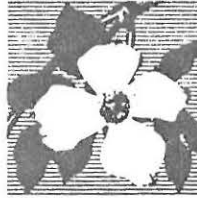
IN THE COUNTY OF CLACKAMAS, STATE OF OREGON TO WIT:

Lot 4, Block 2, ELDORA ADDITION 534, the North one hundred (100) feet, Lot 11, Block 1, ELDORA ADDITION 534, the east seventy-eight (78) feet, Lot 10, Block 1, ELDORA ADDITION 534; ALSO INCLUDED:

A part of Southeast Harrison Street, described as follows:

Beginning at the southeast corner of Lot 4, Block 2, ELDORA ADDITION 534, which is the true point of beginning; thence southeasterly forty-five (45) feet, more or less, to the northeast corner of Lot 11, Block 1, ELDORA ADDITION 534; thence west one hundred seventy-eight (178) feet to a point; thence northeasterly sixty-five (65) feet, more or less, to the southwest corner of Lot 4, Block 2, ELDORA ADDITION 534; thence east one hundred twenty (120) feet to the true point of beginning.

CITY OF MILWAUKIE



III D7
PLANNING DEPARTMENT
in the City Hall • phone 659-5171

February 10, 1982

Ginni Snodgrass
P.O. Box 103
Tualatin, Oregon 97062

Dear Ms. Snodgrass:

RE: A-82-2; PRC-82-2; ZC-82-2

At the meeting held February 9, 1982, the Milwaukie Planning Commission voted to approve your petition for annexation of property at 5718, 5760, 5761 S.E. Harrison Street, (Tax Lots 3700, 5500, and 5600), to the City of Milwaukie. Your request will be referred to the City Council in Resolution form for their approval.

A zone change will be initiated on this property from Clackamas County R-10 Zone to Milwaukie R-7; Comprehensive Plan Map Amendment from County to City Low-Density, to take place if and when the property is annexed to the City.

If you have any questions, please contact the Planning Department.

Sincerely,

MILWAUKIE PLANNING COMMISSION

A handwritten signature in cursive script, appearing to read "Carol Lee".

Carol Lee
Secretary

CC: City Recorder

I.L.D. (8)

CITY OF MILWAUKIE PLANNING DEPT. STAFF REPORT

DATE: FEBRUARY 9, 1982

FILE NO: A-82-2

APPLICATION	• ANNEXATION, PLAN MAP AMENDMENT,	PRC-82-2
APPLICANT	• ZONE CHANGE	ZC-82-2
PROPERTY OWNER	• GINNI SNODGRASS	
LOCATION	• CHRISTOPHERSON, CORSETTI, LEITZ	
	• 5718, 5761, 5760 S.E. Harrison Street, east of	
	• intersection of Stanley Avenue and Harrison Street	
	(Tax Lots 3700, 5500,5600)	

PROPOSAL:

1. Request to consider petition from Fred and Mary Leitz, Ruth Christopherson and Anna Corsetti for annexation of property at 5718, 5761 and 5760 S.E. Harrison Street, east of the intersection of Stanley Avenue and Harrison Street.
2. Request to consider Comprehensive Plan Map Amendment from County Low-Density Residential to City Low-Density Residential
3. Request to consider Zone Change from County R-10, Residential to City R-7, Residential.

The Applicants seek to annex for City services and R-7, Residential Zoning. The parcel north of Harrison Street will be partitioned, in the future, into two lots, one with flag-lot access along the west property line, with the intent to build a single-family detached dwelling. A Minor Land Partition application and site plan will be prepared in compliance with applicable City Zoning and Subdivision regulations if the annexation is approved.

SURROUNDING ZONING AND LAND USE: (See Land Use Map and Exhibit #1)

PRESENT ZONING: County R-10 Zoning.

NORTHWEST: City R-7, Residential, single-family residence then duplex

NORTH: County R-10, Residential, single-family residence on long parcel

NORTHEAST: CITY R-7, single-family residence

EAST: City R-7, single-family residence

SOUTH: City R-7, Harrison Street then single-family residences.

WEST: City R-7

POPULATION: four

SITE CONDITIONS:

The three tax lots are occupied by single-family residences.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
STAFF REPORT - GINNI SNODGRASS A-82-2; PRC-82-2; ZC-82-2
PUBLIC HEARING - FEBRUARY 9, 1982

III D 9

ACCESS:

Access is from Harrison Street via Stanley Avenue. Harrison Street has oil and rock paving and no curbs, sidewalks or sewers.

VEGETATION:

There is a variety of trees, grass and shrubs on the parcels. A site obscuring hedge extends the length of the west property line of the parcel, north of Harrison Street.

PUBLIC SERVICE:

FIRE:

Clackamas County Fire District No. 1 serves the parcel. The area will be withdrawn upon annexation. The Mutual Aid Agreement between the City and Fire District will be maintained.

SEWER AND WATER:

The parcels are served by a 6" water line from the Wichita Water District and City of Milwaukie sewer service. The parcels will not be withdrawn from the Wichita Water District.

POLICE:

The Milwaukie Police Department patrols and responds to requests for assistance from the County Sheriff's Department in areas adjacent to the City.

SCHOOLS:

The property will remain in the North Clackamas School District #12.

CITY ZONING DESIGNATION:

Section 2.06 - Zoning of Annexed Areas:

Areas annexed to the City shall be included within the boundaries of zones established in this Ordinance. The Planning Commission shall recommend to the City Council, which shall adopt by appropriate zoning the following:

Areas already zoned before annexation shall be in the City Zone most clearly approximating the zoning in effect prior to annexation or the zone indicated by the adopted Comprehensive Plan of the City.

The site is zoned Clackamas County R-10 and adjacent areas within the City (surrounded on three sides) are zoned R-7, Residential. City R-7 Zoning would match the Low-Density Designation and adjacent areas with the City.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
STAFF REPORT - GINNI SNODGRASS A-82-2; PRC-82-2; ZC-82-2
PUBLIC HEARING - FEBRUARY 9, 1982

III D (10)

CITY AND COUNTY COMPREHENSIVE PLANS:

Adjacent areas within the City are designated Low-Density Residential. The Comprehensive Plan designates the site as Low-Density Residential.

DUAL INTEREST AREA AGREEMENT WITH CLACKAMAS COUNTY:

The parcel is within the City's Dual Interest Area. Our agreement states that the Low-Density Residential Designation will be maintained by the City after annexation until a need for change is shown at a Public Hearing.

RELEVANT ELEMENTS FROM THE CITY COMPREHENSIVE PLAN:

OBJECTIVE #2 - Residential Land Use: Density, Policy #2.A, Page 28.
The predominant housing type will be single-family detached.

OBJECTIVE #4 - Neighborhood Conservation, Policy #5, Page 31.
Within Low-Density areas, new projects will maintain a single-family building bulk, scale and height when abutting existing single-family areas, or when abutting a street where existing single-family houses face the project.

OBJECTIVE #4 - Dual Interest Area Plan Compatibility, Policy 1, Page 88.
The City will participate with the County during the Plan Amendment process to establish land use designation compatibility within the Dual Interest Area. The process for this coordination is established in the Dual Interest Area Agreement.

The Agreement establishing Comprehensive Plan compatibility has been approved by Milwaukie and Clackamas County.

OBJECTIVE #6 - Annexation, Policy 1, Page 90.
In the short-term, the primary aim of annexation will be to straighten and rationalize the City's irregular boundaries.

EFFECTS ON CITY BOUNDARIES:

The annexed parcels would fill in the gap of unincorporated areas north and south of Harrison Street, east of Stanley Avenue and reduce the irregular boundary.

PROPOSED USE:

The Applicant intends to Minor Land Partition the parcel north of Harrison Street (5761 S.E. Harrison) into two parcels, and place a single-family detached dwelling on the new flag-lot, shaped parcel.

The annexation would not adversely effect the health, welfare and safety of the community. The annexation would comply with Section 2.06 of the Zoning Ordinance and the following elements of the Comprehensive Plan:

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- OBJECTIVE #2 - Residential Land Use: Density, Policy 2.a, Page 28.
- OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
- OBJECTIVE #4 - Dual Interest Area Plan Compatibility, Policy 1, Page 88.
- OBJECTIVE #6 - Annexation, Policy #1, Page 90.

STAFF RECOMMENDATION:

1. Approve petition for annexation of Tax Lots 3700, 5500, 5600 (5718, 5761, and 5760 S.E. Harrison Street) east of intersection of Stanley Avenue and Harrison Street and forward petition to the City Council for action.
2. Initiate Comprehensive Plan Map Amendment from County Low-Density Residential to City Low-Density Residential and forward to the City Council for action.
3. Initiate Zone Change from Clackamas County R-10 to Milwaukie R-7, Residential, forward to the City Council for action to take place if and when the property is annexed to the City of Milwaukie.

PROPOSED FINDINGS:

1. The proposed annexation would comply with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policy 2.A., Page 28.
 - B. OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
 - C. OBJECTIVE #4 - Dual Interest Area Plan Compatibility, Policy 1, Page 88.
 - D. OBJECTIVE #6 - Annexation, Policy 1, Page 90.
2. Would match the Low-Density Land Use Designation.
3. Annexing the parcel would reduce irregularity of the City Boundary and would fill in the unincorporated area north and south of Harrison east of Stanley Avenue.
4. The annexation will not adversely effect health, safety and welfare of the community.
5. The annexation would satisfy public need for additional housing.
6. The City R-7 Zoning would match present zoning of adjacent City properties.
7. The annexation complies with the Dual Interest Area Agreement.

Attachments:

Land Use Map
Assessor's Map - Exhibit #1

SEE MAP I 2E 31AB

SEE MAP I 2E

AVENUE

12-30

3200
0.34 AC.

3300
0.14 AC.

12-02

12

EXHIBIT #	1
DATE	1/26/22
SUBMITTED BY	Jan Sker
RECEIVED	JS



COUNTY

12-10

COUNTY

(SHERIDAN) TO

BE ANNEXED

AREA TO BE ANNEXED

HARRISON (LAUREL AVE.) STREET

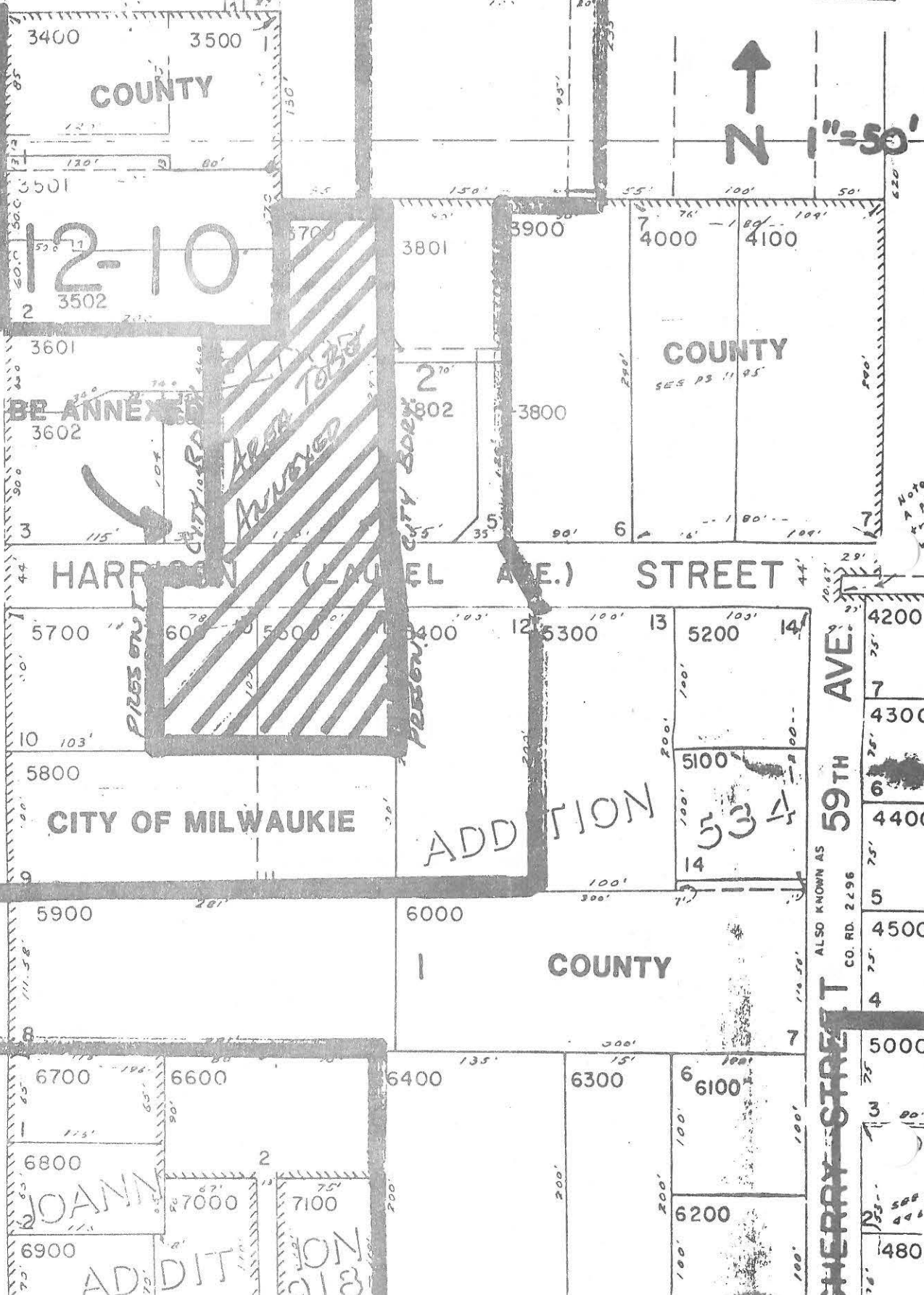
CITY OF MILWAUKIE

ADDITION

COUNTY

STANLEY

59TH AVE.
ALSO KNOWN AS
CO. RD. 2496
CHERRY STREET



III D (14)

CITY OF MILWAUKIE

MINUTES OF PLANNING COMMISSION

REGULAR MEETING

FEBRUARY 9, 1982

MEMBERS PRESENT:

DON TROTTER
TOM BOND
JIM LOTZ
BOB GUDGEL
REBECCA SWEETLAND

STAFF PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
JON STEIN, ASSOCIATE PLANNER
STEVE HALL, PUBLIC WORKS DIRECTOR
CAROL LEE, SECRETARY

ABSENT:

GEORGE CATHEY
PATRICIA JAMTGAARD

Mr. Trotter opened the meeting at 7 P.M. and stated that the Planning Director would function as the ex-officio member of the panel until Mr. Gudgel arrived.

3.1 GINNI SNODGRASS, Applicant
Christopherson, Corsetti, Leitz, Property Owners
A-82-2; PRC-82-2; ZC-82-2
Location: 5718, 5761, 5760 S.E. Harrison Street
East of intersection of Stanley Avenue and Harrison
Street. (Tax Lots 3700, 5500, 5600)

PROPOSAL:

1. Request to consider petition from Fred and Mary Leitz, Ruth Christopherson and Anna Corsetti for annexation of property at 5718, 5761 and 5760 S.E. Harrison Street, east of the intersection of Stanley Avenue and Harrison Street.
2. Request to consider Comprehensive Plan Map Amendment for County Low-Density Residential to City Low-Density Residential.
3. Request to consider Zone Change from County R-10, Residential to City R-7, Residential.

The Applicant was not in attendance. Jon Stein presented the Staff Report.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
MINUTES OF PLANNING COMMISSION
REGULAR MEETING - FEBRUARY 9, 1982

III D (15)

Steve Hall mentioned a correction to the Staff Report. Page 2, Sewer and Water, should read: The parcel will be withdrawn from the Wichita Water District.

Mr. Bond asked what the Applicant's motive was for annexing his property. Staff responded that the Applicant wishes to have City utilities, and has considered dividing the property in the future. Jon presented a site plan showing the property which is bordered on three sides by the City limits. He mentioned the City boundary would be evened and a gap filled by annexation of this property.

Mr. Gudgel arrived and joined the panel at 7:10 P.M.

Mr. Lotz made a Motion to Approve A-82-2; PRC-82-2; ZC-82-2 with Staff Recommendations and Findings; Ms. Sweetland Seconded the Motion, and it CARRIED UNANIMOUSLY.

FINDINGS:

1. The proposed annexation would comply with the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policy 2.A, Page 28.
 - B. OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
 - C. OBJECTIVE #4 - Dual Interest Area Plan Compatibility, Policy 1, Page 88.
 - D. OBJECTIVE #6 - Annexation, Policy 1, Page 90.
2. Would match the Low-Density Land Use Designation.
3. Annexing the parcel would reduce irregularity of the City Boundary and would fill in the unincorporated area north and south of Harrison, east of Stanley Avenue.
4. The annexation will not adversely effect health, safety and welfare of the community.
5. The annexation would satisfy public need for additional housing.
6. The City R-7 Zoning would match present zoning of adjacent City properties.
7. The annexation complies with the Dual Interest Area Agreement.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION - REGULAR MEETING
FEBRUARY 9, 1982

III ● (16)

6.0 CONSENT AGENDA

The Planning Commission Minutes of the meeting January 26, 1982 were approved by consensus.

Mr. Trotter asked what arrangements had been made for the Commissioners to attend the Mobile Home Show on February 10 and 11. Jon said the Commissioners need only to notify Staff if they wish to attend, there would be no admission fee.

7.1 PUBLIC STORAGE - Sign Violation

A copy of the letter from the Public Storage Co. responding to Staff's letter, regarding the brightness of their sign was in the Planning Commissioner's packet. They are taking action by installing a timer that shuts one sign off at 11 P.M., and the flourescent lights will dim over time.

8.0 OTHER BUSINESS

Topaz mentioned that Staff is working with Mr. DeKanter, the property owners representative on the Kellogg Lake Condominium Project. An annexation application has not been submitted to the Planning Department yet, but the Applicant has been supplied with materials and forms.

Mr. Gudgel suggested that the Commission consider once-a-month meetings with the exception of Special Meetings at the Staff's discretion. Topaz said this could pose a problem for the developers who are scheduling their preparations for applications based on current meeting schedules. In addition, staff will be presenting revisions of the Zoning Ordinance at the next few Planning Commission Meetings. Several hours of time should be allowed for review and discussion before this Ordinance is presented to the City Council.

THE MEETING ADJOURNED AT 7:25 P.M.

CITY OF MILWAUKIE
BILLS PAYABLE MARCH 16, 1982

1.	A & A Welder's Supply	131.43	7-	131.43
2.	Albina Fuel Co.	124.91	1-94	124.91
3.	American Museum of National	17.70	1-70	17.70
4.	Allen's Press Clipping Bureau	27.00	1-21	27.00
5.	Armour of America	78.00	1-52	78.00
6.	Armstrong Industries, Inc.	285.83	3- ✓	285.83
7.	Audio Visual Supply Co.	81.55	1-61	81.55
8.	Baker & Taylor Company	60.87	1-70	60.87
9.	Baker & Taylor Company	125.48	1-70	125.48
10.	Bee Appliance Service	49.95	1-70	49.95
11.	Bernan Associates	200.00	1-70	200.00
12.	Bernard's Garage & Service Station	424.60	1-52	424.60
13.	Bischoff, Wallace	211.36	1-10	211.36
14.	Blake, Moffitt & Towne	186.20	1-42	186.20
15.	Bose, Omar F.	900.00	3-	900.00
16.	Brodart, Inc.	22.73	1-70	22.73
17.	Business Equipment Bureau	87.90	1-22	77.22
			1-70	10.68
18.	City Rubber Stamp	39.22	1-21	25.36
			1-52	13.86
19.	Cantel Incorporated	32.40	4-	32.40
20.	Carbon Dioxide, Inc.	55.50	1-62 ✓	55.50
21.	Christian Science Monitor	15.00	1-70	15.00
22.	City Liquidators	109.00	1-41	109.00
23.	Clackamas Water District	112.50	1-22	94.50
			1-94	18.00
24.	Clean One	27.96	1-53	27.96
25.	Columbia Equipment	95.55	4-	31.85
			20-	31.85
			30-	31.85
26.	Command School	340.00	1-62 ✓	340.00
27.	Crooker, Constance	50.00	1-23	50.00
28.	Cunningham Associates, Inc.	128.40	30	128.40
29.	Clackamas Community College	51.00	1-53	51.00
30.	Clackamas Cty. Dept. Environmental Services	27.36	4-	27.36
31.	Clackamas Cty. Fire Dist. #1	4,209.47	1-62 ✓	4,209.47
32.	" " Recorder	4.00	1-30	4.00
33.	" " Service Dist. #1	63,053.80	1-22	60.50
			20-	62,993.30
34.	" " Sheriff's Dept.	9.90	1-52	9.90
35.	" " Training Center	38.00	1-93	38.00
36.	DI, Inc. (Dynamed)	391.70	1-62 ✓	202.70
			3-	189.00
37.	Daily Journal of Commerce	27.30	1-62 ✓	27.30
38.	Dick's Color Center	7.89	1-62 ✓	7.89
39.	Dolsen, Fred	1,462.00	20-	1,462.00
40.	Dorsey's Auto Detail	35.00	1-52	35.00
41.	Dunham News Agency	60.00	1-70	60.00

CITY OF MILWAUKIE
BILLS PAYABLE MARCH 16, 1982

42.	Easterday, Gayle	36.85	1-52	36.85
43.	Eastside Heating & Air Conditioning	36.00	1-22	36.00
44.	Edwards Manufacturing Co.	33.94	1-62✓	33.94
45.	Eugene Hilton	41.00	1-30	41.00
46.	Executive Department	300.00	1-53	300.00
47.	FBI National Academy Associates of Oregon	12.00	1-51	12.00
48.	Faulkner, Topaz	24.90	1-80	24.90
49.	Far West Office Products	149.01	1-21	4.12
			1-23	10.84
			1-41	16.04
			1-43	19.77
			1-53	12.24
			1-61✓	74.70
			1-80	11.30
50.	Ferrante, Mario	127.35	1-62✓	127.35
51.	Fluhart, Rocky	638.85	1-24	638.85
52.	Fruehauf Division	109.23	7-	109.23
53.	Graham's Book & Stationery	70.91	1-51	70.91
54.	Graphic Arts Supply Co.	11.11	1-43	11.11
55.	Graphic Products, Inc.	79.68	1-80	79.68
56.	Grainger, W.W. Inc.	10.73	1-80	10.73
57.	Guidelines Press	24.00	1-70	24.00
58.	Home Laundry	151.07	1-62✓	151.07
59.	Human Development Seminars, Inc.	270.00	4-	135.00
			30-	135.00
60.	Howard-Cooper	1,350.61	7-	1,350.61
61.	Hyneman, Glorianne C., RN	191.50	1-22	191.50
62.	IBM	126.24	1-41	71.93
			1-70	54.31
63.	Instrument Sales & Service	61.14	1-62✓	61.14
64.	Jacques Cattell Press	89.95	1-70	89.95
65.	Jafco	154.56	1-52	154.56
66.	Jobs Available	31.32	1-21	31.32
67.	Jury Fees	35.00	1-23	35.00
68.	Kelley, John H.	75.00	1-23	75.00
69.	Klein Jewelers	23.50	1-24	23.50
70.	Kovak, Leonard	500.00	1-30	500.00
71.	Krider, K.D.	44.90	1-52	44.90
72.	LGPI	40.00	1-21	40.00
73.	Lori-Mastrantonio-Meuser	2,000.00	1-80	2,000.00
74.	Lynn Kirby Ford	80.54	7-	80.54
75.	McCall Oil	7,534.35	GL	7,534.35
76.	McFarlane Bark	4.50	1-94	4.50
77.	McKenzie Engineering	85.25	GL	85.25
78.	Magnasync/Moviola Corporation	274.27	1-53	274.27
79.	Main Street Cleaners	504.85	1-52	428.15
			1-61✓	2.30
			1-62✓	69.03
			1-63✓	5.37

CITY OF MILWAUKIE
BILLS PAYABLE MARCH 16, 1982

80.	Marion Body Works	9,346.52 ✓	3-	9,346.52
81.	Marriott Corporation	132.00	1-62 ✓	132.00
82.	Metro	25.00	1-21	25.00
83.	Metropolitan Utility Coordinating Council	35.00	1-92	35.00
84.	Marvac Products	58.00	20-	58.00
85.	Milwaukie Automotive	2,643.00	3-	2,643.00
86.	" Auto Parts	37.88	30-	37.88
87.	" Firestone	7.05	1-62 ✓	7.05
88.	" Glass	58.58	7-	58.58
89.	" Lumber	482.99	1-53	21.43
			1-62 ✓	368.08
			1-94	2.88
			4-	38.70
			20-	5.76
			30-	46.14
90.	Milwaukie Tour & Travel	1,580.00	1-10	688.00
			1-62 ✓	892.00
91.	Mishler, Jim	12.00	1-93	12.00
92.	Motorola	2,824.00	1-62 ✓	1,855.18
			20-	484.41
			30-	484.41
93.	National Geographic Society	44.95	1-70	44.95
94.	National League of Cities	60.00	1-30	60.00
95.	Nendel's Inn	74.20	30-	74.20
96.	Northwest Law Enforcement	213.04	1-52	213.04
97.	Northwest Natural Gas	798.60	4-	38.44
			30-	760.16
98.	N.W. Oregon Subsection AWWA	20.00	1-91	20.00
99.	Dept. Civil Engineering	150.00	30-	150.00
100.	Oklahoma State University	51.02	1-61 ✓	51.02
101.	Olson Bros.	469.30	1-52 }	469.30
102.	Olson Bros. Shell	269.00	1-52 }	269.00
103.	Oregon Blue Print Company	16.00	1-80	16.00
104.	Oregon Chapter American Planning Association	81.00	1-80	81.00
105.	Oregon Dept. General Services	1.00	1-42	1.00
106.	Oregon Gerontological Association	10.00	1-22	10.00
107.	Oregonian	48.00	1-70	48.00
108.	Oregonian	112.80	1-21	112.80
109.	Oregon Law Institute	75.00	1-30	75.00
110.	Oregon State University	120.00	1-52	120.00
111.	" " "	255.00	1-52	255.00
112.	Oregon Toro	29.29	1-94	29.29
113.	PNWS-AWWA	75.00	1-91	75.00

CITY OF MILWAUKIE
BILLS PAYABLE MARCH 16, 1982

114.	PGE	4,359.31	1-22	566.58
			1-24	598.07
			1-53	226.06
			1-61✓	272.59
			1-70	286.29
			1-94	15.89
			4-	428.70
			20-	71.61
			30-	1,893.52
115.	Pacific Coast Laundry	253.30	1-43	16.00
			1-62✓	13.50
			1-70	18.00
			4-	68.60
			20-	68.60
			30-	68.50
116.	Pacific Northwest Bell	17.28	1-62✓	17.28
117.	Pacific Northwest Bell	601.55	1-21	28.75
			1-22	197.46
			1-53	36.12
			1-61✓	32.71
			1-70	116.62
			1-94	37.91
			4-	121.83
			30-	30.15
118.	Paulson, Mel	58.16	1-10	58.16
119.	Pitney Bowes	294.00	1-41	294.00
120.	Petty Cash	136.79	1-10	3.13
			1-62✓	39.86
			1-70	27.14
			1-80	14.20
			1-92	17.10
			1-93	3.00
			7-	32.36
121.	Platt Electric Supply	376.75	1-62✓	37.63
			1-70	339.12
122.	Portland, Observer	24.75	1-21	24.75
123.	Portland Road and Driveway	60.00	4-	60.00
124.	Portland State Bookstore	11.21	1-92	11.21
125.	Portland Transmission	483.42	1-52	483.42
126.	Potter Webster Company	17.82	1-62✓	17.82
127.	Refundle Bundle	9.99	1-70	9.99
128.	Robben Oil Company	314.60	1-43	314.60
129.	Robben & Sons Heating	284.97	1-43	284.97
130.	Rock Creek Sand & Gravel	102.50	4-	102.50
131.	Rockford Safety Equipment Co.	47.73	1-62✓	47.73
132.	Rossmann's Landfill	108.05	1-94	6.55
			4-	101.50
133.	Sandy's Camera Shop	685.00	1-63✓	685.00

CITY OF MILWAUKIE
BILLS PAYABLE MARCH 16, 1982

134.	Schwann Artis Issue	7.95	1-70	7.95
135.	Sears, Roebuck and Co.	23.98	1-70	23.98
136.	Shanico	57.24	1-52	57.24
137.	Shell Oil Co.	12.65	1-51	12.65
138.	Simmons Duplicating Supply Co.	8.03	1-53	8.03
139.	Skalak, William	70.00	1-23	70.00
140.	Solar Vision, Inc.	20.00	1-70	20.00
141.	Southpark Industries, Inc.	35.57	7-	35.57
142.	Stevens Automotive	348.63	7-	348.63
143.	Subpoena Fees	10.00	1-23	10.00
144.	Sunnyside Inn	667.34	1-24	667.34
145.	Thunderbird Motor Inn	468.00	1-62✓	468.00
146.	Timm's Jewelry, Inc.	36.25	1-24	36.25
147.	U.S. Government Printing Office	200.00	1-70	200.00
148.	U.S. Postal Service, Permits	900.00	1-22	450.00
			1-41	450.00
149.	Valley Communications	649.50	1-52	246.65
			1-62✓	161.62
			1-63✓	21.50
			1-91	14.51
			1-93	95.00
			1-94	21.01
			4-	70.33
			30-	18.88
150.	Water, Feed & Research Lab., Inc.	126.50	30-	126.50
151.	Water Metrics Co.	180.00	30-	180.00
152.	Weiler Chevrolet	110.04	1-52	110.04
153.	Western Pacific Construction	311.05	4-	311.05
154.	Wichita Feed & Hardware	404.69	1-62✓	177.37
			1-94	97.33
			3-	2.80
			7-	19.65
			20-	23.30
			30-	84.24
155.	Wilco Fire Equipment	247.13	1-62✓	247.13
156.	Willamette Dog & Cat Hospital	51.00	1-52	51.00
157.	Willamette Week	25.00	1-70	25.00
158.	Zellerbach Paper Company	47.75	1-43	47.75
		<u>\$122,213.27</u>		<u>\$122,213.27</u>

CHART OF ACCOUNTS
FUNDS, DEPARTMENTS & DIVISIONS

Effective July 1, 1981

CITY COUNCIL	01-10	BONDED DEBT FUND	02
CITY MANAGER'S OFFICE	01-21	EQUIPMENT RESERVE FUND	03
COMMUNITY SERVICE	01-22	STATE TAX STREET FUND	04
MUNICIPAL COURT	01-23	IMPROVEMENT BOND SINKING FUND	05
GENERAL GOVERNMENT	01-24	STREET IMPROVEMENT FUND	06
CITY ATTORNEY	01-30	EQUIPMENT REPAIR FUND	07
FINANCE	01-41	BIKE AND FOOTPATH FUND	09
PURCHASING	01-42	FIXED ASSET ACCOUNT GROUP	10
CITY HALL	01-43	REVENUE SHARING FUND	12
POLICE ADMINISTRATION	01-51	COMMUNITY DEVELOPMENT GRANT FUND	13
" FIELD SERVICE	01-52	SEWER FUND	20
" SUPPORT SERVICE	01-53	WATER FUND	30
FIRE ADMINISTRATION	01-61		
" SUPPRESSION	01-62		
" PREVENTION	01-63		
LIBRARY	01-70		
PLANNING	01-80		
PUBLIC WORKS ADMINISTRATION	01-91		
" " ENGINEERING	01-92		
" " BUILDING	01-93		
" " PARKS	01-94		

ORDINANCE NO. 1520

April 20

IV
B(1)

AN ORDINANCE OF THE CITY OF MILWAUKIE
AUTHORIZING ISSUANCE OF GENERAL OBLIGATION
IMPROVEMENT BONDS AND DECLARING AN EMERGENCY

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Authorization. The City of Milwaukie, Oregon, does hereby authorize the issuance and sale of General Obligation Improvement Bonds, Series 1982, of the City of Milwaukie, Oregon, in the amount of One Million Four Hundred Ninety-Two Thousand Nine Hundred Forty-Five Dollars (\$1,492,945), to be dated May 1, 1982, to be numbered consecutively from one (1) to two hundred ninety-nine (299) inclusive, to be in denominations of Five Thousand Dollars (\$5,000) each, except bond number one in the amount of \$2,945, to bear interest payable semiannually on November 1 and May 1 of each year and to mature serially in numerical order on the first day of May in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>
1983	\$142,945
1984	\$150,000
1985	\$150,000
1986	\$150,000
1987	\$150,000
1988	\$150,000
1989	\$150,000
1990	\$150,000
1991	\$150,000
1992	\$150,000

with the right reserved to the City, however, at its option, to redeem in inverse numerical order and accrued interest on May 1, 1989, and on any interest payment day thereafter, any or all of the bonds of such issue maturing after May 1, 1989; at the following prices expressed as percentages of the principal amount, plus accrued interest to the redemption date:

<u>IF REDEEMED ON</u>	<u>REDEMPTION PRICE</u>
May 1, 1989 and November 1, 1989	101.00%
May 1, 1990 and November 1, 1990	100.50%
May 1, 1991 and November 1, 1991	100.00%

IV B (2)

Section 2. Signatures and Registration. Each of the bonds shall be signed with the facsimile signature of the Mayor in office on the date of execution of such bonds; each of the bonds shall be attested by the Finance Director in office on such date; the coupons appertaining to the bonds shall be executed with the facsimile signatures of such Mayor and Finance Director; and each of the bonds shall be registered in the Improvement Bond Register by the Finance Director of the City of Milwaukie, Clackamas County, State of Oregon.

Section 3. Security. The City has assessed the cost of public improvements to benefited properties and all monies collected therefrom shall be placed in the Improvement Bond and Interest Sinking Fund and applied to the payment of principal and interest on the bonds. The full faith and credit of the City are also pledged to the successive holders of each of the bonds and of the interest coupons appertaining thereto, for the punctual payment of such obligations, when due; and the City shall levy annually, if required, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes, to pay the bond and bond interest obligations promptly as they respectively mature; and the City covenants with the holders of its bonds, to levy such a tax annually as required during each year that any of the bonds, or of bonds issued to refund them, and bond interest obligations, are outstanding.

Section 4. Maintenance of Tax-Exempt Status. The City shall take no action nor make any use of the proceeds of the bonds, installment payments of assessments or ad valorem tax revenues intended to be used to pay principal and interest on the bonds, which will cause the bonds to lose their tax-exempt status under federal or State of Oregon income tax laws, regulations and judicial or administrative interpretations.

Section 5. Form. The bonds and the coupons attached thereto shall be in substantially the following form, the terms of which are hereby adopted:

IV B3

223.205 to 223.295, inclusive, commonly known as The Bancroft Bonding Act and are general obligations of the City.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this bond have existed, have happened, and have been performed in due time, form, and manner as required by the constitution and statutes of the State of Oregon; that the issue of which this bond is a part, and all other obligations of the City, are within every debt limitation and other limits prescribed by such constitution and statutes; and that the City has provided for the levying annually of a direct ad valorem tax as required upon all the property within the City so taxable for its purposes, in sufficient amount to pay the interest on and the principal of the bonds of such issue, as such obligations respectively become due and payable.

IN WITNESS WHEREOF, the City of Milwaukie has caused this bond to be signed by its Mayor by facsimile signature and attested by its Finance Director, the annexed interest coupons to be executed with the facsimile signatures of such officers, and the seal of the City to be affixed hereto or printed hereon this first day of May, 1982.

Mayor, City of Milwaukie

ATTEST:

Finance Director

IV
B (4)

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF CLACKAMAS
CITY OF MILWAUKIE
GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 1982

\$5,000

City of Milwaukie, in the County of Clackamas, State of Oregon, acknowledges itself indebted and for value received hereby promises to pay to bearer on the first day of May, 19____, the sum of

_____ THOUSAND DOLLARS

with interest thereon from the date hereof at the rate of _____ percent (_____ %) per annum, on the first day of November and the first day of May in each year until maturity, upon surrender of the annexed interest coupons as they severally mature. The principal of and the interest upon this bond are payable in lawful money of the United States of America, at the office of the Finance Director in the City of Milwaukie, Oregon.

THE BONDS of the issue of which this Bond forms a part, maturing after May 1, 1989, may be redeemed by the City, in inverse numerical order of May 1, 1989, and on any interest payment date thereafter, at the following prices expressed as percentages of the principal amount, plus accrued interest to the redemption date, as follows:

<u>IF REDEEMED ON</u>	<u>REDEMPTION DATE</u>
May 1, 1989 and November 1, 1989	101.00%
May 1, 1990 and November 1, 1990	100.50%
May 1, 1991 and November 1, 1991	100.00%

upon notice given by publication of notice thereof in a newspaper specializing in financial matters published in the City of Portland, Oregon, and in a newspaper published and generally circulated in the City of Milwaukie as required by law. From the date of redemption designated in such notices, interest on the bonds so called for payment shall cease.

THIS BOND is one of a series aggregating One Million Four Hundred Ninety-Two Thousand Nine Hundred Forty-Five Dollars (\$1,492,945) par value, issued to provide funds to construct public improvements as authorized by Oregon Revised Statutes

IV
B (7)

EXHIBIT A

OFFICIAL NOTICE OF BOND SALE

\$1,492,945

CITY OF MILWAUKIE
COUNTY OF CLACKAMAS
STATE OF OREGON

GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1982

Notice is hereby given that sealed bids will be received on behalf of the City of Milwaukie, Clackamas County, Oregon, until 11:00 o'clock a.m. (Prevailing Pacific Time) on April 20, 1982, at the offices of Ragen, Roberts, O'Scannlain, Robertson & Neill, 1600 Orbanco Building, 1001 SW Fifth Avenue, Portland, Oregon 97204, at which time they will be publicly opened and announced.

The bids shall be considered and acted upon by the City Council at its meeting to be held on April 20, 1982, commencing at 12:00 o'clock Noon (Prevailing Pacific Time).

ISSUE: ONE MILLION FOUR HUNDRED NINETY-TWO THOUSAND NINE HUNDRED FORTY-FIVE DOLLARS (\$1,492,945) consisting of 299 coupon bonds in denominations of FIVE THOUSAND DOLLARS (\$5,000), except Bond No. One in the amount of \$2,945, all dated May 1, 1982.

INTEREST RATE: Maximum not to exceed a net effective rate of fourteen percent (14%) per annum, the first interest payment due on November 1, 1982 and semiannually thereafter on May 1 and November 1 of each year. Bidders must specify the interest rate or rates which the bonds hereby offered for sale shall bear. The bids shall comply with the following conditions: (1) Each interest rate specified in any bid must be in multiples of 1/8th or 1/20th of one percent (1%); (2) No bond shall bear more than one rate of interest, no interest payment shall be evidenced by more than one coupon, and supplemental coupons will not be permitted; (3) Each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bids; (4) All bonds maturing at any one time shall bear the same rate of interest; and (5) No interest rate specified shall exceed eighteen percent (18%).

NOTE: Coupons may be printed in check form at the option of the City.

IV B (8)

MATURITIES: The bonds shall mature serially in numerical order on the first day of May of each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>
1983	\$142,945
1984	\$150,000
1985	\$150,000
1986	\$150,000
1987	\$150,000
1988	\$150,000
1989	\$150,000
1990	\$150,000
1991	\$150,000
1992	\$150,000

REGISTRATION: The bonds will be issued in bearer form with no option for registration.

REDEMPTION: The City reserves the right to redeem any or all of the bonds then outstanding in inverse numerical order on the following interest payment dates and at the following prices expressed as a percentage of the principal amount, plus accrued interest to the date of redemption:

<u>IF REDEEMED ON</u>	<u>REDEMPTION DATE</u>
May 1, 1989 and November 1, 1989	101.00%
May 1, 1990 and November 1, 1990	100.50%
May 1, 1991 and November 1, 1991	100.00%

Notice of any such intended redemption shall be given by mailing a notice thereof to Moody's Investors Service, Inc., and Standard & Poor's Corporation, New York, New York, not less than thirty (30) days prior to the redemption date, and by publication of such notice in a newspaper specializing in financial matters published and generally circulated in the City of Portland, Oregon, and in a newspaper published and generally circulated in the City of Milwaukie, Oregon as required by law. Interest on any bond or bonds so called for redemption shall cease on such redemption date unless the sale are not redeemed upon presentation made pursuant to such call.

PAYMENT: Principal and interest are payable, either at maturity or upon earlier redemption, in lawful money of the United States at the office of the Finance Director, City of Milwaukie, Milwaukie, Oregon.

IV B (9)

PURPOSE: The bonds are issued to provide funds for funding public improvements within the City of Milwaukie, Oregon.

SECURITY: The City has assessed the cost of public improvements to benefited properties and all monies collected therefrom shall be placed in the Improvement Bond and Interest Sinking Fund and applied to the payment of principal and interest on these bonds. The bonds are also general obligations of the City. The City has covenanted to levy an ad valorem tax annually as required to pay bond principal and interest as they respectively come due.

LEGAL OPINION: The approving opinion of Ragen, Roberts, O'Scannlain, Robertson & Neill, Attorneys at Law, of Portland, Oregon, will be provided at no cost to the purchaser, and will be printed on the bonds at the expense of the City.

TAX EXEMPT STATUS: Interest on the bonds, in the opinion of bond counsel, is exempt from taxation by the United States under present federal income tax laws and from personal income taxation by the State of Oregon under present state law.

BEST BID: The City reserves the right to accept any or all of the bonds will be awarded to the responsible bidder whose proposal will result in the lowest net cost to the City. The successful bid will be determined by computing the total amount of interest which the City would be required to pay from the date of each bond to its respective maturity date at the coupon rate or rates specified in the bid assuming no bonds are called prior to maturity, less premium offered, and plus discount, if any. Bidders are requested to supply the total interest costs and net effective interest rate, based upon the aggregate interest cost, if its bids be accepted, that the City will pay upon the issue if the bid is accepted. Such information shall be considered as informative only. The purchaser must pay accrued interest, computed on a 360-day basis, from the date of the bonds to the date of delivery. The cost of printing the bonds will be borne by the City.

DELIVERY: Delivery of the bonds will be made without costs to the successful bidder at such bank in the City of Portland, Oregon, as the successful bidder shall name. Payment for the bonds must be made in Federal funds. Delivery will be made within thirty days.

FORM OF BID: All bids must be for not less than all the bonds hereby offered for sale, and for not less than ninety-seven percent (97%) of the par value thereof and accrued interest to the date of delivery. Each bid together with bidder's check as herein specified must be enclosed in a sealed envelope addressed to the City and designated "Proposal for Bonds".

IV B (10)

BID CHECK: All bids must be unconditional and accompanied by a certified or cashier's check on a bank doing business in the State of Oregon for Thirty Thousand Dollars (\$30,000) payable to the order of the City to secure the City from any loss resulting from the failure of the bidder to comply with the terms of its bid. Checks will be forfeited to the City as liquidated damages in case the bidder to whom the bonds are awarded shall withdraw its bid or fail to complete its purchase in accordance with the terms thereof. No interest shall be allowed on the deposit but the check of the successful bidder will be retained as part payment of the bonds or for liquidated damages as described above. Checks of the unsuccessful bidders will be returned by the City promptly after award of bid.

RIGHT OF REJECTION: The City reserves the right to reject any or all bids.

OFFICIAL STATEMENT: The City has prepared an official statement relating to the bonds, a copy of which will be furnished upon request to its financial consultant, First Interstate Bank of Oregon, N.A., 1300 SW Fifth Avenue, P.O. Box 3131, Portland, Oregon 97208, or to the undersigned.

POTENTIAL BID: The consultant may submit a bid or participate in a bidding syndicate in accordance with its agreement with the City.

CUSIP: CUSIP numbers will be imprinted upon all bonds of this issue at the City's expense. An improperly imprinted number will not constitute basis for the purchaser to refuse to accept delivery.

NO LITIGATION: At the time of payment for the delivery of said bonds, the City will furnish the successful bidder a certificate that there is no litigation pending affecting the validity of the bonds.

FURTHER INFORMATION: The official statement and additional information regarding the City and this sale may be obtained from Gordon R. Erickson, Finance Director, City Hall, 10722 SE Main Street, Milwaukie, Oregon, 97222, telephone 503/659-5171.

Gordon R. Erickson, Finance Director
City of Milwaukie

IV B (11)

BID CHECK: All bids must be unconditional and accompanied by a certified or cashier's check on a bank doing business in the State of Oregon for Thirty Thousand Dollars (\$30,000) payable to the order of the City to secure the City from any loss resulting from the failure of the bidder to comply with the terms of its bid. Checks will be forfeited to the City as liquidated damages in case the bidder to whom the bonds are awarded shall withdraw its bid or fail to complete its purchase in accordance with the terms thereof. No interest shall be allowed on the deposit but the check of the successful bidder will be retained as part payment of the bonds or for liquidated damages as described above. Checks of the unsuccessful bidders will be returned by the City promptly after award of bid.

RIGHT OF REJECTION: The City reserves the right to reject any or all bids.

OFFICIAL STATEMENT: The City has prepared an official statement relating to the bonds, a copy of which will be furnished upon request to its financial consultant, First Interstate Bank of Oregon, N.A., 1300 SW Fifth Avenue, P.O. Box 3131, Portland, Oregon 97208, or to the undersigned.

POTENTIAL BID: The consultant may submit a bid or participate in a bidding syndicate in accordance with its agreement with the City.

CUSIP: CUSIP numbers will be imprinted upon all bonds of this issue at the City's expense. An improperly imprinted number will not constitute basis for the purchaser to refuse to accept delivery.

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FURTHER INFORMATION: The official statement and additional information regarding the City and this sale may be obtained from Gordon R. Erickson, Finance Director, City Hall, 10722 SE Main Street, Milwaukie, Oregon, 97222, telephone 503/659-5171.

Gordon R. Erickson, Finance Director
City of Milwaukie

IV B (12)

PURPOSE: The bonds are issued to provide funds for funding public improvements within the City of Milwaukie, Oregon.

SECURITY: The City has assessed the cost of public improvements to benefited properties and all monies collected therefrom shall be placed in the Improvement Bond and Interest Sinking Fund and applied to the payment of principal and interest on these bonds. The bonds are also general obligations of the City. The City has covenanted to levy an ad valorem tax annually as required to pay bond principal and interest as they respectively come due.

LEGAL OPINION: The approving opinion of Ragen, Roberts, O'Scannlain, Robertson & Neill, Attorneys at Law, of Portland, Oregon, will be provided at no cost to the purchaser, and will be printed on the bonds at the expense of the City.

TAX EXEMPT STATUS: Interest on the bonds, in the opinion of bond counsel, is exempt from taxation by the United States under present federal income tax laws and from personal income taxation by the State of Oregon under present state law.

BEST BID: The bonds will be awarded to the responsible bidder whose proposal will result in the lowest net cost to the City. The successful bid will be determined by computing the total amount of interest which the City would be required to pay from the date of each bond to its respective maturity date at the coupon rate or rates specified in the bid assuming no bonds are called prior to maturity, less premium offered, and plus discount, if any. Bidders are requested to supply the total interest costs and net effective interest rate, based upon the aggregate interest cost, if its bids be accepted, that the City will pay upon the issue if the bid is accepted. Such information shall be considered as informative only. The purchaser must pay accrued interest, computed on a 360-day basis, from the date of the bonds to the date of delivery. The cost of printing the bonds will be borne by the City.

DELIVERY: Delivery of the bonds will be made without costs to the successful bidder at such bank in the City of Portland, Oregon, as the successful bidder shall name. Payment for the bonds must be made in Federal funds. Delivery will be made within thirty days.

FORM OF BID: All bids must be for not less than all the bonds hereby offered for sale, and for not less than ninety-seven percent (97%) of the par value thereof and accrued interest to the date of delivery. Each bid together with bidder's check as herein specified must be enclosed in a sealed envelope addressed to the City and designated "Proposal for Bonds".

IV B (13)

MATURITIES: The bonds shall mature serially in numerical order on the first day of May of each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>
1983	\$142,945
1984	\$150,000
1985	\$150,000
1986	\$150,000
1987	\$150,000
1988	\$150,000
1989	\$150,000
1990	\$150,000
1991	\$150,000
1992	\$150,000

REGISTRATION: The bonds will be issued in bearer form with no option for registration.

REDEMPTION: The City reserves the right to redeem any or all of the bonds then outstanding in inverse numerical order on the following interest payment dates and at the following prices expressed as a percentage of the principal amount, plus accrued interest to the date of redemption:

<u>IF REDEEMED ON</u>	<u>REDEMPTION DATE</u>
May 1, 1989 and November 1, 1989	101.00%
May 1, 1990 and November 1, 1990	100.50%
May 1, 1991 and November 1, 1991	100.00%

Notice of any such intended redemption shall be given by mailing a notice thereof to Moody's Investors Service, Inc., and Standard & Poor's Corporation, New York, New York, not less than thirty (30) days prior to the redemption date, and by publication of such notice in a newspaper specializing in financial matters published and generally circulated in the City of Portland, Oregon, and in a newspaper published and generally circulated in the City of Milwaukie, Oregon as required by law. Interest on any bond or bonds so called for redemption shall cease on such redemption date unless the sale are not redeemed upon presentation made pursuant to such call.

PAYMENT: Principal and interest are payable, either at maturity or upon earlier redemption, in lawful money of the United States at the office of the Finance Director, City of Milwaukie, Milwaukie, Oregon.

IV B (14)

EXHIBIT A

OFFICIAL NOTICE OF BOND SALE

\$1,492,945
CITY OF MILWAUKIE
COUNTY OF CLACKAMAS
STATE OF OREGON
GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 1982

Notice is hereby given that sealed bids will be received on behalf of the City of Milwaukie, Clackamas County, Oregon, until 11:00 o'clock a.m. (Prevailing Pacific Time) on April 20, 1982, at the offices of Ragen, Roberts, O'Scannlain, Robertson & Neill, 1600 Orbanco Building, 1001 SW Fifth Avenue, Portland, Oregon 97204, at which time they will be publicly opened and announced.

The bids shall be considered and acted upon by the City Council at its meeting to be held on April 20, 1982, commencing at 12:00 o'clock Noon (Prevailing Pacific Time).

ISSUE: ONE MILLION FOUR HUNDRED NINETY-TWO THOUSAND NINE HUNDRED FORTY-FIVE DOLLARS (\$1,492,945) consisting of 299 coupon bonds in denominations of FIVE THOUSAND DOLLARS (\$5,000), except Bond No. One in the amount of \$2,945, all dated May 1, 1982.

INTEREST RATE: Maximum not to exceed a net effective rate of fourteen percent (14%) per annum, the first interest payment due on November 1, 1982 and semiannually thereafter on May 1 and November 1 of each year. Bidders must specify the interest rate or rates which the bonds hereby offered for sale shall bear. The bids shall comply with the following conditions: (1) Each interest rate specified in any bid must be in multiples of 1/8th or 1/20th of one percent (1%); (2) No bond shall bear more than one rate of interest, no interest payment shall be evidenced by more than one coupon, and supplemental coupons will not be permitted; (3) Each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bids; (4) All bonds maturing at any one time shall bear the same rate of interest; and (5) No interest rate specified shall exceed eighteen percent (18%).

NOTE: Coupons may be printed in check form at the option of the City.

IV B (15)

accrued interest thereof, at an interest rate or rates in multiples of one-eighth of one percent or one-twentieth of one percent, not exceeding a net effective rate of fourteen percent per annum, payable semiannually on November 1 and May 1; that the bids shall be accompanied by a cashier's check or certified check, of or upon a bank doing business in the State of Oregon, in the sum of \$30,000 to be forfeited to the City in case the bidder fails to complete his purchase in accordance with the terms of his bid; that bids must be unconditional except as to qualification of approval of validity of the bond issue by bond attorneys; that bids must show the total cost of the bond issue to the City, including interest, less premium offered, if any, plus discount, if any, provided the bid be accepted and no callable bonds of the issue are redeemed prior to the maturity dates thereof; that the bonds will be sold to the bidder whose bid will result in the lowest net interest cost to the City; and that the Council reserves the right to reject any or all bids.

Section 7. Emergency. This ordinance being necessary for the immediate preservation of the public peace, health and safety of the City of Milwaukie, in order to obtain sufficient funds to pay for public improvements, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its passage by the council and approval by the Mayor.

Passed by the unanimous vote of the council, with a quorum in attendance, this ___ day of _____, 1982.

Approved by the Mayor this ___ day of _____, 1982.

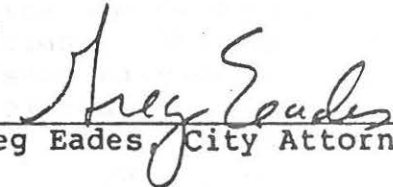
ATTEST:

APPROVED:

Recorder

Mayor

APPROVED AS TO FORM



Greg Eades, City Attorney

FORM OF BOND COUPON

IV B 15
IV B 16

CITY OF MILWAUKIE
Milwaukie, Oregon
GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 1982

Bond No. _____ Coupon No. _____ November 1, _____
May 1, _____
\$ _____ Interest
Payment Amount

PAY TO BEARER, on the date hereof, the amount shown hereon and charge to Improvement Bond and Interest Sinking Fund of the City of Milwaukie, Oregon, unless the bond to which this coupon is attached shall have been called for previous redemption.

Pay Through

FIRST STATE BANK
Milwaukie, Oregon

This interest draft is a general obligation of the City of Milwaukie, Oregon and is for six (6) months' interest on the above numbered City of Milwaukie, Oregon General Obligation Improvement Bond, Series 1982, dated May 1, 1982.

Mayor

Finance Director

Section 6. Sale. The Finance Director shall cause to be published in the New Review, a newspaper of general circulation printed and published in the City of Milwaukie, County of Clackamas, State of Oregon, and in The Daily Journal of Commerce, Portland, Oregon, notices of proposed sale of the bonds, as provided by law, in the form substantially as shown on Exhibit A attached hereto and by this reference incorporated herein, specifying that sealed bids will be received on behalf of the City at the offices of its bond counsel up to and including the hour of 11:00 o'clock a.m. on the 20th day of April, 1982, and that immediately thereafter bids received will be publicly opened and acted upon by the Council at a meeting to commence at 12:00 noon for the sale of the bonds, at not less than 97% of par value

IV B (17)

223.205 to 223.295, inclusive, commonly known as The Bancroft Bonding Act and are general obligations of the City.

IT IS HEREBY CERTIFIED, RECITED, AND DECLARED that all conditions, acts, and things required to exist, to happen, and to be performed precedent to and in the issuance of this bond have existed, have happened, and have been performed in due time, form, and manner as required by the constitution and statutes of the State of Oregon; that the issue of which this bond is a part, and all other obligations of the City, are within every debt limitation and other limits prescribed by such constitution and statutes; and that the City has provided for the levying annually of a direct ad valorem tax as required upon all the property within the City so taxable for its purposes, in sufficient amount to pay the interest on and the principal of the bonds of such issue, as such obligations respectively become due and payable.

IN WITNESS WHEREOF, the City of Milwaukie has caused this bond to be signed by its Mayor by facsimile signature and attested by its Finance Director, the annexed interest coupons to be executed with the facsimile signatures of such officers, and the seal of the City to be affixed hereto or printed hereon this first day of May, 1982.

Mayor, City of Milwaukie

ATTEST:

Finance Director

IV B (18)

UNITED STATES OF AMERICA
STATE OF OREGON
COUNTY OF CLACKAMAS
CITY OF MILWAUKIE
GENERAL OBLIGATION IMPROVEMENT BOND, SERIES 1982

\$5,000

City of Milwaukie, in the County of Clackamas, State of Oregon, acknowledges itself indebted and for value received hereby promises to pay to bearer on the first day of May, 19____, the sum of

_____ THOUSAND DOLLARS

with interest thereon from the date hereof at the rate of _____ percent (____%) per annum, on the first day of November and the first day of May in each year until maturity, upon surrender of the annexed interest coupons as they severally mature. The principal of and the interest upon this bond are payable in lawful money of the United States of America, at the office of the Finance Director in the City of Milwaukie, Oregon.

THE BONDS of the issue of which this Bond forms a part, maturing after May 1, 1989, may be redeemed by the City, in inverse numerical order of May 1, 1989, and on any interest payment date thereafter, at the following prices expressed as percentages of the principal amount, plus accrued interest to the redemption date, as follows:

<u>IF REDEEMED ON</u>	<u>REDEMPTION DATE</u>
May 1, 1989 and November 1, 1989	101.00%
May 1, 1990 and November 1, 1990	100.50%
May 1, 1991 and November 1, 1991	100.00%

upon notice given by publication of notice thereof in a newspaper specializing in financial matters published in the City of Portland, Oregon, and in a newspaper published and generally circulated in the City of Milwaukie as required by law. From the date of redemption designated in such notices, interest on the bonds so called for payment shall cease.

THIS BOND is one of a series aggregating One Million Four Hundred Ninety-Two Thousand Nine Hundred Forty-Five Dollars (\$1,492,945) par value, issued to provide funds to construct public improvements as authorized by Oregon Revised Statutes

IV B (19)

Section 2. Signatures and Registration. Each of the bonds shall be signed with the facsimile signature of the Mayor in office on the date of execution of such bonds; each of the bonds shall be attested by the Finance Director in office on such date; the coupons appertaining to the bonds shall be executed with the facsimile signatures of such Mayor and Finance Director; and each of the bonds shall be registered in the Improvement Bond Register by the Finance Director of the City of Milwaukie, Clackamas County, State of Oregon.

Section 3. Security. The City has assessed the cost of public improvements to benefited properties and all monies collected therefrom shall be placed in the Improvement Bond and Interest Sinking Fund and applied to the payment of principal and interest on the bonds. The full faith and credit of the City are also pledged to the successive holders of each of the bonds and of the interest coupons appertaining thereto, for the punctual payment of such obligations, when due; and the City shall levy annually, if required, a direct ad valorem tax upon all of the taxable property within the City in sufficient amount, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes, to pay the bond and bond interest obligations promptly as they respectively mature; and the City covenants with the holders of its bonds, to levy such a tax annually as required during each year that any of the bonds, or of bonds issued to refund them, and bond interest obligations, are outstanding.

Section 4. Maintenance of Tax-Exempt Status. The City shall take no action nor make any use of the proceeds of the bonds, installment payments of assessments or ad valorem tax revenues intended to be used to pay principal and interest on the bonds, which will cause the bonds to lose their tax-exempt status under federal or State of Oregon income tax laws, regulations and judicial or administrative interpretations.

Section 5. Form. The bonds and the coupons attached thereto shall be in substantially the following form, the terms of which are hereby adopted:

ORDINANCE NO. _____

IV B 20

AN ORDINANCE OF THE CITY OF MILWAUKIE
AUTHORIZING ISSUANCE OF GENERAL OBLIGATION
IMPROVEMENT BONDS AND DECLARING AN EMERGENCY

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Authorization. The City of Milwaukie, Oregon, does hereby authorize the issuance and sale of General Obligation Improvement Bonds, Series 1982, of the City of Milwaukie, Oregon, in the amount of One Million Four Hundred Ninety-Two Thousand Nine Hundred Forty-Five Dollars (\$1,492,945), to be dated May 1, 1982, to be numbered consecutively from one (1) to two hundred ninety-nine (299) inclusive, to be in denominations of Five Thousand Dollars (\$5,000) each, except bond number one in the amount of \$2,945, to bear interest payable semiannually on November 1 and May 1 of each year and to mature serially in numerical order on the first day of May in each year as follows:

<u>YEAR</u>	<u>AMOUNT</u>
1983	\$142,945
1984	\$150,000
1985	\$150,000
1986	\$150,000
1987	\$150,000
1988	\$150,000
1989	\$150,000
1990	\$150,000
1991	\$150,000
1992	\$150,000

with the right reserved to the City, however, at its option, to redeem in inverse numerical order and accrued interest on May 1, 1989, and on any interest payment day thereafter, any or all of the bonds of such issue maturing after May 1, 1989; at the following prices expressed as percentages of the principal amount, plus accrued interest to the redemption date:

<u>IF REDEEMED ON</u>	<u>REDEMPTION PRICE</u>
May 1, 1989 and November 1, 1989	101.00%
May 1, 1990 and November 1, 1990	100.50%
May 1, 1991 and November 1, 1991	100.00%

RESOLUTION NUMBER 7-1982

IV
C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE CALLING AN ELECTION ON THE 1982-83 OPERATING TAX LEVY.

BE IT RESOLVED by the City Council of the City of Milwaukie that the City will submit to the voters of the City at the primary election on May 18, 1982, the question of whether the City should levy the necessary amounts for general City operation during 1982-83.

BE IT FURTHER RESOLVED that the question will be voted on as follows:

PROPOSITION NO. 51. CITY OF MILWAUKIE 1982-83 OPERATING LEVY

QUESTION: Shall the City of Milwaukie levy \$1,351,598 outside its' tax base for general City operation during 1982-83?

PURPOSE: The Oregon Constitution limits the amount the City can levy without voter approval to \$1,201,566. This amount is not sufficient to provide an adequate level of City service.

EXPLANATION: This is a status-quo proposal to maintain City service levels at the same level as the 1981-82 budget. Reductions in service levels and costs instituted in the 1981-82 budget are continued in this proposal. If this measure is approved, \$1,150,799 of the taxes levied in the 1982-83 fiscal year are eligible for partial State funding. However, \$200,799 of the taxes levied will be totally financed by local taxpayers without any partial State payment.

BE IT FURTHER RESOLVED that the City Recorder is directed to give notice of this election in the time and manner required by the amended Charter of the City and the statutes of the State of Oregon.

Introduced and adopted by the City Council on March 16, 1982.

Joy Burgess, Mayor

ATTEST:

Laurie Perkin, City Recorder

Approved as to form:

Greg Eades, City Attorney

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

MAR 82 13: 42

MILWAUKIE-02

IV
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DATE: March 12, 1982

TO: City Manager
City Council

FROM: Steven Hall
Public Works Director *J.M. Hall*

SUBJECT: Wichita Water District
Working Agreement/contract

Attached is a letter from Wichita Water District requesting that the City of Milwaukie enter into a contract with them for operation and maintenance of their facilities to be affective as of 1 May 1982. As indicated within that letter, their superintendent, Ray VanDeMoortele is retiring as of the end of April.

As you are aware, City Public Works staff have been working with the Wichita District towards transfer of services within the City of Milwaukie from the Wichita District to the City system and also have continued discussions towards the potential of the City of Milwaukie assuming total maintenance and operation of the district.

Staff feels that these discussions have been fruitful and that we have, over the past several years, come to a better understanding of each others needs and desires.

Based on the attached letter from Wichita Water District and the memos from Greg Eades and Cliff Harshman, I am requesting that the Public Works Department of the City of Milwaukie be allowed by Council action to negotiate a potential contract with Wichita Water District for the assumption of maintenance and operation of the district. Staff intends to address the long term needs of both the City and District within that agreement either towards a partial assumption of the district that is located within the City or of the total district within given periods of time.

With this information in mind, upon approval of City Council tonight, Public Works staff will meet and work with the Wichita Water District for a contractual agreement as noted and return to you with a proposed contract by your first or second meeting in April for consideration.

Enclosure: Letter
Memo (2)

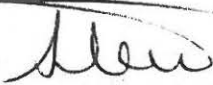
SMH:js

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

IV
d
②

DATE: March 5, 1982

TO: Greg Eades / Cliff Harshman
City Attorney / Public Works Superintendent

FROM: Steven Hall
Public Works Director 

SUBJECT: Wichita Water District
Potential Working Agreement/Contract

GREG:

Please respond to the attached letter from Wichita Water District.
We need to know the following:

1. Can we contract with the District?
2. Is there potential conflict with State Contracting Laws?
3. What is our liability and exposure?
4. What special disclaimers should we have?
5. Do you have a suggested format for a contract if the above questions can be satisfactorily answered?

CLIFF:

1. Please comment on manpower availability.
2. How would this affect our normal operations?
3. Do you know of any legal problems due to liability?
4. Recommendation for charging and schedules.
5. Answers to Mrs. Foster's questions in letter.

I need these responses by early next week (10th of March) if possible.

SMH:js

Enclosure: letter

Enclosure: Letter
Memo (2)

SMH:js

WICHITA WATER DISTRICT

5908 S. E. MONROE - P. O. BOX 22007
MILWAUKIE, OREGON 97222

March 4, 1982

Steve Hall
Cliff Harshman
City of Milwaukie
10722 S. E. Main St
Milwaukie, OR 97222

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MAR 04 1982
J. M. Hall
CITY OF MILWAUKIE
DEPT. OF PUBLIC WORKS

Gentlemen:

As you know, our superintendent, Ray Van De Moortele is retiring as of April 30th. Rather than hire a new superintendent, the Board, at their meeting last Monday night (March 3rd) questioned the possibility of contracting out the outside work and continuing with one employee - myself, clerk.

It was voted that I first, gather information on our needs, costs and alternatives, then second, assemble a contract to present to Milwaukie that might be acceptable to all.

My first step - our needs beginning May 1, 1982 and costs. As I see it, the needs are:

- #1 On call or Standby. I had questioned the necessity of this, but learn that it is the law. Our off hour shut offs and ons have been practically nil and off hour emergencies, few.
- #2 Meter reading. Van and I do our 3 books in 1½ to 2 days, once every 2 months. I'd like a price using your vehicle, driver and reader and a price of just a reader if I were to drive our truck.
- #3 Maintenance. Van usually has 3 or 4 meters that need repairing or replacing after each reading. Then, of course, any leaks or emergency brakes in lines.
- #4 Water samples for EPA. As you know, we've been paying Milwaukie \$8.50 a month (which I believe is cost) to have our samples, which Van brings down to Jay, picked up with yours. I could continue this procedure, or, a price please, for someone to also collect our 2 a month samples.
- #5 The field outside our building. We need to hire mowing or discing 3 or 4 times a year for appearance as well as fire hazard.

The Board is concerned that we have some contractual assurance that

we would have the response needed in an emergency.

Can you help us?

May 1st really isn't very far off when I realize all the channels these things must go thru, but I'm hopeful that we can finalize some agreement by then.

Thank you for the help you have already given me.

Yours truly,

Joyce Foster

Joyce Foster
Clerk

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MEMORANDUM

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TO: STEVE HALL, DIRECTOR PUBLIC WORKS DEPT.

FROM: GREG EADES, CITY ATTORNEY *ME* DATE: MARCH 8, 1982

SUBJECT: AGREEMENT WITH WICHITA WATER DISTRICT

In response to your questions of March 5:

1. Such an agreement is encouraged under state law. ORS Chapter 190 provides that two units of local government may enter into a written agreement for the performance of any function or activity by one of the parties. The only requirements are that the agreement must provide for:
 - a. The apportionment of costs.
 - b. The apportionment of revenues.
 - c. Any transfers of personnel.
 - d. Any transfers of real or personal property.
 - e. The term of the agreement.
 - f. The right of either party to terminate the agreement.
2. If you are referring to any conflict with the rules regarding competitive bidding, there is none. ORS 279.015 exempts contracts with other public agencies from the competitive bidding requirement and I don't believe they are subject to any of the requirements of Chapter 279. There is a similar exemption in our ordinance.
3. Unless the agreement specifies otherwise our liability is the same as if the work was our own. We could ask the District for a "hold harmless" clause (which they probably wouldn't approve) or liability insurance coverage (which they might go for).
4. Outside of language proposed in #3 above, don't agree to do any work that you don't want to have the responsibility and liability for.
5. Most of the examples I know of would not be much help. The Cooperative Library Service, Planning Coordination, Washington County Cable TV and the Service District agreements are all examples of intergovernmental agreements, prepared under the authority of Chapter 190. In addition, the Washington County Unified Sewerage Agency and the City of Hillsboro have an operating agreement that is similar to this, but very lengthy. If you want, I can probably get a copy. Once you get the details worked out, however, it's really no trouble to prepare the agreement.

Let me know if you need anything further.

GE/vk

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

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DATE: March 11, 1982

TO: Steve Hall
Public Works Director

FROM: Clifford Harshman
Public Works Superintendent

SUBJECT: Working Agreement
Wichita Water Dist.

In reply to your memo of March 5, 1982 relating to potential working agreement with Wichita Water District I submit the following:

1. MANPOWER:

- A. Meter reading:- At the present time reading would have to be done by one of our regular crew members not the meter reader. Currently Wichita reads double and takes approximately one day every other month. Thus if we assign one of our men with a truck it could take two days to read every other month.
- B. Maintenance and operation: According to Van, the district changes approximately three to four meters per month. This should take approximately 4 hours with our people doing the work and Wichita providing the meters. I estimate that the other miscellaneous work would take the rest of the shift. During the winter time this would be no problem, but during the summer months we would be pushed to provide this service.
- C. Emergencies: We at the present are responding to their emergencies, i.e., main breaks, this so far has posed no real problem. However, if we have an emergency at the same time of course ours comes first. As their system becomes older the frequency could increase and demand more time. This also does not allow for any preventive maintenance which should be undertaken, i.e. valve location and exercising.

2. ECONOMICS AND SCHEDULING

If we should undertake an agreement I recommend that the rates charged for manpower and equipment be that of our existing rental rates and the hourly rate set-up for employees. This should have a yearly escalation clause in it to cover any increases in operation of equipment and increases in labor rates. Any material that we should use should be billed out at cost plus 15%

Scheduling would have to be at our convenience and as available.

March 11, 1982

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3. LEGAL

I know of no restrictions on contracts between municipalities at this time. I do want to emphasize that we do not want to assume any responsibility for meeting Oregon and EPA safe drinking water regulations for Wichita.

4. STANDBY

If we are going to have standby for Wichita there should be some remuneration from them. We could charge monthly based on our cost times a proration of our accounts in water to theirs.

5. WATER SAMPLES

Charge out time based on vehicle rental rate which includes driver for actual time spent plus the lab fee.

6. MOWING AND DISCING

The Parks Division should respond to this question

Estimated yearly cost to maintain and operate Wichita Water Dist.

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Meter Reading:

6 readings - 1 man & Pickup
for 2 days each reading
@ 24.37/hr
6 X 2 days X \$24.37 X 8 hours = \$2,339

Maintenance and Operation:

2 man crew + van
1 day/mo X 8/hrs X 12/mo. X 36.47 = \$3,500

Standby

our cost for Fred Liston is billed
out at \$16.62 per hour.

52 days off X 8/hr X \$16.62/hr = \$6,913.92
460 ÷ 5,100 = 0.09 or 9%
6,914 X 0.09 = \$ 622

Water Samples (1 man + pickup)

52 weeks X \$8.50
1/2 Hr. X 52 weeks X \$24.37 = \$ 634

TOTAL \$7,095

MILWAUKIE
CITY COUNCIL MEETING
February 23, 1982
6 p.m.

V A ①

COUNCIL CHAMBERS

SPECIAL MEETING

A special meeting of the Milwaukie City Council was held on February 23, 1982 with the following councilors present:

Mel Paulson	Don Graf
Wallace Bischoff	Roger Hall
Mayor Joy Burgess	

Also present:

Richard D. Bailey, City Manager Pro Tem
Greg Eades, City Attorney
Laurie Perkin, Secretary

The Council went into executive session at 6:10 p.m. to discuss employment of staff and exempt records under ORS.192.660(1) (a) and (f).

The executive session adjourned at 9:10 p.m.

The special meeting reconvened at 9:10 p.m. The Mayor made a statement to the press providing them with the following information: Two members of the City Council will make a trip to the place of employment of a candidate for the position of City Manager for the purpose of performing a background check on the individual selected. A decision will hopefully be made on Friday, February 26, 1982 at a special meeting of the Council to be held in the City Manager's office at 4 p.m. A conference call will be made at this time between the members of the City Council. The call will be made during executive session.

City Attorney asked Council to make a motion regarding a date when cable T. V. proposals would be considered by the Council. It was MOVED by Paulson, SECONDED by Bischoff that a meeting on cable T.V. be held no later than the first meeting in May. MOTION CARRIED unanimously.

The meeting adjourned at 9:20 p.m.

ATTEST:

Joy Burgess, Mayor

Laurie Perkin, City Recorder

MILWAUKIE
CITY COUNCIL MEETING
February 26, 1982
4 p.m.

V A ②

CITY MANAGER'S OFFICE

SPECIAL MEETING

A special meeting of the Milwaukie City Council was held at 4 p.m. on February 26, with the following Councilors present:

Mayor Joy Burgess In contact by telephone
Roger Hall from Denver, Colorado:
Donald Graf

Also present:

Wallace Bischoff
Mel Paulson

Richard Bailey, City Manager Pro Tem
Laurie Perkin, Secretary

The Council went into executive session at 4:05 to discuss employment of staff under ORS 192.660 (1) (a).

The special meeting reconvened at 5:07. It was MOVED by Graf, SECONDED by Hall, that the City hire Hugh Brown as City Manager contingent upon final signing of a contract. The MOTION CARRIED unanimously.

The meeting adjourned at 5:15 p.m.

Joy Burgess, Mayor

Laurie Perkin, City Recorder

MILWAUKIE
CITY COUNCIL MEETING
March 2, 1982

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COUNCIL CHAMBERS

1403rd Meeting

Work Session - 6 p.m.

A work session of the Council was held prior to the regular meeting to consider charter amendments proposed by the City Attorney. The following councilors were present:

Mel Paulson	Don Graf
Wallace Bischoff	Roger Hall
Mayor Joy Burgess	

Also present:

Greg Eades, City Attorney
Laurie Perkin, Secretary

Eades went through his suggestions section by section, explaining reasons for changes in Section 6, having to do with investigations of city departments; Section 13, regarding notice of elections; Section 17 dealing with terms of office; Section 19 regarding nominations; Section 22 regarding meeting requirements; Section 23 having to do with number of members required for a quorum; Section 28 dealing with Mayor's signature on bills; Section 29 dealing with removal of manager, purchasing provision, city manager pro tem, and civil service references & Section 38, dealing with public contracting limit. Procedures used in passing ordinances, general language changes, process of swearing in of councilors, and Civil Service Commission changes were also discussed. It was decided to look at the Civil Service Commission changes at the next meeting on March 16.

The work session adjourned at 6:50 p.m.

The one thousand four hundred and third meeting of the City Council of the City of Milwaukie, Oregon was held at 7 p.m. on March 2, 1982 with the following councilors present:

Mel Paulson	Donald Graf
Wallace Bischoff	Roger Hall
Mayor Joy Burgess	

Also present:

Steve Hall, Acting City Manager Pro Tem
Greg Eades, City Attorney
Topaz Faulkner, Director of Community Services
Gordon Erickson, Finance Director
Laurie Perkin, Secretary

The invocation was given by Mel Paulson and the pledge of allegiance was recited.

AUDIENCE PARTICIPATION

Robert Bothman, Metropolitan Administrator for the Oregon Department of Transportation, addressed the Council regarding status of the McLoughlin project. The project is a four and one half mile section extending from the Union/Grand couplet in Portland down to SE River Road in Milwaukie. The purpose of the project is to relieve congestion on McLoughlin, remove through traffic from the Portland neighborhoods, increase transit usage and allow for eventual conversion to light rail. Mr. Bothman provided Map and project summary and discussed alternative plans. There was discussion on

V A (4)

an overcrossing structure at Tacoma Street, reactions from property owners, relocation of businesses, and time frame of project. A public hearing is scheduled for March 18, after which a recommendation will be brought to the City Council for approval. A final impact statement will be completed by June, and approval by the Federal Highway Administration is expected by October. The cost is estimated to be between 22 and 24 million dollars. A formal presentation with maps was made by Mr. Bob Heard of ODOT. Burgess asked staff to keep Council informed as to the time frame of the project and suggested that Council have a work session on this.

Members of the audience asked for a report on cable T.V. City Attorney said that the following companies have submitted proposals and have paid the deposit.

- Cablesystems, Multnomah East
- Harmon & Company
- Global Cable TV
- Liberty Cable Television
- Milwaukie Cable Vision, Inc.
- Satellite Communications CATV
- Western Systems, Inc.

A proposal will be made to the Council no later than the first meeting in May. As to the recent advertisement in the New Review by Liberty, Eades said that the free "first tier" service offer was substantially the same as that offered by other companies.

PUBLIC HEARING- APPLICATION OF GRADY/PECK ARCHITECTS ASSOCIATION FOR ANNEXATION, ZONE CHANGE AND PLAN AMENDMENT FOR PROPERTY NORTH OF HARMONY ROAD. ORDINANCE 1516, 1517 and RESOLUTION 3-1982.

Public Hearing was declared open at 7:20 p.m. Notices published and posted. Staff report was given by Topaz Faulkner. Applicant is annexing to the city for adequate sewer and water service. Included in application was a conditional use request for a Dental Clinic. No correspondence was received and no one appeared to speak in opposition to the application. Jim Grady, 1130 SW Morrison, made a presentation to the Council explaining the revisions which had been requested by the Planning Department. Mr. Grady answered questions from the Council and there was discussion on elevation of property, landscaping and impact of the business. There were no other questions. Public Hearing was declared closed at 8:09 p.m. It was MOVED by Paulson, SECONDED by Graf, to adopt Resolution 3-1982 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE (A-82-1) MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Paulson, to read Ordinance No. 1516 the first time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Paulson, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Paulson, to adopt Ordinance No. 1516 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON PROVIDING FOR THE RECLASSIFICATION OF CERTAIN PROPERTY IN THE CITY FROM

CLACKAMAS COUNTY MEDIUM-DENSITY TO CITY MEDIUM-DENSITY RESIDENTIAL AND AMENDING ORDINANCE NUMBER 1437 (COMPREHENSIVE PLAN) AND THE COMPREHENSIVE PLAN MAP ACCORDINGLY. (PRC-82-1)

The MOTION CARRIED with the following roll call vote:

AYES: Paulson, Bischoff, Burgess, Graf, Hall. NOES: none.

Ordinance 1516 passed the Council and was so declared by the Mayor.

It was MOVED by Paulson, SECONDED by Bischoff to read Ordinance No. 1517 the first time by title only. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Bischoff, to read Ordinance No. 1517 the second time by title only. MOTION CARRIED unanimously.

It was MOVED by Hall, SECONDED by Bischoff to adopt Ordinance No. 1517 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REZONING CERTAIN PROPERTY IN THE CITY FROM CLACKAMAS COUNTY MR-1 TO CITY R-3 AND AMENDING ORDINANCE NUMBER 1438. (ZC-82-1) The MOTION CARRIED with the following roll call vote: AYES: Paulson, Bischoff, Burgess, Graf, Hall. NOES: none

LEGISLATION

Payment of bills

It was MOVED by Paulson, SECONDED by Graf, that the bills listed for March 2, 1982 be approved for payment. MOTION CARRIED unanimously.

Parc request re Water Division property

Public Works Director has made a recommendation that funds from the sale of property at 32nd Ave. and Boyd St. be used for improvements to Stanley Park and Water Tower Park. It was MOVED by Graf, SECONDED by Hall to accept recommendation of Public Works Director regarding use of funds. MOTION CARRIED unanimously.

Water Well # 7- Progress Pay estimate

Public Works Director has recommended payment to West Coast Drilling Co. for the above referenced project. The figure shown in the memo dated February 25, 1982 was corrected to read \$6270 rather than \$6720. It was MOVED by Graf, SECONDED by Hall to concur with recommendation of Public Works Director. MOTION CARRIED unanimously.

Proposed Clackamas County Drainage District

City staff and the Parks and Recreation Commission have made a recommendation regarding the Clackamas County flood control project study. Staff recommends that Council approve the plan in concept which provides for improvements in North Clackamas Park as a trade off for providing storm drainage holding ponds. Formal agreements will be brought to the City Council for approval at a later date. Randy Westrick, Parks and Recreation Superintendent, presented slides of flooding problems in North Clackamas Park and discussed implementation of plans for construction in the park. It was Council consensus that Parks and Recreation Commission should act as design review board in this project. It was MOVED by Graf, SECONDED by Bischoff to concur with Steve Hall's memo recommending approval of concept of proposed Drainage District.

Alternative Management Plan update -Salary Change RESOLUTION 4-1982

Jo Durand introduced Bill McDonald, Administrative Assistant and gave an update on the implementation of the Alternative Management Plan. The salary change is for the new Community Services

Director and is the first step in equalizing salaries for the management team. The following change was made in the proposed resolution: the word "immediately" was deleted and the effective date is to read "March 1, 1982". Bischoff requested some information on salaries from other cities. Steve Hall, Acting City Manager Pro Tem, said that the management team will be doing a comparison study which will be presented to the Council. There was further discussion on the Alternative Management Plan. It was MOVED by Graf, SECONDED by Bischoff, to adopt Resolution 4-1982 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE ADOPTING A SALARY RANGE FOR THE POSITION OF COMMUNITY SERVICES DIRECTOR AND AMENDING RESOLUTION 14-1982) MOTION CARRIED unanimously.

911 Emergency System

There was discussion on the types of 911 emergency systems. It was the consensus of the council that the enhanced system was desirable for the city and that this information be relayed to the administrator of the emergency management division. It was MOVED by Graf, SECONDED by Hall, to accept recommendation of City Manager Pro Tem that a letter stating the foregoing be forwarded to the 911 emergency task force and to the administrator of the emergency management division. MOTION CARRIED unanimously.

Interfund Loan Resolution No. 5-1982

It was MOVED by Graf, SECONDED by Paulson to adopt Resolution No. 5-1982 (A RESOLUTION TO LOAN MONEY BETWEEN FUNDS). MOTION CARRIED unanimously.

Request for CDBG Funds

Topaz Faulkner, Planning Director, presented details of city's request for a three phase, downtown rehabilitation program, the total amount being \$75,000. It was MOVED by Hall, SECONDED by Bischoff, to concur with city's request as outlined. MOTION CARRIED unanimously.

CONSENT AGENDA

Approval of minutes- February 16, 1982

Liquor license renewals: Joe's Warehouse, Pal's Shanty, Law's Monroe Street Market, Ship a'Shore Restaurant

Memo regarding meetings at Milwaukie Center

It was MOVED by Hall, SECONDED by Graf to approve the Consent agenda with the following correction: In the minutes of February 16, 1982, Roger Hall's name was not listed as being among those present. Hall was in fact present at the February 16, 1982 meeting and the minutes should so indicate. MOTION CARRIED unanimously.

Sara Hite, Center Director, was asked to comment on the need for meetings at Milwaukie Center. Hite suggested that meetings be held on the first Tuesday of each quarter, which would make the first meeting at the center on April 6, 1982. Council concurred with this suggestion and staff was directed to advise the Center Advisory Board and the Senior Citizen Advisory Commission of this decision.

INFORMATION

There was discussion on the hours at the library. Bischoff asked if there was a way to keep the library open longer hours. Faulkner said she would have a report on this at the April 6 council meeting.

Paulson said that he would like a presentation from the Liquor Commission on the approval of liquor licenses. Staff was directed to contact Mr. Lelac of the Oregon Liquor Control Commission regarding presentation.

OTHER BUSINESS

Jo Durand attended meeting held by Clackamas County Commissioners. Among subjects discussed were: Jail fees, Senate Bill 955 regarding reorganization of senior services, 911 emergency system, and the state gas tax. The meetings are for representatives of cities and will be set up quarterly.

There was discussion on whether to have the Charter amendments on the May ballot or wait until November. It was the consensus of the council to hold a work session on March 11 to discuss this further.

City Attorney requested Council approval to use funds advanced by Cable T.V. companies to conduct research into anti-trust activities by Cable T.V. firms. It was the consensus of the Council to approve this request.

Steve Hall brought up the fact that there are two vacancies on the Planning Commission and only one applicant to date. Burgess asked if there had been a report on absenteeism on the Planning Commission. Faulkner said that she would have a report at the next meeting.

It was MOVED by Hall, SECONDED by Paulson that the meeting be adjourned.

The meeting adjourned at 10:20 p.m. to go into executive session to discuss employment of staff, labor negotiations, litigation, exempt records, under ORS.192.660 (1) (a), (d), (f), and (h).

The meeting reconvened at 12:20 a.m.

Mayor Burgess made a statement to the press regarding the city's cash flow problem. The firm of Coopers and Lybrand have been consulted as to which of several options available to the city should be pursued.

It was MOVED by Graf, SECONDED by Paulson that a request by the firefighters union to come before City Council be denied. MOTION CARRIED unanimously.

It was agreed by the Council that Eades would call Brown and try to work out the changes in the contract which had been agreed upon by the City Council in its executive session. If an acceptable agreement cannot be worked out, the Council will have to have another meeting. If an acceptable agreement is developed, the Mayor could approve it by phone.

It was MOVED by Graf, SECONDED by Bischoff, to authorize the Mayor to approve a mutually acceptable agreement. MOTION CARRIED with the following roll call vote: AYES: Paulson, Bischoff, Graf, Hall. NO: Burgess.

The meeting was adjourned at 12:30 a.m.

Joy Burgess, Mayor

Laurie Perkin, City Recorder

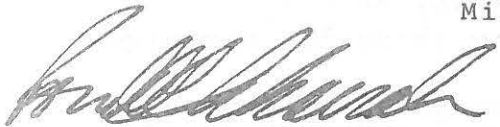
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TO: Dick Bailey, City Manager pro-tem
FROM: Ron Schanaker, Police Chief
DATE: March 4, 1982
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the requested license renewal.

APPLICANT: Kelly and Holly Finerty DBA
THE LITTLE STORE
2936 S.E. Washington
Milwaukie, Oregon 97222



Ronald C. Schanaker
Chief of Police

RCS:jh

APPROVAL RECOMMENDED

Richard D. Bailey
City Manager Pro Tem

MEMORANDUM

V B ②

TO: Dick Bailey, City Manager pro-tem
FROM: Ron Schanaker, Police Chief
DATE: March 4, 1982
SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the requested license renewal.

APPLICANT: Plaid Pantries Inc.
PLAID PANTRY MARKET NO. 79
9410 S.E. 32nd Avenue
Milwaukie, Oregon 97222



Ronald C. Schanaker
Chief of Police

RCS:jh

APPROVAL RECOMMENDED

Richard D. Bailey
City Manager Pro Tem

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MILWAUKIE

M E M O R A N D U M

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TO: Dick Bailey, City Manager pro tem

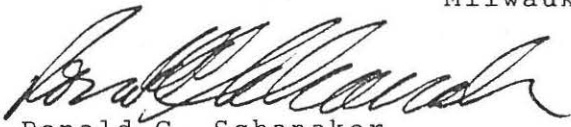
FROM: Ron Schanaker, Police Chief

DATE: March 12, 1982

SUBJECT: APPLICATION FOR LIQUOR LICENSE RENEWAL

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the requested license renewal.

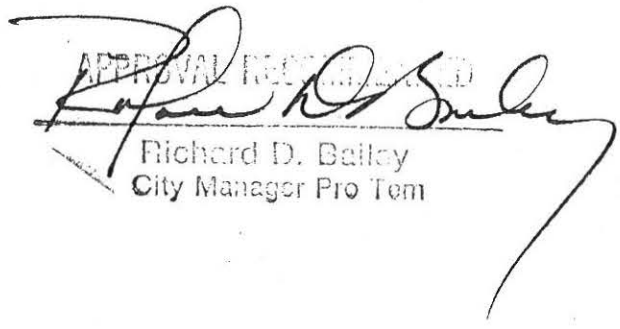
APPLICANT: Claudio Martini DBA
 RIVERSIDE SALOON
 11921 S.E. 22nd Avenue
 Milwaukie, Oregon 97222



Ronald C. Schanaker
 Chief of Police

RCS:jh

APPROVAL RECEIVED



Richard D. Bailey
 City Manager Pro Tem

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

V
CO

DATE: 4 March 1982

TO: City Manager
City Council

FROM: Steven Hall
Public Works Director



SUBJECT: Ballot Measure #4
Increased Gas Tax

Ballot Measure #4, if passed by the voters of Oregon, will implement a 3 year program of increasing the state gas tax at a rate of 1¢ per gallon per year. It is currently estimated that the increased gas tax will provide Milwaukie with the following additional revenues for street repair:

YEAR	GAS TAX INCREASE	MILWAUKIE ADDITIONAL REVENUES	TOTAL GAS TAX REVENUES (Est.)
1982-83	0	0	\$277,000
1983-84	1¢	\$42,700	319,700
1984-85	1¢	\$42,700	362,400
1985-86	1¢	\$42,762	405,162

The additional revenues produced by Measure #4, if passed, would help in the maintenance of city streets, although inflation could neutralize the value of the proposed increase. As it now is, inflation is lessening the useable funds and no increase in gas tax means less dollars to expend on city streets.

I am requesting the City Council to consider taking a formal position on Ballot Measure #4. I am personally recommending that you support the Measure.

Thank you for your consideration of this request.

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ADDITIONAL REVENUE TO COUNTIES AND CITIES
FROM BALLOT MEASURE 4 IN F.Y. 1985
WHEN MEASURE FULLY IMPLEMENTED

Clackamas County		\$1,556,283
Barlow	\$	783
Canby		55,267
Estacada		11,524
Gladstone		70,480
Happy Valley		10,683
Johnson City		2,742
Lake Oswego		165,368
Milwaukie		128,162
Molalla		21,509
Oregon City		105,407
Rivergrove		2,243
Sandy		20,939
West Linn		93,300
Wilsonville		21,153



19600 South Molalla Avenue
Oregon City, Oregon 97045
503-657-8400

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MILWAUKIE-OR

March 3, 1982

Mr. Greg Eades, Attorney
City of Milwaukie
City Hall
Milwaukie OR 97222

Dear Mr. Eades:

I just wanted to be sure that you and the Council were aware that the College is pleased that Milwaukie is looking at other options for a cable franchise. Please keep in mind our concerns as we negotiate with all the companies. We continue to be concerned that we have:

- educational channels (minimum of 3)
- a studio with a least 2 classroom areas for interactive programming
- classroom hookups in the CTC
- All schools connected to the college system (which is Liberty)

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob Wynia".

Bob Wynia

Ass't to Dean of Instruction

BW:ece



Land Use Board of Appeals

475 COTTAGE STREET N.E., SALEM, OREGON 97301 PHONE (503) 373-1265

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March 8, 1982

Michael J. Lilly
Robert E. Maloney, Jr.
Spears, Lubersky, Campbell,
& Bledsoe
800 Pacific Building
Portland, OR 97204

✓ Gregory A. Eades
City Attorney
10722 S.E. Main Street
Milwaukie, OR 97222

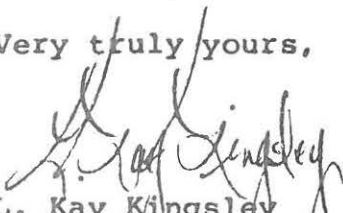
Re: Jones v Milwaukie
LUBA No. 82-015

To the parties:

We are in receipt of the record transmittal for the above captioned appeal. We will refer to the Board's Procedural Rules for the calculation of the briefing schedule.

The petition for review is due twenty days after receipt of the record. The respondent's brief is due forty days after receipt of the record, which was March 8, 1982.

Very truly yours,


L. Kay Kingsley
Secretary to the Board

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MILWAUKIE
CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

VI
C

DATE: March 2, 1982

TO: City Manager/City Council

FROM: Steven Hall
Public works Director *S.M. Hall*

SUBJECT: Bridge replacement funds
S.E. 17th/Johnson Creek

This structure has reached the point in priorities within the State of Oregon where it has been certified to the potential funding list for the 1983 fiscal year of the Federal Government.

The estimated cost of the project is currently at \$400,000 with 80% funding. This would require City match of \$80,000 for the project.

Inasmuch as those funds are not currently available within the budget for fiscal year 1982/83 of the City of Milwaukie, I have requested that the State Highway defer the project for further consideration in the next fiscal year.

This item is forwarded to you for information only and to keep you abreast of current projects and funding that the City has acquired.

SMH:js

MEMORANDUM

TO: MEMBERS OF THE SENIOR CITIZEN ADVISORY
COMMISSION AND CENTER ADVISORY BOARD

FROM: JO DURAND, ADMINISTRATIVE ASSISTANT TO
THE CITY MANAGER

SUBJECT: QUARTERLY MEETINGS OF THE MILWAUKIE CITY
COUNCIL AT THE MILWAUKIE CENTER

DATE: MARCH 9, 1982

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JD

At its meeting on March 2, 1982, the Milwaukie City Council considered the recommendation of the Milwaukie Senior Citizen Advisory Commission and the Milwaukie Center Advisory Board. The Council voted unanimously to hold one Council meeting each quarter at The Milwaukie Center in order to provide for improved handicapped access to City Council meetings. The Council plans to hold its first meeting at the Center on Tuesday, April 6, 1982. In addition, Council meetings will be held at the Center on the first Tuesday of July and October, 1982 and January and April, 1983.

We hope you will encourage your members and other handicapped and senior citizens with whom you come in contact to attend the City Council meetings held at the Center.

Please feel free to contact me if you have any questions regarding this new policy.

Thank you for your recommendations in this matter.

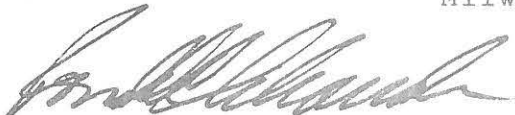
M E M O R A N D U M

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TO: Dick Bailey, City Manager pro tem
FROM: Ron Schanaker, Police Chief
DATE: March 8, 1982
SUBJECT: APPLICATION FOR LIQUOR LICENSE (NEW)

State and local law enforcement records fail to reflect any negative information on the below-listed applicant. I therefore find no reason to deny issuance of the requested license renewal.

APPLICANT: KELLOGG ENTERPRISES, INC.
10306 S.E. Main Street
Milwaukie, Oregon 97222



Ronald C. Schanaker
Chief of Police

RCS:jh



MAR 82 11:

LEAFLET-0

VI B (2)

Oregon Liquor Control Commission

P.O. BOX 22297, 9079 S.E. McLOUGHLIN BLVD., PORTLAND, OREGON 97222

MARCH 1, 1982

Kelley Enterprises, Inc.
Richard L. & Mary Ann Getken
10608 SE Main Street
Milwaukie, OR 97222

Application Consideration--SRD for 2/13/82, 2/20/82 and 2/27/82

REGISTERED MAIL
RETURN RECEIPT REQUESTED

Kelley 1981
10608 SE Main Street
Milwaukie, OR 97222

Gentlemen and Ms. Getken:

Your application for Special Retail Beer licenses at the above address was considered by the staff of the Oregon Liquor Control Commission. Prior to making a recommendation on this application, the staff reviewed and applied the following:

ORS 471.240(1). The granting of a license in the locality set out in the application is not demanded by public interest or convenience.

ORS Chapter 840-64-025. A special Retail Beer license may be issued to any person, firm or organization who meet the following qualifications for a special licensee: the purpose for which a special license is being used must be a picnic, convention, fair, civic or community enterprise, or similar special event, such as a spectator sports event, musical concert or festival.

The staff felt that your application did not meet these qualifications. Further, the staff felt that the events proposed to be licensed were not "special events" due to their frequency of occurrence, and due to the fact that they are being conducted by a business enterprise.

In view of these licensing criteria, the staff's recommendation to the Commission is that this application be denied. The Commission presides and act upon this recommendation; however, they are not bound by it. You are entitled to a hearing on the merits of your application and the staff's recommendation prior to

Kellog Lowl
March 5, 1982
Page 2

VI
B (3)

consideration by the Commission. If you wish to request a hearing you must notify the License Division in writing within sixty (60) days of the date of this notice. If you do not request a hearing, the Commission will decide upon the merits of your application at its May, 1982 meeting.

If you request, a hearing will be scheduled. After the hearing, the Hearings Officer will prepare proposed findings of fact and conclusions of law for the Commission's consideration. You will be given an opportunity to file exceptions, if appropriate, to the proposed findings. Your appellate rights may be affected substantially if you do not request a hearing.

Yours truly,

C. Dean Saltin
Administrator

CDS:SS:kw/11346

cc: City of Milwaukee

EMPLOYMENT AGREEMENT

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THIS AGREEMENT, made and entered into this 8th day of March, 1982, by and between the City of Milwaukie, Oregon, a municipal corporation, hereinafter called "CITY", as party of the first part, and Hugh H. Brown, hereinafter called "EMPLOYEE", as party of the second part.

WITNESSETH:

WHEREAS, the City has appointed Hugh H. Brown as City Manager with the full authority of that position as provided in the Charter of the City of Milwaukie; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment and to set working conditions of said Employee; and

WHEREAS, it is the desire of the City Council to: (1) secure and retain the services of Employee and to provide inducement for him to remain in such employment; (2) to make possible full work productivity by assuring Employee's morale and peace of mind with respect to future security; (3) to act as a deterrent against malfeasance or dishonesty for personal gain on the part of the Employee; and (4) to provide a just means for terminating Employee's services at such time as he may be unable to fully discharge his duties due to disability or when the City may desire to otherwise terminate his employment.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1. Duties. City hereby agrees to employee Hugh H. Brown as City Manager of the City of Milwaukie to perform the functions and duties specified in the Home Rule Charter of the City of Milwaukie, and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

Section 2. Term. A. The term of this agreement shall be effective April 1, 1982, and end when Employee is terminated by Council action, or when Employee resigns, which ever shall occur first.

B. The City Council and Employee shall, in executive session, review the performance of the City Manager each and every 180 days, beginning in October, 1982. The City Council and Employee shall also annually (on or about the anniversary date), evaluate the salary of the City Manager. The first review in October, 1982 shall include a review of the Manager's salary. The parties shall develop a mutually acceptable process of executive evaluation.

VI
g. (3)

performance evaluations. With the exception of any increase that might be approved in October, 1982, salary increases shall be effective the same time as those approved for other city employees.

Section 5. Automobile. Employee's duties require that he shall have the reasonable use within the Portland metropolitan area at all times during his employment with the City, of an automobile to be provided to him by the City.

Section 6. Dues and Subscriptions. City agrees to budget and to pay the job-related professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations necessary and desirable for his continued professional participation, growth, and advancement, and for the good of the City.

Section 7. Professional Development. A. City hereby agrees to budget and to pay reasonable travel and subsistence expenses of Employee for job-related professional and official travel, meetings, and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for the City, including, but not limited to, the Annual Conference of the International City Management Association, the League of Oregon Cities, and such other national, regional, state and local governmental groups and committees thereof which Employee serves as a member. Such participation may be discussed if desired by Council under the provisions of Section 2B.

B. City also agrees to budget and to pay for reasonable travel and subsistence expenses of Employee for short courses, institutes, and seminars, that are necessary for his professional development and for the good of the City.

Section 8. Vacation and Sick Leave. A. Upon the commencement of Employee's performance, he shall be credited with 15 days of vacation. He shall not accrue additional vacation for one year, but thereafter additional vacation time shall be accrued at the rate of 1 1/4 days for each month worked.

B. Employee shall be credited with 12 working days of sick leave and shall not accrue additional sick leave for one year but thereafter additional sick leave shall accrue at the rate of one day per each month worked.

C. Upon termination, whether voluntary or involuntary, the City shall compensate Employee for all accrued vacation leave.

Section 9. Insurance Benefits. A. The City agrees to purchase and pay premiums on a life insurance policy in an amount equal to the next highest \$10,000 increment above Employee's annual base salary.

EMPLOYMENT AGREEMENT

Page 4

VI g (24)

B. The City shall provide Employee with all other medical, dental, disability and accidental death insurance currently provided to other City employees and shall pay 100% of the premium for health and dental insurance.

Section 10. Retirement Plan. The City shall contribute to the Public Employees Retirement System the current percentage of Employee's base salary.

Section 11. Deferred Compensation. The City agrees to execute agreements with the Employee and the ICMA Retirement Corporation to allow for deferred compensation contributions by the Employee. In the event it becomes possible to exempt Employee from PERS, the City shall contribute an equivalent amount to the ICMA deferred compensation program in lieu of PERS contributions.

Section 12. Relocation Expenses. A. The City shall pay the moving expenses for Employee, his family and his personal property. Payment shall include packing, unpacking, storage costs associated with the move and insurance charges. Payment shall also include family transportation, meals and lodging and Employee's transportation from Milwaukie to Wheatridge, Colorado to facilitate the move.

B. Employee shall be reimbursed expenses of one round-trip from Wheatridge for Employee and spouse (if necessary) to search for a home.

C. The City shall pay for expenses related to the rental of a modest and appropriate apartment for the Employee for a maximum of four months. If additional time is required, the City will consider an extension.

Section 13. City Residency. Reflecting the spirit and intent of the City Charter, Employee's first effort toward finding a home shall be a due and reasonable search within the city limits of Milwaukie. If Employee is unable to find appropriate family housing in the city, the Council shall approve other housing within close proximity to the City of Milwaukie, as determined by the Council.

Section 14. Other Terms and Conditions of Employment.

A. The City Council shall fix any such terms and conditions of employment, as it may determine from time to time, relating to the performance of Employee, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter and any other law.

B. All provisions of the City Charter and Code and regulations and rules of City relating to vacation, sick leave, retirement system contributions, holidays, administrative leave

VI g(5)

and other fringe benefits and working conditions as they now exist or hereafter may be amended, also shall apply to Employee as they would to other employees of the City, in addition to said benefits enumerated specifically for the benefits of Employee, except as herein provided.

Section 15. General Provisions. A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall become effective commencing the 1st day of April.

C. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion thereof shall be deemed severable, shall not be affected, and shall remain in full force and effect.

D. This agreement may be amended by mutual consent of the parties.

IN WITNESS WHEREOF, the City of Milwaukie, Oregon, has caused this agreement to be signed and executed in its behalf by its Mayor, and duly attested by its City Recorder and the Employee has signed and executed this agreement, both in duplicate, the day and year first above written.

Joy Burgess
Mayor

ATTEST:

Laurie Peabie
City Recorder

[Signature]
Employee

Approved as to form:

[Signature]
City Attorney



INFORMATION

STATE OF OREGON
Department of Transportation
Metropolitan Branch

Steve Hall

INTEROFFICE MEMO
Telephone: 238-8243
Date: March 8, 1982

TO: MEMO TO THE FILE
FROM: *Bob Heard*
ROBERT J. HEARD
Project Coordinator
SUBJECT: Union-Grand Viaduct
S.E. River Road
McLoughlin Boulevard

File No: 26-1926 *VI*
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RECEIVED
MAR 10 1982
Smith
CITY OF MILWAUKIE
DEPT. OF PUBLIC WORKS

A Technical Advisory Committee meeting was held on March 5, 1982, at the Metro Office. Attached is a list of those in attendance.

The first item for discussion on the agenda was the DEIS discussion. The round table discussion pointed out several items that were either omitted or not studied in enough detail in the EIS. Donna Kilber will make adjustments accordingly in the final EIS.

The next item on the agenda was possible street closures along McLoughlin. Approximately one-and-one-half years ago we wrote the City of Portland a letter recommending that certain streets be closed. They, in turn, replied, either agreeing or disagreeing with our recommendation and giving their reasons why, when they did disagree. The only area that was not discussed were the streets between Powell and Holgate. This should be determined through the Sellwood Neighborhood Traffic Diversion Study being done by the City of Portland, Bureau of Planning (Bob Bernstein). It was pointed out that the DEIS did not address the street closures specifically as outlined in the return letter from the City of Portland. This also will be enlarged in the Final Environmental Impact Statement.

The third item on the agenda, alternative consensus, was then discussed. The general consensus of the TAC members present was that a build alternative is imperative. There was some discussion as to whether alternative two or alternative three, with or without the Tacoma grade separation, should be pursued. It appeared that alternative number three had a slight edge at this time. This was nothing more than a straw vote, and no official position was taken at this time.

pa

cc TAC
Support Staff

Attachment

HEARING ON FEDERAL REVENUE SHARING
MEETING
March 11, 1982
10 a.m.

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COUNCIL CHAMBERS

The Public Hearing was declared open at 10 a.m. by Steve Hall, acting as City Manager Pro Tem on behalf of Dick Bailey. Notices published and posted as required.

Also present at the meeting:

Gordon Erickson, Finance Director
Laurie Perkin, City Recorder

Gordon Erickson has provided description of program, including requests by city staff, for proposed uses of 1982-83 Federal Revenue Sharing funds as well as uses of additional funds for 1981-82.

No written comments were received and there was no audience participation.

Public Hearing was declared closed at 10:05 a.m.

Laurie Perkin, City Recorder

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

MAR 82 10: 44

MILWAUKIE-OR

DATE: March 11, 1982

TO: City Manager/City Council

FROM: Steven Hall
Public Works Director *J.M.H.*

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SUBJECT: McLoughlin Blvd.
Northern Corridor Project

This memo is sent as a follow up on the information presented to you by ODOT at your last regular Council meeting by Mr. Bob Bothman and Mr. Bob Heard.

On Friday, 5 March 1982 the Technical Advisory Committee under the direction of ODOT met to discuss the draft Environmental Impact Statement, potential street closures and to make a staff recommendation on an alternative of the four presented within that document.

It was the consensus of that meeting that alternative three be utilized as it seems to be the most politically acceptable to all jurisdictions and neighborhood organizations involved. I concurred with that recommendation although from a technical standpoint I preferred alternative number two. ODOT representatives indicated the following approximate time schedule and funding for this project:

- | | | |
|--|---------|---------------|
| 1. Right of way acquisition and construction of Tacoma intersection (at grade) | FY/1983 | \$3.3 million |
| 2. Final right-of-way acquisition | FY/1985 | \$6.5 million |
| 3. Remaining construction | FY/1987 | \$16 million |

It must be noted that these are dates estimated for approval of funding. As the ODOT representatives mentioned at your meeting, these approvals will be on a year by year basis and are subject to change and/or alteration by the Federal Highway Administration.

One alternative that was proposed by a representative of the City of Portland Planning Bureau holds some merit and can minimize the impact of cost. For your information, this alternative would propose constructing the Tacoma intersection as indicated in FY 83 with a potentially modified structural approach and then scheduling the improvements south of Tacoma through Milwaukie in the next phase. The additional comment was to live with the existing conditions north of Tacoma Ave. through some restriping and minimal changes. This was presented

McLoughlin Blvd.
Northern Corridor project -2-

March 11, 1982

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as a point of discussion and it was indicated by ODOT that some of their members had considered this alternative also.

As time progresses and more information is available I will pass it on to you and if you have any particular questions, please contact me at City Hall.

SMH:js

SENIOR CITIZEN ADVISORY COMMISSION
FEBRUARY 12, 1982

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PRESENT: Doris Olsen, presiding
Alice Measure
Joe Keller
Nick Knapp
Art Johnson
Kay Stevens
Gail Roach

STAFF: Sara Hite
Topaz Faulkner
ABSENT: Excused: Art Renner
Ron Kinsella

The meeting was called to order by Doris Olsen.

Doris introduced new member, Kay Stevens.

Minutes of November 13, 1981 and January 8, 1982, approved as printed.
No meeting in December, 1981.

Topaz Faulkner was introduced as newly appointed head of the General Services Department. As such, she will oversee the Milwaukie Center, the Library, Planning, the Court and Parks & Recreation.

Gail presented the nominating committee's slate of officers for the coming year: Doris Olsen, chairman; Nick Knapp, vice-chairman. Gail will continue to act as secretary during the rest of her term, when new members will have been appointed. Motion to elect the slate as presented, seconded, carried.

Transportation: County committee is being reorganized, and it would be suitable to have someone serve to represent the interests of Milwaukie. Sara will look into the procedure and report to the next meeting.

Housing: The King-Bell project is stopped at present because of the high interest rates. It is expected that free enterprise will enter in by the National Housing Partnership. Individuals will own shares in the project, will be part-owners along with the Housing Authority.

Milwaukie Center: Program committee reported programs are continuing, with some new ones being added as space allows. A support group similar to the Stroke Club will be formed for the visually handicapped. The Senior Companion Program, federally funded, will be under way.

Meeting time change was discussed. Art Johnson moved time be changed to 10 a.m. the same day. Seconded, carried. Topaz will change the date on the City calendar.

Attention was drawn to the proposed increased sewer rates and to the continued reduced rates for low income seniors.

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Handicapped accessibility at the City Hall: Because of the lack of facilities, Art Johnson moved that we send a recommendation to City Council that their meetings be held at the Center at least once a quarter. Seconded, carried.

Serial levy, county wide, to benefit seniors was discussed following a report by Doris Olsen. All interested are urged to attend an informational meeting February 23, at 10 a.m. at the Center. Fact sheets will be available.

Revisions of Center use fees were presented. Matter of alcohol at the Center was discussed. More research is needed before a policy is recommended.

Meeting adjourned 3:30 p.m.

Gail Roach,
Secretary

CLACKAMAS
COUNTY

MAR 82 13: 47
MILWAUKIE-OR
DEPARTMENT
OF
HUMAN RESOURCES

COMMUNITY
DEVELOPMENT
DIVISION *VIM*

GARY DICENZO, DIRECTOR

cc: City Mgr
Mayor
City Council
- Agewort

March 9, 1982

Steve Hall
Public Works Director
10722 SE Main
Milwaukie, OR 97222

Dear Steve:

Thank you for your March 3, 1982, letter informing me of the City Council's intention to use the Milwaukie Senior Center for Council meetings once per quarter. The federal regulations under which the Center was funded allow for the use of the Center in the manner in which you describe.

Sincerely,

Gary
Gary DiCenzo
Director

GD:ER/jf

RECEIVED

MAR 11 1982

J.M. N...
CITY OF MILWAUKIE
DEPT. OF PUBLIC WORKS

Agenda Items- March 16, 1982- Council-Mgr only--handouts.

1. Memo re appt. of Traffic Safety Commission member
2. Applications from Planning Commission candidates
3. Letter sent to applicants for City Manager
4. Memo to Parc re drainage district
6. Letter to Mr. Lelac re Liquor Comm. representative.
7. Memo from P.W. Director re McLoughlin Corridor
8. Material handed out by Financial consultant re bond sales.
9. Description of terms re economic development
10. Proposed Plan Map amendments

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

DATE: MARCH 15, 1982

FROM: PAUL ROEGER, OFFICE ENGINEER

SUBJECT: TRAFFIC SAFETY COMMISSION POSITION VACANCY.

The Traffic Safety Commission has started a recruiting drive to find qualified applicants to fill the vacancy on the Commission and subsequent vacancies as terms of present members expire. There is a possibility that we may have several law officers apply and we would like to have the benefit of their experience as well as promote better understanding and communications between the Traffic Safety Commission and law enforcement agencies.

For this reason, we would like to have you delay appointment of a Traffic Safety Commission member for several weeks until we can submit several applications for you to consider.

Thank you for your consideration.

Very truly yours,

Paul W. Roeger

Paul Roeger
Office Engineer

PR/vk

MILWAUKIE CITY COUNCIL INTERVIEWS - March 16, 1982

CITY ADVISORY BODY INTERVIEWS

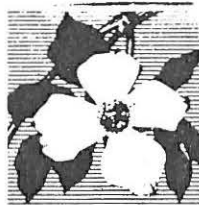
<u>TIME</u>	<u>NAME</u>
6:15	Marvin Cohen (Plan.)
6:30	James McDonald (Plan.)
6:45	John W. Littlehales - (Plan & Traffic)

NOTES: A possible conflict is the fact that one real estate salesperson is already on the Planning Commission; Cohen and McDonald are both in real estate sales (it is mandated that no more than two members shall be engaged in the same kind of occupation).

All current Planning and Traffic Safety members reside within the City limits (excluding the Traffic Safety members not appointed by the Council).

CITY OF MILWAUKIE

CITY HALL • 10722 S.E. MAIN STREET
MILWAUKIE, OREGON 97222
TELEPHONE (503) 659-5171



Application For Appointment To City Advisory Bodies FOR 1982

NAME: James E McDonald

ADDRESS: 3902 SE Wake

TELEPHONE: (HOME) 654-6903 (WORK) 285-4591

MILWAUKIE RESIDENT SINCE: 1952

PREVIOUS CITY APPOINTMENTS, OFFICES: Chairman Neighborhood Council

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: Purchasing Agent

Lord Bros. Contractors — Real Estate Salesperson

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: _____

WILL YOU BE ABLE TO ATTEND REGULAR MEETINGS AT NIGHT? yes
DURING THE DAY? SPECIAL OCCASIONS

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR MILWAUKIE? _____

To improve and make the best possible use of Milwaukie government and money

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS COMMITTEE OR COMMITTEES: _____

Please Check Committee or Committees on Which You Would Like to Serve:

- | | | | |
|--------------------------------|-------|---------------------------------|----------|
| Budget Committee | _____ | Milwaukie Center Advisory Comm. | _____ |
| Building Code Board of Appeals | _____ | Parks & Recreation Commission | _____ |
| Civil Service Commission | _____ | <u>Planning Commission</u> | <u>X</u> |
| Fire Code Board of Appeals | _____ | Senior Citizen Advisory Comm. | _____ |
| Library Board | _____ | Traffic Safety Commission | _____ |

This information will be kept on file with the City for use in consideration of appointments to city advisory bodies. Please feel free to attach any additional background information you think would be of value to the City Council.

Thank you.

James E McDonald
Signature

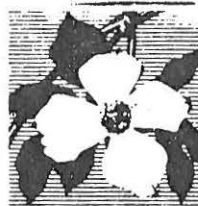
3-5-82
Date

CITY OF MILWAUKIE

CITY HALL • 10722 S.E. MAIN STREET
MILWAUKIE, OREGON 97222
TELEPHONE (503) 659-5171

9 FEB 2 13: 47

MILWAUKIE-OR



Com+Comm-Plan
Application For Apps

Appointment To City Advisory Bodies

NAME: Marvin Cohen

ADDRESS: 4629 S.E. Rockwood Milwaukie Oregon

TELEPHONE: (HOME) 654-7246 (WORK) 659-1791

MILWAUKIE RESIDENT SINCE: August 1965

PREVIOUS CITY APPOINTMENTS, OFFICES: None

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: Real Estate Sales Person

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: Clackamas Co. Bd. of Realtors,
Substitute teacher N.C. Dist. #12, Volunteer past 3 years with Milw. J.C.'s
on Festival Waze Program

WILL YOU BE ABLE TO ATTEND REGULAR MEETINGS AT NIGHT? Yes
DURING THE DAY? Yes

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR MILWAUKIE? A well planned
urban growth goal while at the same time protecting the environment
that exists that makes Milwaukie a desirable community to raise
a family in. Sensible growth through proper planning.

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS
COMMITTEE OR COMMITTEES: Familiar with land development in the tri
county area having worked extensively with raw land, zoning, etc.

Please Check Committee or Committees on Which You Would Like to Serve:
This form valid for only one year from date of application.

- | | | | |
|--------------------------------|--------------------------|-------------------------------|-------------------------------------|
| Budget Committee | <input type="checkbox"/> | Parks & Recreation Commission | <input type="checkbox"/> |
| Building Code Board of Appeals | <input type="checkbox"/> | Planning Commission | <input checked="" type="checkbox"/> |
| Civil Service Commission | <input type="checkbox"/> | Senior Citizen Advisory Comm. | <input type="checkbox"/> |
| Fire Code Board of Appeals | <input type="checkbox"/> | Traffic Safety Commission | <input type="checkbox"/> |
| Library Board | <input type="checkbox"/> | | |

This information will be kept on file with the City for use in consideration of appointments to city advisory bodies. Please feel free to attach any additional background information you think would be of value to the City Council.

Thank you.

Marvin Cohen
Signature

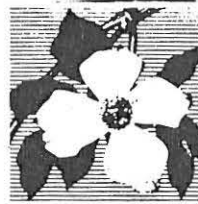
March 5, 1982
Date

CITY OF MILWAUKIE

CITY HALL • 10722 S.E. MAIN STREET
MILWAUKIE, OREGON 97222
TELEPHONE (503) 659-5171

24 FEB 1982 15: 37

MILWAUKIE-OR



Application For Appointment To City Advisory Bodies FOR 1982

NAME: John W. Littlehales
ADDRESS: 12435 S.E. 43rd
TELEPHONE: (HOME) 654-0321 (WORK) 238- 4854
MILWAUKIE RESIDENT SINCE: 1979
PREVIOUS CITY APPOINTMENTS, OFFICES: none

EMPLOYMENT OR PROFESSIONAL ACTIVITIES: Tri-Met - employed as Manager of Financial Control; responsible for cash management, short term investments, fixed asset control.

OTHER COMMUNITY AFFILIATIONS OR ACTIVITIES: Coast Guard Reserve - presently serving as Commanding Officer of a Portland Reserve unit.

WILL YOU BE ABLE TO ATTEND REGULAR MEETINGS AT NIGHT? yes
DURING THE DAY? on occasion

WHAT ARE YOUR SPECIAL INTERESTS, GOALS FOR MILWAUKIE? I am interested in the Planning Commission as a means of furthering orderly growth for Milwaukie. My business background and interest in the community will assist me in arriving at sound planning decisions.

OTHER BACKGROUND OR INPUT YOU FEEL WOULD BE BENEFICIAL TO THIS COMMITTEE OR COMMITTEES: _____

Please Check Committee or Committees on Which You Would Like to Serve:

- | | | | |
|--------------------------------|-----------|--|-----------|
| Budget Committee | _____ | Milwaukie Center Advisory Comm. | _____ |
| Building Code Board of Appeals | <u>XX</u> | Parks & Recreation Commission | _____ |
| Civil Service Commission | _____ | Planning Commission | _____ |
| Fire Code Board of Appeals | <u>XX</u> | Senior Citizen Advisory Comm. | <u>XX</u> |
| Library Board | _____ | Traffic Safety Commission | <u>XX</u> |

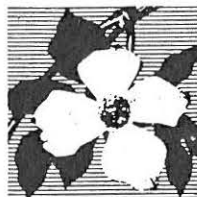
This information will be kept on file with the City for use in consideration of appointments to city advisory bodies. Please feel free to attach any additional background information you think would be of value to the City Council.

Thank you.

John W. Littlehales
Signature

2/23/82
Date

CITY OF MILWAUKIE



CITY COUNCIL
in the City Hall • phone 659-5171

Letter sent to Rocky Fluhart, Samuel Gesco, George Shaw

March 5, 1982

Rocky J. Fluhart
1516 West Airport
Lompoc, California 93436

Dear Mr. Fluhart:

I wish to personally thank you and your wife on behalf of the City of Milwaukie for your participation in the final selection process for City Manager. I sincerely hope you found Milwaukie to be a place you would some day like to live as we all feel it is the ideal city in Oregon to live and work.

The final selection took many hours of discussion to arrive at the unanimous choice of Mr. Hugh Brown as City Manager. The City and Mr. Brown have come to a mutually agreeable contract and he will assume the duties of City Manager on April 1, 1982.

As noted, the process was not simple or easy as each candidate had many outstanding characteristics and abilities that we were searching for. The City initially began with a list of over 80 candidates and finally reached the point of interviewing you and three other candidates. I wish you the best of success as you continue to pursue your career in city management.

Thank you for your interest in Milwaukie and if you have any questions please do not hesitate to contact me.

Sincerely yours,

Joy Burgess
Mayor

cc: City Council
JB/vk

MEMORANDUM

March 12, 1982

TO: PARKS AND RECREATION COMMISSION

FROM: CITY RECORDER

SUBJECT: COUNCIL ACTION ON REQUEST REGARDING PROPOSED
DRAINAGE DISTRICT

At its March 2, 1982 meeting the City Council approved PARC'S recommendation regarding the proposed drainage system for the Mt. Scott Creek basin as well as the request that PARC act as a design review board on this project.

CITY OF MILWAUKIE



OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

March 8, 1982

Gerald Lelack
Regional Supervisor
Eastside Office
7940 SE Division Suite C.
Portland, OR 97206

Dear Mr. Lelack:

At its March 2, 1982 Council meeting the Milwaukie City Council directed staff to contact you regarding a presentation to the Council regarding the issuance and maintenance of liquor licenses.

The Council meetings are held on the first and third Tuesday of each month beginning at 7 p.m. I can schedule your presentation under audience participation so that you would be first on the agenda.

Please contact me at your convenience regarding this matter.

Sincerely,

Laurie Perkin
City Recorder

Mr. Lelack will address the Council April 20, 1982

15 MAR 82 8:45

-MILWAUKIE-OR

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

DATE: March 10, 1982

TO: City Manager/City Council

FROM: Steven Hall
Public Works Director *S. Hall*

SUBJECT: McLoughlin Corridor
Southern section

Clackamas County Department of Environmental Services has requested that they be allowed to present information as to the objectives and problems involved in the south McLoughlin corridor project currently being developed by them.

Bernie Straight, Traffic Engineer for Clackamas County will be present at that meeting to make the presentation.

For your information, I have been a member of the Technical Advisory committee and have been involved in the process to this point in time. Detailed information will follow which will be presented to you at the Council Meeting of 6 April 1982.

For your additional information, a public meeting will be held on the same project to discuss the objectives on Thursday, 18 March 1982 at 7:30 p.m. in the large conference room at the Clackamas County Department of Environmental Services headquarters, 902 Abernethy Road in Oregon City.

SMH:js



First Interstate Bank
of Oregon, N.A.
Headquarters
1300 S.W. Fifth Avenue
P.O. Box 3131
Portland, OR 97208

THE SELLING OF BONDS
Terminology and Concepts

(Based on Oregon Laws and Practices)

Revised April 1981

NOTE TO READER

The purpose of this handout is to provide definitions of terms and concepts which comprise the process of selling municipal bonds. It is intended to be used by persons unfamiliar with either the bond market or the process of selling municipal bonds. The topics are simplified and do not purport to offer a comprehensive representation.

Prepared by:

Rebecca Marshall
Assistant Vice President
Public Finance Group
First National Bank of Oregon
P. O. Box 3131, 15th Floor
Portland, Oregon 97208
Phone (503) 225-3828

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THE SELLING OF BONDS

Terminology and Concepts

(Based on Oregon Laws and Practices)

BOND = A fixed maturity ("term"), fixed amount ("par" or "principal"), and fixed interest ("coupon") negotiable security.

MUNICIPAL BONDS = Bonds issued by a municipal corporation which is enabled to issue bonds by statute or charter. (See attached list of Bond Limitations of Municipal Corporations.)

TAX-EXEMPTION = The Internal Revenue Service (I.R.S.) allows a tax-exemption on all municipal bonds issued for a "public purpose." Thus, the buyers of municipal bonds do not pay federal income taxes on the interest they receive from the bonds,

An Investor in a 50% tax bracket earns 20% on a 10% bond,
in a 40% tax bracket earns 16.7% on a 10% bond,
and in a 30% tax bracket earns 14.3% on a 10% bond.

Oregonians who own bonds issued by Oregon municipalities also do not pay state income taxes on the interest from these bonds. However, Oregon corporations are subject to an excise tax on the interest received on municipal bonds which they hold.

PROCEEDS = Money generated by the sale of bonds.

DEBT SERVICE = Money collected to pay off ("retire" or "redeem") the principal and interest on the bonds.

MAJOR PLAYERS IN THE SALE

ISSUER = The Municipal Corporation.

FINANCIAL CONSULTANT OR ADVISOR = Consulting firm hired to advise the Issuer regarding the financial and market aspects of the sale.

BOND COUNSEL = Legal firm hired to advise the Issuer regarding the legal and tax aspects of the sale.

UNDERWRITER = Purchaser of the entire bond issue who intends to resell the bonds. Usually it is a commercial bank or investment banking firm.

TRADER OR DEALER = Persons in securities firms or banks who buy or sell ("trade") individual bonds but do not hold the securities as investments. Certain dealers hold inventories ("take a position") in certain types or issues of bonds.

INVESTOR ("Bondholder") = Ultimate buyer of any number of bonds from the issue who intends to hold the bonds for investment purposes.

<u>Types of Investors</u>	<u>Percent of Bonds Outstanding 12/31/80</u>
Commercial Banks	42%
Property Liability Insurance Companies	23%
Households	23%
Municipal Bond Funds	7%
Other	5%

Source: Salomon Brothers, 1981 Prospects for Financial Markets.

MAJOR TYPES OF BONDS

1. GENERAL OBLIGATION ("G.O.") BONDS = The "general obligation" is the pledge of "full faith and credit," which means all unrestricted resources of the Issuer (usually refers to General Fund).

--Usually includes the "full taxing power" which consists of a pledge to tax up to the entire "True Cash Value" of the municipality.

True Cash Value ("TCV") = Full market value of all taxable property within the Issuer's boundaries (not "assessed valuation," which is now an artificially limited valuation).

- A. TAX-SUPPORTED G.O. BONDS = Bonds paid entirely from property or other tax levies.

e.g. State Department of Higher Education Facilities Bonds; School District Bonds

- B. LIMITED-TAX G.O. BONDS = The taxing power is limited by statute or charter.

e.g. Oregon Veterans Welfare Bonds: limited by Constitution to \$2.00 per \$1,000 TCV; limited by Statute to \$0.25 per \$1,000 TCV

- C. G.O. REVENUE BONDS ("DOUBLE BARRELLED") = G.O. bonds which are paid either partly or totally from revenues generated by the project being financed, such as G.O. bonds paid by water system fees and charges, with property taxes available if revenues are insufficient to retire the bonds.

If only revenues are used to retire the bonds, the bonds are then referred to as: "self-supporting" or "self-liquidating."

e.g. Dept. of Veterans Bonds: paid entirely from mortgage payments by veterans; Portland Water Bonds: paid entirely from water system fees and charges

- D. G.O. IMPROVEMENT BONDS ("BANCROFT BONDS") = Issued primarily by cities and counties to finance special improvements within "LIDs" (Local Improvement Districts). Individuals who benefit from the improvement are assessed by the city or county for their share of the cost of the project. These assessment payments are then used to pay off the bonds.

2. REVENUE BONDS = Bond payments are made from revenues, such as service fees and charges, generated by the project being financed. No taxes are levied or pledged as a back-up. NOTE: Revenue bonds, except for housing, university or dormitory purposes, cannot be underwritten by commercial banks.

e.g. Electric Utility Revenue Bonds such as issued by Eugene Water & Electric Board, P.U.D.s (Public Utility Districts), etc.

- A. MORTGAGE REVENUE BONDS ("HOUSING BONDS") = Revenue bonds paid from mortgage payments or rental payments from housing projects financed by bonds.

e.g. State Housing Division Low-Income Housing Bonds (note: State bonds issued for the elderly are G.O. Revenue Bonds)

- B. LEASE OR LEASE-PURCHASE REVENUE BONDS = Revenue bonds paid from lease payments made on projects financed by bonds.

- C. TAX-INCREMENT REVENUE BONDS ("URBAN RENEWAL BONDS") = Revenue bonds paid from monies derived from "tax increment financing," a special application of a portion of taxes levied in urban renewal districts.

- D. INDUSTRIAL DEVELOPMENT REVENUE BONDS ("IDBs" or "IDRBs" or "IDRs") = Revenue bonds issued by a municipality "on behalf of" a private taxable corporation or individual. Bonds are paid from lease payments which the private corporation makes on the facility financed by the bonds (the facility is owned by the municipal Issuers throughout the term of the bonds and then sold to the private corporation for a small sum after the bonds are paid off).

e.g. State Economic Development Revenue Bonds; Port of Portland Industrial Development Revenue Bonds

(Note: IDBs may also be backed by a G.O. pledge, such as the State Water Resources Bonds.)

3. REFUNDING BONDS = Bonds issued to refinance bonds which have not yet matured ("outstanding"). "Advance Refunding Bonds" are a special type of refunding bonds which are issued prior to the call date. Refunding bonds may be issued to refinance either G.O. or Revenue Bonds.

e.g. State Department of Higher Education Advance Refunding Bonds (1978)

MAJOR STEPS IN THE SALE OF BONDS

(Explained below)

1. Authorization
2. Structuring the Issue
3. Preparation of the Official Statement
4. Obtaining the Rating
5. The Sale
6. The Closing

1. AUTHORIZATION = Permission to issue the bonds. In addition to the Constitution, Statute or Charter enabling language, an election is often also required.

G.O. Bonds: typically require an election

Bancroft Bonds: no election is necessary; however, usually approval by a specified percentage of affected property owners is required

Revenue Bonds: Election depends on the language in the statutory or charter authorization

Debt Limitation: In addition to "authorized debt," the Issuer has a statutory maximum amount of debt that can be outstanding. The amount of debt within the "debt limitation" which is not yet issued is the "debt margin."

2. STRUCTURING THE ISSUE

- A. BOND ISSUE = A set of bonds all issued by the Issuer on the same date. The bonds usually mature on various dates.

Par amount: The total principal amount of the issue.

Denomination: The principal amount of one bond, typically \$5,000. "Mini-bonds" usually have denominations of between \$100 and \$1,000.

Maturity Date: The date upon which a particular bond is payable ("redeemed").

Term of the Issue: The number of years the bonds will be outstanding.

Block size: The total principal amount of bonds maturing in one year.

B. SERIAL BONDS = A certain number of bonds mature each year of the issue. All G.O. bonds are required by statute to be serial bonds.

versus

TERM BONDS = All bonds mature on one or more dates, with most years having no bonds maturing.

C. MATURITY SCHEDULE = A listing of the total principal amount of bonds maturing in each year,

versus

DEBT SERVICE SCHEDULE = A listing of the total principal and interest due each year,

D. CALL FEATURE ("REDEMPTION FEATURE") = Enables the Issuer to pay off ("redeem") a bond prior to its maturity date. The "call date" is the earliest date the bond may be redeemed ("called").

E. PREMIUM = Amount paid over the par amount of the bonds. A 1% premium price (a premium price of "101") on a \$5,000 bond totals \$5,050.

DISCOUNT = Amount paid below the par amount of the bond. A 2% discount price (a discount price of "98") on a \$5,000 bond totals \$4,900.

F. CAPITALIZED INTEREST = The Issuer pays the first few interest payments from bond proceeds, usually until construction of the project is completed and the project can begin to generate revenues with which to make bond payments.

G. NOTICE OF SALE = Legal notice announcing the terms and conditions of the bond sale. Its content and timing for publication is prescribed by statute. Official Statements must be available for distribution on the first day ("first publication date") the notice is published.

H. ARBITRAGE = The difference in earnings between when borrowing at a lower rate (usually, the tax-exempt rate) and investing at a higher rate (usually, the taxable rate). The Internal Revenue Service regulates arbitrage relating to municipal bonds.

e.g. The Issuer who pays 10% on its municipal bonds and invests the proceeds at 14% is earning arbitrage at a 4% rate.

3. PREPARING THE OFFICIAL STATEMENT

OFFICIAL STATEMENT ("O.S.") = A document, similar to a prospectus for a stock issue, which describes the bond issue and the Issuer.

Disclosure: The information provided in the O.S.

Guidelines for Disclosure:

Municipal Finance Officers Association (M.F.O.A.) - National voluntary guidelines

Oregon Guidelines - Recommended for O.S. disclosure on G.O. issues under \$1 million

Material Fact: Information which an Investor would consider relevant ("material") in making an investment decision. Failure to disclose a material fact is liable as fraud under the Securities Acts of 1933 and 1934 ("10b5" language).

Primary Sections of O.S.:

Issuer Description

Project Description

Financial Information

Debt Information

Property Tax Information

Economic/Demographic Information

4. OBTAINING THE RATING

Moody's Investors Service: Aaa, Aa, A-1, A, Baa-1, Baa, Ba, . . .

Standard & Poors: AAA, AA+, AA, A+, A, BBB, BB+, . . .

Independent: Some major underwriters rate according to their own criteria.

Major Considerations:

Each bond issue is rated according to the security provided.

The ability of the Issuer to pay is assessed:

--Past and projected cash flow of revenues

--Property tax collection record

Credit characteristics are evaluated;

--"Debt Load" (per capita debt, total debt compared to true cash value)

GROSS DEBT = All bonds and notes

NET DEBT = All totally self-supporting debt is subtracted, thus net debt measures only that debt paid to any extent from taxes

e.g. State of Oregon gross debt includes Veterans Welfare Bonds while State net debt does not include Veterans bonds

--Overlapping debt = Debt of other municipalities whose boundaries overlap the Issuer

--Financial management and budgeting

--Elections record

--Planning: Capital budgeting and capital improvement plans for 5 to 10 year periods

Economic vitality:

--Growth trends and impacts

--Economic diversification

--Employment

5. THE SALE

A. Types

- (1) PUBLIC ("COMPETITIVELY BID") SALE = At a specified time sealed bids are opened and the bonds are "awarded" (for G.O. bonds, within 4 hours) to the lowest interest cost bid. The Issuer may reject all bids but may not select among legal bids on any basis other than the lowest interest cost.

e.g. Veterans Welfare Bonds

Bid: Submitted by an underwriting syndicate, the bid lists the interest rate ("coupon") for each year of the bond issue plus any premium or discount, if allowed. The coupons are usually set the morning of the sale after comparing the bonds to similar bonds currently being traded in the market. For bonds issued by local municipalities, state bond market price levels are checked and then the local bonds are "priced off of" the state bond levels according to the underwriters perception of the creditworthiness and marketability of the Issuer. Some local bonds are priced at more favorable levels ("priced through") than the state bonds; however, most local bonds are priced at less favorable levels due to the lower ratings and lesser security,

Interest Cost:

NIC = Net Interest Cost ("Net Effective Interest Rate"); the average interest cost for all maturities

TIC = True Interest Cost ("Canadian Method"); Total interest cost reflecting the time value ("present value") of money. Since the value of one dollar decreases over time, the interest payments are discounted progressively as time increases.

Syndicate: A group of bond underwriting concerns who have formed a joint underwriting account to bid on a particular bond issue. The account is usually formed one month ahead of the sale. A "manager" runs the account; "joint managers" and "members" commit to percentages of the issue. One week before the sale the "account letter" sets the commitments and priorities. Account members receive price breaks ("concessions"). Prior to the sale bonds are "pre-sold" to the extent possible by all competing syndicates.

- (2) NEGOTIATED SALE = The Issuer and Underwriter deal directly, setting the price, coupons, issue structure, and terms jointly. The Underwriter usually assumes the responsibility for preparing the Official Statement, obtaining the rating, and marketing the bonds. No other bids are received.

e.g. State Low-Income Housing Revenue Bonds

- (3) PRIVATE PLACEMENT = The Issuer and the Investor deal directly, again setting the price, coupons, issue structure and terms jointly in a "Bond Purchase Agreement." The Investor is usually a sophisticated, institutional investor who intends to hold the entire issue in her portfolio. No underwriter is involved.

e.g. State Economic Development Revenue Bonds

B. Sale "Jargon" and Concepts

- (1) SPREAD = The difference between the price paid the Issuer and the price received from the Investor. The spread comprises the Underwriter's fee for assuming the risks of reselling the bonds.
- (2) PURCHASE PRICE = Price paid by the Underwriter to the Issuer for the entire bond issue. The price may include a premium or discount from the full par value of the issue.

versus

MARKET PRICE = The price of an issued bond varies continuously as new bond issues come to market and previously issued bonds are re-traded. Thus, the market price that an Investor will pay for a ten percent ten year bond today may be different tomorrow and therefore the total market value of her portfolio also changes daily.

(3) UNDERWRITER RISKS

- a. If all bonds are not pre-sold, the market price on the bonds could drop after the sale but prior to resale by the Underwriter. Since the price is determined by the current market, the underwriter must then sell the bonds at the lower price. Some underwriting concerns have a "30-day Rule" whereby all bonds of an issue must be sold at the market price within 30 days after the sale.
- b. If the market turns unfavorable ("moves away") as described above, the underwriter may hold onto the bonds for a while; however, then her money is tied up and unavailable for underwriting other bond issues or for investment. This "opportunity cost" also reduces profits or may even cause a loss.

(4) INTEREST RATE = Rate of interest paid by Issuer to Investor (bondholder).

versus

YIELD ("REOFFERING YIELD," "YIELD-TO-MATURITY") = Rate of return to Investor if the bond is held to its maturity date. The yield includes any premium or discount paid by the Investor for the bond.

e.g. A \$5,000 bond has a 10 year maturity and pays a 10% annual rate of interest semi-annually.

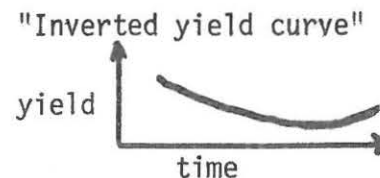
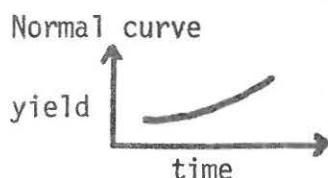
Discount: If the Investor pays \$4,701 for the bond, then the yield-to-maturity is 11%.

Premium: If the Investor pays \$5,325 for the bond, then the yield-to-maturity is 9%.

Par: If the Investor pays \$5,000 for the bond, then the yield-to-maturity is 10%.

(5) PRICE IN RELATION TO YIELD (an inverse relationship) = In a difficult market, Investors expect higher yields. Since the interest rate is fixed, the price must fall to achieve the higher yields. In a favorable market, prices increase, thus decreasing yields.

(6) YIELD CURVE = The relationship of yield to time.



(7) BASIS POINTS

One basis point = .01%

10 basis points = 0,1%

100 basis points = 1,0%

(see attached chart for impact of basis point changes on interest cost)

(8) SCALE = A listing of the reoffering yield for each year in the maturity schedule.

(9) Describing how bonds sold:

"A SOLD CHEAPER THAN B" = A sold at a lower price, higher yield than B.

e.g. If a State bond traded for a yield of 10% and a Port of Portland bond sold for a yield of 9%, the State bond sold "cheaper than" the Port bond.

"A SOLD THROUGH B" = A sold at a higher price, lower yield than B.

e.g. In the prior example, the Port bond "sold through" the State bond.

C. After the Sale

1. ORDER PERIOD = For one or two hours after the sale, the winning syndicate takes orders for the bonds from all dealers.
2. ALLOCATIONS = After the order period, the syndicate manager allocates the bond issue, resolving any conflicting orders according to priorities established before the sale.
3. PRIMARY MARKET (the "new issue market") = Resale of newly issued bonds, as described above.

versus

SECONDARY MARKET = Trading of bonds after the account has dissolved and the bonds are distributed. Some dealers may hold a portion of the bonds in inventory for future sale. These inventories plus Investors trading bonds which they have held in their portfolios comprise the secondary market supply.

Note: Any Investor may buy either bonds of a new issue or bonds previously issued and available for sale in the secondary market. A bond issue's trading success in the secondary market can thus affect future bond issues' success in the primary market. Also, the supply of an Issuer's bonds in the secondary market can affect the demand for the Issuer's bonds in the primary market.

6. THE CLOSING ("DELIVERY")

After the sale the bonds must be printed and signed by the Issuer; the transcript prepared by the Bond Counsel; and the funds drawn and prepared for transmission by the Underwriter. On the day of closing, the bonds are "delivered" to the Underwriter; the Bond Counsel delivers the "legal opinion" to the Underwriter; and the Issuer receives the funds.

Note Regarding Dates: The sale date and the closing date have no further relevance. The bonds are assigned an arbitrary "issue date," usually the beginning of a month, upon which interest begins to accrue. The bonds have this date printed upon them and often are referred to by that date (e.g. "the December 1, 1979 bonds"). Any interest which is owed between the issue date and the closing date ("accrued interest") is paid by the Underwriter to the Issuer at the closing.

MAJOR MARKET CONCEPTS

1. NATIONAL ECONOMIC INFLUENCES

- A. Economic Expectations: expectations for continued inflation (lowering yields).
- B. Monetary Policy: The Federal Reserve's control of the money supply.
- C. Fiscal Policy: The Federal government's budgetary cuts, tax cuts, etc.

2. SUPPLY-DEMAND INFLUENCES

- A. Factors Increasing Supply (measured weekly by Bond Buyer's "Visible Supply" which estimates the dollar value of bonds to be issued in the near future)
 - 1. Housing Bonds: These bonds have gone from none in 1975 to 29.4% of the total market in 1980. (See the attached table, "Purpose of Long-Term Financing").
 - 2. Industrial Development Revenue Bonds: Approximately \$8 billion were issued in 1980 or about 15% of the total bonds issued.
 - 3. Inflation in Project Costs
 - e.g. The cost of a high school for Medford School District is \$19 million; Forest Grove's new high school is \$16 million.
 - 4. Decrease in Federal grants and loans requiring municipalities to sell more bonds to finance such projects as water and sewer treatment facilities, transportation systems, etc.
 - 5. Increase in publicly owned utilities which are financed by municipal bonds.
- B. Factors Decreasing Supply
 - 1. The Ullman Bill (Public Law 94 State 2660 et seq.); Restricts Housing Bonds for single family residences.
 - 2. Possible Federal action restricting IDBs, especially for commercial purposes.
 - 3. Tax-Limitation Fever: Voters may reject Bond Levies.

C. Factors Increasing Demand

1. Inflation in Wages: Pushes more individuals into higher tax brackets, thus needing more tax shelters.
2. The Yields on bonds are higher now than in the past, thus attracting more investors to bonds.

D. Factors Decreasing Demand

1. Inflation: Concern over increasing rates and decreasing value of money makes a fixed interest rate security less attractive for long-term investing.
2. Increasing cost of funds for commercial banks reduces the income needing a tax-shelter. Decreasing corporate profits likewise decrease income needing a tax shelter.
3. I.R.S. Revenue Procedure 80-55 relating to the use of municipal bonds as collateral for municipal Certificates of Deposit further decreases commercial bank interest in municipal bonds. A study prepared for the Municipal Finance Officers Association concludes that borrowing costs could increase 10 to 25 basis points as a result of the procedure, which becomes effective June 1, 1981.

4. Portfolio Diversification Rules: Many portfolios are limited as to the percentage of the portfolio which may be invested in any one geographic area. A typical limit is 2%; the maximum is 10%.

Note: 2% of a \$500 million portfolio = \$10 million
10% of a \$500 million portfolio = \$50 million

Other limitations may relate to the type of bond or type of economic activity in an area (e.g. wood products industry). Also, commercial bank portfolios are restricted by the Comptroller of the Currency in that no holding may exceed 10% of the bank's working capital and surplus.

5. Tax cuts will reduce the amount of income needing a tax shelter.
6. Other forms of tax shelters or adjustments, such as accelerated depreciation, investment or energy credits, exempt income which otherwise might be invested in tax-exempt bonds.

3. IMPACT OF ONE TYPE OF BOND UPON OTHER BONDS
(e.g. State bonds upon local bonds; IDBs upon other bonds, etc.)

- A. There are two opposing market views commonly held regarding interest rate impact:

"MARKET SEGMENTATION" = Certain types of buyers buy only certain types of bonds due to risk preferences, yield goals, etc.

versus

"ARBITRAGE AMONG MARKETS" ("Efficient market theory") = Market decisions are based primarily on price; a low enough price (increased yield) will overcome risk preferences, portfolio restrictions, etc. to investors who are in the margin of their market segment.

- B. Measuring Impact: Measurement is difficult due to complications from the economy, market variations, comparability of credits, etc. A study conducted in 1975 by Dr. John Petersen of the Municipal Finance Officers Association concluded that for each \$1 billion of Pollution Control bonds sold nationally, the rates on all tax-exempt bonds increased from 5 to 20 basis points (20 year maturity). For longer term, lower rated bonds, the impact was estimated to be 25 basis points, under tight credit conditions.

- C. The Function of the Bond Issue versus the interest cost: The benefits derived from the project financed by the bonds may exceed the increase in interest cost, or it may fall short. A cost-benefit analysis compiles and assigns dollar values to all costs and all benefits according to generally accepted economic assessment techniques. If the total of all costs exceeds the total of benefits, then issuance of the bonds is questionable, and vice-versa.

Examples of some typical cost and benefit considerations:

Costs

Interest cost
Impact on State Treasury from income tax exemption
Impact on local government infrastructure (water, sewer, roads, schools)
Increases in borrowing costs to the Issuer and other municipal issuers in the area

Benefits

Avoidance of future inflationary cost increases
Economic stimulation
Influx of out-of-state capital
Increased employment (economic development bonds)
Provision of needed service (water or sewer bonds)
Increase in Federal and State tax revenues from increased incomes
Increases in local property tax revenues (housing bonds)
Comparison to costs of other sources of borrowing funds
General social desirability of project (school bonds)

OREGON REVISED STATUTES
 BOND LIMITATIONS OF MUNICIPAL CORPORATIONS

*(NOTE: True Cash Value (TCV) is computed according to
 ORS 308.207)*

	<u>ORS Reference</u>
1. <u>Airport Districts</u>	
10% of TCV	494.120
2. <u>Cities</u>	
General Obligation: 3% of TCV, subtracting out indicated bonds and cash funds	287.004
Bancroft Bonds: 9% of TCV, including total city debt minus municipal utility bonds	223.295
3. <u>Community Colleges</u>	
1½% (.015) of TCV	341.675
4. <u>Counties</u>	
2% of TCV	287.054(2)
a. County Service Districts	
13% of TCV	451.545 199.510
b. Zone 2 Fire Patrol	
1½% (.0125) of TCV	476.330
5. <u>Water Districts</u>	
Population under 300: 2½% of TCV (up to ½ of 1% of TCV without an election)	264.250

<u>Water Districts (cont'd)</u>		
	Population over 300: 10% of TCV	264.250
6.	<u>Drainage Districts</u>	
	no limit	547.555
7.	<u>Hospital Districts</u>	
	Population under 300: 2½% of TCV	
	Population over 300: 10% of TCV	440.375
8.	<u>Irrigation Districts</u>	
	As approved by voters of the district	545.192
9.	<u>Mass Transit Districts</u>	
	2½% of TCV	267.330
10.	<u>Metropolitan Service District</u>	
	10% of TCV	268.520
11.	<u>Park and Recreation Districts</u>	
	2½% of TCV	266.512
12.	<u>People's Utility Districts</u>	
	2½% of TCV	261.360(2)
13.	<u>Ports</u>	
	2½% of TCV	777.410
	Water Transportation ¼ of 1% (.0025) of TCV	777.725

	<u>ORS Reference</u>
14. <u>Port of Portland</u> 1-3/4% of TCV	778.030
15. <u>Rural Fire Protection District</u> 1-1/4 (.0125) of TCV	478.410
16. <u>Sanitary Authorities</u> As approved by voters of the district	450.867
17. <u>Sanitary Districts</u> 13% of TCV	450.120,
18. <u>Water Improvement Districts</u> 2½% (.025) of TCV	552.645
19. <u>Water Control Districts</u> As approved by voters of the district	553.610-.640

Source: Oregon Department of Revenue

BASIS POINTS

Calculated from average annual debt service
Base rate of 8%; term 20 years

<u>BASIS POINTS</u>	<u>Increased Rate</u>	<u>\$1,000,000</u>		<u>\$300,000,000</u>		<u>\$1 billion</u>	
		<u>1 year</u>	<u>20 years</u>	<u>1 year</u>	<u>20 years</u>	<u>1 year</u>	<u>20 years</u>
1	8.01%	\$ 76	\$ 1,520	\$ 22,740	\$ 454,800	\$ 75,800	\$ 1,516,000
5	8.05	380	7,600	113,780	2,275,600	379,265	7,585,300
10	8.10	760	15,200	227,735	4,554,705	759,120	15,182,400
25	8.25	1,900	38,000	570,650	11,413,000	1,902,165	38,043,300
50	8.50	3,820	76,400	1,145,630	22,912,600	3,818,765	76,375,300
75	8.75	5,750	115,000	1,724,865	34,497,300	5,749,550	114,991,000
100	9.00	7,695	153,900	2,308,280	46,165,600	7,694,265	153,885,300

PURPOSE OF LONG-TERM TAX-EXEMPT FINANCING
(billions of dollars)

	<u>1960</u>	<u>1970</u>	Percent of <u>Total</u>	<u>1975</u>	Percent of <u>Total</u>	<u>1980</u>	Percent of <u>Total</u>	Percent Change <u>1975 to 1980</u>
Education	\$2.3	\$5.0	28.6%	\$4.7	15.0%	\$4.9	8.9%	4.3%
Transportation	1.3	3.2	18.3	2.2	7.0	2.0	3.6	-9.1
Water & Sewer	1.0	2.4	13.7	2.3	7.3	3.5	6.4	52.3
Utilities	0.3	1.1	6.3	2.7	8.5	5.1	9.3	88.9
Ind. Pollution Control	--	--	--	2.2	7.0	2.8	5.1	27.3
Hospitals	NA	NA	--	2.0	6.3	3.7	6.7	85.0
Housing	0.4	0.1	0.6	0.6	1.8	13.6	24.7	2,266.7
Industrial Dev- elopment Bonds ¹	--	0.1	0.6	1.2	3.7	9.5	17.2	691.7
Other ²	<u>1.7</u>	<u>5.6</u>	32.0	<u>13.6</u>	43.4	<u>10.0</u>	18.1	-26.5
TOTAL	\$7.1	\$17.5		\$31.3		\$55.1		

¹Based on Congressional Budget Office estimates of "small-issue" industrial development bonds.

²Includes refundings.

Sources: Municipal Finance Officers Association, Congressional Budget Office, The Daily Bond Buyer

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BONDS - BACK TO THE BASICS

Outline for Discussion by
Rebecca Marshall
Assistant Vice President
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BOND - What is one?

Fixed amount - principal, par, denomination
Fixed term - maturity, maturity schedule, "serial bond," "term bond"
Fixed interest rate - semi-annual interest, coupon, "debt service"
Date of bond - issue date, dated date, begin interest (NOT sale date,
NOT closing date)

BONDS - Types

General Obligation - full faith and credit, unlimited tax
Tax-supported
Limited Tax
Revenue-supported (self-supporting, double barreled, self-liquidating)
Bancroft Bonds (special assessment bonds)
Revenue Bonds - Reserve fund, coverage, covenants
Lease Revenue Bonds
Mortgage Bonds
Tax Allocation Bonds - tax increment, urban renewal
Industrial Development Revenue Bonds - State Economic Development
Commission, Ports, Counties (pollution control), City of Portland
Refunding Bonds - Advance Refunding Bonds

BONDS - Who are the players?

Issuer

Bond Counsel

Financial Consultant

State Municipal Debt Advisory Commission

Oregon Disclosure Guidelines

Bond Calendar

I.R.S. (U.S. Treasury) - Arbitrage Regulations

3 year construction period

Paying Agent

Underwriter, Syndicate, Primary Market Investor, Secondary Market, (40% Commercial Banks, 22% Casualty Insurance Co., 27% Households, 6% Municipal Bond Funds)

BONDS - The jargon

Basis Point (.01%)

Premium and Discount

Price vs. Yield

Call Feature

BONDS - How to sell them?

1. Obtain authorization - Election, Statute, Charter, Constitutional Amendment

Debt Limitation - Debt Capacity, Debt Margin, True Cash Value

2. Preparation -

A. Official Statement - Prospectus

Disclosure, "Material Fact"

Direct Debt

Overlapping Debt

Debt Statistics - percent of true cash value, per capita debt

B. Bond Rating - Moody's Investor Services (Aaa, Aa, A-1, A, Baa-1, Baa, Ba, B, . . .)

- Standard & Poors' (AAA, AA, A, BBB+, BBB, BB, B, . . .)

3. Sale - Competitive vs. Negotiated vs. Private Placement
 Bid - Net Interest Cost (NIC); True Interest Cost (TIC), Present Value
4. Closing - Delivery
 - Transcript

BORROWING AND BONDS OF COUNTIES, CITIES AND DISTRICTS GENERALLY

287.002 [Amended by 1963 c.526 §1; 1965 c.265 §1; 1969 c.341 §2; 1973 c.488 §6; repealed by 1975 c.642 §8 (287.014 to 287.026 enacted in lieu of 287.002)]

287.004 Limitation on amount of bonds issuable by cities. (1) Unless the city charter expressly provides to the contrary, the governing body of any city may, without a charter amendment, issue bonds upon approval of the voters of the city by a majority of those voting upon the question of issuance. Nothing in this section shall be deemed to require such approval if not required by the charter of the city or if not required by statute.

(2) Unless a lesser limitation upon the issuance of bonds has otherwise been provided by law or charter, no city shall issue or have outstanding at any one time bonds in excess of three percent of the true cash value of all taxable property within its boundaries, computed in accordance with ORS 308.207, after deducting from outstanding bonds such cash funds and sinking funds as are applicable to the payment of the principal thereof.

(3) Where a lesser limitation upon the issuance of bonds is provided by law or charter, that limitation applies.

(4) The limitations on amounts of this section do not apply to bonds issued for water, sanitary or storm sewers, sewage disposal plants, hospitals, infirmaries, gas, power or lighting purposes, or the acquisition, establishment, construction or reconstruction of any off-street motor vehicle parking facility, nor to bonds issued pursuant to applications to pay assessments for improvements in instalments under statutory or charter authority.

(5) This section does not affect the right of any city to issue bonds heretofore legally voted and authorized nor the right to refund bonds now outstanding to the extent that sinking funds shall not be available at maturity to retire such bonds. [Amended by 1959 c.653 §11; 1963 c.9 §13; 1965 c.282 §1; 1973 c.65 §1]

287.006 Tax levy to pay interest and principal on bonds of cities; bond sinking fund. (1) Each city and town shall annually cause to be levied upon the taxable property within its boundaries a sum sufficient, with such other revenues as are available, to pay the maturing interest and principal of all serial bonds and to provide a sinking fund to

pay the interest and principal of all other bonds issued after June 3, 1929, by such city or town at or before the maturity date or dates thereof. If any such other bonds are not callable or subject to retirement by purchase or otherwise before the ultimate maturity dates specified in such bonds, the surplus of the sinking fund over and above current requirements to pay interest and principal shall be invested in the classes of securities specified in ORS 294.035 and 294.040.

(2) The earnings of the sinking fund shall be added to and become a part thereof for the purpose of paying interest and principal of the bonds for which the fund was created.

(3) The fund shall not be diverted or used for any other purpose; but if a surplus remains after all interest and principal of a given issue have been paid, the surplus may be transferred to such other fund as the governing body of the particular city may designate. However, funds of municipal utilities shall not be diverted or transferred to other funds.

(4) Annual sinking fund instalments to pay the principal of municipal utility bonds issued after June 3, 1929, to defray costs of construction, extension and betterments may be deferred, if necessary, for a period not to exceed five years from the issuing date or dates of such bonds.

(5) This section does not apply to or affect bonds issued pursuant to applications to pay assessments for improvements in instalments under statutory or charter authority.

287.008 Maturities and denominations of bonds of cities, school and community college districts. (1) All bonds issued by cities, school districts and community college districts shall be in serial form with definite maturities and shall mature in annual or semiannual instalments. If the governing body of the issuing city, school district or community college district so elects, the bonds may be issued with the option of redeeming them at par or with a premium not to exceed two percent, on and after certain interest-paying dates specified by the governing body therein, upon publication at least 30 days prior to contemplated redemption date of one notice of intended redemption in a newspaper published and generally circulated within the boundaries of the issuer, or, if there is no such newspaper, then in a newspaper having a general circulation within the county in which the city, school district or community college

district is located. Such callable bonds may be called and refunded pursuant to any law authorizing such refunding. The first instalment of principal shall fall due and be payable not later than five, and the last instalment not later than 30, years from date of issue. The instalments of principal or the combined instalments of principal and interest shall conform to the following requirements:

(a) The instalments of principal shall either be equal or substantially equal in amount; or

(b) The combined instalments of principal and interest due in any year shall be as nearly as practicable in such sums as will permit of an equal annual tax levy for the retirement of the principal of and the payment of the interest on the bonds; or

(c) The combined instalments of principal and interest, when taken together with all existing tax-supported, general obligation debt requirements for principal and interest, shall be, as nearly as practicable, in such sums as will permit of a substantially uniform tax levy for the retirement of the principal of and the payment of interest on all tax-supported general obligation bonds. For the purposes of this subsection, all bonds which are wholly supported by revenue other than taxes may be excluded from consideration.

(2) Except for the issuance of bonds in odd denominations to complete the amount of an issue, bonds issued by cities, school districts and community college districts shall be in denominations that are multiples of \$100 but if the principal amounts and maturities of the issues will permit, the bonds shall be in denominations of \$500 or \$1,000 each, or both, or in multiples thereof, in the discretion of the issuing authority.

(3) All bonds of cities, before issuance, shall be executed with either the autograph or facsimile signature of the mayor or other executive head of the city, countersigned by the finance officer, auditor or other recording officer of the city and authenticated by the seal of the city attached either manually or printed thereto.

(4) This section does not apply to:

(a) Bonds issued for water, sewer, power, gas or lighting purposes.

(b) Bonds issued pursuant to applications to pay assessments in instalments under any city charter or under ORS 223.205 and 223.210 to 223.220.

(c) Bonds of cities, school districts or community college districts having a population of 200,000 or more. [Amended by 1967 c.408 §1; 1969 c.25 §2; 1971 c.325 §2; 1975 c.642 §17]

287.010 Appraised value of timber used in determining borrowing and bonding capacities of eastern Oregon counties, cities and districts. Notwithstanding any provision of ORS 321.405 to 321.520, timber in eastern Oregon shall be considered as though it remained on the tax rolls at the appraised values established pursuant to subsection (3) of ORS 321.485 for the purpose of determining the borrowing and bonding capacities of counties, cities and taxing districts in eastern Oregon. [1961 c.627 §27]

287.012 Use and disposition of bond proceeds. (1) Notwithstanding any other provision of law, when bonds, obligations or other evidence of indebtedness issued by any district, authority or public corporation after August 9, 1961, are sold the proceeds may be used to pay attorneys' fees and other expenses incurred in the preparation, authorization, issuance and sale of, and in all proceedings relating to, such bonds, obligations or other evidence of indebtedness.

(2) When bonds are sold, the proceeds received in excess of the principal shall be placed with the principal in the improvement fund for which the bonds were issued or in a debt service fund to repay the bond. [1961 c.70 §1; 1971 c.515 §1]

287.014 Definitions for ORS 287.014 to 287.026. As used in ORS 287.014 to 287.026, unless the context requires otherwise:

(1) "Bond" means a general obligation note or a bond supported by the full faith and credit of the issuer.

(2) "Issuer" includes the state, cities, counties, common and union high school districts, community college districts, special districts, authorities, and other municipal corporations authorized by law to issue general obligation bonds. [1975 c.642 §9 (enacted in lieu of 287.002)]

287.016 Manner of issuance. Bonds of any issuer shall be issued in the manner provided in ORS 287.014 to 287.026. [1975 c.642 §10 (enacted in lieu of 287.002)]

287.018 Preliminary official statement required for general obligation issues. For general obligation issues:

(1) The issuer shall prepare and make

available upon request to bidders and investors a preliminary official statement that includes the following:

- (a) Past and current financing and estimated future financing of the issuer;
- (b) Brief description of the financial administration and organization of the issuer;
- (c) Brief description of the economic and social characteristics of the issuer which will permit bidders and investors to appraise the issuer's ability to assume and service adequately the debt obligation; and
- (d) Any other information the issuer may provide or which the Oregon Municipal Debt Advisory Commission may require by rule.

(2) The preliminary official statement described in subsection (1) of this section shall be available not later than the date of first publication of the notice of bond sale.

(3) The preliminary official statement shall contain the best available information which shall be accurate to the best knowledge of the issuer. However, any errors or omissions in the preliminary official statement shall not affect the validity of the bond issue.

[1975 c.642 §11 (enacted in lieu of 287.002); 1977 c.266 §6]

287.020 Assistance by Oregon Municipal Debt Advisory Commission; expenses.

(1) The issuer may request the Oregon Municipal Debt Advisory Commission to prepare the preliminary official statement described in ORS 287.018 and shall provide the commission with the information required by ORS 287.018.

(2) The issuer may request the Oregon Municipal Debt Advisory Commission to prepare the notice of bond sale required by ORS 287.022 and 287.024. However, the responsibility for publication, advertising and distribution of the notice of bond sale shall remain with the issuer.

(3) The commission may charge the issuer a fee commensurate with expenses incurred in the preparation, publication and distribution of a preliminary official statement or notice of bond sale prepared pursuant to subsection (1) or (2) of this section. [1975 c.642 §12 (enacted in lieu of 287.002); 1977 c.266 §7]

287.022 Requirements for notice of bond sale; bids required. (1) The issuer shall prepare a notice of bond sale which shall specify:

(a) The time, date and place where bids will be received, and considered and acted upon, the total amount of bonds, and the denominations of the bonds;

(b) The issue date, maturity dates and amounts, interest payment dates, and place of payment of the bonds;

(c) The date of optional redemption, if any, the call price premium, if any, and the order of bond redemption and place of redemption;

(d) The maximum effective rate of interest and the minimum percentage of par value of the bonds which may be bid, which shall not be less than 98 percent of par value plus accrued interest;

(e) The required good faith deposit by certified or cashier's check on a bank doing business in this state in the amount not less than two percent of the par value of the bonds, or \$500,000, whichever is the lesser;

(f) Such constraints on the coupon rates as the issuer may impose;

(g) The interest basis and definition thereof on which bond bids are to be awarded; and

(h) The name of bond counsel, if any, who will furnish the legal opinion.

(2) The notice of sale may contain:

(a) The name of the person who will furnish financial data;

(b) Coupon rate multiples;

(c) Registration provision, if any;

(d) Bid forms availability;

(e) Estimated delivery date and place;

(f) Procedure for awarding tie bids;

(g) Such other conditions as the issuer may impose;

(h) The statute and ordinance, if any, pursuant to which the bonds are to be issued; and

(i) The purpose of the bonds.

(3) Bids submitted must be for all bonds offered for sale. All bids are to be unconditional and to be submitted in writing in a sealed envelope clearly marked as a proposal for bonds. [1975 c.642 §13 (enacted in lieu of 287.002)]

287.024 Notice; publication. Except for the state:

(1) The issuer shall cause the notice of bond sale to be published in one or more newspapers published and circulated within the boundaries of the issuer, but if there is no such newspaper, then in a newspaper having

general circulation within the boundaries of the issuer.

(2) The notice of bond sale shall be published in at least two issues of the designated newspaper. The first publication shall be not more than 25 calendar days or less than 15 calendar days preceding the date of bond sale and the last publication shall be not more than 14 calendar days nor less than eight calendar days preceding the date of bond sale.

(3) In addition to the publication described in subsection (1) of this section, a notice or summary of the notice shall be published in a business and financial newspaper published in Portland, Oregon, not more than 25 calendar days nor less than 15 calendar days preceding the date of bond sale. If a summary is published under this subsection, it must specify the location where the complete notice of sale is published.

(4) For issues of \$3 million or more par value, a notice or summary of the notice of bond sale shall be submitted for publication in at least one issue of a national financial newspaper not less than 20 calendar days preceding the date of bond sale. This notice may be in lieu of the notice otherwise required under subsection (3) of this section.

(5) Copies of the complete notice of sale shall be furnished upon request to bidders, investors and the public. [1975 c.642 §14 (enacted in lieu of 287.002)]

287.026 Bids as public record; to whom sale made; time of sale; rejection of bids. (1) All bonds shall be awarded by public competitive sale on the basis described in the notice of sale. All bids must be entered into the public record of the issuer.

(2) All bids shall be publicly opened at the time and place specified in the notice of sale. The bonds shall be sold to the responsible bidder whose bid will result in the lowest interest cost to the issuer, as defined in the manner set forth in the notice of sale, and taking into consideration any premium or discount bid. Unless all bids are rejected, the sale must be acted upon within four hours of the time the bids are opened.

(3) The issuer may reject any or all bids and readvertise the sale of bonds in the manner required by chapter 642, Oregon Laws 1975. The issuer shall make public the reasons why any or all bids are rejected. [1975 c.642 §15 (enacted in lieu of 287.002)]

Note: The Legislative Counsel has not, pursuant to 173.160, undertaken to substitute specific ORS references for the words "this Act" in 287.026. Chapter 642, Oregon Laws 1975, enacted into law and amended the ORS sections which may be found by referring to the 1975 Comparative Section Table located following the Index in volume 6 of Oregon Revised Statutes (1975 Replacement Parts).

287.028 Application of ORS 287.014 to 287.026. ORS 287.014 to 287.026 do not apply to bonds issued under ORS 225.490 unless such bonds are publicly sold; nor to bonds issued under ORS 287.102 to 287.146; nor to bonds issued and sold directly to the Federal Government or to the State of Oregon or to any corporation, department or agency thereof, if less favorable bids or no bids are received pursuant to the notice of sale. [1975 c.642 §16]

287.030 Oregon Municipal Debt Advisory Commission; creation; term; compensation. (1) There is created the Oregon Municipal Debt Advisory Commission consisting of seven members, selected as follows:

(a) The State Treasurer or his designate.

(b) Three local government finance officers, appointed by the Governor, one each among persons recommended by the Association of Oregon Counties, the League of Oregon Cities, the Oregon School Boards Association and one representative of special districts appointed by the Governor.

(c) Two public members not represented in the other categories of appointment, appointed by the Governor.

(2) The term of office of an appointed member is four years, but appointed members serve at the pleasure of the Governor. Before the expiration of the term of an appointed member, the Governor shall appoint a successor to assume the duties of the member on July 1, next following. A member is eligible for reappointment for not to exceed one additional term. In case of a vacancy for any cause, the Governor shall make an appointment to become effective immediately for the unexpired term.

(3) The Governor shall designate one of the appointed members as chairman to serve a term of one year, subject to reappointment.

(4) Appointed members of the commission shall be entitled to compensation and expenses as provided in ORS 292.495. [1975 c.740 §1; 1979 c.195 §2]

287.032 Meetings; quorum; personnel.

(1) The advisory commission shall meet on the call of the chairman, or at the request of a majority of the members, or at the request of the State Treasurer, or at the request of the Governor.

(2) A majority of all members of the advisory commission constitutes a quorum for the transaction of business.

(3) All administrative and clerical assistance required by the advisory commission shall be furnished by the office of the State Treasurer. [1975 c.740 §6, 7; 1977 c.266 §8]

287.033 Definitions for ORS 287.034 and 287.038. As used in ORS 287.034 and 287.038, "bonds" and "bonded obligations" include revenue and general obligation bonds. [1977 c.266 §4]

287.034 Powers of commission; rules. The advisory commission may:

(1) Provide assistance and consultation, upon request of the state or of local government units, to assist them in the planning, preparation, marketing and sale of new bond issues to reduce the cost of the issuance to the issuer and to assist in protecting the issuer's credit.

(2) Collect, maintain and provide financial, economic and social data on local government units pertinent to their ability to assume and service bonded obligations.

(3) Collect, maintain and provide information on bonds sold and outstanding and serve as a clearinghouse for all local bond issues.

(4) Maintain contact with municipal bond underwriters, credit rating agencies, investors and others to improve the market for local government bond issues.

(5) Prepare, advertise and distribute, upon request of issuers, preliminary official statements required by ORS 287.018 and notices of bond sales required by ORS 287.022 and 287.024.

(6) Undertake or commission studies on methods to reduce the costs of state and local issues.

(7) Recommend changes in state law and local practices to improve the sale and servicing of local bonds.

(8) Perform any other function required or authorized by law.

(9) Pursuant to ORS 183.310 to 183.500

adopt rules necessary to carry out its duties. [1975 c.740 §2; 1977 c.266 §9]

287.036 Fees. In providing services to local government units under subsection (5) of ORS 287.034, the advisory commission may charge fees commensurate with its direct expenses incurred in providing the service. Amounts received under this section shall be deposited in the General Fund and be available for general governmental expenses. [1975 c.740 §4]

287.038 Newsletter; annual report. The advisory commission shall publish:

(1) A regular newsletter describing proposed new bond issues, new bond sales, refundings, credit rating changes and other pertinent information to issuers, underwriters, investors and the public as such information relates to municipal bonds.

(2) An annual report describing and evaluating the operations of the advisory commission during the preceding year. [1975 c.740 §5; 1977 c.266 §10]

287.040 Notice to commission of proposed issues. The Oregon Municipal Debt Advisory Commission may require prior notice of proposed new bond issues by local governments to be made to the advisory commission in such form and at such times as the advisory commission specifies. However, failure to submit prior notice of a proposed new bond issue shall not affect the validity of the bond issue. [1977 c.266 §2]

287.042 Verification of commission's information by local government. To assist the Oregon Municipal Debt Advisory Commission in carrying out its duties the finance officer of each local government unit authorized by law to issue bonds shall twice a year, at dates established by the commission, verify with the commission the commission's information on the unit's bonded obligations. [1977 c.266 §3]

287.045 Preliminary official statement; status of statement; nonliability of commission. In preparing a preliminary official statement under ORS 287.018, the commission shall use the most recent and accurate information which has been compiled and is available to it. In no event shall a preliminary official statement prepared by the commission be construed as a contract or agreement between this state and the purchasers or holders of the bonds issued with it.

Neither this state, the commission or its staff may be held liable, in the absence of actual fraud, for damages in any civil action or suit concerning the preparation and release of a preliminary official statement under ORS 287.018 and this section. [1977 c.266 §5]

223.155 [Repealed by 1971 c.741 §38]

223.160 [Repealed by 1971 c.741 §38]

223.165 [Repealed by 1971 c.741 §38]

223.170 [Repealed by 1971 c.741 §38]

223.175 [Repealed by 1971 c.741 §38]

FINANCING IMPROVEMENTS IN CITIES (BANCROFT BONDING ACT)

223.205 Definitions; scope and application; validation of bond issues by cities of 100,000 or more. (1) "Bancroft Bonding Act" as used in this chapter means ORS 223.205 and 223.210 to 223.295.

(2) "Improvement" as used in the Bancroft Bonding Act has the meaning given the term "local improvement" by ORS 223.387.

(3) The provisions of the Bancroft Bonding Act are not mandatory. Any incorporated city having charter provisions, or ordinance provisions authorized by charter, for bonding improvement assessments and selling bonds may follow those provisions or the provisions of the Bancroft Bonding Act, or the provisions of any other statute.

(4) All bonds issued prior to March 20, 1939, in accordance with the charter provisions of any city which, as of March 20, 1939, has or after that date attains a population of 100,000 or more inhabitants, according to the published federal census, and all action taken and proceedings adopted by a city prior to that date for issuing bonds in accordance with charter provisions are ratified, approved and confirmed. [Amended by 1957 c.103; §1; 1959 c.653 §1; 1965 c.282 §2; 1975 c.642 §1]

223.207 Purpose of ORS 223.208. The Legislative Assembly hereby declares that the purpose of ORS 223.208 and this section is to provide purchasers of homes or multifamily dwellings with Bancroft financing of systems development charges as an alternative to absorbing those charges into the long-term permanent financing of their homes. [1977 c.722 §2]

223.208 Systems development and connection charges of cities and counties subject to Bancroft Act. (1) Subject to subsection (3) of this section, the rights and duties accorded cities and the owners of property for financing and assessments under ORS 223.205 to 223.785 shall apply to:

(a) A systems development charge designed to finance the construction, extension or enlargement of a street, community water supply, storm sewer or sewerage or disposal system as defined in ORS 199.464 imposed by a city as a condition to issuance of any occupancy permit or imposed by a city at such other time as, by ordinance, it may determine.

(b) That portion of a connection charge imposed by a city which is greater than the amount necessary to reimburse the city for its costs of inspection and installing connections with city mains.

(2) Subject to subsection (3) of this section, the rights and duties accorded a city and the owners of property in a city for financing and assessments under ORS 223.205 to 223.785 shall apply in the same manner to counties for purposes of financing systems development charges described in paragraph (a) of subsection (1) of this section and the charge described in paragraph (b) of subsection (1) of this section.

(3) Notwithstanding ORS 223.230, the financing of systems development or connection charges under this section may, at the option of the city governing body, be a second lien on real property, which lien shall be inferior only to the mortgage or other security interest held by the lender of the owner's purchase money. Bonds issued under this section shall be issued separately from bonds otherwise issued under ORS 223.205 to 223.785 and shall comply with all applicable federal regulations. [1977 c.722 §3; 1979 c.837 §1]

223.210 Right of property owners to apply for instalment payment of assessment. (1) Whenever in any incorporated city the common council, board of trustees, or other competent authority of such city has proceeded to cause any improvement to be constructed or made within the corporate limits thereof, and has assessed the costs of such improvement to the property benefited thereby or liable therefor, according to the provisions of the charter or ordinances of such city, the owner of any property so assessed for such improvement in the sum of \$25 or more, at any time within 10 days after notice of such assessment is first published, may file with the auditor, clerk or other city officer, who, by the provisions of the charter, keeps the records of such city, a written application to pay:

(a) The whole of the assessment in instalments; or

(b) If part of the assessment has been paid, the unpaid balance of the assessment in instalments.

(2) At the option of the city written applications may be filed after 10 days after notice of assessment is first published. [Amended by 1957 c.103 §2; 1957 c.397 §1; 1967 c.239 §1]

223.212 Right of educational, religious, fraternal or charitable organizations and public corporations to bond the assessment. Any educational, religious, fraternal or charitable organization or public corporation owning property assessed for its proportionate share of the cost of constructing an improvement as defined in subsection (2) of ORS 223.205 shall have the same right to bond the assessment therefor and having bonded the assessment shall be subject to the same duties and liabilities as a natural person bonding an assessment. However, the limitations on the amount of an assessment that may be bonded do not apply to an educational, religious, fraternal or charitable organization or public corporation; and such organizations and corporations shall be permitted to bond to the full extent of such assessments. [1957 c.95 §2]

223.215 Contents of application to pay in instalments. The written application shall state that the applicant and property owner does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings to cause said improvement to be constructed or made for which the assessment is levied and in the apportionment of the cost thereof. The application shall provide that the applicant and property owner agrees to pay the assessment in equal semiannual instalments over a period not to exceed 30 years, as the common council or other governing body of the city may provide, with interest at seven percent per annum on all the assessments which have not been paid. The application shall also contain a statement, by lots or blocks, or other convenient description, of the property of the applicant assessed for such improvement. [Amended by 1957 c.103 §3; 1959 c.653 §2; 1969 c.531 §1; 1971 c.100 §1; 1975 c.320 §1]

223.220 Applications; when accepted and refused. No application as provided by ORS 223.215 shall be received and filed if the amount remaining unpaid upon such assessment together with the unpaid balance of any previous assessments for improvements against the same property equals or exceeds

double the assessed valuation of the property, as shown by the last county tax roll. [Amended by 1957 c.103 §4; 1957 c.397 §2; 1975 c.642 §2]

223.225 Record of application to be kept. The auditor, clerk or other officer charged with keeping the records of the city, shall:

(1) Keep all applications filed under ORS 223.210 in convenient form for examination. The applications received for each improvement shall be separate.

(2) Enter in a book kept for that purpose, under separate heads for each improvement, the date of filing of each application, the name of the applicant, a description of the property and the amount of the assessment, as shown in the application. [Amended by 1957 c.103 §5]

223.230 Bond lien docket; interest rate; priority. After expiration of the time for filing application under ORS 223.210, the auditor, clerk or other officer, shall enter in a docket kept for that purpose, under separate heads for each street, sewer, water main, or off-street motor vehicle parking facility, by name or number, a description of each lot or parcel of land or other property against which the assessment is made, or which bears or is chargeable for the cost of the improvement, with the name of the owner and the amount of the unpaid assessment. This docket shall stand thereafter as a lien docket as for taxes assessed and levied in favor of the city, and for the amounts of such unpaid assessments therein docketed, with interest on the unpaid assessments at the percent per annum fixed by ORS 288.510, against each lot or parcel of land or other property, until the assessments and interest are paid in the manner provided in the Bancroft Bonding Act. All unpaid assessments and interest are a lien on each lot or parcel of land or other property, respectively, in favor of the city, and such liens shall have priority over all other liens and encumbrances whatsoever. [Amended by 1957 c.103 §6; 1959 c.653 §3; 1969 c.531 §2; 1975 c.642 §2a]

223.235 Issuance of bonds; limitations. When in any city a bond lien docket is made up, as provided in ORS 223.230, as to assessments for any improvement, the city shall by ordinance authorize the issue of its bonds in convenient denominations, not exceeding \$5,000 each, and in all equal to the total amount of unpaid assessments for improvements, and for which applications to pay under the Bancroft Bonding Act have been

filed, as shown by the bond lien docket. In lieu thereof, the city may authorize, by ordinance, a bond equal to the total amount of unpaid assessments for improvements, and for which applications to pay under the Bancroft Bonding Act have been filed, as shown by the bond lien docket. Such bond may be converted to bonds in denominations as specified by the purchaser. Bonds issued for any off-street motor vehicle parking facility, where the assessments levied run for more than 10 years but not more than 30 years, shall be issued separately and shall not include assessments levied for other improvements. [Amended by 1957 c.103 §7; 1959 c.653 §4; 1967 c.196 §1; 1975 c.320 §2; 1975 c.738 §1]

223.240 Form of bonds; maturity dates; payment of principal and interest. The bonds shall, by their terms, be the general obligations of the city issuing such bonds, be in serial form with definite maturity dates to be determined by the governing body of the city and shall mature in annual or semiannual instalments. Should the city governing body so elect, such portion of the particular issue of bonds as matures after one year from issue date may be made subject to call and redemption on such interest dates on or after the first year from issue date, as the city governing body shall designate. The first instalment of principal of each issue of such bonds shall become due and payable not later than two years, from the date of issue, and the last instalment thereof not later than 30 years, from the date of the first instalment payment on the principal amount. [Amended by 1959 c.653 §5; 1971 c.100 §2; 1975 c.320 §3; 1975 c.642 §3]

223.245 Instalments to permit annual tax levy for retirement; fractional bonds; inclusion in city budget. The instalments of principal of the bonds shall be equal or substantially equal in amount, or the combined annual instalments of principal of and interest on the bonds shall be, as nearly as practicable, in such sums as will permit of a substantially uniform annual tax levy for the retirement of the principal of and the payment of the interest on the bonds as they respectively become due. Fractional bonds in denominations of less than \$500 comprising part of an issue shall be numbered with the number 1 and shall be included in the amount of the first instalment of maturing bonds. The interest on the bonds and the amounts of such instalments of maturing bonds shall be included in the annual budget of the city, and there shall be deducted in the budget such an

amount as the city governing body conservatively estimates will be received from payments of the principal of and interest on instalments of assessments appertaining to the particular bond issue, and from receipts from sales and rentals of property acquired by the city pursuant to such assessments, during the year for which the levy is made.

223.250 Interest rate; notice of bond call. The bonds shall be payable in lawful money of the United States, and bear interest payable semiannually at a rate not to exceed the percent per annum fixed by ORS 288.510, the interest obligations to be evidenced by coupons attached to such bonds. Notice stating that certain bonds are to be called for redemption upon optional payment dates, and that the interest thereon shall cease upon the interest payment date upon which the bonds are called, shall be published in a newspaper published and generally circulated within the boundaries of the issuer or, if there is no such newspaper, then in a newspaper having a general circulation within its boundaries, at least 30 days prior to that date. After that date interest upon the bonds designated in the notice shall cease. [Amended by 1971 c.183 §1; 1975 c.642 §4]

223.255 Execution, authentication and registration of bonds. The bonds, before issuance, shall be executed with either the autograph or facsimile signature of the mayor or other executive head of the city, countersigned by the finance officer, auditor or other recording officer of the city and authenticated by the seal of the city attached, either manually or printed, thereto; and shall be registered consecutively, by number and denomination of each, in a book to be kept by the auditor or recording officer of such city, to be known and designated as the "Improvement Bond Register." Each of the bonds shall have distinctly and plainly inscribed or printed on the face thereof the registered number of the bond and the words "Improvement Bond," with the name of the city issuing it. [Amended by 1957 c.103 §8; 1967 c.239 §2]

223.260 Sale of bonds; disposition of proceeds from bond sales. The bonds shall be advertised for sale and sold in the manner prescribed in ORS 287.014 to 287.026. The proceeds thereof shall be paid by the purchaser to the city treasurer and the par value thereof credited to the respective improvement fund for which the bonds are issued. The accrued interest and premium accruing from

the sale of the bonds shall be credited to the general fund of the city, the fund from which interest is paid on improvement warrants, or to the improvement bond sinking fund, as the common council or other competent authority shall direct. [Amended by 1957 c.103 §9; 1975 c.642 §5]

223.265 Payment of instalments; due dates. There shall be due and payable semi-annually for not to exceed 30 years, as the common council or other governing body of the city may provide, to the city treasurer by the owner of each lot or parcel of land assessed for any improvement, whose application to pay the cost of such improvement by instalments has been filed as provided in ORS 223.210 to 223.220, such percentage of such cost assessed against the property of such owner, as may be provided by the common council or other governing body of the city, as appears by the bond lien docket described in ORS 223.230, with the amount of one-half of one year's interest at not to exceed seven percent per annum on unpaid assessments or instalments. The first payment shall be due and payable at the expiration of six months from the date of assessment in the bond lien docket, and subsequent payments at the expiration of each semiannual period thereafter. [Amended by 1957 c.103 §10; 1959 c.653 §6; 1969 c.531 §3; 1971 c.100 §3; 1975 c.320 §4]

223.270 Procedure for collection on default. Should the owner neglect or refuse to pay instalments under ORS 223.265 as they become due and payable for a period of one year, then the council or other legislative body of the city may, by reason of such neglect or refusal to pay the instalments, and while the neglect and refusal to pay continues, pass a resolution giving the name of the owner then in default in the payment of the sums due, either principal or interest, together with a description of the property upon which the sums are owing and declaring the whole sum, both principal and interest, due and payable at once. It may then proceed at once to collect all unpaid instalments and to enforce collection thereof, with all penalties added thereto, in the same manner in which delinquent street and sewer assessments are collected, pursuant to the terms of the city charter.

223.275 Notice to pay; receipts and entries on lien docket. The auditor or other recording officer charged with keeping the city records shall, when instalments and inter-

est on any assessment in the bond lien docket are due, make the proper extensions of such instalments and interest on the bond lien docket and turn the same over to the city treasurer. The treasurer then shall notify the property owner that the instalments are due and payable, but a failure of any owner to receive such notice shall not prevent collection of the instalment as provided in ORS 223.270. The city treasurer shall issue a receipt to the person paying the instalments and interest, and shall file duplicates of the receipts with the auditor or other recording officer. When the treasurer returns the bond lien docket, the auditor or other recording officer shall make the proper entries on the bond lien docket showing the amount of each payment and the date thereof.

223.280 Right of owner to prepay balance and discharge lien. At any time after issuance of the bonds, any owner at the time being of any property against which the assessment is made and lien docketed may pay into the city treasury the whole amount of assessment for which such lien is docketed, together with the full amount of interest and costs accrued thereon to such date of payment. Upon producing to the auditor or other city recording officer the receipt of the city treasurer, the auditor or other recording officer shall enter in the lien docket opposite the entry of the lien the fact and date of such payment and that the lien is discharged.

223.285 Separate funds kept for moneys received; investments by city authorized. Any city treasurer receiving any funds accruing by virtue of the Bancroft Bonding Act, shall account for such funds separately from other city funds. The amount of such moneys paid on account of instalments, and interest on unpaid instalments, shall be placed to the credit of a fund to be known and designated as "Bancroft Bond Redemption Fund." All interest and principal due on improvement bonds shall be paid from the redemption fund. The amount placed to the credit of the redemption fund shall from time to time, under the direction of the city council or other competent authority, be invested as provided in ORS 294.035 or 294.805 to 294.895. [Amended by 1975 c.495 §1]

223.290 Payments entered on lien docket; lien discharge. Entries of payments of instalments, interest and costs, made under the Bancroft Bonding Act, shall be made in

the lien docket as they are received, with the date thereof, and such payments so made and entered shall discharge the lien to the amount of such payment and from the date thereof.

223.295 Limit on city indebtedness.

(1) A city may incur indebtedness in the form of bonds and other obligations by virtue of the Bancroft Bonding Act to an amount which, exclusive of indebtedness for municipal utilities but inclusive of all other indebtedness of the city, shall not exceed .09 of the latest true cash valuation of the city. Regardless of the above limitation, a city may issue bonds under said Act in an amount not exceeding .03 of the latest true cash valuation of the city.

(2) "Municipal utilities," as used in subsection (1) of this section, includes city-operated gas, water, lighting and sewage disposal plants, and sanitary or storm sewers, railroads, hospitals, infirmaries, parking facilities and other like municipal projects, that for a period of one year next preceding the date of issuance of the improvement bonds or warrants, had been wholly self-supporting from fees and service charges, without the necessity of a tax levy therefor. For the purposes of this section an unqualified certificate from the Division of Audits of the office of the Secretary of State that a municipal utility has been thus self-supporting for the prescribed period shall be proof thereof.

(3) The indebtedness incurred by virtue of the Bancroft Bonding Act shall be determined by deducting from the sum total of outstanding improvement bonds and improvement warrants issued pursuant to the provisions of that Act or of any city charter, and of any outstanding bonds issued to fund those warrants and of outstanding bonds issued to refund any of said bonds, the aggregate of sinking funds or other funds applicable to the payment thereof, less the aggregate of overdrafts, if any, in the improvement bond interest fund. [Amended by 1955 c.28 §1; 1955 c.686 §1; 1959 c.653 §7; 1963 c.545 §2; 1965 c.282 §3]

223.300 [Repealed by 1975 c.642 §26]

223.305 [Repealed by 1971 c.325 §1]

223.310 [Amended by 1957 c.397 §3; repealed by 1971 c.325 §1]

223.312 [1957 c.95 §4; repealed by 1971 c.325 §1]

223.315 [Repealed by 1971 c.325 §1]

223.320 [Amended by 1957 c.397 §4; repealed by 1971 c.325 §1]

223.325 [Repealed by 1971 c.325 §1]

223.330 [Amended by 1969 c.531 §4; repealed by 1971 c.325 §1]

223.335 [Repealed by 1971 c.325 §1]

223.340 [Repealed by 1971 c.325 §1]

223.345 [Repealed by 1971 c.325 §1]

223.350 [Repealed by 1971 c.325 §1]

223.355 [Amended by 1969 c.531 §5; repealed by 1971 c.325 §1]

223.360 [Repealed by 1971 c.325 §1]

223.365 [Repealed by 1971 c.325 §1]

223.370 [Repealed by 1971 c.325 §1]

223.375 [Repealed by 1971 c.325 §1]

223.380 [Repealed by 1971 c.325 §1]

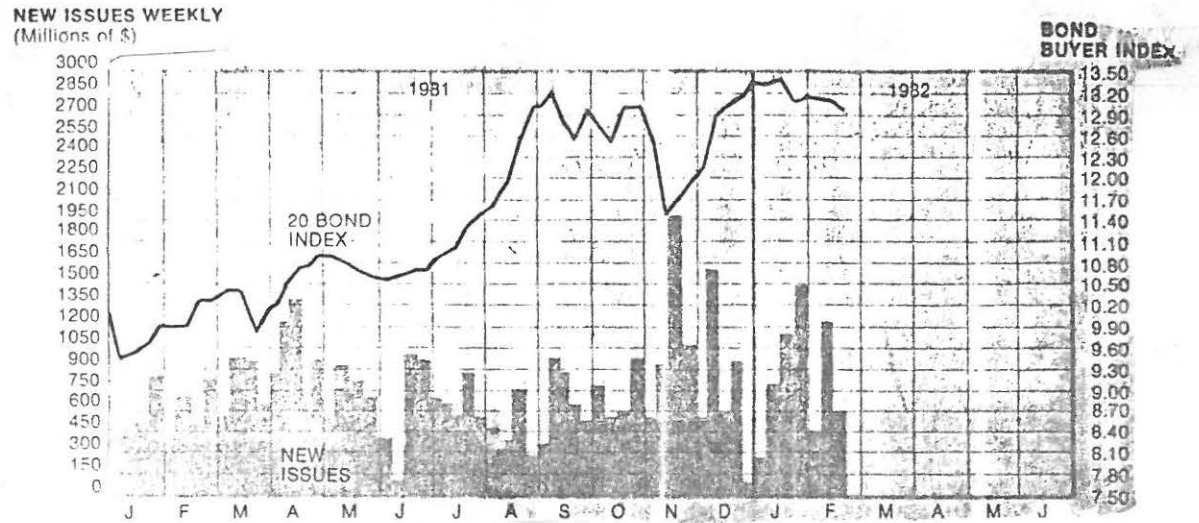
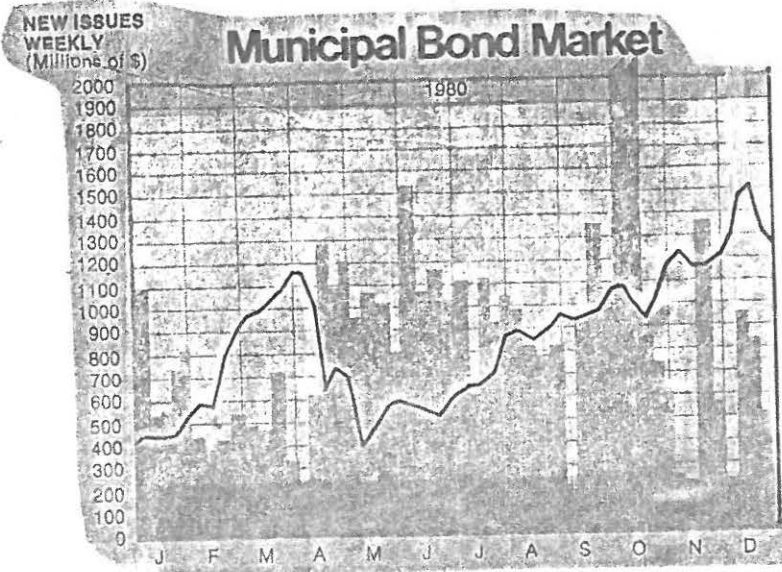
223.385 [Repealed by 1971 c.325 §1]

INTEREST COSTS
for the City of Milwaukie
Sale of \$1,492,945 G. O. Improvement Bonds

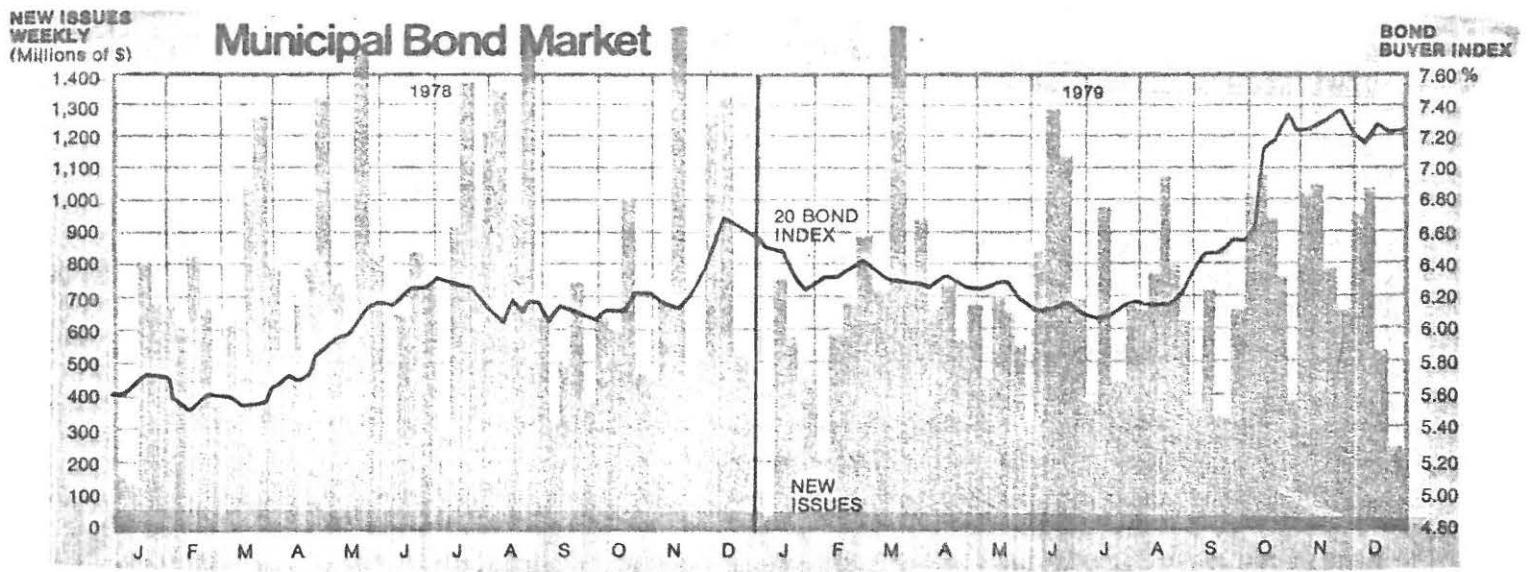
<u>Interest Rate</u>	<u>Total Interest Cost</u> (in \$000)	<u>Annual Debt Service</u> (principal and interest) (in \$000)	<u>Tax Rate</u> (based on 1981-82 AV = \$434,562,130) ¹
11% ²	\$1,042	\$254	\$0.58
12%	1,150	264	0.61
13%	1,258	275	0.63
14%	1,370	286	0.66
15%	1,482	297	0.68

¹The tax rate will actually be based on the 1982-83 Assessed Valuation.

²March 15, 1982 estimate = 11%



February 22, 1982



December 31, 1979

Economic Development

Definition and Description of Key Terms

The field of economic development involves the complex interaction of many levels and types of government entities, private sector organizations, and some complex combinations of financial instruments. This paper is intended to provide simple definitions and/or descriptions of terms which are commonly used in the field of "economic development."

A. Organizations

1. Urban Renewal Agency: The city is given the power under ORS 457.130 to create an organization to combat urban blight in its various forms. The city council may elect to establish:
 - a) a housing authority;
 - b) a development commission; or
 - c) have the city council serve as the board of an urban renewal agency.

By formation of one of the three entities, the city declares that specific problems exist and is provided with additional methods for action.

2. Development Commission: This entity can serve as the board for the city's revitalization effort. It is one of the methods of exercising the requirements of ORS 457.130 in a delegated manner. The city council would typically appoint the members of the commission.
3. Housing Authority: Can be formed under ORS 457 to address a variety of problems relating to the age, condition and availability of adequate housing in the city.
4. Local Development Corporation: A publicly ^{or} and privately formed corporation designed to implement specific redevelopment projects using a variety of financing tools. The corporation may acquire and dispose of property and take a variety of actions to implement redevelopment efforts.
5. Local Improvement District: A special assessment district authorized by ORS 223 to finance storm and sanitary sewers, street paving, water lines, off-street parking (and other municipal works). Reconstruction of old or deteriorated facilities in older developed areas or newly annexed areas can be likewise financed. The property owners benefitting from the improvements are assessed the costs of the improvements.

Property tax assessment within the area

B. Finance

1. Tax Increment Financing: A method of using additional revenue within a defined area to pay for improvements within the same area. *is* based on two parts. The first part is the assessed value prior to establishing a T.I.F. district. The second part represents the increase or "increment" in assessed value that occurs after the district is established. Taxes realized from the increment are used exclusively for improvement projects within the district. T.I.F. is authorized by ORS 457.
2. Special Improvement Bonds: Authorized under the Bancroft Bonding Act (ORS 223.235). Allows for the issuing of bonds to be repaid by installment assessment payments against the property within a local improvement district. The bonds are general obligation bonds.
3. General Obligation Bonds: Bonds issued by the city, usually after voter approval to finance specific public improvements. The city pledges its good credit as a guarantee. The bonds are retired by tax revenues.
4. Industrial Development Revenue Bonds: The State Economical Development Commission may issue IDRBS for projects which promote or develop industrial activities, tourism, and international trade in the State of Oregon. Projects must be in the one to ten million-plus category to qualify.
5. Federal Financial Assistance: The federal government organized its economic development and community redevelopment resources into three coordinated programs during the Carter administration. These programs have been scaled down but continue under the Reagan administration.
 - 5(a) Economic Development Administration: The EDA's traditional focus has been to help areas and communities which have long-term economic problems, chronic unemployment, and high percentages of low income families. EDA provides guarantees, direct loans, interest subsidies and some grants to businesses within EDA-eligible areas. EDA also offers substantial grants for public works and development facilities to assist cities and communities in attracting new industry. EDA offers grants and technical assistance to local authorities for purposes of planning economic development activities.
 - 5(b) Housing and Urban Development (HUD): The U.S. Department of Housing and Urban Development offers several programs to encourage economic development and other revitalization objectives.

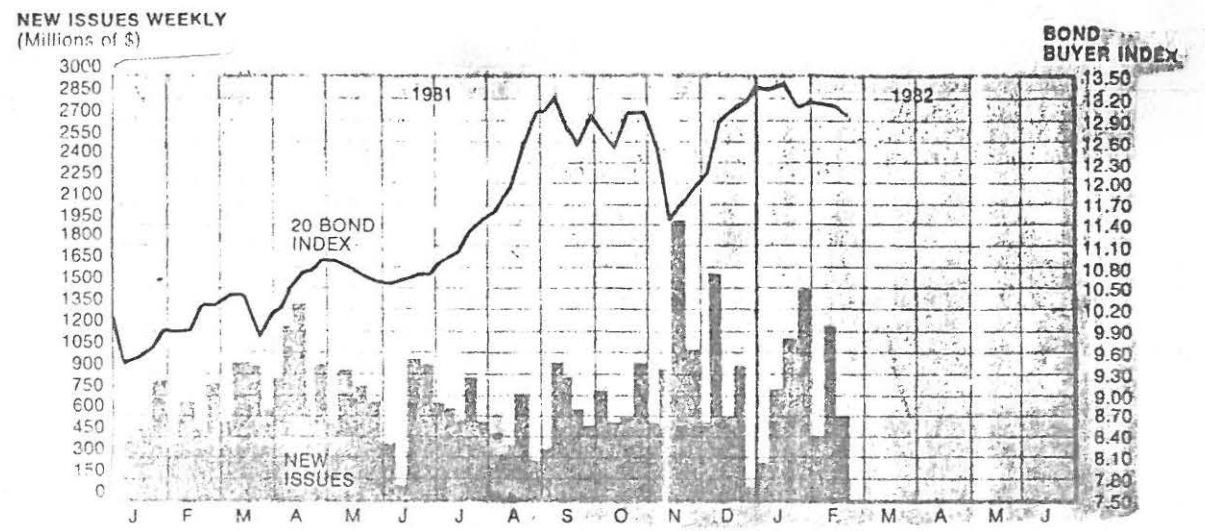
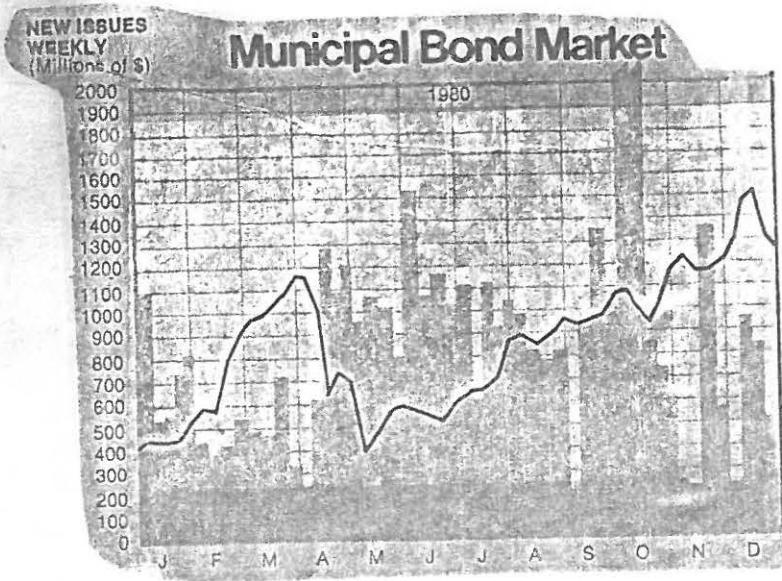
- 1) Community Development Block Grant Funds (CDBG): maximum local flexibility in identifying needs. Can be used for public improvements, administrative costs of industrial and commercial development, and to finance interest subsidies within an SBA Local Development Corporation.
- 2) Urban Development Block Grants (UDBG): This program is intended to provide "action grants" to stimulate new, increased private investment to revitalize local economies and reclaim deteriorating neighborhoods.
- 3) Section 312 Rehabilitation Loans: Provides financial assistance to private entities for the rehabilitation of residential and commercial structures. Cities are encouraged to use a portion of the funds for commercial revitalization.
- 4) Section 108 Loan Guarantees: Allows CDBG entitlement communities to borrow up to three times the city's entitlement grant. The loans may be used to acquire or rehabilitate property owned by a unit of general local government.
- 5(c) Small Business Administration: The SBA programs seek to provide loans and guarantees through local public/private cooperation which will reinforce small business growth and development. Two major programs are most important to local economic development:
 - 1) Section 7a--Regular Loan Program. The SBA can provide loan guarantees up to 90 percent or make direct loans to \$500,000. These loans can be for working capital, machinery and equipment, leasehold improvements, renovations, rehabilitation, land acquisition, and construction.
 - 2) Section 502--Local Development Corporations. Long-term financing may be provided through state or local development corporations chartered to promote economic growth within specific areas. Financing is provided to LDCs (also known as Certified Development Companies, or CDCs) through the sale of 100 percent SBA-guaranteed 503 debentures.

INTEREST COSTS
for the City of Milwaukie
Sale of \$1,492,945 G. O. Improvement Bonds

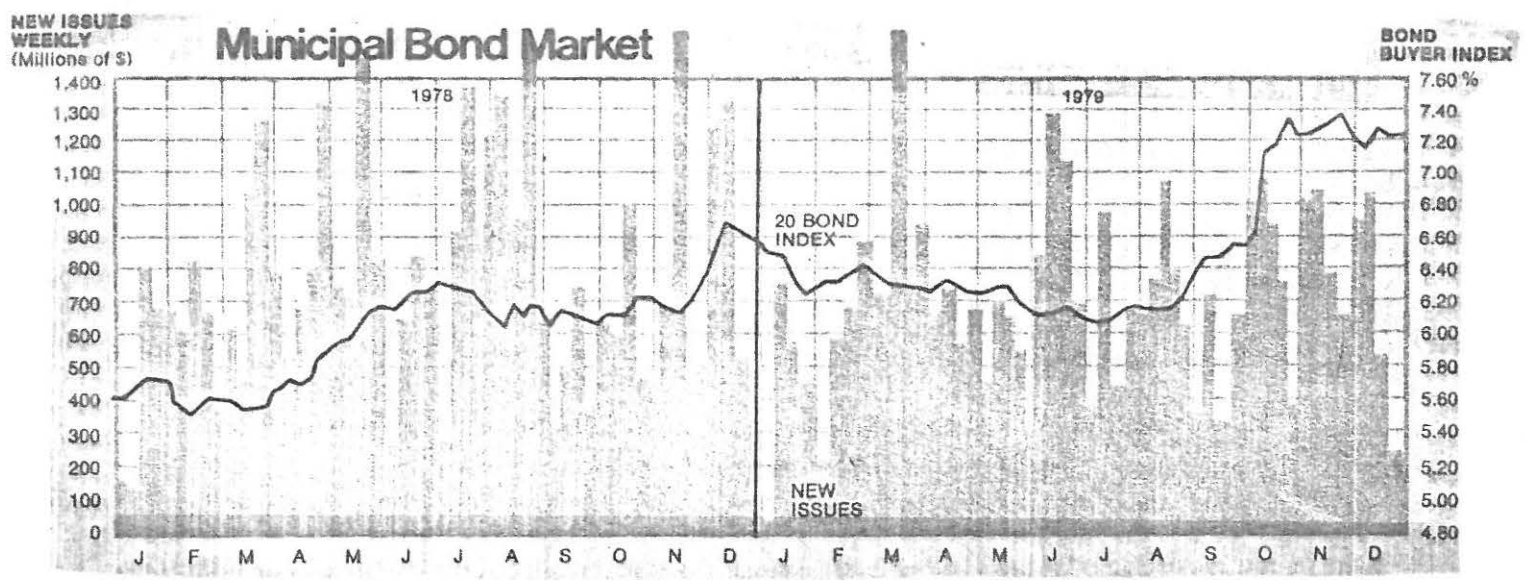
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February 22, 1982



December 31, 1979

PROPOSED COMPREHENSIVE PLAN AMENDMENTS

SECTION 1

ENERGY CONSERVATION ELEMENT: Adds new Policies supporting flexible setback requirements and landscaping to promote energy efficiency.

SECTION 2

PLAN MAP AMENDMENTS: Amends existing map by placing Plan Designation on some lands annexed since adoption of the map, clarifies the Designation Boundary in some areas on the map and removes a Plan Map-Zoning Map conflict.

SECTION 3

AMENDS PAGES 4 and 5 - Plan Review procedures by changing periodic Plan Reviews from a yearly process to an every four year process. Deletes requirement that Comprehensive Plan Amendments meet a public need, and adds a requirement that amendments be in conformance with the state-wide Planning Goals. Clarifies the composition of the Comprehensive Plan Review Committee.

SECTION 4

ADDS A COMPLETE SET OF ADMINISTRATIVE POLICIES, which basically restate the provisions outlined in the text on Pages 3 through 9, of the existing Plan. Clarifies the procedures for Comprehensive Plan Amendments and specifies the role of the Planning Director in administering the Plan.

PROPOSED ZONING ORDINANCE AMENDMENTS

SECTION 5

DELETES THE DEFINITION OF ACCESSORY STRUCTURE OR USE, which was ambiguous.

SECTION 6

AMENDS THE DEFINITION OF MOBILE HOME by associating it with ORS and HUD requirements, and establishes a minimum size for a mobile home (800 square feet), also AMENDS THE DEFINITION OF SIGHT-OBSCURING FENCE, clarifying it and removing any reference to a hedge.

SECTION 7

ADDS NEW DEFINITIONS for sight-obscuring hedge, historic site, church and modular/prefabricated structure which are not currently in the existing Zoning Ordinance.

SECTION 8

AMEND CONDITIONAL USE PROCEDURE by limiting the number of residential density bonuses to one (1) and limiting the maximum bonus to 20% for all residential uses, except senior housing. This gives the Planning Commission the authority to grant density bonuses, and requires that Staff notify new owners or leasees of businesses of the conditions attached to the property used under a conditional use.

SECTION 9

DELETES THE INCREASED SETBACK REQUIREMENTS on several streets based on the recommendation of the Public Works Department.

SECTION 10

ESTABLISHES CRITERIA for the designation of a historic site.

SECTION 11

ADOPTS A NEW ZONING MAP, in keeping with Section 2 above, and clarifies Zone boundaries in several cases

SECTION 12

CLARIFIES THE NOTICE REQUIREMENTS for quasi-judicial action. Reduces the notice mailing area from 500' to 250' surrounding the proposed quasi-judicial action and requires that a sign be posted at the site to give additional notice.

SECTION 13

CHANGES THE APPEAL PROCEDURE to allow any person, adversely effected, to petition the Planning Commission for a reconsideration of a decision prior to appealing the decision to the City Council, and allows the City Council to conduct appeal proceedings on the record.

ORDINANCE NUMBER _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING ORDINANCE NO. 1437, THE COMPREHENSIVE PLAN AND AMENDING ORDINANCE NO. 1438, THE ZONING ORDINANCE, BY DELETING, ADDING OR AMENDING CERTAIN PORTIONS OF THE ORDINANCES.

WHEREAS, the Comprehensive Plan for the City of Milwaukie requires the Plan and its implementing ordinances be reviewed on a regular basis, and

WHEREAS, the Milwaukie Comprehensive Review Committee reviewed the Plan and has recommended to the Planning Commission that certain portions of the Plan and its implementing ordinances need to be amended, and

WHEREAS, the Commission held public hearings on the recommended changes and after considering the testimony presented at these hearings, the Commission recommended to the City Council that changes to the Comprehensive Plan Ordinance and the Zoning Ordinance be made, and

WHEREAS, the Council held public hearings on the recommended changes and has considered the public testimony present on the changes, now therefore,

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

The Milwaukie Comprehensive Plan Ordinance No. 1437 is amended as follows:

Section 1. The Energy Conservation Element is amended by the addition of the following two Policies to OBJECTIVE #4 - Site and Building Design, Page 83.

Policy 5. Allow flexibility in setback requirements when necessary to achieve the most energy efficient siting of a structure.

Policy 6. Encourage landscaping that promotes energy efficiency.

Section 2. The Comprehensive Plan Map #6 is amended by the adoption of a new Comprehensive Plan Map (Attachment A), to the extent that it conflicts with the new Comprehensive Plan and no further. This amendment is necessary to reduce questions on Plan Designation Boundaries and insure Plan Map and Zoning Map constancy.

Section 3. Pages 4 and 5 of the Comprehensive Plan Review and Amendment Procedures is amended to read as follows:

PLAN REVIEW AND AMENDMENT PROCEDURES

The Comprehensive Plan is an expression of the city's long range land use program.

This program was developed within the boundaries of the state-wide Planning Goals and the needs of the city. Adoption of the Plan Policies establishes these as the legal basis for the coordinated development of Milwaukie.

However, no plan is static. Changing local circumstances and unanticipated events as well as changing regional, state and national policies require that the plan be flexible, and that an ongoing planning process be initiated to ensure that the Comprehensive Plan continues to meet the city's needs.

Plan Review and Amendments are important to maintain the integrity of the Comprehensive Plan. There are two processes which can be used to amend or update the Plan. The first method is the periodic update, which is scheduled to occur every four years. During this periodic update procedure, the city will review the underlying assumptions on which the Plan is based to assure their continuing validity. This review will be conducted by the staff and presented to the Comprehensive Plan Review Committee for recommendations. The Planning Commission will then review the Committee's report and make recommendations to the City Council.

Alternatively, individuals or the city administration may initiate specific amendments. These amendments will be considered by the Planning Commission whenever the need arises and may include amendments to the Plan text or the Plan map. Both periodic updates and specific amendments must be evaluated based on the following criteria:

Conformance with the Comprehensive Plan Goals, Policies and spirit.

Conformance with the state-wide Planning Goals and Guidelines. The change will not adversely affect the health, safety and welfare of the community.

A Comprehensive Plan Review Committee (CPRC), will review the initial results of the periodic update. The CPRC, supported by city staff, will review how well the Plan is working, determine what revisions are necessary to improve the Plan's usability, and identify what portions of the Plan require a more detailed review and update. In addition, the CPRC will

evaluate the Plan and implementing ordinances to ensure conformance to the goals, objectives and plans of the Metropolitan Service District.

The CPRC will also evaluate the opportunity for citizen involvement in the ongoing planning process and may recommend changes to the citizen involvement program. This review will be coordinated with the schedule for review of acknowledged local plans by the LCDC. A report by the CPRC and set of recommended changes for the Plan will be sent by the CPRC to the Planning Commission.

The CPRC will include one representative from each of the following groups:

The five neighborhood area.

The three city advisory committees: Parks and Recreation Commission, Traffic Safety Commission, Senior Citizens Advisory Commission.

The business community.

A county planning organization.

The Planning Commission.

The City Council.

The Planning Commission shall hold all necessary public hearings to review the recommendations for amendments made by the CPRC and will forward these amendments to the City Council. The City Council shall consider all of the recommended changes to the Plan at a public hearing. Any changes which are made must meet the criteria previously established in this section.

Section 4. Page 9 is amended by the addition of the following provisions:

OBJECT #1 - A COMPREHENSIVE PLAN

ADMINISTRATION: To establish an orderly process for the administration and implementation of the Milwaukie Comprehensive Plan.

POLICIES: It is the policy of the city to:

1. Assure that the Comprehensive Plan and its implementing ordinances are compatible with the state-wide Planning Goals and the Metro Framework Plan.
2. Periodically update the Comprehensive Plan and review the assumptions on which the Plan is based. This periodic update of the Plan shall occur every four years and the city shall strive to make the review coincide with the LCDC's periodic review of acknowledged Plans. The periodic update may be approved when it is found to be in substantial conformance with the criteria for approval in Policy #4.

3. Provide a mechanism for the individual property owner, Planning Commission or City Council to initiate specific Plan Amendment Requests. A specific plan amendment may be approved when it is found to be in conformance with the criteria for approval in Policy #4.
4. A specific amendment or a periodic update to the Comprehensive Plan will be judged by the following criteria:
 - A. Conformance with the Comprehensive Plan Goals, Policies and spirit, and
 - B. Conformance with the state-wide Planning Goals and Guidelines, and
 - C. The amendment shall not adversely affect the health, safety and welfare of the community.
5. Maintain the adopted citizen involvement program to provide a means for the public to express their views on city needs, changes and improvements.
6. Allow the amendment of the Comprehensive Plan pursuant to the following procedures and guidelines:
 - A. An amendment may be initiated only by the City Council, the Planning Commission, the Planning Director, or the owner of the property for which a change is requested.
 - B. An individual, a neighborhood, or other organization may request that the City Council or Planning Commission initiate a plan amendment.
 - C. All proposed Comprehensive Plan amendments are to be considered at advertised public hearings before the Planning Commission, in accordance with state law and city requirements.
 - D. If the proposed amendment is quasi-judicial, all property owners within 250 feet of the requested change shall be notified of the hearing date and the requested amendment at least 10 days prior to the first scheduled public hearing.
 - E. If the proposed amendment is legislative, notice of public hearing, together with a copy of the proposal, will be mailed to all appropriate groups and organizations at least 35 days prior to the scheduled public hearing.
7. Direct the Planning Director to make the initial decision on any questions of interpretation or applicability of the Comprehensive Plan and implementing ordinances. This decision may be appealed to the Planning Commission. The interpretation made by the Planning Commission may be appealed to the governing body of the city pursuant to the appeals or review procedure of the Milwaukie Zoning Ordinance.

8. Implement this plan through appropriate ordinances and action.
 - A. Amend existing ordinances and adopt new ordinances to carry out the policies of this plan, as necessary.
 - B. Apply zoning in a timely manner which is consistent with this plan.
 - C. Require all zoning and subdivision ordinances to be consistent with the intent and to be based on this Comprehensive Plan.
 - D. Require all actions of the city on conditional uses, variances, zone changes, design review and all other planning actions to be consistent with the intent of this plan.
9. Consider the development and adoption of Comprehensive Plan amendment to meet special needs within specific neighborhoods, when appropriate.
10. Develop public financing systems that are more capable of providing the revenues necessary to finance the public improvements needed to implement this plan.
 - A. Actively pursue funding possibilities including public/private partnerships, federal or state grants, real estate transfer tax, and tax increment financing to realize practical application and benefit of this plan's policies.
 - B. Pursue funding of a capital improvement program for public facilities and service elements for the city.
 - C. Coordinate with federal, state and regional governments to maximize their contributions to city projects.
11. Insure maximum public benefit from the policy directions in this plan and the provisions in implementing ordinances by continuing to promote public information/education on land use opportunities and constraints.

The Milwaukie Zoning Ordinance No. 1438 is amended as follows:

Section 5. The following portion of Section 103 is deleted:
"Accessory Structure" or "Accessory Use" means a structure or use incidental and subordinate to the main use of property and located on the same lot as the main use, including any required off-street parking within 200 feet (measured in a straight line) of the building or use it is intended to serve.

Section 6. The following portions of Section 103 are amended to read as follows:

A. MOBILE HOME:

A shelter manufactured in a factory and transported to a site. The unit conforms to the HUD Building Code; has sleeping, plumbing, and cooking facilities when

designed for permanent residential occupancy. A mobile home is: a structure at least twelve (12) feet in width containing more than eight hundred (800) square feet of living space, designed for occupancy by one (1) family and bearing an insignia of compliance as required by ORS Chapter 446.

B. FENCE, SIGHT-OBSCURING:

Means a fence consisting of wood, metal, plastic, masonry or similar material, arranged in such a way as to obscure vision at least 80 percent.

Section 7. The following definitions are added to Section 103.

A. HEDGE, SIGHT-OBSCURING:

An evergreen planting which is at least 80 percent impervious to light when viewed horizontally from between two (2) to eight (8) feet above ground level.

B. HISTORIC SITE:

Any place, area, feature, sign, structure or object of aesthetic, educational, cultural, architectural or historical significance to the citizens of Milwaukie which has been so designated by the City Council.

C. CHURCH:

A structure being used by an organization having tax exempt status as a religious group.

D. MODULAR/PREFABRICATED STRUCTURE:

A shelter manufactured in a factory and transported to a site. The unit conforms to the standards of the Uniform Building Code; has sleeping, plumbing and cooking facilities when designed for permanent residential occupancy.

Section 8. Portions of Section 6 - Conditional Uses are amended to read as follows:

A. The following sentence is added to the end of Section 6.01:

The amount of increased density allowed as a bonus shall be limited to not more than 20 percent of the maximum density allowed for uses other than senior housing. The maximum number of density bonuses allowed for all land uses will be limited to (1) one.

B. The last paragraph of 6.02.15 is amended to read:

The Planning Commission may grant an increase in density for Senior, Retirement and Handicapped Housing. The amount of increased density allowed as a bonus shall be limited to not more than 25 percent of the maximum density allowed.

C. The following subsection is added:

6.03.04 In the event of an ownership, business or leesee change, the Planning staff shall automatically notify of conditions attached to Conditional Use Permits.

Section 9. Table 1, Section 4.10.3, page 68, is amended to read as follows:

TABLE 1

<u>MAJOR STREET</u>	<u>DISTANCE FROM CENTERLINE</u> (plus yard requirements in zone)
Harmony Road	40 feet
Harrison Street (Milwaukie Expressway to 44th).	30 feet
Harrison Street (Milwaukie Expressway to McLoughlin).	30 feet
Johnson Creek Boulevard.	30 feet
King Road.	30 feet
Linwood Avenue	40 feet
Lake Road.	30 feet
Logus Road.	25 feet
McLoughlin Boulevard.	50 feet
Monroe Street (52nd to Linwood).	30 feet
Oak Street.	30 feet
Oatfield Road.	30 feet
Ochoco Street.	30 feet
Railroad Avenue.	30 feet
River Road (Ochoco to McLoughlin).	40 feet
River Road (south of McLoughlin).	30 feet
Roswell Avenue.	25 feet
21st Street.	30 feet
32nd Street (north of Harrison).	30 feet
40th Street (Harvey to Railroad).	30 feet
42nd Street (north of Harvey).	30 feet
43rd Street (Howe to King).	25 feet

Section 10. A Historic Site Designation Criteria is adopted as follows:

Section 10.08 - HISTORIC SITE DESIGNATION CRITERIA

A historic site may be designated and placed on the inventory if it meets the following criteria:

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history; or
- B. It is identified with persons or events significant in local, state or national history, or
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or it is a valuable example of the use of indigenous materials or craftsmanship; or
- D. It is representative of the notable work of a builder, designer or architect.

Section 11. The attached Zoning Map (Attachment A) for the City of Milwaukie is hereby adopted as the Amended Zoning Map for the City of Milwaukie. The Amended Zoning Map includes the up-zoning of vacant parcels of land which are served by public facilities in accordance with the provisions of the Comprehensive Plan, page 32, Policy #3, as amended by Ordinance No. 1465 adopted June 16, 1980.

Section 12.. Section 10.05, page 88 - 89, is amended to read as follows:

- A. Notice of a hearing on amendment of the text of this ordinance shall be published once each week for two consecutive weeks in a newspaper of general circulation in the City of Miwaukie of which the second publication shall be not less than five days prior to the date of hearing.
- B. Notice of hearing on a request for a zone change, conditional use, a variance (where required), or exception, or alteration, extension or change of non-conforming use, or of a appeal from a ruling of the Planning Commission thereon, shall be mailed to the owners of all property within 250 feet of the exterior boundaries of the property affected, not less than 10 days prior to the date of hearing.
For this purpose the names and addresses of the owners as shown on the records of the County Assessor or City Recorder may be used. In additon, a sign shall be posted on the subject property that is legible from the closest street not less than 10 days prior to the hearing.

- C. Notice of hearing on conditional use in the WG Zone (Willamette Greenway Zone) shall follow the procedures in paragraph "B" above. Also, interested groups and the Oregon Department of Transportation (DOT) shall be notified of a public hearing. DOT shall be notified by "certified mail, return receipt requested."
- D. No notice is required for decisions made by the Planning Director under the provision of this ordinance.

Section 13. Section 10.02 is amended to read as follows:

Section 10.02 - REVIEW OF PLANNING COMMISSION DECISION.

1. Petition for Reconsideration. Any person whose interests are adversely affected by a Commission decision may petition the Commission for reconsideration. The petition must be filed in writing not later than 10 days after the date of the decision, shall include the specific reasons for the request and may be supported by written argument. If sufficient cause is shown, the Commission may set a date for reconsideration or rehearing, and may limit the discussion to specific matters. Notice shall be given and any hearing shall be conducted in the same manner as for the original hearing.
2. Notice of Appeal. Any appeal of a decision of the Planning Commisison shall be to the City Council by filing a Notice of Appeal with the City Recorder within 15 days after notice of the decision. The Notice of Appeal shall contain a description of the decision to be reviewed, a statement showing how the person seeking review is adversely affected by the decision and the specific reasons for the appeal.
3. Scope of Review. The City Council shall consider the request for review at its next regular meeting, and determine whether to schedule a de novo hearing or a hearing limited to such issues as the Council determines necessary for a proper resolution of the matter. A de novo hearing means a hearing conducted as if the action had not been previously heard, except that all correspondence, exhibits and other material considered by the Planning Commission shall be included in the record of the appeal. The Council may remand the case immediately to the Commission for further consideration, if it determines that the appeal includes new evidence not presented at the Planning Commision hearing.

4. Council Decision. The Council may affirm, reverse, modify or remand the decision of the Planning Commission. The Council decision shall be supported by appropriate findings and conclusions.

Read the first time _____, 1982, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1982.

Signed by the Mayor on _____, 1982,

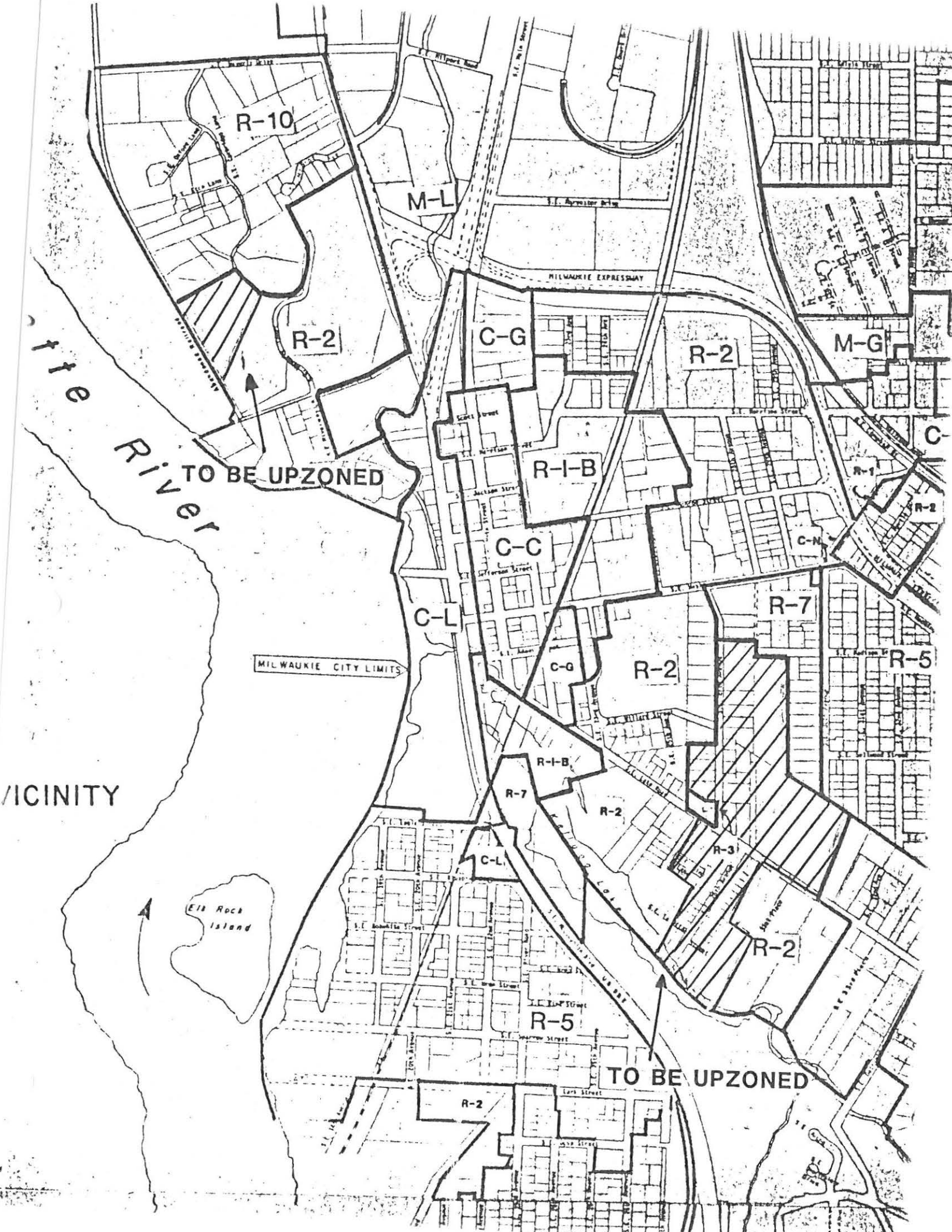
Joy Burgess, Mayor

ATTEST:

Laurie Perkin, City Recorder

Approved as to form:

Greg Eades, City Attorney



R-10

M-L

R-2

C-G

R-2

M-G

TO BE UPZONED

R-1-B

C-C

C-L

R-7

R-2

R-5

MILWAUKIE CITY LIMITS

R-1-B

R-7

R-2

C-L

R-3

R-2

R-5

TO BE UPZONED

R-2

VICINITY

Eis Rock Island