

MILWAUKIE
CITY COUNCIL MEETING
August 4, 1980
7 p.m.

COUNCIL CHAMBERS

1365th Meeting

The one thousand three hundred sixty-fifth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on August 4, 1980, with the following councilpersons present:

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Kenneth S. Whorton, City Mgr.	Marilyn Thompson, Library Dir.
Steven Hall, P.W. Director	Richard Bailey, Acting Fire Chief
Gordon Erickson, Finance Dir.	Dorothy E. Farrell, Sec'y

The invocation was given by Steven Hall, and the Pledge of Allegiance was recited.

AUDIENCE PARTICIPATION

1. Pat Tipton, Coach of girls softball team sponsored by the city, introduced the girls on the team, who presented trophies won by the team to the City Council.
2. Manager introduced Chris Fajer, who spent all summer as a volunteer worker in the city Planning Department. Councilmembers expressed appreciation to Chris.
3. City has received Certificate of Conformance in Financial Reporting, presented by Municipal Finance Officers Association, for fiscal year ending June 30, 1979.

PUBLIC HEARING - PETITION FOR STREET VACATION OF PORTION OF WISTER STREET

Mark Lewis, 11708 SE 35th, has presented petition for vacation of SE Wister Street from SE 35th Avenue to a point 112.5 feet east, containing signatures of all the abutting property owners and of owners of more than two-thirds the area of real property affected. Public Works Department recommends the following conditions: 1) The owner of 3536 SE Wister be granted easement for existing water service and access way until Wister Street is constructed from 37th Avenue to this property; and 2) The owners of the parcels adjacent to Wister Street east of the proposed vacation be notified that at the time of development a revision will be required to provide a cul-de-sac.

Public hearing was declared open at 7:12 p.m. Notices published and posted as required. Staff report was given by Public Works Director.

Correspondence received:

Olaf Nelson, P.O. Box 710-A, Long Beach, Washington 98631, owner of Lots 7 through 13, Block 94, Minthorn Addition, objects to the street vacation.

Murl Roy Beck, Gilbert Roy Beck, Dearn Lee Bendshadler, and Linda Marie Cosgrove, executrix of the estate of Lucinda Beck, all having a joint interest in Lots 14 to 19, object to the vacation. Gilbert Beck, Dearn Bendshadler and Linda Cosgrove say their father, Murl Beck, did not understand the petition. Lucinda Beck, who signed the petition, died on May 30.

Speaking in favor of the street vacation:

Mark Lewis, 11708 SE 35th
 Forris Frick, 11658 SE 35th

Speaking against the street vacation:

Ed Brekke, Attorney, 2202 SE Lake Road, representing Beck family
 Linda M. Cosgrove, Gladstone
 Don Trotter, Chairman of Planning Commission
 Dearn Lee Bendshadler, 12532 SE Oatfield Road

Public hearing was declared closed at 8:08 p.m.

Staff was asked to research the following:

Does the petition conform with ORS requirements as to acknowledgement of signatures?

Would the vacation conform to comprehensive plan statements on cross-flow of traffic?

Review of procedures for street vacation as spelled out by former City Attorney.

Provide the Council with a map showing the ownerships and who signed the petition.

Report on comparative traffic flow on 35th as compared to 37th.

A legal opinion on use of public land without reaching agreement with the city.

How to preserve Beck's access to the Beck home.

It was Council consensus that a decision will be made at the next regular Council meeting, without more public testimony being taken.

(Meeting recessed at 8:20 p.m., reconvened at 8:30 p.m. with all present.)

PAYMENT OF BILLS

It was MOVED by Manuel, SECONDED by Ewald, that the bills listed for August 4, 1980 payment be approved for payment. MOTION CARRIED unanimously.

RIVERFRONT DEVELOPMENTS

Planning Commission has sent memorandum, received July 1, 1980, concerning criteria for waterfront park consultant. Manager has written memorandum, dated July 30, concerning riverfront.

Don Trotter, Chairman of Planning Commission, said Planning Commission wishes to become involved in the process of developing guidelines for use by the consultant designing the proposed waterfront park.

It was Council consensus that Don Trotter be on the committee to interview consultants; that the Planning Commission will develop guidelines with the input of all other city boards and commissions, which will be sent to the City Manager to use in the final proposal for riverfront development.

REPORT ON TAX BASE

Finance Director has written memorandum, dated July 30, concerning tax base proposal for November election. It was Council consensus that another report be prepared including some amount each year for capital improvements. It was decided to call a Budget Committee meeting to discuss the tax base at 6 p.m. Monday, August 18, 1980.

MEMORANDUM ON STREET AND STORM SEWER BONDS

As requested by Council, May 13, 1980 memorandum from Public Works Director on street and storm sewer bond issue has been brought back for consideration. Public Works Director recommends a bond issue not be put on the November ballot, but that a later serial tax levy for streets, and a utility for storm drainage, be considered.

It was MOVED by Burgess that the City Council do not put the matter of the storm drain/street construction bond to the voters in November. After discussion, the MOTION was WITHDRAWN.

It was MOVED by Burgess, SECONDED by Nickel, to delay the matter of storm drain/street construction until a later date beyond the November 4 general election. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Manuel and Burgess. NOES: Ewald.

REPORT ON CABLE TV

Manager reported on meetings with consortium of governmental agencies on cable TV that have been attended by City Attorney. Some cities are interested in city ownership of cable TV systems. Manager recommends considering a franchise rather than city ownership. It was MOVED by Burgess, SECONDED by Ewald, to proceed as recommended by City Manager, to continue study of a franchise agreement proposal for cable TV, and not consider purchase of cable TV. MOTION CARRIED unanimously.

Manager was directed to write to congressional delegation stating the city's view on proposed legislation on cable TV, saying the city wants to retain local control rather than being pre-empted by Congress.

ORDINANCE ESTABLISHING LIBRARY BOARD

Manager said in the past money has been donated to the Library and administered by the Library Board; it is the staff's position that money should come through the city's accounting process. It was suggested it might be wise to delay consideration of the ordinance until the next regular Council meeting. Staff was asked to propose procedures for handling such donations. It was MOVED by Burgess, SECONDED by Ewald, to read (AN ORDINANCE OF THE CITY OF MILWAUKIE ESTABLISHING A PUBLIC LIBRARY) the first time by title only. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Ewald. NOES: Manuel. The ordinance will be on the agenda for second reading at the next Council meeting. City Attorney was asked to research the question of whether the city can donate funds to the Friends of the Library.

ORDINANCE AMENDING SIGN ORDINANCE

Manager said he has learned the sign ordinance is part of the comprehensive plan, and in order not to create problems with LCDC, he recommends tabling the ordinance until after LCDC has accepted the city's comprehensive plan. It was MOVED by Nickel, SECONDED by Burgess, to table the proposed ordinance until LCDC has made its determination on the comprehensive plan. MOTION CARRIED unanimously.

HEF163

STORM DRAIN EASEMENT - NORTH CLACKAMAS SCHOOL DISTRICT

It was MOVED by Nickel, SECONDED by Paulson, to accept agreement with North Clackamas School District 12 for a permanent easement for storm drains and related facilities near Rowe Jr. High building. MOTION CARRIED unanimously

AGREEMENT WITH STATE FOR TRAFFIC SIGNAL INSTALLATION - HIGHWAY 224 AND 17TH AVENUE

It was MOVED by Ewald, SECONDED by Paulson, to adopt the city/state agreement for installation of traffic signals at Highway 224 and SE 17th Avenue, striking paragraphs 1 and 2 under "CITY OBLIGATIONS," as recommended by Public Works Director. MOTION CARRIED unanimously.

CONSENT AGENDA

- a) Approval of Minutes - July 21 and 28, 1980 Council meetings
- b) Tri-Met Public Hearing on Fare Increase
- c) Metro letter on McLoughlin Boulevard Improvements
- d) Memo from City Attorney on Interest on L.I.D.s

It was MOVED by Paulson, SECONDED by Nickel, to adopt the Consent Agenda. Burgess requested item c be removed for discussion.

- b) Tri-Met will hold a public hearing on proposed increase to Tri-Met fares at 7 p.m. August 7, at 121 SW Salmon, Portland.
 - c) Metro has sent letter, dated July 21, concerning preliminary engineering funding for improving McLoughlin north of Milwaukie. Burgess asked questions about light rail.
 - d) City Attorney has written memorandum, dated August 1, concerning interest on LID project costs.
- On the motion to adopt, MOTION CARRIED unanimously.

The meeting adjourned at 10:40 p.m.

Allen Manuel
Allen Manuel, Mayor

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Secretary

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CALL TO ORDER

- a) Call to Order
- b) Invocation
- c) Pledge of Allegiance

II. PUBLIC HEARING

- a) Street vacation - SE Wister Street from SE 35th Avenue to a point 112.5 feet east

III. AUDIENCE PARTICIPATION

- a) Pat Tipton, Coach of City Baseball Team, trophy presentation
- b) Appreciation to Chris Fajer, Planning Department volunteer
- c) Presentation of Certificate of Conformance in Financial Reporting

IV. LEGISLATION

- a) Payment of Bills
- b) Riverfront Developments
 - 1) Memorandum from Planning Comm. concerning Riverfront
 - 2) Memorandum from City Manager concerning Riverfront
- c) Preliminary Report on Tax Base
- d) Memorandum on Street and Storm Sewer Bonds
- e) Report on Cable TV
- f) Ordinance No. _____ - Establishing Library Board
- g) Ordinance No. _____ - Amending Sign Ordinance

V. CONSENT AGENDA

- a) Approval of Minutes - July 21 and 28, 1980 Council meetings
- b) Tri-Met Public Hearing on Fare Increase
- c) Metro letter on McLoughlin Boulevard Improvements
- d) Memo from City Attorney on Interest on L.I.D.s

VI. OTHER BUSINESS

VII. ADJOURNMENT