

MILWAUKIE
CITY COUNCIL MEETING
June 18, 1979
7 p.m.

COUNCIL CHAMBERS

1339th Meeting

The one thousand three hundred thirty-ninth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 18th day of June, 1979, with the following councilpersons present:

Mel Paulson	Joy Burgess
Anne Nickel	Mayor Allen Manuel
Robert Ewald	

Also present:

Harold L. Schilling, City Mgr.	Myer Avedovech, City Att'y
Steven Hall, P.W. Director	Laurie Anzaldua, Sec'y Pro-tem
Don Oblander, Finance Director	

The invocation was given by the Rev. James D. Tomlin, Milwaukie United Church of Christ, and the Pledge of Allegiance was recited.

It was MOVED by Burgess, SECONDED by Ewald that the matter of the resignation of Hal Schilling be taken up at that time. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Ewald, that the City Council accept the resignation as submitted by Harold Schilling in his letter of resignation dated June 10, 1979, and that his letter be made a part of the official minutes of this Council meeting. Burgess requested that the Council be polled: Paulson: Aye; Nickel: Aye; Manuel: No; Burgess: Aye; Ewald: Aye. MOTION CARRIED.

City Manager suggested that resolution dealing with the Council's intention to fill the position of City Manager also be dealt with at that time. It was MOVED by Burgess, SECONDED by Ewald, to read Resolution 19-1979 (A RESOLUTION DECLARING THE CITY COUNCIL'S INTENTION TO FILL THE POSITION OF CITY MANAGER) by title only. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Ewald and Burgess. NOES: Manuel. It was MOVED by Burgess, SECONDED by Ewald, for the adoption of Resolution 19-1979. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Ewald and Burgess. NOES: Manuel.

CONSENT CALENDAR

- a) Approval of minutes - May 29 and June 4, 1979, meetings
- b) Legal opinion re lease option
- c) Liquor license application-The Spaghetti Place-10282 SE Main-RMB
- d) Application for appointment to Budget Committee
- e) Memo re minutes
- f) Memo re Progress Payments
- g) Letter from Dept. of Fish & Wildlife to County Planning re Kellogg Lake
- h) Memo from LOC re Funding for Boundary Commissions
- i) Letter re Preliminary Marina Feasibility Study article in People to People
- j) Application for appointment to PARC

It was Council consensus to accept the Consent Calendar. Paulson requested that items d and j be removed for discussion. Burgess asked that items f and h be removed for discussion.

d/j) Paulson asked what procedure the city was following for advertising for applications for appointment to city commissions. Manager explained that applications were taken on an ongoing basis for city commissions.

f) Burgess requested that when progress payments are included in the bills that they be labeled as such, with information as to the particular project and the location of same, for easier identification. Manuel stated it would be as well left as it is as listing payment in entirety would defeat purpose of reducing volume of agenda material and staff work. Ewald felt the payments should be handled under the consent calendar. Paulson stated that detailed information should be provided such as amount of payment, amount due and what the city owed. Manager stated that that volume of information could not be accomplished by a mere notation in the bills, and that it would be more desirable to continue as was presently done. Manuel summarized feelings of Council, and advised it would seem appropriate to retain the current method of presenting progress payments.

h) Burgess requested that staff send letter to Ways and Means Committee requesting continued state funding. Council consensus was for staff to forward said letter.

It was Council consensus to proceed to the next item on the agenda.

AUDIENCE PARTICIPATION

a) City Manager presented certificate of appreciation to City Council from Loaves and Fishes.

b) Eloise Hobson addressed recommendation of Larry Mura to appointment to the Parks and Recreation Commission. Mrs. Hobson advised the Council she wished to reserve the right to recommend appointments to the other two vacancies at a later time, after the Commission had received more applications. Burgess requested staff to do more advertising to secure applications for PARC appointments. It was MOVED by Ewald, SECONDED by Nickel, to appoint Larry Mura to the Parks and Recreation Commission. MOTION CARRIED unanimously.

c) Jim Backenstos, 3626 Harrison, commented on City Manager's permission for firefighters to attend Council meeting, and Fire Chief's conditions for same. Mr. Backenstos also made comments on city government in general.

d) Lorene Whittington, 10258 SE 40th Avenue, wished to comment on city's ordinance for cleaning up debris such as vines and high grass.

e) Gene Norton, 10707 SE 55th Avenue, wished to commend Councilpersons Ewald, Burgess and Paulson for their attitudes in carrying out their duties as elected officials.

NEIGHBORHOOD COUNCIL REPORTS

John Palmer, NC 5, invited those present to North Clackamas Park on June 21st at 6:30 p.m. to a potluck and presentation from Seniors and Advisory Board for Senior Center.

Nickel reminded Council members of joint Council/Planning Commission meeting scheduled for that same night and suggested moving meeting up to 8:00 p.m. so Council and Commission members could attend potluck.

It was Council consensus to move meeting to 8:00 p.m. Staff was directed to notify Planning Commission of meeting time change.

Nickel questioned procedure for hiring new Neighborhood Council Coordinator. Manager recommended that city not proceed with hiring until after budget election.

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Ewald suggested approval of bills be moved to this point in the agenda. Manuel suggested they be moved to the Consent Calendar. It was Council consensus to move approval of the bills to the Consent Calendar for the next regular meeting on a trial basis.

CORRESPONDENCE

- a) It was MOVED by Nickel, SECONDED by Burgess, to accept the recommendation for appointment of Hurlene Rager to the Senior Citizen Advisory Council. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to accept the resignation of Karl Bock from the Senior Citizen Advisory Council. MOTION CARRIED unanimously.
- b) Manager advised that the city is not involved in controlled burn of YAP building, and that there is no record of contact between the school district and the city regarding same. Burgess proposed that a report should be submitted to the Council outlining the school district's intentions, and how they proposed to preserve the trees in the burn area. Staff was directed to investigate and report to the Council through the Manager.
- c) Pat Healy, 8831 SE 41st, advised the Council of two swimming pools in area of his house with no covers. Requested Council to reconsider passing of swimming pool ordinance. Burgess requested that the swimming pool ordinance be reconsidered by the Council at the next regular meeting. In regard to letter from Sydney Strange, Ewald requested a verbatim transcript of May 21, 1979, discussion on the swimming pool ordinance prior to replying to said letter. Paulson and Burgess also requested copies of transcript.
- d) Discussion on sending Ken Hamilton thank you letter for interest in city.
- e) Burgess notified Council members that the Local Officials Advisory Committee working with MSD Council will be meeting on June 19, 1979, at 2:00 p.m. A steering committee of that advisory committee will be electing a chairman and finalizing by-laws.

(Meeting recessed at 7:58 p.m., reconvened at 8:09 p.m. with all present)

PUBLIC HEARING-GARBAGE FRANCHISE FEE

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) was adopted by the Council on June 4, 1979.

Public hearing regarding garbage franchise fees was declared open at 8:11 p.m. No correspondence has been received either for or against the franchise fee increase.

Providing information and background:

Dale Harlan, 2202 SE Lake Road, attorney for current franchisees

Jack Deines, 2295 SE Juniper, franchisee

Questions asked by:

Jim Backenstos, 3626 SE Harrison, who felt the \$1500 fee was low.

Comments made by:

Leo Beckman, 3200 SE Washington, who felt the \$1500 fee was low.

Bill Hupp, 2626 SE Washington, recalled past franchise agreements

Public hearing was declared closed at 8:49 p.m.

Paulson questioned legal position of city regarding opening up of bids.

Manager advised that Council needs to resolve position and intention before an adequate answer can be given. It was MOVED by Ewald, SECONDED by Burgess, to give SCA written notice of termination. Burgess voiced need to be fair to all parties involved and to make sure Council had all possible legal counsel during process. Council consensus was to hold worksession and invite Dale Harlan to represent franchisees interests. Burgess withdrew SECOND to terminate SCA. Staff was asked to provide information as to specific time frame deadlines for termination of franchises. Council consensus was to set a worksession on Tuesday, June 27, 1979, at 7:00 p.m. to discuss in more detail the garbage franchise matter.

ORDINANCE NO. 1425 - ZC-79-2 (second reading)

It was MOVED by Burgess, SECONDED by Paulson, for the second reading of Ordinance No. 1425 (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) by title only. It was MOVED by Burgess, SECONDED by Paulson, to adopt Ordinance No. 1425. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald.

PROPERTY APPRAISAL UPDATE - KELLOGG LAKE

Manager gave background on property appraisals. Discussion between Council and staff followed, with Nickel providing information re Greenway funding available and request from Kellogg Lake Friends for city support. It was MOVED by Ewald, SECONDED by Manuel, to lend the city support to Kellogg Lake Friends, given that no city funds are committed, and the the city would apply for grant funds where the city is a necessary vehicle. MOTION CARRIED unanimously.

RESOLUTION NUMBER 20-1979 - ACCEPTANCE OF PARK WAY DRIVE

It was MOVED by Nickel, SECONDED by Paulson, to read Resolution Number 20-1979 (A RESOLUTION ACCEPTING AS A CITY OF MILWAUKIE STREET PARK WAY DRIVE, WHICH IS A PART OF CLACKAMAS COUNTY ROAD NUMBER 2237) by title only. MOTION CARRIED unanimously.

RESOLUTION NUMBER 21-1979 - APPROVING A REQUEST FOR ANNEXATION

It was MOVED by Nickel, SECONDED by Paulson, to read Resolution Number 21-1979 (A RESOLUTION APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously.

OEDP PRIORITIES PLANNING YEAR 1979-80

It was MOVED by Ewald, SECONDED by Nickel, to move #7 to #1, and renumber subsequent items accordingly. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Manuel, that Southern Pacific be notified by letter. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to move #2 to #1, #4 to #2, retain #3 as #3, and move #1 to #4. It was MOVED by Manuel, SECONDED by Burgess to amend MOTION by Ewald, to increase the amount on new #1 from \$15,000 to \$30,000. MOTION CARRIED unanimously.

MEMO RE PROPOSED FREEMAN LID (Repeal Ordinance No. 819)

After discussion with staff, it was Council consensus that repeal of the ordinance was not necessary. It was MOVED by Ewald, SECONDED by Burgess, to change Section 1 of Ordinance No. 819 to read "may" as opposed to "shall." MOTION CARRIED unanimously. Staff was directed to prepare amending ordinance.

COMMUNITY CENTER BUSINESS

Manager gave information regarding:

Ground breaking ceremony on Thursday, June 27 at 6:00 p.m.

Pre-construction conference on June 19 at 10:30 a.m.

Merv Englund provided status report on project.

It was Council consensus to not consider Alternative B.

It was MOVED by Manuel, SECONDED by Burgess to direct the Senior Citizen Advisory Council to proceed with developing a set of policy plans sufficient for guidance until the opening of the Center, and to authorize the Senior Citizen Advisory Council to work with the City Manager to develop a job description for the Center director. MOTION CARRIED unanimously.

It was MOVED by Nickel, SECONDED by Manuel, to approve payment of center architect. MOTION CARRIED unanimously.

BID AWARD - 41st Street LID

It was MOVED by Nickel, SECONDED by Paulson, to reject the bid on 41st Street LID from Willamette Western Corporation. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Nickel, to award bid of \$113,494 to Willamette Western Corporation with three contingencies: 1. that engineering costs not be incurred, 2. that city recognizes approval from City of Portland must be obtained, 3. city must have approval of owners. MOTION CARRIED unanimously.

It was MOVED by Ewald, SECONDED by Nickel, to extend meeting for five minutes, to 11:05 p.m. MOTION CARRIED 4-1.

It was MOVED by Nickel, SECONDED by Paulson, to approve sub-lease agreement. MOTION CARRIED unanimously.

It was MOVED by Nickel, SECONDED by Paulson, for payment of bills. Council consensus was to approve the bills as listed.

OTHER BUSINESS - RESOLUTION NUMBER 22-1979 - ADOPTING BUDGET

It was MOVED by Manuel, SECONDED by Nickel, to read Resolution Number 22-1979 (A RESOLUTION ADOPTING THE BUDGET AND MAKING APPROPRIATIONS) by title only. MOTION CARRIED unanimously. It was MOVED by Manuel, SECONDED by Burgess, to adopt Resolution 22-1979. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Manuel, to adopt Roberts' Rules of Order during interim before Council rules are adopted. MOTION CARRIED 4-1.

It was MOVED by Burgess, SECONDED by Manuel, to extend meeting to 11:15 p.m. MOTION CARRIED 4-1.

OTHER BUSINESS

Manager covered the following:

(Mayor Manuel left room)

Progress Payment of \$98,390.39 for storm drainage in Ardenwald area. It was MOVED by Nickel, SECONDED by Ewald, to approve the progress payment. MOTION CARRIED 4-0.

(Mayor Manuel returned to meeting)

AAA Grant for kitchen equipment. It was MOVED by Nickel, SECONDED by Ewald, to accept grant for equipment. MOTION CARRIED unanimously.

Letters of layoff should budget fail. It was MOVED by Nickel, SECONDED by Manuel, to approve letters pending outcome of budget election. MOTION CARRIED unanimously.

Freezing of vacancies (excluding emergency appointments) pending budget election. It was MOVED by Nickel, SECONDED by Manuel, to freeze all unfilled vacancies, excluding emergency appointments, between the present and July 10. MOTION CARRIED unanimously.

Economic Development Conference is scheduled for June 27. Manager will forward copies of schedule to Council members.

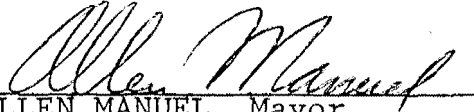
Lease Purchase Agreement. Manager will forward figures.

It was MOVED by Nickel, SECONDED by Burgess to adjourn the regular portion of the meeting and proceed into the Executive Session. MOTION CARRIED unanimously. Meeting adjourned at 11:13 p.m.


EXECUTIVE SESSION

Staff reported on latest court decision on home rule, Medford Firefighters Association v. City of Medford.

It was MOVED by Nickel, SECONDED by Burgess, to adjourn the meeting. MOTION CARRIED unanimously. Meeting adjourned at 11:25 p.m.


 ALLEN MANUEL, Mayor

ATTEST:


 Laurie Anzaldua, Secretary Pro-tem

MILWAUKIE
CITY COUNCIL AGENDA
June 18, 1979
7 p.m.

COUNCIL CHAMBERS1339th Meeting

1. CALL TO ORDER
2. INVOCATION - Rev. James D. Tomlin, Milwaukie United Church of Christ
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of Minutes - May 29 and June 4, 1979 meetings
 - b) Legal opinion re lease option (requested by Burgess)
 - c) Liquor license application
The Spaghetti Place - 10282 SE Main St. - RMB
 - d) Application for appointment to Budget Committee
 - e) Memo re minutes
 - f) Memo re Progress Payments
 - g) Letter from Dept. of Fish & Wildlife to County Planning re Kellogg Lake
 - h) Memo from LOC re Funding for Boundary Commissions
 - i) Letter re Preliminary Marina Feasibility Study article in People to People
 - j) Application for appointment to PARC
5. AUDIENCE PARTICIPATION
 - a) Presentation of Certificate of Appreciation from Loaves and Fishes
6. NEIGHBORHOOD COUNCIL REPORTS
7. CORRESPONDENCE
 - a) Resignation and appointment - Sr. Citizen Advisory Council
 - b) Letter re burning of Youth Alternatives Building
 - c) Letter re swimming pool ordinance
 - d) Letter re Manager resignation
8. PUBLIC HEARING
 - a) Garbage franchise fee
9. OLD BUSINESS
 - a) Ordinance No. _____ - ZC-79-2 (2nd reading) see 6/4/79 agenda
 - b) Property appraisal update - Kellogg Lake
10. CONSIDERATION
 - a) Resolution No. _____ - Acceptance of Park Way Drive
 - b) Resolution No. _____ - Annexation Petition for 10414 SE Stanley Avenue (Gemmell)
 - c) OEDP priorities planning year 1979-80
 - d) Memo re proposed Freeman LID (repeal Ordinance No. 819)
 - e) Consideration of garbage franchise
 - f) Community Center business

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10. CONSIDERATION (Cont.)
 - g) Bid award - 41st Street LID
 - h) Bid award - 36th Street LID
 - i) Sub-lease agreement - Community Corrections Facility
11. COUNCIL REPORTS
12. OTHER BUSINESS
13. PAYMENT OF BILLS
14. ADJOURNMENT