

MILWAUKIE  
CITY COUNCIL MEETING  
November 5, 1979  
7 p.m.

COUNCIL CHAMBERS

1348th Meeting

The one thousand three hundred forty-eighth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 5th day of November, 1979, with the following councilpersons present:

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Paul Richards, City Mgr. Pro Tem	Cyrus Nims, Planning Direct.
Steven Hall, P.W. Director	Dorothy E. Farrell, Sec'y

The invocation was given by the Reverend Don Crawford, Linwood Alliance Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - September 13, 1979 special meeting; September 26, October 1 and 6, 1979 executive sessions; October 1 and 15, 1979 regular meetings
- b) Payment of bills
- c) LOC letter re Boundary Commission meeting at Convention
- d) MSD public hearing on Urban Growth Boundary
- e) Progress pay estimate - Pump Station
- f) Memo re bridge replacement
- g) Memo re Certificate of Conformance
- h) Memo re EPA grant - East Milwaukie/Island Station L.I.D
- i) Liquor license application - Joe's Warehouse Restaurant
- j) Memo re Volunteer Program Management Workshop
- k) Article re Library program
- l) Letter re dedication of River Road Bikeway
- m) Memo re fire truck tire purchase
- n) Memo re budget impact of mechanic position
- o) Progress payment - International Way L.I.D.
- p) Memo re Human Services Program Volunteer
- q) Progress payment - Community Center
- r) Progress payment - Edison Street L.I.D.

It was MOVED by Nickel, SECONDED by Ewald, to adopt the Consent Calendar. Mrs. Burgess asked to have items i, m and o removed for discussion.

- a) Paulson asked for a correction to the October 1 regular meeting minutes, on page 5, under "APPOINTMENT TO JOHNSON CREEK TASK FORCE," saying he was never formally appointed to the task force, so there was no resignation.
- b) Various members of the Council asked questions on the bills.
- c) League of Oregon Cities has sent letter, dated October 24, concerning League Convention program on Boundary Commissions.
- d) Metropolitan Service District has sent memo, dated October 16, concerning public hearing on revised Urban Growth Boundary findings.
- e) Public Works Director and Manager Pro Tem recommend payment of progress pay estimate #4 on EDA-LPW Project #07-51-23551, on pump station and appurtenances, in the amount of \$18,533.50, to

Lord Brothers Contractors, Inc.

f) Public Works Director has sent memo, dated October 23, concerning Federal funding for bridge replacement.

g) Finance Director has sent memo, dated October 23, concerning Municipal Finance Officers Association Certificate of Conformance. Nickel congratulated Mr. Oblander on the city being awarded this Certificate.

h) Public Works Director has sent memo, dated October 22, concerning EPA grant final report on East Milwaukie/Island Station Sewer L.I.D.

i) Police Department finds no reason to deny issuance of liquor license to Joe's Warehouse, 12300 SE Mallard Way. Burgess asked the location; staff reported it has not been built yet.

j) Marianne McGee has sent memo, dated October 25, concerning Volunteer Program Management Workshop.

k) A national Library publication has praised the Ledding Library's tall tales contest.

l) Clackamas County Citizens Bikeway Committee has sent letter, dated October 22, 1979, concerning dedication of River Road Bikeway.

m) Fire Chief has sent memo, dated October 30, concerning purchase of tires. Burgess stated the highest bid was taken, and the difference from the highest bid to the lowest is \$54.

n) Public Works Director has sent memo, dated November 1, concerning needs update for auto serviceperson in mechanical shop.

o) Public Works Director recommends payment of progress pay estimate for International Way L.I.D. in the amount of \$142,646.81 to Bonstan Construction Co. Burgess asked that approval be granted based on memorandum from Finance Director concerning arranging financing for this L.I.D.

p) Human Services Coordinator has sent memo, dated October 23, concerning Human Services Program Planner (Volunteer).

q) City Manager and Architect recommend payment of Payment No. 5 on Milwaukie Senior/Multi-Purpose Community Center in the amount of \$72,733 to Glynbrook Construction.

r) Public Works Director recommends payment of Progress Payment No. 1 on Edison Street L.I.D. in the amount of \$44,227.25 to Bill Page Construction.

#### AUDIENCE PARTICIPATION

1. Jim Edwards, Milwaukie Rotary Club, volunteered the club's services to spearhead a community-wide fund raising drive to underwrite the improvement of ball field No. 2 at North Clackamas Park. It was MOVED by Nickel, SECONDED by Burgess, to approve with a great deal of pleasure the offer by Rotary to raise the city's match to be able to accept the grant for the North Clackamas ball field improvements. MOTION CARRIED unanimously.

2. Bill Hupp, 2626 SE Washington Street, reported on hearing held before Port of Portland on recreational boating.

3. James Backenstos, 3626 SE Harrison, spoke on the lease-purchase agreement with Milwaukie Automotive, and other matters.

#### OTHER BUSINESS

1. It was MOVED by Burgess, SECONDED by Ewald, that the City Council acknowledge receipt of the City Manager Pro Tem's investigation report on the Fire Chief, and that the City Council delay

its final action on this matter until after Mr. Whorton, the new City Manager has had an opportunity to study both reports and make his decision known to the City Council; and that both the Schilling report and the Richards report will remain totally confidential until release is authorized by the City Council. MOTION CARRIED unanimously.

2. It was MOVED by Ewald, SECONDED by Burgess, that the city accept the City Attorney's recommendation on the settlement of the Janet Macy lawsuit. MOTION CARRIED unanimously.

#### BASKETBALL LEAGUE POLICY

Public Works Director has written memo, dated October 23, concerning Basketball League policy. It was MOVED by Burgess, SECONDED by Ewald, that the City Council approve the fee schedule as submitted in the memo from the Parks and Recreation Director dated October 19, regarding the city basketball program. MOTION CARRIED unanimously.

#### RESOLUTION NUMBER 44-1979 - INTERFUND LOAN

It was MOVED by Nickel, SECONDED by PAULSON, to read Resolution Number 44-1979 (A RESOLUTION AUTHORIZING THE EQUIPMENT RESERVE FUND TO LOAN UP TO \$100,000 TO THE STREET IMPROVEMENT FUND TO PROVIDE THE NECESSARY CASH TO COVER A TEMPORARY DEFICIT) by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to adopt Resolution 44-1979. MOTION CARRIED unanimously

#### RESOLUTION NUMBER 45-1979 - AUTHORIZING SIGNATURES ON CITY CHECKS

It was MOVED by Nickel, SECONDED by Burgess, to read Resolution Number 45-1979 (A RESOLUTION REPEALING RESOLUTION NUMBER 40-1979 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 45-1979. MOTION CARRIED unanimously.

#### RESOLUTION NUMBER 46-1979 - TRANSFER OF FUNDS

It was MOVED by Nickel, SECONDED by Paulson, to read Resolution Number 46-1979 (A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TO REAPPORTION THE 1979-80 BUDGET) by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 46-1979. MOTION CARRIED unanimously.

#### CORRESPONDENCE

1. Coalition of Social Services has sent letter, dated October 17, 1979, asking the city to contribute to the Coalition. Staff will answer the letter saying the letter will be forwarded to the Budget Committee, but the city is anticipating the same budget constraints as last year.

2. Youth Adventures, Inc., has sent letter, dated October 29, thanking the city and the Fire Department for participating in their program for troubled youth and their families.

3. Burgess has received communication from Oak Lodge Community Council concerning possible incorporation of a large area.

OAK LODGE UNIFICATION

Mayor reported on meeting with Executive Committee of Oak Lodge Community Council, at which was discussed a proposal for unification of the area south of Portland, east of the Willamette River, west of 122nd, and north of Gladstone, including Milwaukie, into a city of 115,000 people.

RESOLUTION NUMBER 47-1979 - COMMUNITY CENTER DIRECTOR SALARY

It was MOVED by Burgess, SECONDED by Nickel, to read Resolution Number 47-1979 (A RESOLUTION RATIFYING AND ADOPTING THE PAY PLAN FOR THE POSITION OF COMMUNITY CENTER DIRECTOR FOR THE CITY OF MILWAUKIE FROM JULY 1, 1979 TO JUNE 30, 1980, AND AMENDING RESOLUTION 33-1979) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to adopt Resolution 47-1979. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1436 - PORTLAND TRACTION COMPANY FRANCHISE

It was MOVED by Nickel, SECONDED by Burgess, to read Ordinance Number 1436 (AN ORDINANCE REPEALING ORDINANCE NO. 738; GRANTING PORTLAND TRACTION COMPANY, AN OREGON CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY YEARS FROM AND AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, THE RIGHT AND PRIVILEGE TO LAY DOWN, RELAY, CONSTRUCT, RECONSTRUCT, MOVE, REMOVE, LOCATE, RELOCATE, REPAIR, MAINTAIN, EQUIP AND OPERATE A DRILL TRACK LINE OF RAILWAY, WITHIN THE CORPORATE LIMITS OF THE CITY OF MILWAUKIE, OREGON, AS SUCH LIMITS NOW EXIST OR MAY HEREAFTER CONSTITUTE, IN, OVER, ALONG AND UPON ALL ON THE STREET KNOWN AS McBROD AVENUE, WITHIN THE CORPORATE LIMITS OF SAID CITY, FIXING THE TERMS AND CONDITIONS THEREOF, AND PROVIDING FOR A FEE) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to read Ordinance 1436 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to adopt Ordinance 1436. Ordinance 1436 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1436 passed the Council and was so declared by the Mayor.

RESOLUTION NUMBER 48-1979 - ACCEPTING JURISDICTION - OATFIELD, HARMONY AND LINWOOD

It was MOVED by Burgess, SECONDED by Nickel, to read Resolution Number 48-1979 (A RESOLUTION ACCEPTING THE TRANSFER OF JURISDICTION OVER PORTIONS OF OATFIELD ROAD, HARMONY ROAD AND LINWOOD AVENUE WITHIN THE CITY LIMITS OF THE CITY OF MILWAUKIE, OREGON) by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 48-1979. MOTION CARRIED unanimously.

RESOLUTION NUMBER 49-1979 - ACCEPTING JURISDICTION - RIVER ROAD

It was MOVED by Burgess, SECONDED by Ewald, to read Resolution Number 49-1979 (A RESOLUTION ACCEPTING THE TRANSFER OF JURISDICTION OVER A PORTION OF RIVER ROAD, COUNTY ROAD NO. 887, BETWEEN MILPORT AND OCHOCO STREET WITHIN THE CITY LIMITS OF THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously. It was

ORDINANCE NUMBER 1437 - ADOPTING COMPREHENSIVE PLAN

It was MOVED by Nickel, SECONDED by Ewald, to read Ordinance Number 1437 (AN ORDINANCE ADOPTING THE CITY OF MILWAUKIE COMPREHENSIVE PLAN, AND REPEALING THE MILWAUKIE COMPREHENSIVE PLAN OF FEBRUARY 1970 AND REVISIONS THERETO) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to read Ordinance 1437 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Ewald, to adopt Ordinance 1437. Ordinance 1437 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1437 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1438 - ZONING ORDINANCE

It was MOVED by Paulson, SECONDED by Nickel, to read Ordinance Number 1438 (AN ORDINANCE WHICH REGULATES THE USE OF LAND AND STRUCTURES, AND ESTABLISHES ZONES FOR THAT PURPOSE) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance 1438 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Manuel, SECONDED by Nickel, to adopt the Zoning Ordinance of the City of Milwaukie, which repeals Ordinance 1316, as printed in the document "Community Development Ordinance with Subparts - final draft for adoption October, 1979," with modifications to the text as documented in the memo dated November 6, 1979 in reference to the "Community Development Ordinances, City of Milwaukie" under Zoning Ordinance. This ordinance is consistent with the Comprehensive Plan and its findings. Ordinance 1438 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1438 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1439 - ENVIRONMENTAL PROTECTION ORDINANCE

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1439 (ENVIRONMENTAL PROTECTION ORDINANCE) by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance 1439 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Manuel, SECONDED by Nickel, to adopt the Environmental Protection Ordinance of the City of Milwaukie as presented in the document "Community Development Ordinance with Subparts - final draft for adoption October, 1979," with modifications to the text as documented in the memo dated November 6, 1979, in reference to the "Community Development Ordinances, City of Milwaukie" under Environmental Protection Ordinance. This ordinance is consistent with the Comprehensive Plan and its findings. Ordinance 1439 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1438 passed the Council and was so declared by the Mayor.

Staff was asked to write letters of appreciation to Wilsey & Ham, Cyrus Nims and Jon Stein of the Planning Department, to be signed by the Mayor, the letters to staff to be placed in their personnel folders.

LEASE PURCHASE AGREEMENT - MILWAUKIE AUTOMOTIVE

Public Works Director has written memo, dated October 19, concerning Milwaukie Automotive acquisition for shop site. It was Council consensus that the City Manager Pro Tem discuss the proposed lease/purchase agreement with Jim Downs, owner of Milwaukie Automotive, after it has been prepared by City Attorney Pro Tem, and report back to the Council.

MEMO REGARDING TAX BASE COMMITTEE

Finance Director has written memo, dated October 10, concerning Tax Base Committee. It was Council consensus to delay the Tax Base Committee appointments and resolution until the new City Manager arrives.

INTERVIEW DATE - PLANNING COMMISSION APPLICANTS

City Council will interview Planning Commission applicants starting at 7 p.m. Tuesday, November 20. It was noted applicant Gene Lambird called and withdrew his application.

RESOLUTION NUMBER 50-1979 - FIRE CODE FEES

It was Council consensus to change the proposed resolution by adding the words "and approved by the City Manager" at the end of the fourth paragraph. It was MOVED by Ewald, SECONDED by Nickel, to read Resolution Number 50-1979 (A RESOLUTION EXCLUDING FEES OR CHARGES FOR PERMITS OR CERTIFICATES REQUIRED IN ORDINANCE NUMBER 1433 (UNIFORM FIRE CODE 1976 EDITION) WITH EXCEPTIONS) by title only, as amended. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 50-1979. MOTION CARRIED unanimously.

EMPLOYEES ASSOCIATION CONTRACT

Administrative Assistant to the City Manager has written memo, concerning completion of negotiated agreement between City of Milwaukie and Milwaukie Employees Association. It was MOVED by Nickel, SECONDED by Paulson, to approve the recommendation dealing with retroactive merit increases for Milwaukie Employees Association. MOTION CARRIED unanimously.

NEIGHBORHOOD COUNCIL REPORT ON RECOMMENDATIONS BY COUNCIL

Report has been prepared on actions of City Council on items recommended by Neighborhood Councils. Staff was asked to find out the time required to prepare the report.

RESOLUTION NUMBER 51-1979 - JOHNSON CREEK GUIDELINES

It was MOVED by Burgess, SECONDED by Nickel, to read Resolution Number 51-1979 (A RESOLUTION SUPPORTING THE "INTERIM GUIDELINES FOR STORM WATER RUN-OFF MANAGEMENT IN THE JOHNSON CREEK BASIN") by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to adopt Resolution 51-1979. MOTION CARRIED unanimously. Staff was asked to check out whether or not the city will be responsible for bridge improvements.

REPORT ON DEPARTMENT OF TRANSPORTATION MEETING

Public Works Director reported on meeting with State Department of Transportation, and project proposed by him that would improve

the intersection of 17th Avenue and McLoughlin. Planning Director discussed his concerns with having the new roadway built on a fill, which would disrupt a potentially attractive natural area. The two staff members have discussed their viewpoints and concluded there is probably a compromise that would be a good balance. It was Council consensus that staff present a compromise proposal to ODOT on November 29.

#### CABLE TV ORDINANCES

It was Council consensus to delay consideration to the next meeting.

#### MEMORANDUM RE WATERTOWER PARK DESIGN CONTRACT

Public Works Director has written memo, dated October 23, concerning Watertower Park design contract. It was MOVED by Manuel, SECONDED by Burgess, that the City Council approve the contract with Bill Roth for architectural services for Watertower Park. MOTION CARRIED unanimously.

#### ENGINEERING AGREEMENT - SIGNALS AT HARMONY AND INTERNATIONAL WAY

Public Works Director has written memo, dated October 23, concerning engineering agreement for signals at Harmony Road and International Way. It was MOVED by Ewald, SECONDED by Nickel, to accept the proposed agreement and authorize the Mayor and Manager to sign as representatives for the city. MOTION CARRIED unanimously.

#### PROPOSAL FOR REDUCED FEES FOR LOW-INCOME HOUSEHOLD PLANNING APPLICATIONS

Senior Citizen Advisory Council has requested that the City Council consider fee reduction for low-income households in Planning Commission related applications. It was Council consensus the recommendation go to the Finance Director and Planning Director for comments.

#### NUISANCE ABATEMENT/CONDEMNATION

Public Works Director has written memo, dated October 29, concerning nuisance abatement and condemnation of vacant houses. Funds set aside for nuisance abatement for 1979-80 is \$600 and \$500 has already been expended. Building Official estimates cost for city to remove each structure would be \$2000. It has been suggested if owners do not respond to warnings, that they be cited into Municipal Court and fined. Staff was asked to report on the kind and frequency of problems of this kind, and see if money is available from Block Grant Funds for this. Staff was asked to refer the issue to Neighborhood Councils and Senior Citizen Advisory Council for their input.

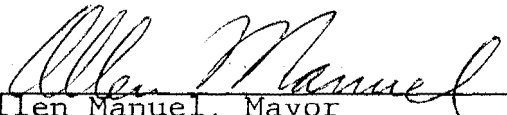
#### REQUEST FOR PUBLIC HEARING ON BIKE PATH CONTROL

Traffic Safety Commission is requesting a public hearing to determine whether or not bike paths within the city are suitable for safe bicycle use at reasonable rates of speed. The hearing will be held November 19.

OTHER BUSINESS

- 1. It was Council consensus that a reception be held for the new City Manager.
- 2. There was discussion of rodent problems in the city, and it was suggested citizens call the Code Enforcement Officer.
- 3. Burgess asked if anything could be done to improve the appearance of the old Mac's Pit location.

The meeting adjourned at 10:55 p.m.

  
 Allen Manuel, Mayor

ATTEST:

  
 Dorothy E. Farrell, Secretary

MILWAUKIE  
CITY COUNCIL AGENDA  
November 5, 1979  
7 p.m.

COUNCIL CHAMBERS

1348th Meeting

6 p.m. - EXECUTIVE SESSION under ORS 192.660 (2)(a) to consider labor negotiations.

1. CALL TO ORDER
2. INVOCATION - The Reverend Don Crawford, Linwood Alliance Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Approval of minutes - September 13, 1979 special meeting; September 26, October 1 and October 6, 1979 executive sessions; October 1 and 15, 1979 regular meetings
  - b) Payment of bills
  - c) LOC letter re Boundary Commission meeting at Convention
  - d) MSD public hearing on Urban Growth Boundary
  - e) Progress pay estimate - Pump Station
  - f) Memo re bridge replacement
  - g) Memo re Certificate of Conformance
  - h) Memo re EPA grant - East Milwaukie/Island Station L.I.D.
  - i) Liquor license application - Joe's Warehouse Restaurant
  - j) Memo re Volunteer Program Management Workshop
  - k) Article re Library program
  - l) Letter re dedication of River Road Bikeway
  - m) Memo re fire truck tire purchase
  - n) Memo re budget impact of mechanic position
  - o) Progress payment - International Way L.I.D.
  - p) Memo re Human Services Program Volunteer
  - q) Progress payment - Community Center
  - r) Progress payment - Edison Street L.I.D.
5. AUDIENCE PARTICIPATION
  - a) Jim Edwards, Rotary Club, re fund raising drive for NC Park ball field
  - b) Bill Hupp - Report on Waterfront development
6. NEIGHBORHOOD COUNCIL REPORTS
7. CORRESPONDENCE
  - a) Letter from Coalition of Social Services
  - b) Letter from Youth Adventures, Inc.
8. OLD BUSINESS
  - a) Resolution No. \_\_\_\_\_ - Community Center Director salary
  - b) Lease purchase agreement - Milwaukie Automotive
  - c) Ordinance No. \_\_\_\_\_ - UFRR franchise
  - d) Memo re Tax Base Committee
  - e) Set interview date - Planning Commission applicants

- f) Resolution No. \_\_\_\_\_ - Fire Code fees
  - g) Memo re Employees Association contract
  - h) Neighborhood Council report on recommendations to Council
  - i) Resolution No. \_\_\_\_\_ - Johnson Creek guidelines
  - j) Report on Department of Transportation meeting
  - k) Memorandum re Comprehensive Plan implementing ordinances  
Ordinances No. \_\_\_\_\_
  - l) Ordinances No. \_\_\_\_\_ and \_\_\_\_\_ - Cable TV (see 10/15 agenda)
9. CONSIDERATION
- a) Basketball League policy
  - b) Resolution No. \_\_\_\_\_ - Accepting jurisdiction - Oatfield,  
Harmony and Linwood
  - c) Resolution No. \_\_\_\_\_ - Accepting jurisdiction - River Rd.
  - d) Memo re Watertower Park design contract
  - e) Engineering agreement - Harmony & International Way signals
  - f) Memo re Memo requesting reduced fees for Planning applications
  - g) Oak Lodge unification (requested by Mayor)
  - h) Resolution No. \_\_\_\_\_ - Interfund Loan
  - i) Resolution No. \_\_\_\_\_ - Check Signing
  - j) Resolution No. \_\_\_\_\_ - Transfer of Funds
  - k) Memo re nuisance abatement/condemnation
  - l) Request for public hearing on Bike Path control
10. COUNCIL REPORTS
11. OTHER BUSINESS
12. ADJOURNMENT