

CITY COUNCIL MEETING
January 8, 1979
7 p.m.

COUNCIL CHAMBERS

1328th Meeting

The one thousand three hundred twenty-eighth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 8th day of January, 1979, with the following councilpersons present:

Jerry Hutchison	Allen Manuel
Charles Swan	Mayor Bill Hupp
Joy Burgess	

Also present:

Harold L. Schilling, City Mgr.	Cyrus Nims, Planning Direct.
Steven Hall, Pub. Works Direct.	Myer Avedovech, City Att'y
Donald Oblander, Finance Direct.	Dorothy E. Farrell, Sec'y

The invocation was given by Pastor Emmett Samson, Milwaukie Church of God, and the Pledge of Allegiance was recited.

APPROVAL OF MINUTES

It was MOVED by Hutchison, SECONDED by Swan, to approve the December 18, 1978 Council minutes as presented. MOTION CARRIED unanimously.

SWEARING IN OF NEW COUNCILMEMBERS

Allen Manuel, newly-elected Mayor, and Anne Nickel and Mel Paulson, newly-elected Councilpersons, were sworn in by the City Recorder, and took their seats at the dais, replacing outgoing Mayor Bill Hupp and outgoing Councilmembers Jerry Hutchison and Charles Swan. Bill Hupp presented gavel to Mayor Manuel, and Mayor Manuel presented plaques to outgoing Mayor and Councilmembers. The newly-constituted Council is as follows:

Mayor Allen Manuel	Joy Burgess
Anne Nickel	Mel Paulson

(Meeting recessed at 7:20 p.m., reconvened at 7:35 p.m. with all present.)

PUBLIC HEARING - MAKSYM APPEAL - VR-78-22 AND M-78-34

Public hearing was declared open at 7:35 p.m. Notices mailed as required. At a special meeting December 12, 1978, the Planning Commission voted to deny VR-78-22 and M-78-34, request to partition one tax lot into three substandard size lots with seven variances at 9844 SE 29th. Anthony Maksym, applicant, 13565 SW 72, Tigard, Oregon, appealed the Planning Commission decision. Planning Director gave staff report.

No correspondence has been received in favor. Correspondence against the appeal:

Petition, undated, signed by six persons
Letter from Dave E. and Sophie V. Alinger, 2840 SE Kelvin St.

Speaking in favor:

Anthony Maksym, applicant, 13565 SW 72nd, Tigard, Oregon
Carl Jackley, 9844 SE 29th
Norman Fulton, 1011 Fuller Street, Oregon City (prospective purchaser of one of the houses involved)

Speaking against:

Leo Marson, 2840 SE Balfour

Janice Rose, 2823 SE Balfour

Raising questions:

Bill Hupp, 2626 SE Washington

Public hearing was declared closed at 8:35 p.m.

It was MOVED by Paulson, SECONDED by Burgess, that the matter be referred to Neighborhood Council No. 2 before Council makes a decision. MOTION FAILED to pass with the following roll-call vote: AYES: Paulson, NOES: Nickel, Manuel and Burgess. It was MOVED by Burgess, SECONDED by Nickel, that the Council uphold the Planning Commission and deny the appeal. MOTION CARRIED unanimously.

(Meeting recessed at 8:45, reconvened at 9 p.m. with all present.)

CONSENT CALENDAR

- a) Population Estimate
- b) Long range fiscal projections
- c) Progress Payment - water tank
- d) Letter from Jacksonville re Neighborhood Council Program
- e) Ratify Urban County Priorities
- f) County Order - Pollock project on Kellogg Lake
- g) LCDC Case #78-034
- h) Letter from Southgate Planning Association

It was MOVED by Burgess, SECONDED by Paulson, to accept the Consent Calendar. Burgess requested item 6b be removed for comment, and Nickel requested item 6f be removed for discussion.

- a) Portland State University Center for Population Research and Census has sent July 1, 1978 population estimates of counties and incorporated cities of Oregon.
- b) Finance Director has sent memo, dated December 28, 1978, concerning long-range fiscal projections. Mrs. Burgess said she wanted to bring to Council attention the last paragraph on the first page of the memo, concerning a five-year plan being a desirable priority.
- c) Manager and Public Works Director recommend approval of progress pay estimate No. 4 on 3-million gallon water storage facility, in the amount of \$45,136.99, to Weil Contracting Service.
- d) Jacksonville United Neighborhood Organization, Jacksonville, Florida, has sent letter, dated December 27, asking for information on Milwaukie's Neighborhood Council program.
- e) Community Development Director has sent memo, dated December 26, listing projects recommended for funding through the Clackamas County (Urban County) Block Grant Program by the Milwaukie City Council.
- f) Council has received copy of Clackamas County Board of County Commissioners Order No. 78-2348, in the matter of review requests of the Development Permit Application of Pollock-Powellson Investment Company, to construct 88 apartment units on Kellogg Lake, outside the Milwaukie boundary. Mrs. Nickel has some information on setting up a trust for public land, as a way of protecting land. It was MOVED by Burgess, SECONDED by Nickel, that Council request Parks and Recreation Commission to study the feasibility of obtaining funds through creation of a trust for public land, for the

Kellogg Lake area. MOTION CARRIED unanimously.

g) Council has received copy of Report and Recommendation of Continuance in LCDC Case No. 78-034, 1000 Friends of Oregon v. City of Milwaukie.

h) Council has received copy of letter from Manager to Secretary of Southgate Planning Association, dated January 2, 1979, concerning the city's comprehensive plan activities.

On the motion to accept the Consent Calendar, MOTION CARRIED unanimously.

NEIGHBORHOOD COUNCIL REPORTS

Neighborhood Council Coordinator has reported on Neighborhood Council activities. It was Council consensus that a letter be written to Neighborhood Councils encouraging them to enter a float in the Milwaukie Festival Daze parade.

CORRESPONDENCE

Tri-Met has sent letter, dated December 15, 1978, concerning 60-foot articulated bus being tested.

COMMITTEE APPOINTMENTS

Appointments are expiring on the Budget Committee, Planning Commission, Senior Citizen Advisory Council and Traffic Safety Commission.

It was MOVED by Burgess, SECONDED by Nickel, that Jean Elie be reappointed on the Senior Citizen Advisory Council and that Gail Bassett be moved up from alternate to regular member on that committee. MOTION CARRIED unanimously. Senior Citizen Advisory Council will be asked to recruit for Mrs. Bassett's and Mel Paulson's positions as alternates.

Staff was asked to again write the city's three bargaining groups, asking for recommended names for appointment to Civil Service Commission. Staff was also asked to ask incumbents if they are interested in reappointment, and to ask applicants if they are still interested in appointment, for all committees with vacancies.

RESOLUTION NUMBER 1-1979 - ANNEXATION A-78-5

It was MOVED by Burgess, SECONDED by Paulson, to read Resolution Number 1-1979 (A RESOLUTION APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 1-1979. MOTION CARRIED unanimously. The resolution will be sent to the Boundary Review Commission. Location of annexation request is on the north side of International Way, northwest of the intersection of Harmony Road and Lake Road.

MORATORIUM ORDINANCE - FIRST READING

As requested by Council, staff has prepared moratorium ordinance. Letter from Al Jager, 12350 SE 31st Place, dated January 3, was hand-delivered at meeting, and read aloud to City Council. Letter from 1000 Friends of Oregon, dated January 8, was hand-delivered to each Councilmember at the meeting.

It was MOVED by Burgess, SECONDED by Nickel, to read (AN ORDINANCE

SUSPENDING ENFORCEMENT OF ORDINANCE NO. 1407, AND PROVIDING FOR A TEMPORARY MORATORIUM ON CERTAIN BUILDING PERMITS WITHIN THE CITY OF MILWAUKIE, OREGON, PENDING RESOLUTION OF LCDC PETITION NO. 78-034; SETTING TIME LIMITS AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously. Manager read ordinance by title only. City Attorney stated Council will be unable to read the ordinance the second time at the same meeting, because the Charter requires unanimous vote of the whole Council to do that, and at present there are only four members of the Council. The ordinance will be on the next agenda for second reading.

RESOLUTION NUMBER 2-1979 - AUTHORIZING SIGNATURE OF TSM AGREEMENTS

It was MOVED by Nickel, SECONDED by Burgess, to read Resolution Number 2-1979 (A RESOLUTION AGREEING TO ENTER INTO A PRELIMINARY ENGINEERING AND CONSTRUCTION-FINANCE AGREEMENT WITH THE STATE OF OREGON FOR TRAFFIC IMPROVEMENTS IN THE AREA OF OATFIELD ROAD AND LAKE ROAD AND HARRISON STREET, HIGHWAY 224-32ND AVENUE) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 2-1979. MOTION CARRIED unanimously.

APPOINTMENT TO VACANT COUNCIL POSITION

Council has received letters from the following, indicating interest in being appointed to vacant Council position:

Robert R. Ewald	Fred H. Kondo
Eloise Hobson	George Van Bergen
Diane C. Brock	Donald W. Graf

As a starting point for discussion, Manager has prepared a suggested timetable for Council vacancy selection, and possible questions to be asked of candidates.

It was MOVED by Manuel, SECONDED by Nickel, that Council require all candidates to submit in writing answers to questions 1 and 3 on the staff list of questions. MOTION PASSED with the following roll-call vote: AYES: Nickel, Manuel and Paulson. NOES: Burgess. There was discussion of whether to narrow the list of candidates before voting on a final choice, whether to vote by a "point system," and how to break a deadlock, if one occurs. It was Council consensus to decide these questions at the next meeting.

ELECTION OF COUNCIL PRESIDENT

It was MOVED by Nickel, SECONDED by Paulson, that Joy Burgess be elected Council President. MOTION CARRIED unanimously.

LETTER FROM GENERAL SPRAY SERVICE

Public Works Director has received letter, dated December 1, 1978, from General Spray Service, concerning presentation of scroll to city. There was no consensus as to whether to have the Parks and Recreation Commission accept the scroll, or have a presentation at a Council meeting. Mayor asked how to proceed to get an inventory of streets amenable to street plantings, and staff was asked to have the letter from Mr. Wyse regarding tree plantings on the next agenda.

DATE OF SECOND JANUARY MEETING

It was MOVED by Burgess, SECONDED by Nickel, that the second January meeting be on January 22, 1979. MOTION CARRIED unanimously.

OTHER BUSINESS

1. Council has received copy of letter from Department of Land Conservation and Development, dated January 4, addressed to Planning Director, concerning proposed moratorium, letter from MSD, dated January 3, addressed to City Attorney, concerning proposed moratorium, and copy of City Attorney's response.

2. Manager passed out copy of Urban County packet.

3. Manager said sanding program will be minimal, because of lack of materials.

4. It was MOVED by Nickel, SECONDED by Paulson, that the resolution creating Community Center Advisory Committee be amended to add a representative of PTA/PTOs, so youth and family activities with youth be included in consideration. MOTION CARRIED unanimously.

It was MOVED by Manuel, SECONDED by Paulson, to authorize Manager to make this appointment, subject to Council ratification on January 22. MOTION CARRIED unanimously.

5. It was MOVED by Nickel, SECONDED by Burgess, to institute a policy that there be no smoking in Council meetings. MOTION CARRIED unanimously.


PAYMENT OF BILLS

It was MOVED by Paulson, SECONDED by Nickel, that the bills listed for January 8, 1979 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned at 11 p.m.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
January 8, 1979
7 pm

COUNCIL CHAMBERS1328th Meeting

1. CALL TO ORDER
2. INVOCATION - Pastor Emmett Samson, Milwaukie Church of God (Seventh Day)
3. PLEDGE OF ALLEGIANCE
4. APPROVAL OF MINUTES - December 18, 1978
5. SWEARING IN OF NEW COUNCIL MEMBERS
6. CONSENT CALENDAR
 - a) Population Estimate
 - b) Long range fiscal projections
 - c) Progress Payment - water tank
 - d) Letter from Jacksonville re Neighborhood Council Program
 - e) Ratify Urban County Priorities
 - f) County Order - Pollock project on Kellogg Lake
 - g) LCDC Case #78-034
 - h) Letter from Southgate Planning Association
7. AUDIENCE PARTICIPATION
8. NEIGHBORHOOD COUNCIL REPORTS
 - a) Neighborhood Council activities
9. CORRESPONDENCE
 - a) Letter from Tri Met
- :30 pm 10. PUBLIC HEARING - Maksym appeal
11. OLD BUSINESS
 - a) Committee appointments
 - b) Resolution No. _____ - Annexation A-78-5
 - c) Ordinance No. _____ - Moratorium
12. CONSIDERATION
 - a) Resolution No. _____ - Authorizing signature of TSM agreements
 - b) Appointment to vacant Council position
 - c) Election of Council President
 - d) Letter from General Spray Service
 - e) Meeting date - 2nd January meeting
13. COUNCIL REPORTS
14. OTHER BUSINESS
15. PAYMENT OF BILLS
16. ADJOURNMENT