

MILWAUKIE CITY COUNCIL MEETING
 May 21, 1979
 7 p.m.

COUNCIL CHAMBERS

1337th Meeting

The one thousand three hundred thirty-seventh meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 21st day of May, 1979, with the following councilpersons present:

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Harold L. Schilling, City Mgr.	Myer Avedovech, City Att'y
Donald Oblander, Finance Direct.	Dorothy E. Farrell, Sec'y
Steven Hall, P.W. Director	

The invocation was given by Scott Mitchell, Minister, Linwood Church of Christ, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - May 7 and 14, 1979 Council meetings
- b) Supplement #3 to ICMA Newsletter
- c) Memo re extended hours in Building Department
- d) Memo re "Friendly Visitor" proposal
- e) Approval of Comprehensive Planning contract

It was MOVED by Burgess, SECONDED by Nickel, to adopt the Consent Calendar. Mrs. Burgess requested items a and d be removed for discussion, and Mrs. Nickel requested item a.

a) Mrs. Nickel asked if it should be in the minutes that there were two Council people who talked to Charles L. Wilkins, who appealed Planning Commission decision on VR-79-5, before the public hearing was held on May 7. City Attorney said it would be helpful to have in the minutes the fact that during the hearing, Ewald and Paulson stated they had discussed the matter with Mr. Wilkins.

Mrs. Burgess said on page 3 of May 7 minutes, there is mention that Mrs. Nickel left the meeting at 9 p.m., but no mention that there was a recess at that time. Mrs. Burgess also stated that on page 5 the minutes state "reconvened at 10:05 p.m. with all present," and she believes that is not correct, as Mrs. Nickel had left the meeting at 9 p.m.

b) Council has received copy of supplement #3 to ICMA Newsletter, dated May 7, 1979.

c) Public Works Director has written memo, dated May 2, 1979, concerning Wednesday night extended hours in Building Department.

d) Neighborhood Council Coordinator has written memo, dated May 10, concerning "Friendly Visitor" proposal. Mrs. Burgess asked if this new program would be a duplication of the visitation program now operated by Loaves and Fishes. Manager said he feels the two programs will merge when the Community Center is in operation.

e) Copy of Comprehensive Planning Contract for the preparation of implementation ordinances, with Wilsey & Ham, for an amount

not to exceed \$7375 unless contract is amended, has been provided Council.

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

AUDIENCE PARTICIPATION

1. Bob Franz, First State Bank, presented final report to City Council from Economic Development Commission. Points made by Mr. Franz: the commission feels the city has been short-changed from the standpoint of the kinds of roads within the city, and access; Milwaukie probably has the worst traffic situation in the metropolitan area; traffic signaling is a major block; measures recommended by the commission would reap economic benefits to the city and would do something toward reducing the tax burden; it is too late to develop a commercial base; the only thing left is to develop industrially; the land around United Grocers will never be developed until it has proper drainage. It was Council consensus to direct the Manager to get estimate of cost to include that area in the study being done on a drainage program.

A work session will be held at 7 p.m. June 7 to discuss the commission report.

2. Bill Hupp, 2626 SE Washington, asked if the May 7 meeting was extended for an additional four minutes. The minutes show, on page 6, second paragraph, that the motion for extension failed to pass. Mayor said he had changed his vote to "yes," but had failed to notify the Secretary.

NEIGHBORHOOD COUNCIL REPORTS

Neighborhood Council Coordinator has sent memo, dated May 15, concerning Neighborhood Council/Human Services activities.

CORRESPONDENCE

1. Planning Commission has sent memo, dated May 9, concerning variance requests. A work session with Planning Commission will be held at 7 p.m. June 14. Items for discussion are: variance procedures, home occupations policy, annexation policy. Staff was asked for a report on the home occupations section of the zoning ordinance.

2. Planning Commission has sent memo, dated May 9, concerning home occupation policy.

3. Senior Citizen Advisory Council has sent memo, dated May 15, concerning appointment of alternate member. It was MOVED by Nickel, SECONDED by Ewald, that Doris Olsen, 3161 SE Balfour, be appointed as an alternate member of the Senior Citizen Advisory Council. MOTION CARRIED unanimously.

4. Senior Citizen Advisory Council has sent memo, dated May 14, concerning office paper recycling. It was Council consensus that the city continue to participate at a practical and feasible level.

5. Senior Citizen Advisory Council has sent memo, dated May 14, concerning Non-profit Organization for the Deaf and Clackamas County Senior Citizen Council Inc. housing project. County Planning Department and Clackamas County Senior Citizen Council will be asked to answer the questions raised in the memo.

6. Council has received letter from Pierre D. Brunelle, 5556 SE Logus Road, dated May 11, concerning Community Corrections project. Manager said he had directed Neighborhood Council Coordinator to send, on Friday, a notice to each Neighborhood Council Executive Board indicating there was an error on the Neighborhood Council calendar indicating the wrong date for the Planning Commission hearing on the project, that the appeal deadline was Wednesday, May 23, and if a Neighborhood Council desires to appeal the Planning Commission decision, the appeal fee would be waived.
7. Parks and Recreation Commission has written memo, dated May 16, concerning County Corrections facility.
8. Parks and Recreation Commission has sent memo, dated May 16, concerning resignation of Florence Abbott. Mrs. Burgess proposed a policy for dealing with committee vacancies. A work session will be held on June 21 at 7 p.m. to discuss this item, as well as Council rules.
8. Parks and Recreation Commission has written memo, dated May 16, concerning revised park fee schedule. Manager said the Council should have an explanation of the Commission's thinking and rationale for the recommendation. Also there are some conflicts between the policies adopted by the Council for operation of North Clackamas Park, and some of the operating procedures, particularly the question of reservations that include selling of alcohol. No decision was made on the requested change in fees, and a staff report will come to the Council on all the above issues.
9. Parks and Recreation Commission has written memo, dated May 16, concerning kiosk. The Commission will be advised city will not commit one side of the kiosk permanently for Parks Commission use, but in practice they may be able to use one side most or all of the time. Ewald suggested Kiwanis might be willing to finance another kiosk, as he had been told Kiwanis had some money to spend.
10. Parks and Recreation Commission has written memo, dated May 16, on use of school district facilities. It was Council consensus that the Commission be encouraged to contact their counterpart at the School District to discuss cooperation on recreation. The Commission will also be told about the Council's contacts with the School Board.
11. Parks and Recreation Commission has written memo, dated May 16, concerning sale of city property. It was Council consensus that when the Commission plans an active small park in a residential area, an environmental impact study should be done.
12. Milwaukie Presbyterian Church has written letter, dated May 14, concerning inclusion of Kellogg Lake in Willamette Greenway. Staff was asked to respond that the letter will be given consideration at the time of public hearing.
13. Metropolitan Service District has written memo, dated May 18, concerning special Johnson Creek Task Force meeting May 24.
14. State Executive Department, Intergovernmental Relations Division, has sent memo, dated May 17, concerning gasoline shortage.
15. Wadco Federal Credit Union has sent letter, dated May 18, thanking city for help in their obtaining charter change.

(Meeting recessed at 8:35 p.m., reconvened at 8:45 p.m. with all present.)

PUBLIC HEARING - STREET VACATION (MORTERUD/KELLER PARK) - ORDINANCE NUMBER 1422

Property just south of Keller Park on the Willamette River is owned by Gordon Morterud. Between the park and Mr. Morterud's property is unimproved Lark Street; a garage belonging to Mr. Morterud is situated within the street right-of-way. Staff has worked out an agreement in which that portion of the street on which the garage is located be vacated and transferred to Mr. Morterud in exchange for property which he owns adjacent to the river.

Public hearing was declared open at 8:45 p.m. Notices posted as required. There was no correspondence either for or against the vacation, and no one appeared to speak against the vacation.

Speaking for the vacation:

Bill McDonald, attorney for Mr. Morterud

Public hearing was declared closed at 8:50 p.m.

It was MOVED by Burgess, SECONDED by Nickel, to read Ordinance Number 1422 (AN ORDINANCE VACATING A PORTION OF SE LARK STREET, A PORTION OF 1ST AVENUE AND A PORTION OF SE 19TH AVENUE LOCATED IN SECTION 35, T1S, R1E, W.M., MILWAUKIE, CLACKAMAS COUNTY, OREGON) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to read the ordinance the second time by title only. MOTION CARRIED unanimously. Ordinance 1422 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1422 passed the Council and was so declared by the Mayor.

APPROVAL OF EMPLOYEES ASSOCIATION CONTRACT

Council was given corrected page 13 of contract with Milwaukie Employees Association, with attached Exhibit B. It was MOVED by Nickel, SECONDED by Paulson, to approve signing the contract with Milwaukie Employees Association. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1423 - EDISON ST. L.I.D. (2ND READING)

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1423 (AN ORDINANCE PROVIDING FOR CONSTRUCTION OF AN ADEQUATE STORM SEWER, STREET, WATERLINE EXTENSION AND ALL OTHER APPURTENANCES TO STREET CONSTRUCTION, ON EDISON STREET FROM 37TH AVENUE TO 40TH AVENUE, IN THE CITY OF MILWAUKIE, OREGON) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to adopt Ordinance 1423. Ordinance 1423 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1423 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1424 - SEWER AND WATER RATE REDUCTIONS

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1424 (AN ORDINANCE REPEALING ORDINANCE NUMBERS 1371 AND 1413 AND ESTABLISHING SEWER AND WATER RATE REDUCTIONS FOR CERTAIN LOW-INCOME UTILITY CUSTOMERS, AND DECLARING AN EMERGENCY) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Paulson, SECONDED by Nickel, to adopt Ordinance 1424. Ordinance 1424 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1424 passed the Council and was so declared by the Mayor.

REPORT ON DOWNTOWN STUDY COMMITTEE

David Nemo, Administrative Assistant, has written memo, dated May 16, 1979, concerning Downtown Business Study Committee. It was Council consensus that the committee be asked to focus on the Lord and Leblanc report as it relates to the downtown, and come back with observations and recommendations within a two-month period.

LEGAL OPINION ON EX PARTE CONTACT

City Attorney has written legal opinion, dated May 16, on ex parte contact.

AAA CONTRACT - KITCHEN EQUIPMENT GRANT

City Attorney has drafted contract between City of Milwaukie and Clackamas County Area Agency on Aging, for funds for purchase of kitchen equipment for Milwaukie Senior Multi-Purpose Community Center. It was MOVED by Nickel, SECONDED by Paulson, to accept signing of the contract.

ORDINANCE REGULATING INSTALLATION AND MAINTENANCE OF SWIMMING POOLS AND OTHER ARTIFICIAL BODIES OF WATER

City Attorney has prepared proposed ordinance regulating swimming pools, as originally proposed by members of Neighborhood Councils.

It was MOVED by Manuel to read (AN ORDINANCE REGULATING THE INSTALLATION AND MAINTENANCE OF SWIMMING POOLS, AND OTHER ARTIFICIAL BODIES OF WATER; PROVIDING FOR FENCING AND OTHER PROTECTIVE MEASURES; PROVIDING A PENALTY FOR VIOLATION AND AN EFFECTIVE DATE FOR THIS ORDINANCE; AND DECLARING AN EMERGENCY) the first time by title only. MOTION FAILED for lack of a second.

REFUSE COLLECTION RATES AND FRANCHISE FEES

Finance Director has written memoranda, dated May 17 and May 18, concerning garbage rate adjustments. Council has received letter, dated May 21, from Campagna & Zanni Refuse Service, Inc., P.O. Box 22014, Milwaukie, asking for consideration for franchise held by S.C.A. Services.

It was MOVED by Burgess, SECONDED by Ewald, to establish a \$4.30 rate for a residential (one can per week) service, and a 2% franchise fee. With the approval of the seconder, the franchise fee issue was removed from the motion. A public hearing will be held at the next Council meeting. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Ewald. NOES: Nickel and Manuel.

It was MOVED by Burgess, SECONDED by Ewald, to establish a 2% franchise fee on gross receipts. MOTION FAILED with the following roll-call vote: AYES: Burgess and Ewald. NOES: Nickel and Manuel. ABSTAIN: Paulson.

It was MOVED by Burgess, that Council consider charging 2% on gross receipts for franchise fee. MOTION FAILED for lack of a second.

It was MOVED by Ewald, SECONDED by Burgess, that the franchise fee be increased to \$7000. MOTION FAILED with the following roll-call vote: AYES: Burgess and Ewald. NOES: Paulson, Nickel and

Manuel.

It was MOVED by Manuel, SECONDED by Paulson, to accept staff recommendation on rate increases for commercial containers and dropboxes, as follows: commercial containers, 12%, loose dropbox 7%, compacted dropbox, 9%. MOTION CARRIED unanimously.

It was MOVED by Ewald, SECONDED by Burgess, to raise the franchise fee to \$3500. With consent of the seconder, the motion was withdrawn.

Letter from Campagna & Zanni will be acknowledged, and Council will discuss the matter of franchises at the next meeting.

Staff was asked to research the legality and process for changing franchisees, and which would be preferable for a franchise fee basis: percentage, flat fee, or based on population.

MEMO ON URBAN COUNTY TIME SCHEDULE

Staff has checked with County Housing and Community Development, and been told the tentative time schedule for third year CDBG program, 1979-80, as given to Council at May 7 meeting, is the correct time schedule. Mayor states this is not the schedule adopted by the Urban County Policy Board. A letter will be sent to the county saying the City Council objects to the staff changing the time schedule from what the Policy Board has adopted.

COUNCIL REPORTS

1. Nickel reported on progress of Kellogg Lake Friends' efforts to preserve the lake from development. One suggestion for publicizing the effort was to have canoe races on the lake during Milwaukie Festival Daze.
2. Paulson reported on MSD Johnson Creek Task Force meeting.
3. Burgess reported on MSD Local Government Advisory Committee meeting.
4. Mayor reported on MSD JPAC meeting.
5. Mayor reported on attending opening ceremony for Omark new plating facilities.

OTHER BUSINESS

1. Department of Human Resources has sent letter, dated May 8, with drawing of community development sign planned for the city's block grant project (Community Center). It was Council consensus that staff send a letter saying the city insignia should be more prominent.
2. County Commissioners have sent letter, dated April 25, with proposed agreement between city and county for lodging prisoners in county jail. Staff was asked to research certain provisions of the contract.
3. LeBeck and Son have made application to move a house into the city to 8930 SE 42nd. It was MOVED by Manuel, SECONDED by Nickel, that Council authorize the Manager to approve the house moving, for a fee of \$50. MOTION CARRIED unanimously.
4. It was MOVED by Ewald, SECONDED by Burgess, to amend the resolution setting Council meeting hours to a mandatory 11 p.m. adjournment. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Ewald. NOES: Manuel.

City Council Meeting

May 21, 1979

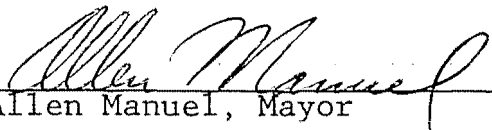
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PAYMENT OF BILLS

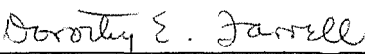
It was MOVED by Manuel, SECONDED by Nickel, that the bills listed for May 21, 1979 payment be approved for payment. MOTION CARRIED unanimously.

It was MOVED by Ewald, SECONDED by Burgess, to extend the meeting for five minutes. MOTION FAILED with the following roll-call vote: AYES: Paulson, Burgess and Ewald. NOES: Nickel and Manuel.

The meeting adjourned at 11:30 p.m.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary

MILWAUKIE
CITY COUNCIL AGENDA
May 21, 1979
7 p.m.

COUNCIL CHAMBERS

1337th Meeting

1. CALL TO ORDER
2. INVOCATION - Scott Mitchell, Minister, Linwood Church of Christ
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - May 7 and 14, 1979 Council meetings
 - b) Supplement #3 to ICMA Newsletter
 - c) Memo re extended hours in Building Department
 - d) Memo re "Friendly Visitor" proposal
 - e) Approval of Comprehensive Planning contract
5. AUDIENCE PARTICIPATION
 - a) Final Report and Recommendations - Economic Development Commission
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Neighborhood Council Activities
7. CORRESPONDENCE
 - a) Memo from Planning Commission on variance procedure
 - b) Memo from Planning Commission on home occupations
 - c) Memo from Senior Citizen Advisory Council on appointment
 - d) Memo from SCAC on recycling
 - e) Memo from SCAC on Deaf/Senior Housing Project
 - f) Letter from P. Brunelle on Community Corrections project
 - g) Memo from PARC on Community Corrections project
 - h) Memo from PARC on resignation
 - i) Memo from PARC on North Clackamas Park fee schedule
 - j) Memo from PARC on use of kiosk
 - k) Memo from PARC on contacting school board
 - l) Memo from PARC on city-owned property
 - m) Letter from Milwaukie Presbyterian Church on Kellogg Lake
8. PUBLIC HEARING - Street vacation (Mortrud/Keller Park)
Ordinance No. _____
9. OLD BUSINESS
 - a) Approval of Employees Assn. contract (handed out previously)
 - b) Ordinance No. _____ - Edison St. L.I.D. (2nd reading)
(see 5/7/79 agenda)
 - c) Ordinance No. _____ - Sewer and Water Rate Reductions
(2nd reading) (see 5/7/79 agenda)
 - d) Report on Downtown Study Committee
 - e) Legal opinion on ex parte contact

Milwaukie City Council Agenda - May 21, 1979 (cont)

- f) AAA contract - kitchen equipment grant
 - g) Ordinance No. _____ - Swimming pool regulations
 - h) Memo on refuse collection rates and franchise fees
 - i) Memo on Urban County time schedule
10. CONSIDERATION
 11. COUNCIL REPORTS
 12. OTHER BUSINESS
 13. PAYMENT OF BILLS
 14. ADJOURNMENT