

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

COUNCIL CHAMBERS

1344th Meeting

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

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Harold L. Schilling, City Mgr.	Cyrus Nims, Planning Direct.
Steven Hall, P.W. Director	Dorothy E. Farrell, Sec'y
Donald Oblander, Finance Direct.	

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

CONSENT CALENDAR

- a) Approval of minutes - August 20, 1979 meeting
- b) Payment of bills
- c) Memo re closing Library for inventory
- d) Memo re extended Building Department hours
- e) Liquor license application - 7-11 Food Store
- f) Application for Permanent Center Committee appointment
- g) August progress payment - Community Center
- h) Memo from PARC to Comm. Center Advisory Committee
- i) Memo from LOC re Legislative workshops

It was MOVED by Burgess, SECONDED by Nickel, to adopt the Consent Calendar. It was decided discussion of adoption of the Consent Calendar would be set over to later in the meeting.

AUDIENCE PARTICIPATION

1. Eloise Hobson, Chairman of Parks and Recreation Commission, presented certificates and gift planters to Dorothy Scattergood and Inez Nichols, in appreciation for their volunteer help in cleaning up city flowerbeds.
2. Eloise Hobson, on behalf of Parks and Recreation Commission, presented City Manager a framed enlargement of picture taken at dedication of Rowe Junior High School tennis courts, a joint city/school effort, in appreciation for the Manager's efforts in furthering the project.
3. Donald B. Rau, 11219 SE 46th; Debbie Rau, 11219 SE 46th; and Eva Johanneson, 4312 SE Adams, discussed Manager's report on the complaint of Kathy Johnson and other residents of the 46th and Adams Street area on Police Department procedures.
4. Kathy Johnson, 4615 SE Adams, asked City Council to investigate her complaint described in (3) above, as the citizens feel the Manager's report is not unbiased.

It was MOVED by Burgess, SECONDED by Paulson, to lay the question on the table until the next regular meeting. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess, Ewald and

Manuel. NOES: Nickel.

5. Ron Moran, Bargaining Agent, Fire Department said he would like to know what progress has been made on the investigation into vote of no confidence in the Fire Chief, presented on August 6. Manager said he expects his investigation to be completed this week.

6. Chuck Swan, 11822 SE 36th Avenue, said he was speaking as a spokesman to represent the city's miscellaneous employees, not including management or the Fire Department or Police Department; that he was presenting a statement that was originally signed by 30 people but 10 rescinded their signatures today because of fear of losing their jobs. Mr. Swan read the document, which is titled "VOTE OF NO CONFIDENCE. This Council has failed to function as a productive elected body working for the good of the city. The majority bloc has influenced the performance of the entire Council and rendered it ineffective and insensitive to the problems and needs of the City of Milwaukie employees and of the city as a whole."

It was MOVED by Burgess, SECONDED by Ewald, that a special meeting be called and that employees who signed the petition be called before the Council. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Ewald. NOES: Nickel and Manuel. The meeting will be held at 7 p.m. Thursday, September 13. Mrs. Burgess read letter from Ann Hupp, addressed to City Council, concerning the petition from employees.

(Meeting recessed at 8 p.m., reconvened at 8:10 p.m. with all present.)

WILLAMETTE GREENWAY BOUNDARY - PROPOSED INCLUSION OF KELLOGG LAKE

It was MOVED by Nickel, SECONDED by Manuel, to include Kellogg Lake in the interim boundary of the Willamette Greenway. MOTION FAILED to pass with the following roll-call vote: AYES: Nickel and Manuel. NOES: Paulson, Burgess and Ewald.

PUBLIC HEARING - PROPOSED SEWER RATE INCREASE - RESOLUTION NUMBER 36-1979

Public hearing was declared open at 9:02 p.m. Staff report was given by Finance Director.

Question asked:

Lillie Moore (no address given)

No correspondence was received, and no other person appeared to speak either in favor of or against the proposed rate increase. Public hearing was declared closed at 9:18 p.m.

It was MOVED by Nickel, SECONDED by Burgess, to use alternative F, raising rates to \$5.50 October 1, 1979, with increase to \$6 on January 1, 1981 and to \$6.50 on January 1, 1983 being contemplated, and to read Resolution Number 36-1979 (A RESOLUTION REPEALING RESOLUTION NUMBER 40-1977, AND ESTABLISHING MONTHLY SEWER SERVICE FEES) by title only, as amended. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 36-1979, as amended to reflect schedule F. MOTION CARRIED unanimously.

MEMORANDA FROM CENTER ADVISORY COMMITTEE RE CENTER PHILOSOPHY,
RE PERMANENT COMMITTEE, AND RE CENTER GIFT SHOP

Council has received memoranda dated August 24 from Center Development Advisory Committee, concerning Center Philosophy, Center Permanent Committee, and Center Gift Shop. After discussion, it was decided to hold a work session at 7 p.m. September 18.

PUBLIC HEARING - COMPREHENSIVE PLAN IMPLEMENTING ORDINANCES

Public hearing was declared open at 9:50 p.m.

Asking questions and making suggestions:

Jean Baker, 2607 Monroe

No correspondence was received, and no other person appeared to speak at the public hearing.

Public hearing was declared closed at 10:05 p.m.

CONSENT CALENDAR

a) Approval of minutes - August 20, 1979 meeting.

Mrs. Nickel requested the minutes be clarified to show that, on page 2, under "INCLUSION OF KELLOGG LAKE IN WILLAMETTE GREENWAY," the petition referred to, signed by 41 persons, expressed opposition to "the establishment of a pedestrian path linking the Willamette River, Kellogg Lake and the North Clackamas Park on the north side of Kellogg Creek (City of Milwaukie Comprehensive Plan, OPEN SPACE, Objective 2, Policy 5) and I believe all references to public access of Kellogg Creek should be eliminated before final approval of the Comprehensive Plan." and not opposition to including Kellogg Lake in the Willamette Greenway. There was also handed to Council on August 20 a letter signed by E. Speight, 3634 Licynta Lane, which did express opposition to including Kellogg Lake in the Willamette Greenway.

b) Burgess asked questions about various bills listed on bills payable on September 4 listing.

c) Librarian has written memo, dated August 24, concerning library book, record and picture inventory.

d) Public Works Director has written memo, dated August 23, concerning review of extended Building Department hours. Burgess requested the public be notified.

e) Police Department finds no reason to deny issuance of PS liquor license to 7-11 Food Store at 10435 SE 42nd.

f) Cathryn Boyles, 3434 SE King Road, has applied for appointment to Community Center Advisory Committee.

g) August progress payment on Community Center, in the amount of \$56,185, is recommended by architect, Community Development Director, and City Manager.

h) Parks and Recreation Commission recommends a member of the Commission be on the Permanent Senior/Community Center Advisory Committee.

i) League of Oregon Cities has sent invitation to Legislative Review Workshops.

It was MOVED by Burgess, SECONDED by Nickel, that the Consent Calendar be adopted as discussed. MOTION CARRIED unanimously.

CORRESPONDENCE

1. Department of Housing and Urban Development has sent letter, received August 21, concerning flood insurance study and participation in National Flood Insurance Program.
2. Milwaukie Presbyterian Church has sent letter, dated August 28, concerning tree preservation ordinance. The letter will be acknowledged, and the writer informed the matter will be studied during consideration of the Comprehensive Plan.
3. Dwyer Hospital has sent letter, dated August 24, concerning their certificate of need application.
4. Parks Commission has sent memo, dated August 30, concerning appointments to Commission. It was MOVED by Nickel, SECONDED by Ewald, to appoint Virginia Coyne and Betty Stephens to the Parks and Recreation Commission. MOTION CARRIED unanimously.
5. David Prideaux, 1663 1/2 Moss, Eugene, Oregon, has applied for City Manager's position. The letter will be referred to the city's consultant.
6. Robert Franz has sent letter, dated August 31, stating he will be unable to serve on a committee to raise funds for the Community Center. A copy of the letter will be sent to the Center Advisory Committee.

MEMO RE ALTERNATE FUNDING FOR STREET REPAIR - MILPORT/MAIN

Public Works Director has written memo, dated August 23, concerning water damage to street at Main and Milport, and street repair funding resource. It was MOVED by Burgess, SECONDED by Nickel, that the funding come out of operating contingency of the Water Department. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess, Ewald and Manuel. NOES: Nickel.

RECONSIDERATION OF FREEZING POLICE ADMINISTRATIVE ASSISTANT POSITION

Police Chief has written memo, dated August 27, concerning possible cut of Administrative Assistant position. It was Council consensus not to cut the position from the budget.

MEMO RE TAX BASE AND BUDGET QUESTIONS

Finance Director has written memo, dated August 22, concerning tax base and budget questions. It was MOVED by Burgess, SECONDED by Ewald, that Council gear up for appointment of a Tax Base Committee on September 17, and set the election date in November of 1980. After discussion, the motion was withdrawn, with the consent of the seconder of the motion, and the matter will be on the next agenda.

STRAAM ESTIMATE ON STREET CONSTRUCTION COST

STRAAM Engineers, Inc., have submitted proposal to provide services to prepare a street inventory. It was MOVED by Burgess, SECONDED by Paulson, that the \$9800 cost be taken from operating contingency. MOTION CARRIED unanimously.

BID AWARD - INTERNATIONAL WAY L.I.D.

Public Works Director has sent memo, dated August 30, concerning bid award recommendation on International Way L.I.D. It was MOVED

by Burgess, SECONDED by Paulson, that the contract on the L.I.D. be awarded to Bonstan Construction, in the amount of \$862,830.48. MOTION CARRIED unanimously.

RESOLUTION NUMBER 37-1979 - AUTHORIZED CHECK SIGNERS

It was MOVED by Ewald, SECONDED by Burgess, to read Resolution Number 37-1979 (A RESOLUTION REPEALING RESOLUTION NUMBER 34-1979 AND AUTHORIZING SIGNATURES ON CITY OF MILWAUKIE CHECKS) by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 37-1979. MOTION CARRIED unanimously.

MEMO RE PUBLICATION OF ORDINANCES

Myer Avedovech, City Attorney, has written memo, dated August 28, concerning publication requirements for city ordinances. Manager said he had some reservations, and suggested this matter be referred to the new City Attorney.

MEMO RE CHANGES IN LAWS

Myer Avedovech, City Attorney, has written memo, dated August 28, concerning changes in the laws passed by 1979 Legislature. One item is that Council executive sessions must either be taped or have written minutes. It was MOVED by Manuel, SECONDED by Burgess, that executive sessions be recorded. MOTION CARRIED unanimously. Another requirement is that criteria for selecting an executive officer or city manager must be made public. The criteria will be obtained from the city's consultant.

SALARY OF BUILDING OFFICIAL

David Nemo has written memo, dated August 30, concerning salary of Building Official. Jim Mishler, Building Official, spoke in disagreement with the recommendation. Manager was asked to confer with the Building Official, and a decision will be made at the next meeting.

MEMO RE URBAN COUNTY PUBLIC HEARING

It was MOVED by Manuel, SECONDED by Ewald, to extend the meeting for five minutes. MOTION CARRIED unanimously. Community Development Director has written memo, dated August 30, concerning Urban County Public Hearing.

OTHER BUSINESS

1. It was MOVED by Nickel, SECONDED by Ewald, that Council release Hal Schilling from employment, as he has requested, on September 14. MOTION CARRIED unanimously.
2. It was MOVED by Ewald, SECONDED by Burgess, to nominate Steven Hall as Interim City Manager for the next Council meeting. MOTION CARRIED unanimously.
3. It was MOVED by Nickel, SECONDED by Ewald, that the progress payment on Community Center be paid. MOTION CARRIED unanimously.
4. Manager reported the Westphal trailer matter has been resolved.
5. It was MOVED by Burgess, SECONDED by Nickel, to hire Rodney Maddox on a contract for two months or more to deal with Municipal Court for \$1000 a month with no benefits. MOTION CARRIED

unanimously.

6. It was MOVED by Ewald, SECONDED by Manuel, that Jack Hammond, Attorney at Law, Oregon City, be retained until a new City Manager is on board, and all legal questions be referred to the Attorney through the City Manager, and that the City Council forego having an attorney at their meetings, as well as the Planning Commission. MOTION CARRIED unanimously.

7. It was MOVED by Ewald, SECONDED by Nickel, to retain Myer Avedovech to appear on 1000 Friends of Oregon request for reconsideration on the case before LCDC, if an appearance is necessary. MOTION CARRIED unanimously.

8. Manager said he would call Mr. Landskroner, of Southern Pacific, who called about the price SP would charge for the interurban right-of-way through Milwaukie, if the city would like to purchase it. Mr. Landskroner will be informed that the new City Manager will call when he is appointed.

Meeting adjourned at 11:25 p.m., to go into Executive Session under ORS 192.660 (2)(a) and (2)(d) to consider real property transaction and current litigation.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary

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

COUNCIL CHAMBERS

1344th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend James Tomlin, Milwaukie United Church of Christ
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - August 20, 1979 meeting
 - b) Payment of bills
 - c) Memo re closing Library for inventory
 - d) Memo re extended Building Department hours
 - e) Liquor license application - 7-11 Food Store
 - f) Application for Permanent Center Committee appointment
 - g) August progress payment - Community Center
 - h) Memo from PARC to Comm. Center Advisory Committee
 - i) Memo from LOC re Legislative workshops
5. AUDIENCE PARTICIPATION
 - a) Presentation from Parks Commission to City Manager
6. NEIGHBORHOOD COUNCIL REPORTS
7. CORRESPONDENCE
 - a) Letter from HUD re flood plain management
 - b) Letter from Presbyterian Church re tree ordinance
 - c) Memo from Center Advisory Committee re Center philosophy
 - d) Memo from Center Advisory Committee re Permanent Committee
 - e) Memo from Center Advisory Committee re Center Gift Shop
 - f) Letter from Dwyer Hospital
 - g) PARC memo re new members
8. PUBLIC HEARING - Proposed Sewer Rate Increase
9. PUBLIC HEARING - Comprehensive Plan implementing ordinances
10. OLD BUSINESS
 - a) Willamette Greenway boundary (see previous agendas)
 - b) Memo re alternate funding for street repair, Milport/Main
 - c) Reconsider freezing Police AA position (requested by Ewald)
 - d) Memo re tax base and budget questions
 - e) STRAAM estimate on street construction cost
11. CONSIDERATION
 - a) Bid award - International Way L.I.D.
 - b) Resolution No. _____ - Check signing
 - c) Memo re publication of ordinances
 - d) Memo re changes in laws
 - e) Salary for Building Official
 - f) Memo re Urban County Public Hearing

12. COUNCIL REPORTS

13. OTHER BUSINESS

14. ADJOURNMENT

EXECUTIVE SESSION - under ORS 192.660 (2)(a) and (2)(d) to
consider real property transaction and current litigation