

MILWAUKIE
CITY COUNCIL MEETING
March 17, 1980
7 p.m.

COUNCIL CHAMBERS

1356th Meeting

At 6 p.m., prior to the regular Council meeting at 7 p.m., the City Council, with all members present except Mel Paulson, met and interviewed the following candidates for appointment to the Traffic Safety Commission:

C. E. Smith, 9589 SE 32nd Avenue
Alec Iungerich, 5840 SE Lloyd Street
Wardie W. King, 4750 SE Rockwood Street
Don Kopp, 4624 SE Harrison Street

REGULAR MEETING

The one thousand three hundred fifty-sixth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 17th day of March, 1980, with the following councilpersons present:

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Kenneth S. Whorton, City Mgr.	Gregory Eades, City Att'y
Steven Hall, P. W. Director	Dorothy E. Farrell, Sec'y

The invocation was given by the Reverend Noel Ravan, Milwaukie First Assembly of God Church, and the Pledge of Allegiance was recited.

PAYMENT OF BILLS

It was MOVED by Burgess, SECONDED by Nickel, that the bills listed for March 17, 1980 payment be approved for payment. MOTION CARRIED unanimously.

DISCUSSION OF NEIGHBORHOOD COUNCIL PROGRAM

It was MOVED by Ewald, SECONDED by Burgess, that the previous action of the Council extending the Neighborhood Council resolution through March 31, 1980, be rescinded, and the Neighborhood Council resolution be repealed effective immediately, and that no further legislative action be taken concerning Neighborhood Councils or neighborhood associations. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Ewald. NOES: Nickel and Manuel.

RESOLUTION NUMBER 17-1980 - ADOPTING SALARY RANGES

It was MOVED by Ewald, SECONDED by Nickel, to read Resolution Number 17-1980 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE ADOPTING A SALARY RANGE FOR THE POSITIONS OF SUPERVISING ACCOUNTANT AND DEPUTY CITY ATTORNEY AND AMENDING RESOLUTION NUMBER 33-1979) by title only. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Manuel and Ewald. NOES: Burgess. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 17-1980. MOTION CARRIED with

the following roll-call vote: AYES: Paulson, Nickel, Manuel and Ewald. NOES: Burgess.

RESOLUTION NUMBER 18-1980 - ANNEXATION A-80-2 (4305 SE Johnson Creek Boulevard)

It was MOVED by Nickel, SECONDED by Burgess, to read Resolution Number 18-1980 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to adopt Resolution 18-1980. MOTION CARRIED unanimously.

RESOLUTION NUMBER 19-1980 - CABLE TV AGREEMENT

It was MOVED by Burgess, SECONDED by Paulson, that the matter of an intergovernmental cooperation agreement on cable TV be tabled. MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Manuel and Ewald.

It was MOVED by Nickel, SECONDED by Ewald, to read Resolution Number 19-1980 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL COOPERATION AGREEMENT FOR THE FORMATION OF A JOINT COMMISSION TO COORDINATE THE DEVELOPMENT OF A CABLE COMMUNICATIONS SYSTEM) by title only. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Manuel and Ewald. NOES: Paulson and Burgess. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 19-1980. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Manuel and Ewald. NOES: Paulson and Burgess. Burgess asked that the minutes show she voted "no" because she does not see the need for the city to establish another regulatory agency when the City Council has the brains to develop and regulate a cable communication system.

ORDINANCE NUMBER 1450 - AMENDING PLANNING COMMISSION AND TRAFFIC SAFETY COMMISSION ORDINANCES

It was MOVED by Burgess, SECONDED by Nickel, to read Ordinance Number 1450 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NUMBERS 1106 (PLANNING COMMISSION) AND 1284 (TRAFFIC SAFETY COMMISSION)) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Ewald, to read Ordinance 1450 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to adopt Ordinance 1450. Ordinance 1450 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1450 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1451 - ESTABLISHING SENIOR CITIZENS ADVISORY COMMISSION

It was MOVED by Burgess, SECONDED by Paulson, to read Ordinance Number 1451 (AN ORDINANCE OF THE CITY OF MILWAUKIE ESTABLISHING A SENIOR CITIZENS ADVISORY COUNCIL AND REPEALING RESOLUTION NUMBER 27-1975) the first time by title only, with the following corrections: wherever the words "Senior Citizens Advisory Council" appear, change to read "Senior Citizens Advisory Commission"; and in Section 2, lines 5 and 6, delete the words "...corresponding to the areas represented by Neighborhood Councils." MOTION

CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to read Ordinance 1451 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to adopt Ordinance 1451. Ordinance 1451 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1451 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1452 - ESTABLISHING PARK AND RECREATION COMMISSION

It was MOVED by Nickel, SECONDED by Burgess, to read Ordinance Number 1452 (AN ORDINANCE OF THE CITY OF MILWAUKIE, ESTABLISHING A PARK AND RECREATION COMMISSION AND REPEALING RESOLUTION NUMBER 37-1975) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to read Ordinance 1452 the second time by title only. MOTION CARRIED unanimously. It was suggested the Park and Recreation Commission be asked if they would like the ordinance to have a flexible membership number, since at one time they had difficulty having a quorum at meetings. It was MOVED by Burgess, SECONDED by Nickel, to adopt Ordinance 1452. Ordinance 1452 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1452 passed the Council and was so declared by the Mayor.

(Meeting recessed at 8:15 p.m., reconvened at 8:25 p.m. with all present.)

APPOINTMENT TO TRAFFIC SAFETY COMMISSION

It was MOVED by Nickel, SECONDED by Ewald, to appoint Don Kopp, 4624 SE Harrison Street, and Wardie W. King, 4750 SE Rockwood Street, to the Traffic Safety Commission, and if there is a difference in length of appointment, that the longest period be given to Don Kopp, and the second longest to Wardie King. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Manuel, Burgess and Ewald. ABSTAIN: Paulson.

MEMO FROM TRAFFIC SAFETY COMMISSION RE DEFENSIVE DRIVING COURSE

Traffic Safety Commission has sent memo, dated March 7, 1980, concerning defensive driving course for city employees. It was Council consensus that the matter be presented to the Budget Committee.

ORDINANCE NUMBER 1453 - ZC-80-1 (WEST END OF SUNDIAL COURT)

It was MOVED by Burgess, SECONDED by Nickel, to read Ordinance Number 1453 (AN ORDINANCE OF THE CITY OF MILWAUKIE, PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY FROM CLACKAMAS COUNTY R-7 TO CITY R-7, AND AMENDING ORDINANCE NUMBER 1438) the first time by title only. It was MOVED by Burgess, SECONDED by Nickel, to read Ordinance 1453 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to adopt Ordinance 1453. Ordinance 1453 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1453 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1454 - TEMPORARY PERMITS FOR MOBILE HOMES

It was MOVED by Nickel, SECONDED by Burgess, to read Ordinance Number 1454 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NUMBER 1438 BY PROVIDING FOR TEMPORARY STRUCTURE PERMITS) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to read Ordinance 1454 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Paulson, SECONDED by Nickel, to adopt Ordinance 1454. Ordinance 1454 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1454 passed the Council and was so declared by the Mayor.

MEMO CONCERNING STREET NAME CHANGE

Public Works Director has written memo, dated February 25, concerning street name change in Kellogg View Heights subdivision. It was MOVED by Nickel, SECONDED by Burgess, to hold a public hearing on April 7, 1980, to consider change of street names in Kellogg View Heights subdivision from 39th Avenue and Kellogg Drive to Licynta Lane. MOTION CARRIED unanimously.

BID AWARD - STREET IMPROVEMENT ON RAILROAD AVENUE

Public Works Director has written memo, dated March 13, 1980, concerning bid award on Railroad Avenue street improvements. It was MOVED by Burgess, SECONDED by Nickel, that the Council accept the low bid of Willamette Western for \$13,588 for street improvement on Railroad Avenue between SE 37th and SE 42nd. MOTION CARRIED unanimously.

MEMO FROM CITY ATTORNEY CONCERNING GAMBLING

City Attorney has written memo, dated February 13, concerning gambling. Attorney recommends the Council repeal Ordinance 520 since it is probably not consistent with state gambling laws.

MEMO FROM CENTER ADVISORY COMMITTEE CONCERNING MEETING PLACE

Center Advisory Committee has sent memo, dated March 6, 1980, concerning Center Advisory Committee meeting place. It was MOVED by Burgess, SECONDED by Paulson, that all boards and commissions that are advisory to the City Council comply with the open meetings law, and continue to be advisory to the City Council. MOTION CARRIED unanimously.

CONSENT AGENDA

- a) Approval of minutes - September 11, 1979, March 3, 1980
 - b) Comprehensive Plan provisions on solar access
 - c) League of Oregon Cities regional meeting
 - d) Liquor license applications
 - 1) Joe's Warehouse, 12300 SE Mallard - DA
 - 2) Fernwood Inn, 2122 SE Sparrow - DA
 - 3) 7-11 Store, 6303 SE Harmony - PS
 - e) City Attorney's memo re Flag Lots
 - f) City Attorney's memo re Charter requirements for bids
- It was MOVED by Burgess, SECONDED by Nickel, to accept the Consent Agenda. Ewald asked for discussion of items e and f, and Nickel and Burgess asked for item c.

- b) In response to Council question, the section of the Comprehensive Plan dealing with solar access has been copied and sent to Council.
- c) League of Oregon Cities regional meeting will be April 8 at Holiday Inn at Wilsonville. All Councilmembers indicated a desire to attend.
- d) Police Chief finds no reason to deny issuance of liquor licenses for the listed applicants.
- e) City Attorney has written memo, dated February 28, 1980, concerning flag lots. Ewald asked about the policy; Public Works Director said the Planning Commission held a work session and confirmed the current policy.
- f) City Attorney has written memo, dated March 13, 1980, concerning Charter requirement for public bids. Ewald asked questions about the memo.

OTHER BUSINESS

1. It was MOVED by Nickel, SECONDED by Paulson, to authorize signing of agreement with Department of Transportation, Parks and Recreation Division, for funds from Land and Water Conservation Fund Act for development of Water Tower Park as a neighborhood facility. MOTION CARRIED unanimously.
2. It was MOVED by Nickel, SECONDED by Paulson, to authorize the City Manager to sign letter of agreement with STRAAM Engineers, Inc. for professional engineering services for design of telemetry system for the city's four sanitary sewage lift stations. MOTION CARRIED unanimously.
3. It was MOVED by Paulson, SECONDED by Burgess, to authorize the City Manager to sign proposal for Area Agency on Aging funds for the Milwaukie Center. MOTION CARRIED unanimously.
4. It was MOVED by Nickel, SECONDED by Paulson, to authorize the City Manager to sign proposal for Area Agency on Aging funds for Human Services Coordination and Outreach. MOTION CARRIED unanimously.
5. Certificate of occupancy for the Milwaukie Center has been received from the county.
6. Public Works Director gave report on cost of storm damage clean-up.
7. Burgess read from Oak Lodge Community Council newsletter. Among other items, it was noted the Community Council wants to set up a police district and the county would pay 25% of the cost. Manager was asked to write a letter asking if the county would pay 25% of Milwaukie's police costs.
8. Bill Hupp has resigned as Council envoy to the Parks and Recreation Commission to work closely with the Chairman on waterfront development. Manager was asked to write a letter of thanks.
9. Burgess asked for a report on city policy on 24-hour use of city-owned cars.

The meeting adjourned at 9:40 p.m.

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Secretary

Allen Manuel
Allen Manuel, Mayor

MILWAUKIE
CITY COUNCIL AGENDA
March 17, 1980

COUNCIL CHAMBERS

1356th Meeting

6 p.m. TRAFFIC SAFETY COMMISSION APPLICANT INTERVIEWS

I. CALL TO ORDER

- a) Call to Order
- b) Invocation - The Reverend Noel Ravan, Milwaukie First Assembly of God Church
- c) Pledge of Allegiance

II. PUBLIC HEARINGS (none)

III. AUDIENCE PARTICIPATION AND NEIGHBORHOOD COUNCILS

IV. LEGISLATION

- a) Payment of Bills
- b) Resolution No. _____ - Adopting Salary Ranges
- c) Resolution No. _____ - Annexation A-80-2 (4305 SE Johnson Creek Boulevard)
- d) Resolution No. _____ - Cable TV agreement
- e) Terms of office on city advisory bodies
 - 1) Ordinance No. _____ - Planning and Traffic Safety
 - 2) Ordinance No. _____ - Senior Citizen Advisory
 - 3) Ordinance No. _____ - Parks and Recreation
- f) Memo from Traffic Safety Comm. re defensive driving course
- g) Ordinance No. _____ - ZC-80-1 (w. end of Sundial Court)
- h) Ordinance No. _____ - Temporary Permits for Mobile Homes
- i) Memo concerning Street Name Change
- j) Bid award - Railroad Avenue improvement
- k) Memo from City Attorney re gambling
- l) Memo from Center Advisory Committee re meeting place

V. CONSENT AGENDA

- a) Approval of minutes - September 11, 1979, March 3, 1980
- b) Comp. Plan provisions on solar access
- c) League of Oregon Cities Regional Meeting
- d) Liquor license applications
 - 1) Joe's Warehouse
 - 2) Fernwood Inn
 - 3) 7-11 Store
- e) City Attorney's memo re Flag Lots
- f) City Attorney's memo re Charter requirements for bids

VI. OTHER BUSINESS

VIII. ADJOURNMENT