

MILWAUKIE
CITY COUNCIL MEETING
June 4, 1979
7 p.m.

COUNCIL CHAMBERS

1338th Meeting

The one thousand three hundred thirty-eighth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 4th day of June, 1979, with the following councilpersons present:

Mel Paulson
Anne Nickel

Joy Burgess
Mayor Allen Manuel

Absent: Robert Ewald (excused)

Also present:

Harold L. Schilling, City Mgr.
Steven Hall, P.W. Director

Myer Avedovech, City Att'y
Dorothy E. Farrell, Sec'y

The invocation was given by Mrs. Burgess, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - May 9 and 21, 1979 meetings
- b) Copy of memo from NC Steering Committee to PARC re long-range plan
- c) Liquor license application - Silversmith - 11921 SE 22nd (RMB)
- d) Memo re canoe race on Kellogg Lake
- e) Memo re Kiwanis donation
- f) Memo re Friendly Visitation Program

It was MOVED by Burgess, SECONDED by Paulson, to adopt the Consent Calendar. Burgess asked that items a and f be removed for discussion.

- a) Burgess asked that the minutes of May 21 be corrected, on page 5, third paragraph, to show the vote on the motion. On the motion to accept signing of contract with AAA on kitchen equipment grant, there should be another sentence added: "MOTION CARRIED unanimously."
 - b) Neighborhood Council Steering Committee has written memo, dated May 25, to Parks and Recreation Commission, concerning long-range plan for parks and open spaces.
 - c) Police Department finds no reason to deny issuance of RMB liquor license to Lary Lynn Smith and Joann Roslyn Smith, dba SILVERSMITH, at 11921 SE 22nd Avenue.
 - d) David Nemo, Administrative Assistant, has written memo, dated May 31, concerning canoe race on Kellogg Lake during the Milwaukie Festival.
 - e) David Nemo, Administrative Assistant, has written memo, dated May 30, concerning request that downtown committee suggest to Kiwanis, if they wish to donate something to the city, another kiosk would be appropriate.
 - f) Council has received a report, dated May 1979, on the Friendly Visitation Program. Mrs. Burgess asked who wrote the report; the Manager said either Mary Walston or Sara Hite.
- On the motion to adopt the Consent Calendar, MOTION CARRIED unanimously by those present.

AUDIENCE PARTICIPATION

Certificates were presented to city employees as follows:
To Dean Penni, Mechanic, for DEQ certification for testing of all

city vehicles; and instruction from Sun Equipment School.
 To Donald Johnson, Utility Worker III; and Jay Saatkamp, Utility Worker I, for Clayton Valve certification.
 To Bob Fessler, Utility Worker I; and Roger DeLay, Utility Worker I, for State Department of Health Cross Connection Certification.
 To Ken Schreindl, Assistant Building Inspector, for State "B" Level Structural Inspector's License.

NEIGHBORHOOD COUNCIL REPORTS

Neighborhood Council Steering Committee has written memo to City Council, dated May 25, concerning Kellogg Lake area. Staff was asked to contact the Steering Committee and thank them for their suggestions, which will be pursued.

CORRESPONDENCE

1. Fred H. Kondo, in letter dated May 22, has resigned from Parks and Recreation Commission. It was MOVED by Burgess, SECONDED by Nickel, to accept the resignation, with regret, and send a thanks letter and certificate. MOTION CARRIED unanimously by those present.
2. Harold G. Kaarhus, in letter dated May 23, has resigned from Parks and Recreation Commission. It was MOVED by Burgess, SECONDED by Nickel, to accept the resignation and send a thanks letter and certificate. MOTION CARRIED unanimously by those present.
3. An unsigned letter, received May 24, enclosed 47 copies of a story concerning a smoking room in Community Center, which had been cut from (apparently) a newsletter, and signed by various people. The Center Development Advisory Committee is asking for a meeting with the City Council, and the matter will be discussed at that meeting.
4. Campagna & Zanni Refuse Service, Inc., Ernest J. Zanni, Secretary; and Paul James Gruetter, General Manager, Gruetter Sanitary Service, in letters dated May 21 and received May 29, have asked to be considered for franchise for refuse removal.
5. David C. Bukovi, 9616 SE 43rd Avenue, has sent City Council copy of Letter to the Editor, Oregon Journal, dated June 3, subject: How Soon They Forget.
6. Chairman of Center Development Advisory Committee has sent letter, dated June 4, asking to meet with City Council on June 14 at 1 p.m. It was Council consensus to suggest the meeting be changed to 7 p.m. June 12.

PUBLIC HEARING - C-79-5 - COMMUNITY CORRECTIONS

Dave Bukovi, Chairman, Del H. Binkley, Pierre Brunelle and Dean Kahler, all Neighborhood Council 3 Executive Board members, have appealed Planning Commission decision on C-79-5 and PR-79-1, application of Clackamas County Corrections for conditional use approval to construct a 40-bed residential treatment facility for sentenced male and female offenders as alternative to county jail incarceration, in M-L, Limited Manufacturing-Light Industrial zone, located west of Johnson Creek, east of McBrod Avenue, about 1100 feet south of Ochoco Street.
 Public hearing was declared open at 7:25 p.m. Notices mailed as

required. Staff report was given by Jon Stein, Assistant Planner. No correspondence was received against the appeal. Neighborhood Council Steering Committee has written memo, dated May 25, affirming support of the appeal.

Speaking in favor of the appeal:

Pierre Brunell, representative of Neighborhood Council 3

Dave Bukovi, Neighborhood Council 3

Dr. Harrison, owner of property on Ochoco Street

Speaking against the appeal:

Terry Gassaway, County Community Corrections

Public hearing was closed at 7:50 p.m.

It was MOVED by Nickel, SECONDED by Paulson, that Council deny the appeal and uphold the Planning Commission approval of the Community Corrections facility. MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Nickel. NOES: Burgess and Manuel.

It was MOVED by Burgess, SECONDED by Manuel, to overrule the Planning Commission decision. It was noted the motion did not call for another public hearing. MOTION FAILED to pass with the following roll-call vote: AYES: Burgess. NOES: Paulson, Nickel and Manuel.

City Attorney said the appeal is therefore denied, if no further action is taken.

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

It was MOVED by Burgess, SECONDED by Manuel, to overturn the Planning Commission action and send the matter back to the Planning Commission and ask them to hold a second public hearing. MOTION FAILED to pass with the following roll-call vote: AYES: Manuel and Burgess. NOES: Paulson and Nickel.

It was announced since the Council is not taking any action on the appeal, the appeal is denied and the decision of the Planning Commission stands.

PUBLIC HEARING - REFUSE COLLECTION RATES AND FRANCHISE FEES -
RESOLUTION NUMBER 15-1979

It was MOVED by Burgess, SECONDED by Paulson that the public hearing be postponed until such time as all members of Council are present and until alternatives have been explored. MOTION FAILED to pass with the following roll-call vote: AYES: Burgess. NOES: Paulson, Nickel and Manuel.

Public hearing was declared open at 8:55 p.m. No correspondence has been received either for or against the rate increase or franchise fee increase. No one appeared to speak against the rate increase. Public hearing was declared closed at 9 p.m.

It was MOVED by Nickel, SECONDED by Paulson, to read Resolution Number 15-1979 (A RESOLUTION SETTING RATES TO BE CHARGED BY FRANCHISEES UNDER ORDINANCE NUMBER 1301, AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT, MAINTENANCE AND OPERATION OF A SYSTEM OF WASTE AND SOLID WASTE DISPOSAL AND REPEALING RESOLUTION NUMBER 35-1977) by title only. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel and Manuel. NOES: Burgess.

It was MOVED by Nickel, SECONDED by Manuel, to adopt Resolution 15-1979. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel and Manuel. NOES: Burgess.

It was MOVED by Manuel, SECONDED by Nickel, to continue the franchise fee section of the public hearing to the next regular meeting. MOTION CARRIED unanimously by those present. Those who wrote letters regarding franchises will be notified the matter will be on the next agenda. Burgess asked that the refuse collection ordinance be on the next agenda.

RESOLUTION NUMBER 16-1979 - LENGTH OF COUNCIL MEETINGS

It was MOVED by Burgess, SECONDED by Paulson, to read Resolution Number 16-1979 (A RESOLUTION REPEALING RESOLUTION NUMBER 40-1975, A RESOLUTION TO EXPEDITE COUNCIL BUSINESS MEETINGS AND IMPROVE CITIZEN PARTICIPATION) by title only. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel and Burgess. NOES: Manuel. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 16-1979. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel and Burgess. NOES: Manuel.

MEMO FROM CITY ATTORNEY RE PRISONER BOARD CONTRACT

City Attorney has written memoranda, dated May 30 and May 31, regarding prisoner board and prisoner lodging. It was MOVED by Burgess that a letter be sent to the County Commissioners saying the city objects to the increase in fees for prisoner board, and that this is another example of double taxation. MOTION FAILED for lack of a second.

COMMUNITY CENTER WATER AND SEWER SERVICE

City has received letter from Clackamas Water District, dated May 24, concerning water service to Community Center, and letter from County Department of Environmental Services, dated May 22, concerning sanitary sewer service for Community Center.

ORDINANCE NUMBER - ZC-79-2

ZC-79-2 is zone change for area to be annexed on north side of International Way, northwest of Harmony/Lake Road and Highway 224. It was MOVED by Manuel, SECONDED by Nickel, to read (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY I-2 ZONE TO CITY OF MILWAUKIE M-L ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be on the next agenda for second reading.

BID AWARD - COMMUNITY CENTER

Englund, Plummer & Associates, architects for Community Center, have written letter, dated June 4, concerning bids on Center. It was MOVED by Nickel, SECONDED by Paulson, to accept the low bid of Glynbrook Construction, in the amount of \$514,000 (Basic Bid) on the Community Center. MOTION CARRIED unanimously by those present. Englund said this is for the basic construction bid, and city will be looking at several alternates, some deductive, and some additive.

RESOLUTION NUMBER 17-1979 - ANNEXATION PETITION - WEST END OF KENT STREET

It was MOVED by Nickel, SECONDED by Paulson, to read Resolution

Number 17-1979 (A RESOLUTION APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Nickel, SECONDED by Paulson, to adopt Resolution 17-1979. MOTION CARRIED unanimously by those present. Petitioners are Janyce and Robert Bender, for property at the west end of Kent Street, north of the city water tank.

MEMO RE McLOUGHLIN BLVD. LIGHT RAIL

A joint meeting of City Council with North Clackamas governmental bodies, community organizations and interested citizens has been suggested to discuss alternative modes of transportation for the McLoughlin Boulevard corridor and the development of a policy supporting mass transit (light rail). Nickel was appointed to schedule a meeting and invite a representative of each jurisdiction and the Oak Grove Community Council, to lay the groundwork for future cooperative efforts.

PROPERTY APPRAISAL - KELLOGG LAKE PROPERTY

Nickel discussed progress on Kellogg Lake Friends effort to buy Powellson/Pollock property on Kellogg Lake. The matter will be on the agenda again at the next meeting, and staff was asked to find out what an appraisal of the property would cost.

COUNCIL REPORTS

1. Burgess was asked to cut ribbon April 14 at Deseret Industries Thrift Store north of Fred Meyer store.
2. Burgess reported on meeting of MSD Local Government Advisory Committee. She will represent Clackamas County cities on Steering Committee.
3. Paulson reported on meeting of Johnson Creek Task Force.
4. Council has been invited to open house at Brod & McClung Friday, June 8 from 5 to 7 p.m.

OTHER BUSINESS


1. Manager said Dick Wilmot, Parks and Recreation Director, has resigned effective May 31.
 2. Manager reported on progress in city industrial area. Construction has begun on Chadwick project. Freeman is planning to request a Local Improvement District in that area.
 3. Manager will attend meeting June 13; Port of Portland is considering program for industrial redevelopment in suburban areas.
 4. Manager reported on Clackamas County City Managers meeting with County Commissioners. There was discussion on prisoner board rates and county central dispatch.
 5. Manager reported on county requirements for improvements on Community Center site in North Clackamas Park. County had originally said curbs, gutter and sidewalks would be required on road in park, but will waive that requirement if city agrees to take over the road. It was MOVED by Burgess, SECONDED by Manuel, that Council will pass a resolution at the next meeting, accepting Kellogg Drive as city property when improvements completed by county. MOTION CARRIED unanimously by those present.
- Another requirement county is making is that approximately 1400 feet of Mt. Scott Creek be dredged to 50 feet wide by 5 feet deep, with a two to one slope. Public Works Director has discussed this requirement with county staff, who now agree that removing some trees and shrubs from the waterway would be sufficient.

6. Manager has been informed LCDC intends to cut 5% from planning assistance grants for coming year.
7. Manager attended County Economic Development Commission meeting at Mayor's request; and reported to them on city's Economic Development Commission activities.
8. City has received letter from County Department of Human Resources, dated May 30, regarding city's concern over the time schedule for Community Development Block Grant applications.
9. U.S. Environmental Protection Agency has announced plans for a new effort to upgrade and revitalize lakes in urban areas.
10. City has received report from Law Enforcement Council on residential victimization in Milwaukie.
11. Manager has received letter from James Redman, attorney for property owner, giving selling price for Milwaukie Automotive property as \$350,000. Staff was asked to report on lease/purchase figures; legal opinion on legality of lease/purchase of property; cost of converting the building to a city shop facility.
12. The National Endowment for the Humanities has selected City Manager for a professions program fellowship. Included in the program are representatives from business, labor, labor leaders, lawyers, judges, physicians, public and school administrators. There are 25 seminars on different topics. Manager will attend seminar at University of Iowa in latter part of July and first part of August. There will be no cost to city, as tuition, travel and living expenses are paid by the National Endowment for the Humanities. It is an honor for the city, as there has never been a recipient from a municipality in Oregon. More information will be provided the Council as available.

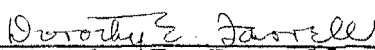
PAYMENT OF BILLS

It was MOVED by Manuel, SECONDED by Nickel, that the bills listed for June 4, 1979 payment be approved for payment. MOTION CARRIED unanimously by those present.

The meeting adjourned at 10:50 p.m.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary

MILWAUKIE
CITY COUNCIL AGENDA
June 4, 1979
7 p.m.

Council Chambers1338th Meeting

1. CALL TO ORDER
2. INVOCATION - The Rev. Noel E. Ravan, Milwaukie First Assembly of God
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - May 9 and 21, 1979
 - b) Copy of memo from NC Steering Committee to PARC re long-range plan .
 - c) Liquor license application
Silversmith - 11921 SE 22nd - RMB
 - d) Memo re canoe race on Kellogg Lake
 - e) Memo re Kiwanis donation
 - f) Memo re Friendly Visitation Program
5. AUDIENCE PARTICIPATION
 - a) Presentation of Awards to Public Works personnel
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Memo re Kellogg Lake
7. CORRESPONDENCE
 - a) Resignations from PARC
 - b) Letter to City Council re smoking in Senior Center
 - c) Refuse collection franchise letters
8. PUBLIC HEARINGS
 - a) Appeal of Planning Commission decision on C-79-5 -
Community Corrections
 - b) Refuse collection rates & franchise fees
9. OLD BUSINESS
 - a) Resolution No. _____ - Length of Council meetings
 - b) Memo from City Attorney re Prisoner Board contract
 - c) Community Center water and sewer service
10. CONSIDERATION
 - a) Ordinance No. _____ - ZC-79-2
 - b) Bid award - Community Center
 - c) Resolution No. _____ - Annexation Petition for
west end of Kent St. (Bender)
 - d) Memo re McLoughlin Blvd. light rail
 - e) Request by Nickel - Property appraisal - Kellogg Lake
11. COUNCIL REPORTS
12. OTHER BUSINESS
13. PAYMENT OF BILLS
14. ADJOURNMENT