

MILWAUKIE CITY COUNCIL MEETING

April 2, 1979

7 p.m.

COUNCIL CHAMBERS1334th Meeting

The one thousand three hundred thirty-fourth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 2nd day of April, 1979, with the following councilpersons present:

Mel Paulson
Anne Nickel
Joy Burgess

Robert Ewald
Mayor Allen Manuel

Also present:

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

The invocation was given by the Reverend C. Keith Mills, Oak Grove United Methodist Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - February 22, March 19, 1979 meetings
- b) Letter from Department of Agriculture re Johnson Creek
- c) Hearings Officer ruling - 1000 Friends v. Milwaukie
- d) Memo re Greenway boundaries
- e) Memo re storm damage
- f) Letter from Fire Standards Board re training
- g) Memo re 4-way stop - 42nd and Monroe

It was MOVED by Nickel, SECONDED by Paulson, to accept the Consent Calendar. Nickel requested item g be removed for discussion.

- b) Guy W. Nutt, State Conservationist, United States Department of Agriculture, has written letter, dated March 19, concerning city's request for technical and financial assistance needed to solve the problems in Johnson Creek.
- c) Council has received copy of Recommendation of Hearings Officer in Case No. 78-034, 1000 Friends of Oregon v. Milwaukie, before the Land Conservation and Development Commission.
- d) Planning Director has written memo, dated March 26, concerning Willamette Greenway boundary change request.
- e) Public Works Director has written memo, dated March 21, concerning estimate of storm damage repair costs.
- f) Fire Standards and Accreditation Board has written letter, dated March 1, to Fire Chief, concerning re-evaluation of the city's department training program.
- g) Public Works Director has written memo, dated March 27, concerning Council mandate for 4-way stop at 42nd and Monroe. It was MOVED by Nickel, SECONDED by Manuel, to reconsider the motion to install 4-way stop at 42nd and Monroe. MOTION FAILED to pass with the following roll-call vote: AYES: Nickel and Manuel. NOES: Paulson, Burgess and Ewald.

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

AUDIENCE PARTICIPATION

Mark Landis, Chairman of Milwaukie Planning Commission, and representing Tri-Met, spoke on light rail. He said the light-rail

corridor to Oregon City, which runs through downtown Milwaukie, is pretty much intact. It is owned by Portland Traction Company, which is owned by Union Pacific and Southern Pacific Railroads. Mr. Landis suggests the Council might want to ask MSD for a presentation on the whole subject of light rail. It was Council consensus that staff write a letter inviting a representative of MSD to appear before the Council, and that the Planning Commission be invited to that Council meeting. Staff was asked to find out if Legislature is reopening discussion of light rail routes on the east side of the river.

John Foster, 1516 SE Eton Lane, and Tom Harrison, 15285 SE Bevington, both spoke on the subject of light rail.

NEIGHBORHOOD COUNCIL REPORTS

1. Neighborhood Council 3 Board has written memo, dated March 19, concerning resignations. It was MOVED by Nickel, SECONDED by Paulson, to accept the resignation of Jeff Brannen and Gary Lisman from the Neighborhood Council 3 Board. MOTION CARRIED unanimously.
2. Neighborhood Council 3 Board has written memo, dated March 19, concerning recommendation for appointment. It was MOVED by Burgess, SECONDED by Manuel, that Mr. D. H. Binkley be appointed to the Neighborhood Council 3 Board. MOTION CARRIED unanimously.
3. Council has received a report on Neighborhood Council activities, dated March 27. It was Council consensus that the Neighborhood Coordinator be asked to include in Neighborhood Council minutes the number of persons in attendance, and also record the number of "yes" and "no" votes on any recommendation from the Neighborhood Council to the City Council.

PUBLIC HEARING - PROPOSED NEW WATER RATES

Public hearing was declared open at 7:30 p.m. Staff presentation was made by Finance Director.

Speaking in opposition:

Kenneth Ellis, 9236 SE Regents Drive
Dave Ropp and Larry Schuch, Proto Tool

Asking questions:

John Laing, 11964 SE 37th Avenue

Making comments:

Bill Hupp, 2626 SE Washington

Public hearing was declared closed at 7:55 p.m.

(Meeting recessed at 7:55 p.m., reconvened at 8:05 p.m. with all present.)

PUBLIC HEARING - APPEAL ON S-78-9, VR-78-19 - SUBDIVISION IN WAVERLY HEIGHTS

Public hearing was declared open at 8:05 p.m. Notices mailed as required. Staff report was given by Planning Director.

No correspondence was received in favor of the appeal.

Correspondence against the appeal:

Chairman of Neighborhood Council #1 Board

Speaking in favor:

Dan Pistoressi, P.O. Box 109, Oregon City
David Zilka, 1505 SE Oxford Lane

Speaking against:

Steve Stone, 10230 SE Cambridge Lane
 LeRoy B. Staver, 9908 SE Cambridge Lane
 Thomas Harrison, 15285 SE Bevington Avenue
 Ron White, 10240 SE Cambridge Lane
 Thelma Savage, Neighborhood Council 1
 Charles Dimon, 9900 SE Cambridge Lane

Public hearing was declared closed at 9:25 p.m.

It was MOVED by Burgess, SECONDED by Nickel, that the City Council uphold the Planning Commission decision and deny the appeal based upon the criteria that were developed in the new development policy for Waverly Heights; based upon supporting documents in the staff report; staff reasons for their recommendation of denial; and supporting public testimony earlier presented to the Planning Commission; and testimony Council has heard tonight. MOTION CARRIED unanimously.

S-78-9 is request for preliminary plat approval of proposed 6-lot subdivision and VR-78-19 is request for a variance to create six lots with no frontage on a public street, abutting a private roadway, both on the southeast end of Waverly Heights on the east side of Cambridge Lane.

(Meeting recessed at 9:30 p.m., reconvened at 9:40 p.m. with all present.)

PROPOSED NEW WATER RATES

Manager was asked to meet with representatives of Proto Tool, Omark and Mailwell, and report on that discussion at the next meeting. Staff was asked to report on revenues from an increase in minimum rate by \$1, with a discount to high-volume users, as well as without a discount, and the cost of a reduction for low-income users. A public hearing will again be held at the next meeting.

PROPOSED SWIMMING POOL ORDINANCE

Neighborhood Council 5 is sponsoring a proposed swimming pool ordinance which would require enclosures for in-ground and above-ground pools. Staff was asked to give Council copies of ordinances from other cities and counties. Staff was also asked to report on how other agencies enforce their ordinances, and what their experience has been with the effectiveness of such laws.

CORRESPONDENCE

1. Letter has been received from Portland Personnel Director, dated March 16, saying Portland intends to terminate agreement between Portland and Milwaukie for personnel services within 60 days.

PROPOSED GARBAGE RATE INCREASE

Finance Director has written memo, dated March 29, concerning proposed garbage collection rate increase.

LEGAL OPINION ON TORT LIABILITY

City Attorney has written memo, dated March 27, concerning tort liability.

FINAL ACCEPTANCE - ROWE TENNIS COURTS

Manager and Public Works Director recommend final acceptance of Rowe Tennis Courts, and payment of retainage. It was MOVED by Burgess, SECONDED by Manuel, that the city accept the Rowe tennis courts, and signs be installed on rules, and that the courts be turned over to the school district, and the city pay the retainage to the contractor. MOTION CARRIED unanimously.

PRELIMINARY DRAFT OF COUNCIL RULES

Mrs. Burgess has sent memo and proposed draft of Council rules. Council will discuss the proposed rules at the next meeting.

PROPOSED NEW FRANCHISE AGREEMENT

Mrs. Burgess has sent memo, dated March 27, concerning study and adoption of an ordinance creating cable TV franchise. Staff was asked to get information on franchise agreements.

RESOLUTION NUMBER 7-1979 - EDISON STREET L.I.D.

It was MOVED by Burgess, SECONDED by Manuel, to read Resolution Number 7-1979 (A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO IMPROVE EDISON STREET FROM 37TH AVENUE BY THE CONSTRUCTION OF AN ADEQUATE STREET, STORM SEWER, WATER MAIN AND ALL OTHER THINGS APPURTENANT TO THIS CONSTRUCTION) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 7-1979. MOTION CARRIED unanimously.

CLOSURE OF RAILROAD AVENUE FROM 37TH TO 42ND

Public Works Director has written memo, dated March 29, concerning temporary closure of Railroad Avenue from 37th through 42nd.

COUNCIL REPORTS

1. Mrs. Burgess will be at MSD meeting April 4.
2. Mayor Manuel has been appointed to county Economic Development Commission.
3. Mrs. Nickel said school board would like to meet with City Council on April 30.
4. Mrs. Nickel reported on progress of Friends of Kellogg Lake group. It was Council consensus that the Parks and Recreation Commission be asked to prepare a master plan for parks.
5. Mayor Manuel reported on meeting March 31 with Senator Hatfield.

OTHER BUSINESS

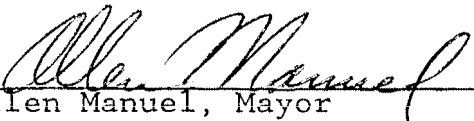
1. Manager asked for Council input on a response to letter from Powellson concerning project on Kellogg Lake, outside the city limits..
2. Manager said Community Center Director could be either a classified employee or non-classified employee, depending on job description.
3. Manager has received letter from Youth Alternatives Program, saying the school district is terminating their lease on school district property.

4. Councilman Paulson reported on Area Agency on Aging hearings on city's grant application.

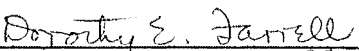
PAYMENT OF BILLS

It was MOVED by Nickel, SECONDED by Burgess, that the bills listed for April 2, 1979 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned at 11:30 p.m., to go into executive session, under ORS 192.660 (2) (a) to discuss labor negotiations and real property transaction.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
April 2, 1979
7 p.m.

COUNCIL CHAMBERS

1334th Meeting

1. CALL TO ORDER
2. INVOCATION - The Rev. C. Keith Mills, Oak Grove United Methodist Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - February 22, March 19, 1979 meetings
 - b) Letter from Department of Agriculture re Johnson Creek
 - c) Hearings Officer ruling - 1000 Friends v. Milwaukie
 - d) Memo re Greenway boundaries -
 - e) Memo re storm damage
 - f) Letter from Fire Standards Board re training
 - g) Memo re 4-way stop - 42nd and Monroe
5. AUDIENCE PARTICIPATION
 - a) Mark Landis - re Oregon City transit corridor
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Resignations from Neighborhood Council 3 Board
 - b) Recommendation for appointment to Neighborhood Council 3 board
 - c) Neighborhood Council activities
7. CORRESPONDENCE
 - a) Letter from Portland Personnel Bureau re contract
8. PUBLIC HEARING - Water Rates - Resolution No. _____
9. PUBLIC HEARING - Appeal on S-78-9, VR-78-19 - subdivision in Waverly Heights
10. OLD BUSINESS
 - a) Proposed swimming pool ordinance
 - b) Memo on proposed garbage rate increase
 - c) Legal opinion re tort liability
 - d) Rowe tennis courts - final acceptance
11. CONSIDERATION
 - a) Preliminary draft of Council rules (requested by Burgess)
 - b) Proposed new franchise agreement (requested by Burgess)
 - c) Edison Street L.I.D. - Resolution No. _____
 - d) Closure of Railroad Avenue from 37th to 42nd
12. COUNCIL REPORTS
13. OTHER BUSINESS
14. PAYMENT OF BILLS
15. ADJOURNMENT
16. EXECUTIVE SESSION - Under ORS 192.660 (2)(a) to discuss labor negotiations and real property transaction