

MILWAUKIE  
CITY COUNCIL MEETING  
July 16, 1979  
7 p.m.

COUNCIL CHAMBERS1341st Meeting

The one thousand three hundred forty-first meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 16th day of July, 1979, with the following councilpersons present:

Mel Paulson	Robert Ewald
Joy Burgess	Mayor Allen Manuel

Absent: Anne Nickel (excused)

Also present:

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

The invocation was given by the Reverend Simon Maier, Concordia Evangelical Lutheran Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - July 2, 1979 Council meeting
- b) Payment of bills
- c) Letter from State Parks re Greenway funding
- d) Memo re control of unemployment costs
- e) Application for appointment to Library Board
- f) Progress Payment No. 1 - Community Center
- g) Memo re sight obstructions
- h) Copy of letter to Plan. Comm. re Comprehensive Plan
- i) Copy of letter from Rowe Jr. High
- j) Notice of Appeal - ERB v. City
- k) Notice of public hearings on Comprehensive Plan
- l) MSD letter re McLoughlin corridor
- m) Change Order No. 1 and 1A - Community Center
- n) Appointment of Pro-tem Manager

It was MOVED by Burgess, SECONDED by Paulson, to accept the Consent Calendar. Burgess requested items a, b, c and h be removed for discussion. Paulson requested items d and e.

a) Burgess requested the signature line on July 2 minutes be changed from "Allen Manuel, Mayor," to "Joy Burgess, Council President."

b) Burgess noted the listing of bills shows monthly checks for Councilmembers, but the checks have not been received.

c) State Parks and Recreation Branch has sent letter, dated June 27, concerning funding for acquisition of lands or preservation and restoration of historic sites along the Willamette Greenway. Burgess requested a copy of the letter be sent to Kellogg Lake Friends.

d) Finance Director has written memo, dated July 5, concerning proposal from The Gibbens Co., Inc. to provide assistance in handling unemployment claims. Paulson asked questions about the contract.

e) Clyde O. Williams has applied for appointment to the Library

Board. Paulson said he recommends Mr. Williams for appointment. The application will be forwarded to the Library Board.

f) Manager recommends payment No. 1 on Milwaukie Senior/Multi-Purpose Community Center to Glynbrook Construction Inc., in the amount of \$16,077.

g) Code Enforcement Officer has written report, dated July 10, 1979, concerning clear vision problems.

h) Betty Rittenbach, 12917 SE Vernie, has written letter, dated July 9, to Planning Commission, with copy to City Council, concerning draft Comprehensive Plan. Burgess suggested the letter be acknowledged.

i) Jan Touran, Community School Coordinator at Rowe Jr. High School, has written letter to Cal Eddy, dated July 9, concerning use of Rowe Jr. High facilities to provide a campsite for the Clackamas County professional firefighters and families.

j) City has filed Notice of Appeal and Designation of Record in the case of ERB v. City of Milwaukie, Case No. 79-4-158.

k) Planning Department has sent memo, dated July 10, concerning notice of public hearings on Comprehensive Plan.

l) MSD has sent letter, dated June 27, concerning the city's letter transmitting concerns regarding possible McLoughlin corridor project.

m) Council has received copies of Change Order Number One and Number 1-A on Milwaukie Senior/Multi-Purpose Community Center.

n) Manager has written memo, dated July 13, concerning his absence and appointment of Pro-Tem Manager.

#### AUDIENCE PARTICIPATION

Kathleen Johnson, 4615 SE Adams Street, representing a group of neighbors from 42nd to 46th, complained of alleged misconduct on the part of two police officers who allegedly refused citizens the right to make a citizen arrest. Manager asked for a chance to learn more about the situation and find out what the options are, and make a report to Council.

#### CORRESPONDENCE

1. It was MOVED by Burgess, SECONDED by Ewald, to answer letter from Marlene Brandt, 9903 SE 49th Avenue, dated July 12, concerning budget elections. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Ewald. NOES: Manuel. ABSENT: Nickel.

2. Council has received copies of letters from Captain R. Bowen, both dated July 6, one to Chief Boulanger and one to City Manager. Mrs. Burgess asked questions about procedures. Manager and City Attorney said the discussion should take place in executive session, since the letters deal with personnel matters.

#### PUBLIC HEARING - FREEMAN L.I.D. - ORDINANCE NO.

Public hearing was declared open on question of street improvement of SE International Way from the intersection of the east boundary of Tax Lot 702 of T1S, R2E, Section 31C and International Way to the intersection of the center lines of SE Edison Street and SE 40th Avenue. Notices posted and mailed as required. Staff presentation was given by Public Works Director. No correspondence was received either for or against the Local Improvement District,

and no one appeared at the meeting to speak.

Asking questions: Bill Hupp, 2626 SE Washington

Public hearing was declared closed at 8 p.m.

It was MOVED by Burgess, SECONDED by Paulson, to read (AN ORDINANCE PROVIDING FOR CONSTRUCTION OF AN ADEQUATE STREET AND ALL OTHER APPURTENANCES TO STREET CONSTRUCTION, ON S.E. INTERNATIONAL WAY FROM THE INTERSECTION OF THE EAST BOUNDARY OF TAX LOT 702 OF TOWNSHIP 1 SOUTH, RANGE 2 EAST, SECTION 31C, AND INTERNATIONAL WAY TO THE INTERSECTION OF THE CENTERLINES OF S.E. EDISON STREET AND S.E. 40TH AVENUE, IN THE CITY OF MILWAUKIE, OREGON) the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be read the second time at the next meeting.

PROPOSED SWIMMING POOL ORDINANCE

City Attorney has prepared a revised proposed swimming pool regulation ordinance, based on changes suggested at Council work session. Additional changes were proposed by Councilmembers. It was MOVED by Burgess, SECONDED by Paulson, to read the ordinance by title only with the changes as discussed. After discussion, the MOTION was WITHDRAWN, and it was Council consensus that staff make the changes and the ordinance be on the next agenda.

RESOLUTION NUMBER 28-1979 - REFUSE COLLECTION FRANCHISE FEE

It was MOVED by Burgess, SECONDED by Paulson, to read Resolution Number 28-1979 (A RESOLUTION ESTABLISHING FRANCHISE FEES FOR GARBAGE COLLECTION FRANCHISES WITHIN THE CITY OF MILWAUKIE AND REPEALING RESOLUTION NO. 35-1976) by title only, eliminating the paragraph on annual community collection cleanup participation. MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 28- 1979. MOTION CARRIED unanimously by those present.

ORDINANCE NUMBER 1426 - AMENDING ORDINANCE 819 (SECOND READING)

It was MOVED by Paulson, SECONDED by Burgess, to read Ordinance Number 1426 (AN ORDINANCE AMENDING ORDINANCE 819, PROVIDING FOR THE DIVISION AND SHARING OF THE EXPENSE OF GRADING, ROCKING AND SURFACING EXISTING STREETS) the second time by title only. MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Ewald, to adopt Ordinance 1426. Ordinance 1426 was put on its passage with the following roll-call vote: AYES: Paulson, Manuel, Burgess and Ewald. ABSENT: Nickel. Ordinance 1426 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1427 - STATE REVENUE SHARING (SECOND READING)

It was MOVED by Burgess, SECONDED by Paulson, to read Ordinance Number 1427 (AN ORDINANCE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES) the second time by title only. MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Ewald, to adopt Ordinance 1427. Ordinance 1427 was put on its passage with the following roll-call vote: AYES: Paulson, Manuel, Burgess and Ewald. ABSENT: Nickel. Ordinance 1427 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER - AMENDING FREEMAN P.U.D. ORDINANCE

It was MOVED by Burgess, SECONDED by Ewald, to read (AN ORDINANCE

AMENDING ORDINANCE NUMBER 1416 DELETING THE REQUIREMENT FOR SIGNALIZATION OF THE INTERSECTION OF HIGHWAY 224/INTERNATIONAL WAY/FREEMAN ROAD, AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously by those present. The second reading will be at the next meeting.

MEMO RE COUNTY TRAFFIC SAFETY COMMISSION

Council has received memo, dated July 12, concerning city representative on County Traffic Safety Commission. Ewald had said he was no longer interested in serving on the Commission. A memo will be sent to the Milwaukie Traffic Safety Commission asking if one of them would be interested in serving on the county group.

TIME SCHEDULE - SENIOR/COMMUNITY CENTER DEVELOPMENT ADVISORY COMMITTEE

It was Council consensus to change the time schedule for report and recommendations requested from Senior/Community Center Development Advisory Committee, and for appointment of the permanent Center Committee as follows: (1) August 1, 1979 - begin soliciting applications for permanent committee; (2) October 1, 1979 - make appointments to permanent committee; (3) September 1, 1979 - Senior/Community Center Development Advisory Committee report and recommendations to City Council.

MEMO RE PLANNING COMMISSION/CITY COUNCIL WORK SESSION

There will be a joint Planning Commission/City Council work session to discuss draft implementing ordinances for Comprehensive Plan on July 26 at 7 p.m.

ORDINANCE NO. - ZC-79-3

The Planning Commission recommends approval upon annexation of ZC-79-3, request to change zone from Clackamas County R-10, single family residential, to Milwaukie R-7, single family residential, on property at 10414 SE Stanley. It was MOVED by Burgess, SECONDED by Paulson, to read (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY R-10 ZONE TO CITY OF MILWAUKIE R-7 ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be read the second time at the next meeting.

ORDINANCE NO. - ZC-79-4

The Planning Commission recommends approval upon annexation of ZC-79-4, request to change zone from Clackamas County R-7, single family residential, to Milwaukie R-7, single family residential, on property located at the west end of Kent Street, north of city water tower. It was MOVED by Burgess, SECONDED by Ewald, to read (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY R-7 ZONE TO CITY OF MILWAUKIE R-7 ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be read the second time at the next meeting.

(Meeting recessed at 8:40 p.m., reconvened at 8:50 p.m. with all present.)

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EXECUTIVE SEARCH CONSULTANT

It was MOVED by Burgess, SECONDED by Ewald, that the City Council employ the firm of Korn Ferry in the search for a new City Manager, and that Council direct the City Manager to proceed with notifying Korn/Ferry of the intent to hire them. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Ewald. NOES: Manuel.

RESOLUTION NUMBER 29-1979 - ADOPTING 1979-80 BUDGET

Manager explained that for part of the budget year the city is operating at a level that is minus 28 employees. For 10 1/2 months the city will operate with most of those additional 28 people on board. The \$4.10 operating budget will support them being on board for 10 1/2 months but not for 12 months. In the next budget year, given the same level of staffing, the tax rate would have to be higher, because the higher level of staffing would presumably be for a full 12 months. It was MOVED by Burgess, SECONDED by Paulson, to read Resolution Number 29-1979 (A RESOLUTION ADOPTING THE 1979-80 BUDGET, MAKING APPROPRIATIONS, AND LEVYING TAXES) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 29-1979. MOTION CARRIED unanimously by those present.

RESOLUTION NUMBER 30-1979 - CALLING FOR ELECTION

Manager was directed to change the ballot title in the proposed resolution to add that of the \$4.25 tax rate, \$4.10 will be for city operations and 15¢ will be used for street repairs. It was MOVED by Burgess, SECONDED by Paulson, to read Resolution Number 30-1979 (A RESOLUTION PROVIDING FOR THE CALLING OF A SPECIAL CITY ELECTION IN THE CITY OF MILWAUKIE, OREGON ON THE 31ST DAY OF JULY, 1979, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, THE QUESTION OF AUTHORIZING AND DIRECTING THE MILWAUKIE CITY COUNCIL TO LEVY TAXES IN THE SUM OF \$613,104 FOR THE FISCAL YEAR 1979-80 FOR GENERAL CITY OPERATIONS, WHICH SUM EXCEEDS THE CONSTITUTIONAL SIX PERCENT LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE XI OF THE CONSTITUTION OF OREGON) by title only, as amended. MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 30-1979. MOTION CARRIED unanimously by those present.

Burgess suggested the budget notice be published in the Community Press or Review, not in the obituary column of the Oregonian, and that the city request news stories in both local papers; that a press conference be held with all media invited; that the city mail out informational fact sheets to all residents. It was pointed out that legal notice can only be published in the Oregonian, given the time constraints, and that the city has no control over the placement of the notice; that mailing a flyer would cost \$700 or \$800, and that there is probably not enough time to do that. It was mentioned that Neighborhood Councils might distribute flyers.

RESOLUTION NUMBER 31-1979 - AUTHORIZING INTERFUND LOAN

It was MOVED by Burgess, SECONDED by Paulson, to read Resolution Number 31-1979 (A RESOLUTION AUTHORIZING THE EQUIPMENT RESERVE

FUND TO LOAN UP TO \$100,000 TO THE COMMUNITY DEVELOPMENT FUND TO PROVIDE THE NECESSARY CASH TO COVER A TEMPORARY DEFICIT) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Ewald, to adopt Resolution 31-1979. MOTION CARRIED unanimously by those present.

#### COUNCIL REPORTS

1. Burgess reported that LCDC does not want to accept MSD's urban growth boundary.
2. Paulson reported on Johnson Creek Task Force meeting.
3. Mayor said MSD has a reserve fund from I-505 and the Mt. Hood Freeway, and is developing a list of projects to spend the money on. A MSD report makes the assumption that the establishment of the Town Center will not appreciably affect east/west traffic movement in Milwaukie. It was Council consensus to write a letter to MSD and ask them to justify that assumption.
4. Mayor reported funds for Hillside Manor are being deleted from the Urban County funding. It was Council consensus to write a letter to the county protesting the decision.

#### RESOLUTION NUMBER 32-1979 - CANVASSING VOTE AT JULY 10 ELECTION

It was MOVED by Burgess, SECONDED by Ewald, to read Resolution Number 32-1979 (A RESOLUTION CANVASSING THE VOTE AT A SPECIAL CITY ELECTION HELD ON JULY 10, 1979) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 32-1979. MOTION CARRIED unanimously by those present.

#### OTHER BUSINESS

1. Manager reported on status of 36th Avenue Local Improvement District.
2. Council has received copy of letter to Ben Schellenberg, Deputy Superintendent of North Clackamas School District, from residents of SE 51st Avenue, concerning parking problems on their street. Police Chief will meet with the residents and try to solve their problem.
3. City Attorney reported on hearing before LCDC on the city's special review ordinance.

The meeting adjourned at 10:55 p.m. to go into executive session under ORS 192.660 (2)(a) to discuss labor negotiations, and returned to regular session at 11:55 p.m.

#### PUBLIC EMPLOYEE RETIREMENT SYSTEM OPTION

It was MOVED by Manuel, SECONDED by Ewald, to direct staff to proceed with implementation of the PERS proposal, which includes the city paying the 6% employee PERS contribution, and a 1% salary increase, for management employees, effective July 1, 1979. MOTION CARRIED unanimously by those present.

It was MOVED by Manuel, SECONDED by Ewald, to pursue contracts implementing the above benefit to the other interested bargaining units. MOTION CARRIED unanimously by those present.

OTHER BUSINESS

4. Mayor asked for progress report on possible annexation of Southern Pacific property east of Milwaukie.

5. Ewald asked for progress report on moving city limits signs on east boundary of city.

Meeting adjourned at 12 midnight.

  
Allen Manuel, Mayor

ATTEST:

  
Dorothy E. Farrell, Secretary

MILWAUKIE  
CITY COUNCIL AGENDA  
July 16, 1979  
7 p.m.

COUNCIL CHAMBERS1341st Meeting

1. CALL TO ORDER
2. INVOCATION - Rev. Simon Maier, Concordia Evangelical Lutheran Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Approval of minutes - July 2, 1979 Council meeting
  - b) Payment of bills
  - c) Letter from State Parks re Greenway funding
  - d) Memo re control of unemployment costs
  - e) Application for appointment to Library Board
  - f) Progress Payment No. 1 - Community Center
  - g) Memo re sight obstructions
  - h) Copy of letter to Plan. Comm. re Comprehensive Plan
  - i) Copy of letter from Rowe Jr. High
  - j) Notice of Appeal - ERB v. City
  - k) Notice of public hearings on Comprehensive Plan
  - l) MSD letter re McLoughlin corridor
  - m) Change Order No. 1 and 1A - Community Center
  - n) Appointment of Pro-tem Manager
5. AUDIENCE PARTICIPATION
6. NEIGHBORHOOD COUNCIL REPORTS
7. CORRESPONDENCE
8. PUBLIC HEARING - Freeman L.I.D. - Ordinance No. \_\_\_\_\_
9. OLD BUSINESS
  - a) Ordinance No. \_\_\_\_\_ - Swimming pool regulations
  - b) Resolution No. \_\_\_\_\_ - Refuse collection franchise fee
  - c) Ordinance No. \_\_\_\_\_ - Amending Ord. No. 819 (2nd reading)
  - d) Ordinance No. \_\_\_\_\_ - State revenue sharing (2nd reading)
  - e) Ordinance No. \_\_\_\_\_ - Amending Freeman P.U.D. Ordinance
  - f) Memo re County Traffic Safety Commission
10. CONSIDERATION
  - a) Memo re Planning Commission/City Council work session
  - b) Ordinance No. \_\_\_\_\_ - ZC-79-3
  - c) Ordinance No. \_\_\_\_\_ - ZC-79-4
  - d) Designate executive search consultant
  - e) Adoption of 1979-80 budget
  - f) Resolution No. \_\_\_\_\_ - Interfund loan

11. COUNCIL REPORTS
12. OTHER BUSINESS
13. ADJOURNMENT
14. EXECUTIVE SESSION - Under ORS 192.660 (2)(a) to discuss  
labor negotiations