

MILWAUKIE  
CITY COUNCIL MEETING  
December 3, 1979  
7 p.m.

COUNCIL CHAMBERS

1350th Meeting

The one thousand three hundred fiftieth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 3rd day of December, 1979, with the following councilpersons present:

- |             |                    |
|-------------|--------------------|
| Mel Paulson | Robert Ewald       |
| Anne Nickel | Mayor Allen Manuel |
| Joy Burgess |                    |

Also present:

- |                                  |                              |
|----------------------------------|------------------------------|
| Kenneth S. Whorton, City Mgr.    | Cyrus Nims, Planning Direct. |
| Donald Oblander, Finance Direct. | Dorothy E. Farrell, Sec'y    |
| Steven Hall, P.W. Director       |                              |

The invocation was given by Scott Mitchell, Minister of Linwood Church of Christ, and the Pledge of Allegiance was recited.

AUDIENCE PARTICIPATION

1. Speakers representing Milwaukie Fair Share spoke, as follows:

a) Pierre Brunelle, spoke about Fair Share's concern with problems connected with abandoned houses.

b) Ed Jackson, 9765 SE 32nd, said there are four abandoned houses in his neighborhood; residents have called the city on problems of rats, children playing in the houses, fires being set.

c) Ms. Jean Adamson, 9770 SE 32nd, was concerned with resale value of her home, rats, fires being set.

It was MOVED by Manuel, SECONDED by Nickel, to direct staff to immediately proceed to abate, on a case by case basis, abandoned structures within the city, using whatever means we have at our disposal, including summons to Municipal Court, to gain compliance. To this end staff will follow and adopt the recommendations listed in the agenda packet under "8el," second page of memo from Public Works Director to City Manager, dated November 29, 1979, concerning Abatement Report - Council Request.

d) Patricia Reed, 2867 SE Roswell, asked for a vote on the motion.

e) Jim Backenstos, 3626 Harrison, said he did not hold the City Council accountable.

It was explained there was not enough money in the city budget to pay a contractor to tear the house down if the owner refused to abate the nuisance, as the only way the city could get the money back was to put a lien on the house, and sometimes the lien was not collected for years. Also some councilmembers had a concern about taking people to court for not abating the nuisance.

On the motion, MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Manuel and Burgess. NOES: Ewald.

Ewald said he supported the abatement procedures, but cannot support the Council by motion directing City Manager to do the job he was hired to do and Charter charges him with.

(Meeting recessed at 7:55 p.m., reconvened at 8:05 p.m. with all present.)

2. Jim Savage and Bill Landwehr from Coopers & Lybrand presented

the audit report for fiscal 1978-79.

Burgess suggested the Manager incorporate in the 1980-81 budget funds for keeping fixed asset records. Ewald asked for a report at the next meeting on what it would take to correct all audit comments.

3. Bill Hupp, 2626 SE Washington Street, reported on waterfront development. He asked for Council consensus as to whether he should continue to pursue getting funding from Port of Portland and other groups. It was Council consensus to schedule a work session in early January with Port of Portland representatives, Parks Commission and Riverfront Development Subcommittee of Parks Commission. Mayor stated Council would encourage Mr. Hupp to work in the political area especially.

4. Bill Hupp asked that the flag be moved from the back of the Council Chambers to the front of the room, and that when the room is overloaded with people, the speakers be on so people can hear in the hall and in the basement.

#### CONSENT CALENDAR

a) Approval of minutes - November 14 and 27 special meetings, November 19 regular meeting.

b) Payment of Bills

c) Order - Beaverton v. State Housing Council et al

d) Memo from Portland State re Population Estimate

e) Letter from City of Beaverton re Cable TV

f) Bill for Kitchen Equipment for Community Center

g) Edison Street L.I.D. - Progress Payment.

It was MOVED by Burgess, SECONDED by Nickel, to adopt the Consent Calendar. Nickel and Burgess requested item e be removed for discussion, Burgess requested item b, and Paulson requested item d.

b) Burgess asked questions about the bills listed for December 3 payment. Staff was asked to prepare a memo analyzing the city payment for civilian clothing for police officers. Burgess requested total cost for City Manager recruitment.

c) Council has received copy of Order Dismissing Petition for Judicial Review from Court of Appeals in case of City of Beaverton vs. State Housing Council et al.

d) Portland State University, Center for Population Research and Census, has sent population estimate as of July 1, 1979, showing Milwaukie's population is 18,400. Paulson asked if the city should contest that estimate; Manager recommends against contesting, as a census will be conducted next year.

e) City of Beaverton has sent letter, dated November 26, 1979, concerning draft intergovernmental cooperation agreement and draft enabling resolution dealing with the subject of cable television. Nickel asked if a city representative will attend the meeting called by Beaverton on December 5; the Manager will attend. Burgess questioned the need for formation of a joint commission of local government units to coordinate development of a cable communications system.

f) Northwest Hotel Supply Co. has sent billing for kitchen equipment for Milwaukie Senior Multi-Purpose Community Center, in the total amount of \$18,716. Finance Director recommends payment of only \$7054 until equipment installed and finally inspected.

g) Public Works Director recommends payment of progress pay estimate No. 2 on Edison Street Local Improvement District, in the amount of \$15,168.84, to Bill Page Construction Co. On the motion to adopt, MOTION CARRIED unanimously.

#### CORRESPONDENCE

1. Omark Industries has sent letter, dated November 20, 1979, expressing appreciation to the Milwaukie Fire Department for training programs administered to the Omark Emergency Fire Brigade Personnel.
2. City Attorney Pro Tem has sent letter, dated November 27, concerning tort liability of city employees. It was Council consensus that department heads should be aware of the liability, and that the city's ordinances should be reviewed for possibility of eliminating some of the requirements that might cause problems.

#### RESOLUTION NUMBER 57-1979 - LOCAL SUPPORT OF METRO JOHNSON CREEK L.I.D.

It was MOVED by Nickel, SECONDED by Ewald, to read Resolution Number 57-1979 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE STATING ITS SUPPORT FOR LOCAL IMPROVEMENT DISTRICT TO RESOLVE FLOODING PROBLEMS IN JOHNSON CREEK) by title only. MOTION CARRIED unanimously.

It was Council consensus to ask Metro (Metropolitan Service District) what will be accomplished by the L.I.D., what is the total cost of the L.I.D., and the period of time necessary to complete the objectives.

It was MOVED by Burgess, SECONDED by Nickel, to adopt Resolution Number 57-1979. MOTION CARRIED unanimously.

#### ORDINANCE NUMBER 1440 - SUBDIVISION ORDINANCE - SECOND READING

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1440 (AN ORDINANCE WHICH REGULATES THE SUBDIVISION AND PARTITIONING OF LAND AND PROVIDES CERTAIN STANDARDS) the second time by title only, including changes set forth on pages 11 and 12 of Wilsey and Ham memorandum of November 6, 1979, titled "Community Development Ordinances, City of Milwaukie," and a change to Section 602 to add a new Section 16, as recommended by Wilsey and Ham in memo dated November 19, 1979, titled "Change to Addendum for the Subdivision Ordinance." MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to adopt Ordinance 1440, including the changes set forth above. Ordinance 1440 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1440 passed the Council and was so declared by the Mayor.

#### ORDINANCE NUMBER 1441 - SIGN ORDINANCE - SECOND READING

It was MOVED by Paulson, SECONDED by Nickel, to read Ordinance Number 1441 (AN ORDINANCE WHICH REGULATES THE CONSTRUCTION, ERECTION, MAINTENANCE, ELECTRIFICATION, ILLUMINATION, TYPE, SIZE, NUMBER AND LOCATION OF SIGNS IN AREAS OUTSIDE THE PUBLIC RIGHT OF WAY) the second time by title only. MOTION CARRIED unanimously.

It was MOVED by Nickel, SECONDED by Paulson, to adopt Ordinance 1441, including the modifications to the sign ordinance text set forth on pages 12 and 13 in the November 6, 1979 memo from Wilsey and Ham entitled "Community Development Ordinances, City of Milwaukie." Ordinance 1441 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1441 passed the Council and was so declared by the Mayor.

LEASE PURCHASE AGREEMENT - MILWAUKIE AUTOMOTIVE

Finance Director has written memo, dated November 27, 1979, concerning shop acquisition, and John H. Hammond, Acting City Attorney, has written memorandum, dated November 26, concerning liability of city for real property taxes for Downs property.

APPOINTMENT TO PLANNING COMMISSION

It was MOVED by Paulson, SECONDED by Burgess, to appoint Donald Trotter to the Planning Commission to fill vacancy created by resignation of Mark Landis. MOTION CARRIED unanimously. Burgess suggested a work session on committee appointments-- length of term of office, and whether they should be reappointed.

RESOLUTION NUMBER 58-1979 - AUTHORIZING SIGNATURES

It was MOVED by Nickel, SECONDED by Burgess, to read Resolution Number 58-1979 (AUTHORIZING SIGNATURES OF PERSONS AUTHORIZED TO ACQUIRE FEDERAL SURPLUS PROPERTY) by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 58-1979. MOTION CARRIED unanimously. Burgess suggested when the city police cars are no longer adequate for that use, the city might wish to repair them and turn them over to the Fire Department.

MEMO FROM POLICE CHIEF RE PARKING FINES

Police Chief has written memo, dated November 21, 1979, concerning overtime parking revenue. It was MOVED by Burgess, SECONDED by Ewald, that overtime parking fines be increased to \$5. Ewald suggested a sign in every block stating the amount of fine, and urged enforcement on a full-time basis; also suggested looking at increasing parking lot fees. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Ewald. NOES: Manuel. Staff was asked to recommend an equitable increase in the parking lot fees.

RESOLUTION NUMBER 59-1979 - SUPPORT OF McLOUGHLIN IMPROVEMENT

It was MOVED by Burgess, SECONDED by Nickel, to read Resolution Number 59-1979 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, INDICATING SUPPORT OF McLOUGHLIN BOULEVARD IMPROVEMENT PROJECT) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 59-1979. MOTION CARRIED unanimously.

MEMO RE SECOND DECEMBER MEETING CANCELLATION

Manager has written memo, dated November 29, concerning cancellation of December meeting. It was MOVED by Burgess, SECONDED by Nickel, to authorize the Manager to allow progress payments

during the interim period between December 3 and the first January meeting. MOTION CARRIED unanimously. Ewald suggested progress payments be listed on the bills rather than as agenda items.

#### OTHER BUSINESS

1. It was MOVED by Burgess, SECONDED by Nickel, to authorize the Manager to sign extension of contract with Rodney Maddox through January 1980, to represent the city in Municipal Court. MOTION CARRIED unanimously.

Nickel asked for an analysis of revenues and costs of asking the county to assume responsibility for Municipal Court. Burgess asked for an opinion from the Municipal Judge. Nickel asked that the issue be sent to Neighborhood Councils for their input.

2. There will be a Neighborhood Council Steering Committee meeting at City Hall on December 13 at 7:30 p.m.

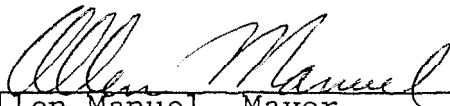
3. There will be a work session on the feasibility of transferring municipal court to the county.

3. Public Works Director appeared before Highway Commission last Thursday and presented the 17th Street project; also spoke in favor of improvements to McLoughlin.

4. Council requests Parks and Recreation Commission draft rules and regulations concerning behavior in city parks.

5. There was discussion of transportation to the Community Center and the statement in the November 9 minutes of Senior Citizen Advisory Council that if a bus is made available from federal funds, the city would have to budget for operating expenses.

The meeting adjourned at 10:58 p.m.

  
Allen Manuel, Mayor

ATTEST:

  
Dorothy E. Farrell, Secretary

MILWAUKIE  
CITY COUNCIL AGENDA  
December 3, 1979  
7 p.m.

COUNCIL CHAMBERS

1350th Meeting

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

1. CALL TO ORDER
2. INVOCATION - Scott Mitchell, Minister of Linwood Church of Christ
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Approval of minutes - November 14 and 27 special meetings, November 19 regular meeting
  - b) Payment of Bills
  - c) Order - Beaverton v. State Housing Council et al
  - d) Memo from Portland State re Population Estimate
  - e) Letter from City of Beaverton re Cable TV
  - f) Bill for kitchen equipment for Community Center
  - g) Edison Street L.I.D. - progress payment
5. AUDIENCE PARTICIPATION
  - a) Presentation of Audit Report
6. NEIGHBORHOOD COUNCIL REPORTS
7. CORRESPONDENCE
  - a) Letter of appreciation from Omark re Fire Department
8. OLD BUSINESS
  - a) Resolution No. \_\_\_\_\_ - Local Support of Metro Johnson Creek L.I.D.
  - b) Ordinance No. \_\_\_\_\_ - Subdivision Ordinance (2nd reading)  
(see 11/19/79 agenda)
  - c) Ordinance No. \_\_\_\_\_ - Sign Ordinance (2nd reading)  
(see 11/19/79 agenda)
  - d) Lease Purchase Agreement - Milwaukie Automotive
  - e) Public Works Report on abatement procedures
  - f) Appointment to Planning Commission vacancy
9. CONSIDERATION
  - a) Resolution No. \_\_\_\_\_ - Authorizing signatures
  - b) Memo from Police Chief re parking fines
  - c) Resolution No. \_\_\_\_\_ - Support of McLoughlin Improvement Project
  - d) Memo re second December meeting cancellation
11. COUNCIL REPORTS
12. OTHER BUSINESS
13. ADJOURNMENT