

MILWAUKIE
CITY COUNCIL MEETING
April 7, 1981
7:10 p.m.

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COUNCIL CHAMBERS

1381st Meeting

The one thousand three hundred eighty-first meeting of the Council of the City of Milwaukie, Oregon, was held at 7:10 p.m. on April 7, 1981, with the following councilors present:

Mel Paulson	Roger Hall
Anne Nickel	Mayor Joy Burgess
Donald W. Graf	

Also present:

Kenneth S. Whorton, City Mgr.	Topaz Faulkner, Planning Dir.
Steven Hall, P.W. Director	Greg Eades, City Attorney
Gordon Erickson, Finance Dir.	Dorothy E. Farrell, Sec'y
Richard Bailey, Fire Chief	

The invocation was given by the Reverend Mark Shore, and the Pledge of Allegiance was recited.

AUDIENCE PARTICIPATION

1. Linda McPherson, from Land Conservation and Development Commission, presented a certificate from LCDC acknowledging that the city's Comprehensive Plan and implementing ordinances have been found to comply with state statutes and statewide planning goals.
2. Jack Deines and Andrew Cotugno, from Metropolitan Service District, discussed allocation of interstate transfer funding for transit and highway improvements.
3. Planning Director discussed proposed historic sites brochure, and introduced Caren Mullins, Portland State University student who has done a city-wide inventory of historic sites and helped in preparation of brochure. Also introduced was Chris McDonald, President of the Milwaukie Historical Society, who was a resource on identifying sites and creating the brochure. There was Council consensus that certificates of appreciation be prepared for Chris McDonald and Caren Mullins.
4. John Youngberg, Director of Clackamas County YMCA Community Centers, asked for approval of course for benefit road run, named "Milwaukie Magic Miles," being sponsored by Bank of Milwaukie and KYXI radio, to be held starting at 9:30 a.m. March 16. Manager recommends that permission to run be denied or that the YMCA post a deposit sufficient to cover city costs, estimated to be \$1400 to \$1600, for police overtime. It was suggested Mr. Youngberg work with the Police Chief and City Manager to see if volunteers could decrease the amount of police overtime, and there was discussion of the YMCA using some of the profit from the run, which was to be used for scholarships, to offset the cost to the city. It was MOVED by Graf, SECONDED by Nickel, that if the YMCA can arrange with the city so that there is no cost to the city for putting on the run, that Council approve the requested route. It was MOVED by Burgess to amend the motion to specify if the YMCA can appropriately reduce the cost to the city by \$400, then the city agree to participate in coverage of the run, with the stipulation that the city would not participate in any cost to the

city in the future on this run. MOTION FAILED for lack of a second (2). It was MOVED by Burgess to amend the motion to specify if the participants in the YMCA run exceed 500, the monies derived in excess would be submitted to the city to offset the expenses. After discussion, Burgess WITHDREW the motion to amend. It was MOVED by Nickel, SECONDED by Burgess, to amend the motion to specify that the city invest no more than \$800 of the cost. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Hall. NOES: Graf. On the main motion, MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Hall. NOES: Graf. Nickel asked that the minutes reflect that the city does not want to be put in the position in the future of financing different runs.

RESOLUTION NUMBER 4-1981 - REQUESTING CONGRESSIONAL ASSISTANCE IN SECURING APPROPRIATION FOR TRANSPORTATION PROJECTS

It was Council consensus to add another clause to the resolution as follows: "WHEREAS, the City of Milwaukie and the surrounding community would benefit from certain of these proposed improvements." It was MOVED by Paulson, SECONDED by Graf, to adopt Resolution Number 4-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE FOR THE PURPOSE OF REQUESTING THAT THE OREGON CONGRESSIONAL DELEGATION ASSIST THE PORTLAND METROPOLITAN REGION IN SECURING ADEQUATE APPROPRIATION FOR TRANSPORTATION PROJECTS). MOTION CARRIED unanimously.

RECOMMENDATION ON CENTER ADVISORY COMMITTEE

Senior Citizen Advisory Commission and Center Program Committee have recommended that the City Council designate the Senior Citizen Advisory Commission to serve as the official Center advisory group, in a memorandum dated March 30, 1981. It was MOVED by Paulson, SECONDED by Burgess, that no member of the Senior Citizen Advisory Commission may be a member of the Center Program Committee. MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Graf and Hall. Staff was asked to develop a recommendation for a Center Advisory Committee.

(Meeting recessed at 8:45 p.m., reconvened at 8:50 p.m. with all present.)

PUBLIC HEARING - 40TH AND WISTER ST. L.I.D. - ORDINANCE NO. 1485

Public hearing was declared open at 8:50 p.m. Staff report was given by Public Works Director.

Correspondence in favor:

Hugh W. Horne, 1177 Sherwood Road, San Marino, Ca. 91108,
dated March 26, 1981

Correspondence against:

Mr. and Mrs. Milton H. Palm, 4182 Lake Road

Speaking in favor:

Dean Beaumont, 32123 4th Ave. SW, Federal Way, Washington,
speaking for Public Storage, Inc.

No one appeared to speak against the project.

Public hearing was declared closed at 9 p.m. It was decided to

postpone consideration of the ordinance until after the next public hearing.

PUBLIC HEARING - RENAMING SE. EDISON STREET TO SE INTERNATIONAL WAY - ORDINANCE NUMBER 1484

Public hearing was declared open at 9:03 p.m. Staff report was given by Public Works Director. No correspondence has been received. No one appeared to speak either for or against the proposed name change.

Asking questions:

Russell Loney, 3535 SE Edison

Public hearing was declared closed at 9:05 p.m.

It was MOVED by Graf, SECONDED by Nickel, to read Ordinance Number 1484 (AN ORDINANCE OF THE CITY OF MILWAUKIE RENAMING A STREET) 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 Paulson, SECONDED by Nickel, to adopt Ordinance 1484. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1484 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1485 - 40TH AND WISTER LOCAL IMPROVEMENT DISTRICT

It was MOVED by Graf, SECONDED by Nickel, to read Ordinance Number 1485 (AN ORDINANCE OF THE CITY OF MILWAUKIE ORDERING THE IMPROVEMENT OF PORTIONS OF SE 40TH AVENUE AND SE WISTER STREET AND REPEALING ORDINANCE NO. 1401) the first time by title only, with a change in the second line of Section 2 (a), "Edison" to be changed to "International Way." MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Nickel, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Graf, to adopt Ordinance 1485. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1485 passed the Council and was so declared by the Mayor.

PAYMENT OF BILLS

It was MOVED by Nickel, SECONDED by Graf, that the bills listed for April 7, 1981 payment be approved for payment. MOTION CARRIED unanimously.

DECISION ON APPEAL BY JOHN WEISEN FROM PLANNING COMMISSION APPROVAL OF CONDITIONAL USE APPLICATION C-81-1 TO PLACE MOBILE HOME AT 11900 SE STANLEY AVENUE

It was MOVED by Graf, SECONDED by Hall, to adopt proposed Findings and Order prepared by City Attorney, and uphold the decision of the Planning Commission. Nickel said even though she was not present at the public hearing, she had read all the material. MOTION CARRIED unanimously.

PROCLAMATION - VOLUNTEER WEEK

Mayor read proclamation designating the last week of April, 1981, Volunteer Recognition Week and April 25, 1981, Volunteer Recognition Day.

LETTER FROM WASHINGTON COUNTY ON METRO FUNDING

Council has received letter from Washington County Commissioners, dated March 12, 1981, concerning Washington County's wish to meet with local jurisdictions to discuss funding of Metro activities. Washington County has passed a resolution objecting to the extension of authority for the MSD to levy service charges for planning functions.

It was MOVED by Graf, SECONDED by Nickel, that the position which has been taken by the City Council (in January Council supported continued funding for Metro for four years) be forwarded to the Chairman of the Washington County Commission. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Graf and Hall. NOES: Burgess.

REQUIRED ANNEXATION OF PROPERTY REQUESTING UTILITY SERVICES
RESOLUTION NUMBER 5-1981

It was MOVED by Nickel, SECONDED by Hall, to adopt Resolution Number 5-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE REQUIRING ANNEXATION OF PROPERTY REQUESTING UTILITY SERVICE OUTSIDE THE CITY). MOTION CARRIED unanimously.

CITY LICENSE OF SEWER AND SEPTIC TANK WORKERS - ORDINANCE NO. 1486

It was MOVED by Nickel, SECONDED by Graf, to read Ordinance Number 1486 (AN ORDINANCE OF THE CITY OF MILWAUKIE REPEALING SECTIONS 9 AND 10 OF ORDINANCE NUMBER 1098 PROVIDING FOR LICENSE OF SEWER AND SEPTIC TANK WORKERS) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Graf, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Nickel, to adopt Ordinance 1486. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Graf and Hall. NOES: None. Ordinance 1486 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1487 - ZC 81-1 - 5770 SE KING RD.- SECOND READING

It was MOVED by Nickel, SECONDED by Graf, to read Ordinance Number 1487 (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) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, seconded by Graf, to adopt Ordinance 1487. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. Ordinance 1487 passed the Council and was so declared by the Mayor.

EXPIRATION OF TERMS OF OFFICE ON COMMISSIONS - ORDINANCE NO. 1488

It was MOVED by Nickel, SECONDED by Graf, to read Ordinance Number 1488 (AN ORDINANCE OF THE CITY OF MILWAUKIE PROVIDING FOR EXPIRATION OF TERMS OF OFFICE FOR CITY COMMISSIONS AND REPEALING ORDINANCE NO. 1483) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1488. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. Ordinance 1488 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1489 - AMENDING COUNCIL RULES

It was MOVED by Nickel, SECONDED by Graf, to read Ordinance Number 1489 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NO. 1480 ADOPTING COUNCIL RULES) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1489. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1489 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1490 - AMENDMENT TO CROSS CONNECTION CONTROL ORDINANCE

It was MOVED by Graf, SECONDED by Hall, to read Ordinance Number 1490 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NUMBER 1267 PROVIDING FOR CROSS-CONNECTION CONTROL) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Hall, to adopt Ordinance 1490. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1490 passed the Council and was so declared by the Mayor.

MEMORANDUM ON DETERMINATION OF "B" BALLOT

Manager has written memorandum, dated March 31, 1981, concerning determination of "B" ballot. It was MOVED by Graf, SECONDED by Nickel, to accept the determination of the "B" ballot as indicated in the memo from the Manager to Council.

Burgess asked that the following statement appear in the minutes: "I cannot approve your memo, Mr. Whorton, relative to the B Ballot because both the A and B ballot reflect the opposite of what the people of this country and this city have consistently voted for... and that is conservatism in reducing the cost of government, at all levels.

"I still maintain that the A ballot should have been drafted to contain the basic operation of all departments of the city, and the B ballot to include supplementary items which are in addition, and which are itemized for the edification of the voters."

Nickel asked Burgess to clarify, and asked how she would break out the A and B ballot.

Burgess said the conservatives on the Budget Committee did identify cuts, but that the Budget Committee did not properly address requests from all segments of the Budget Committee, and said she would not clarify any further.

Nickel said at no time did anybody identify \$400,000 worth of cuts. Burgess said she would not go into any further comments.

Graf said since there had been about eight people cut out and the services in the city reduced, that to his way of thinking the Budget Committee as a whole was very conservative. He said the city is reducing services from last year, and not adding anything, and there are no frills. He said to his way of thinking this is a very conservative Budget Committee as a whole, and he does not know who Mrs. Burgess is referring to as conservatives.

MOTION CARRIED with the following roll-call vote: AYES: Nickel, Graf and Hall. NOES: Paulson and Burgess.

Nickel asked that the minutes show that at no time during the budget process did any Budget Committee member or the group as

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a whole identify \$400,000 worth of cuts which would bring us to an A ballot.

Burgess said she would like to have entered in the minutes that there was identification of many cuts by the conservatives-- those trying to keep the cost of government down, and at the end there was an agreement by myself that it would be up to the City Manager to identify further cuts, since he had a better ability to identify them.

Hall said the Manager had done that, and some of those cuts he had suggested were not accepted by the Budget Committee members who identify themselves as conservatives.

RESOLUTION PROVIDING FOR INCREASES IN PUBLIC WORKS AND PLANNING FEES

A resolution has been prepared which would authorize staff to raise Public Works and Planning fees on an annual basis to try to keep them in line with the cost of operating the departments. It was Council consensus to take no action on the proposed resolution, and staff was asked to consolidate fees into one resolution.

ORDINANCE CALLING FOR ELECTION ON CONSOLIDATION

It was MOVED by Graf, SECONDED by Nickel, to read (AN ORDINANCE OF THE CITY OF MILWAUKIE SUBMITTING TO THE LEGAL VOTERS OF THE CITY AND CERTAIN UNINCORPORATED AREAS OF CLACKAMAS COUNTY THE QUESTION OF WHETHER A NEW CITY SHOULD BE CONSOLIDATED AND A CHARTER ADOPTED PURSUANT TO ORS CHAPTER 222) the first time by title only.

Burgess asked that the following appear in the minutes:

"I would like to issue a minority statement to the effect that I am adamantly opposed to this ridiculous idea of consolidation, which would mean the total dissolving of Milwaukie's 134 years of great history. This would be a disservice to thousands of Milwaukians.

"All of my constituents who voted for me and have supported me are strongly opposed to consolidation. As an elected representative of the great majority of Milwaukieans, I am going to support their view as well as my own.

"I would also like to call the Council's attention to Ordinance No. 1480, City Council rules, Section 4 - D, Dissents and Protests... that reads as follows:

'Any member shall have the right to express dissent from or protest against any ordinance or resolution and have the reasons therefor entered in the minutes in summary form.'

"I base my right to my voting action and minority statement as stated in Ordinance No. 1480."

MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Graf and Hall. NOES: Burgess. The ordinance will be on the next agenda for second reading.

WATER WELL NO. 2 REHABILITATION

Public Works Director has written memorandum, dated March 31, 1981, concerning Water Well #2 rehabilitation. It was MOVED by Burgess, SECONDED by Hall, to agree with the Public Works Director's recommendation to transfer a maximum of \$15,000 from Water System Extensions to Water System Repair to cover estimated

costs for rehabilitation of well #2, and to go out for bids as recommended in the memo. MOTION CARRIED unanimously.

CONSENT AGENDA

- a) Approval of Minutes - March 17, 1981 Council meeting
- b) Resignation from Planning Commission
- c) Appointment to Traffic Safety Commission
- d) Liquor License Application - Dave Strauss Flowers & Gifts and Husted Enterprises
- e) Water Tower Park Funding
- f) Proposed Vacation of a Portion of SE 47th Street

It was MOVED by Nickel, SECONDED by Graf, to adopt the Consent Agenda, including liquor license application for Husted Enterprises. MOTION CARRIED unanimously.

- b) Leo J. Bauman, in letter dated March 19, has resigned from the Planning Commission.
- c) North Clackamas School District has sent letter, dated March 12, saying Gary Salyers has asked to be relieved of his position as School District representative to the Milwaukie Traffic Safety Commission, and Jim Stell, Principal of Whitcomb Elementary School, will be assuming this position.
- d) Police Chief finds no reason to deny issuance of the following requested liquor licenses:
Dave Strauss Flowers & Gifts, 10605 SE Main - Package Store
Husted Enterprises, Inc., 3056 SE Harrison - Retail Malt Beverage
- e) Manager and Parks and Recreation Superintendent recommend Council appropriate \$2000 from Contingency to cover completion of Water Tower Park.
- f) Public Works Director has written memorandum, dated March 26, concerning request from NC School District for vacation of a portion of SE 47th Street

INFORMATION ITEMS

- a) Letter from Metro on Representative to JPAC on Transportation
- b) Planning Commission Minutes - 3/10/81
- c) Budget Committee Minutes - 3/12/81
- d) Article on "Officer Friendly"
- e) Letter Thanking Police Department
- f) Letter from DeMolay to Mayor
- g) Letter from Home Builders Assn. on President's Program
- h) Letter from CCC Associated Student Government
- i) Library Board Minutes - 3/11/81
- j) Letter from L.O.C. on League Dues
- k) Memo on Street Light Replacement
- l) Notice of Metro Legislative Forum
- m) Petition for Review of LCDC Compliance Order
- n) L.I.D. Procedure

OTHER BUSINESS

1. It was MOVED by Graf, SECONDED by Nickel, to authorize the Manager to sign contract with Clackamas County for animal control services. MOTION CARRIED unanimously.

2. A memorandum from the Manager concerning salary for Manager and Public Works Director will be on the next agenda for consideration.

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The meeting adjourned at 10:35 p.m.

Approved by:

Dorothy E. Farrell, Secretary

Joy Burgess, Mayor

MILWAUKIE
CITY COUNCIL AGENDA
April 7, 1981
7 p.m.

COUNCIL CHAMBERS

1381ST MEETING

7 p.m. PUBLIC HEARING (BUDGET COMM.) - State Revenue Sharing Possible Uses

I. CALL TO ORDER

- a) Call to Order
- b) Invocation
- c) Pledge of Allegiance

II. AUDIENCE PARTICIPATION

- a) Linda McPherson. LCDC. to present Certificate of Acknowledgement
- b) Representatives from METRO. to Discuss Highway Funds
- c) Presentation on Draft Brochure on Milwaukee

III. PUBLIC HEARINGS

- a) Renaming SE Edison St. to SE International Way - Ord. No. 1484
- b) 40th and Wister St. L.I.D. - Ordinance No. 1485

IV. LEGISLATION

- a) Payment of Bills
- b) Decision on Appeal by John Weisen from Planning Commission Approval of Conditional Use Application C-81-1 to Place Mobile Home at 11900 SE Stanley Avenue
- c) Proclamation - Volunteer Week
- d) Letter from Washington County on Metro Funding
- e) Required Annexation of Property Requesting Utility Services - Resolution No. 5-1981
- f) City License of Sewer and Septic Tank Workers - Ord. No. 1486
- g) Zone Change 81-1 - 5770 SE King Rd. - Ord. No. 1487 (2nd rdng)
- h) Expiration of Terms of Office on Commissions - Ordinance No. 1488 (2nd reading)
- i) Amending Council Rules - Ord. No. 1489 (2nd reading)
- j) Amendment to Cross Connection Control Ord. - Ordinance No. 1490 (2nd reading)
- k) Memorandum on Determination of "B" Ballot
- l) Increase in Public Works and Planning Fees - Resolu. No. _____
- m) *read later?* Calling for Election on Consolidation - Ordinance No. ~~1491~~
- n) Letter from Metro on Interstate Transfer Program Resolu # 4-1981
- o) Recommendation on Center Advisory Committee
- p) Water Well #2 Rehabilitation

V. CONSENT AGENDA

- a) Approval of Minutes - March 17, 1981 Council Meeting
- b) Resignation from Planning Commission
- c) Appointment to Traffic Safety Commission
- d) Liquor License Application - Dave Strauss Flowers & Gifts *& Hards Enterprise*
- e) Water Tower Park Funding
- f) Proposed Vacation of a Portion of SE 47th Street

VI. INFORMATION ITEMS

- a) Letter from Metro on Representative to JPAC on Transportation
- b) Planning Commission Minutes - 3/10/81
- c) Budget Committee Minutes - 3/12/81
- d) Article on "Officer Friendly"
- e) Letter Thanking Police Department
- f) Letter from DeMolay to Mayor
- g) Letter from Home Builders Assn. on President's Program
- h) Letter from CCC Associated Student Government
- i) Library Board Minutes - 3/11/81
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- k) Memo on Street Light Replacement
- l) Notice of Metro Legislative Forum
- m) Petition for Review of LCDC Compliance Order
- n) L.I.D. Procedure

VII. OTHER BUSINESS

VIII. ADJOURNMENT