

CITY COUNCIL MEETING
January 16, 1978
7 p.m.

COUNCIL CHAMBERS

1305th Meeting

The one thousand three hundred fifth meeting of the Council of the City of Milwaukie, Oregon, was held on the 16th day of January, 1978, with the following councilpersons present:

Allen Manuel	Jerry N. Hutchison
Charles E. Swan	Mayor Bill E. Hupp
Joy Burgess	

Also present:

Harold L. Schilling, City Mgr.	Myer Avedovech, City Att'y
Donald Oblander, Finance Direct.	Dorothy E. Farrell, Sec'y
Cyrus Nims, Planning Director	

The invocation was given by the Reverend Alfred Enns, Wichita Evangelical Church of North America, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - December 19, 1977 Council meeting
- b) Letter from T. Havlicek re street sign
- c) Letter from Parks and Recr. Branch re Special Projects Fund
- d) Memo re ambulance service
- e) Letter from State Library re grant proposals
- f) Letter from EDA re grant funds
- g) Letter re Kellogg Lake property
- h) Letter from Ethics Commission
- i) Final payment - 17th and Milport bikeway
- j) Phase III - well schedule
- k) Letter from AuCoin re Danforth amendment
- l) Status report - Traffic Safety project
- m) Application for committee appointment
- n) Memo re PERS costs
- o) Letter from EDA re project commencement
- p) Letter from HEW re rule-making process

Hutchison asked that item n be removed for discussion, and Burgess asked for items e and p.

b) Ted Havlicek has written letter, dated November 14, 1977, concerning street sign at Cambridge Lane.

c) Parks and Recreation Branch, Department of Transportation, has sent letter, dated November 10, 1977, giving tabulation of funding from Fall Special Projects Fund Contingency Fund.

d) Fire Chief has written memo, dated December 28, 1977, concerning ambulance service.

e) Oregon State Library has written letter, dated November 30, 1977, concerning disapproval of three grant proposals from city. Mrs. Burgess asked questions concerning the grant proposals.

f) Economic Development Administration, U.S. Department of Commerce, has written letter, dated December 21, 1977, concerning grant funds.

g) Council has received copy of letter from Manager to Walter Nutting, dated October 27, 1977, concerning Nutting's property in the Milwaukie Heights area.

- h) Oregon Government Ethics Commission has sent letter, dated January 6, 1978, concerning Annual Statements of Economic Interest.
- i) Public Works Director and Manager recommend approval of payment of retainage in the amount of \$1499.79 to Cascade Construction Company, Inc. for 17th Avenue/Milport bikeway construction.
- j) Public Works Director has written memo, dated December 28, on well schedule, phase III.
- k) Manager has received letter from Les AuCoin, dated December 23, concerning Danforth amendment to Social Security financing bill.
- l) Leonard D. Schoolcraft, Transportation Planning and Management, Inc., has sent project status report on Roadway and Traffic Safety Management Plan, dated December 31.
- m) Kenneth J. Levstone has filed application for appointment to Budget Committee.
- n) Finance Director has written memo, dated December 21, concerning increasing costs of Public Employee Retirement System. Hutchison asked that the information be sent to legislators and the Governor, and Burgess requested a similar letter to the League of Oregon Cities.
- o) Economic Development Administration, U.S. Department of Commerce, has sent letter, dated January 5, 1978, concerning EDA Project Number 07-51-23551.
- p) Department of Health, Education and Welfare has written letter, received January 12, 1978, concerning regulations on sterilizations.
- It was MOVED by Hutchison, SECONDED by Burgess, to approve the Consent Calendar. MOTION CARRIED unanimously.

FESTIVAL DAZE COMMITTEE PRESENTATION RE CARNIVAL PLACEMENT

Festival Daze Board of Directors has written letters, dated January 6 and 12, requesting use of public right-of-way to be used during Festival Daze in 1978. Tom Hopkins, President of Festival Association, stated the group had been denied use of the Junior High grounds. Festival Board has sent letter to Milwaukie merchants concerning their request to City Council, and has signatures of every owner in the areas affected showing they did receive the letter. The letter stated the Board has requested to appear at the next City Council meeting to request use of the city streets.

It was MOVED by Burgess, SECONDED by Hupp, that the City Council schedule a public meeting January 23 to hear testimony from the downtown business community as to whether or not they would approve Festival Daze obtaining partial closure of streets for the carnival. It was MOVED by Hutchison, SECONDED by Hupp, to table consideration pending completion of report from 75th Anniversary Committee. MOTION CARRIED unanimously.

REPORT FROM 75TH ANNIVERSARY COMMITTEE

Seventy-fifth Anniversary Committee has sent report, dated January 11, with recommendations. It was MOVED by Swan Council tell Festival Daze they cannot have the Carnival on the street, and that Council ignore the 75th Anniversary. MOTION FAILED for lack of a second.

It was MOVED by Swan, SECONDED by Hutchison, to appoint Mrs. Burgess Chairperson of the 75th Anniversary Committee, and that by the next meeting a report be presented with a rough idea of what the celebration will cost, and Council will act on it at that time. MOTION CARRIED unanimously.

FESTIVAL DAZE COMMITTEE PRESENTATION RE CARNIVAL PLACEMENT

It was MOVED by Burgess, SECONDED by Hutchison, that the original motion be removed from the table. MOTION CARRIED unanimously. On the original motion (to hold a special meeting January 23) MOTION FAILED to pass with the following roll-call vote: NOES: Hutchison, Manuel, Hupp and ~~Manuel~~. ^{Swan (over)} AYES: ^{2-6-78 minutes} Burgess. It was MOVED by Manuel, SECONDED by Swan, that Council authorize use of the downtown streets for carnival during Festival Daze, as allowed in 1977. MOTION CARRIED unanimously.

(Meeting recessed at 8:10 p.m., reconvened at 8:20 p.m. with all present.)

75TH ANNIVERSARY PROCLAMATION

Mayor read proclamation recognizing the 75th anniversary of the city's incorporation on February 4, 1903.

CORRESPONDENCE

1. Housing Authority of Clackamas County has sent letter, dated January 5, 1978, asking for Council consideration of lower sewer rates for low income tenants. Staff will investigate and bring back a report and recommendation.
2. Joe Bernard, in letter dated January 9, has resigned from the Traffic Safety Commission. It was MOVED by Hutchison, SECONDED by Swan, to accept the resignation and send a thank-you letter. MOTION CARRIED unanimously.
3. Parks and Recreation Branch of State Department of Transportation, in letter dated January 6, has sent notice of January 20 meeting of the Governor's Willamette River Greenway Committee.
4. Vida Goltry, in letter dated January 10, has resigned from alternate position on Senior Citizen Advisory Commission. It was MOVED by Burgess, SECONDED by Hutchison, to accept the resignation and send a thank-you letter. MOTION CARRIED unanimously.

MEMO ON INTERAGENCY AGREEMENT

City Attorney has sent memo, dated January 10, concerning proposed interagency agreement between Clackamas County and Lake Oswego for planning.

TRAFFIC SAFETY MANAGEMENT PROJECTS

Public Works Director has sent memo, dated January 10, concerning TSM projects and funding.

HANNA INDUSTRIES APPEAL

(Meeting recessed at 8:35 p.m., reconvened at 8:50 p.m. with all present.)

Planning Director has sent memo, dated January 16, concerning meetings with Hanna Company representatives following a review of Design Review Board requirements for plans for remodeling of

car wash building at 3036 Harrison (DR-77-20).

It was MOVED by Manuel, SECONDED by Burgess, to reverse the decision of the Design Review Board to deny the project, and modify the conditions the Board placed on Hanna Industries for resubmission of the project as follows:

1. The planting boundary on the south side shall be finished within 60 days of the completion of the TSM project if the TSM project has any bearing on the property in question, or if it does not have any bearing, or the TSM project is not implemented, then the area will be landscaped within one year of the approval by the Design Review Board.
2. The requirement by the Design Review Board that all areas on the site not required for vehicle parking or maneuvering should be landscaped, is deleted.
3. Any part of the plan affected by the TSM project may, at the discretion of the Public Works Director, be delayed until the two plans can be coordinated.

MOTION CARRIED unanimously.

CONSULTING FIRMS FOR COMMUNITY CENTER

Two firms have submitted proposals for a study of Community Center location, population to be served, travel contours, etc. Manager feels additional proposals should be solicited. It was MOVED by Hupp, SECONDED by Hutchison, staff be empowered to select the consultant and enter into a contract. MOTION CARRIED unanimously.

ACCEPTANCE OF ECONOMIC DEVELOPMENT REPORT

It was MOVED by Manuel, SECONDED by Burgess, that Council formally accept the Lord and Leblanc report and designate it as a working paper with the intention of incorporating its elements, with modification as necessary, into the comprehensive plan. MOTION CARRIED unanimously.

ORDINANCE ON RECORDS RETENTION

This ordinance will be ready for the next Council meeting.

ORDINANCE NUMBER 1383 - ZONING OF ANNEXED AREA

It was MOVED by Hutchison, SECONDED by Swan, to read Ordinance Number 1383 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY MR-1 ZONE TO CITY OF MILWAUKIE A-2 ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to read Ordinance 1383 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to adopt Ordinance 1383. Ordinance 1383 was put on its passage with the following roll-call vote: AYES: Hutchison, Swan, Hupp, Burgess and Manuel. NOES: None. Ordinance No. 1383 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1384 - AMENDED PARKING ORDINANCE

It was MOVED by Hupp, SECONDED by Hutchison, to read Ordinance Number 1384 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1361 BY ADDING A NEW SECTION AND DELETING A SECTION REGARDING PARKING) the first time by title only.

It was MOVED by Hutchison, SECONDED by Burgess, to remove the

emergency clause from the proposed ordinance. MOTION CARRIED unanimously.

On the original motion to read the first time, MOTION CARRIED unanimously.

It was MOVED by Hutchison, SECONDED by Swan, to read the Ordinance the second time by title only. MOTION CARRIED unanimously.

It was MOVED by Hutchison, SECONDED by Hupp, to adopt Ordinance 1384. Ordinance 1384 was put on its passage with the following roll-call vote: AYES: Hutchison, Swan, Hupp, Burgess and Manuel. NOES: None. Ordinance 1384 passed the Council and was so declared by the Mayor.

ORDINANCE AMENDING TRAFFIC ORDINANCE

It was MOVED by Hutchison, SECONDED by Burgess, to read (AN ORDINANCE AMENDING ORDINANCE NUMBER 1360 FOR TRAFFIC CONTROL) the first time by title only. After discussion of the provision deleting the prohibition against riding a bicycle upon sidewalks in the downtown area, the MOTION FAILED to pass by unanimous vote. The ordinance will be redrafted and presented at the next meeting.

OTHER BUSINESS

1. It was MOVED by Hutchison, SECONDED by Manuel, to refer the petition for annexation of property at 55th and Rainbow Lane to the Planning Commission for review. MOTION CARRIED unanimously.
2. Secretary of Library Board reports that the Board has received and accepted the resignation of Timothy Deggendorfer. It was MOVED by Swan, SECONDED by Hutchison, to appoint Arlie Brown to the Library Board to replace Deggendorfer. MOTION CARRIED with the following roll-call vote: AYES: Hutchison, Swan, Burgess and Hupp. NOES: Manuel.
3. Council approved Manager going to Salem February 6 and 7 to participate in an ICMA innovations project.

PAYMENT OF BILLS

It was MOVED by Swan, SECONDED by Hupp, that the bills listed for January 16, 1978 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned at 10:40 p.m.

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
January 16, 1978
7 p.m.

COUNCIL CHAMBERS1305th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Alfred Enns, Wichita Evangelical Church of North America
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - December 19, 1977 Council meeting
 - b) Letter from T. Havlicek re street sign
 - c) Letter from Parks and Recr. Branch re Special Projects Fund
 - d) Memo re ambulance service
 - e) Letter from State Library re grant proposals
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 - o) Letter from EDA re project commencement
 - p) Letter from HEW re rule-making process
5. AUDIENCE PARTICIPATION
 - a) Festival Daze Committee re carnival placement
 - b) Report from 75th Anniversary Committee
6. NEIGHBORHOOD COUNCIL REPORTS
7. CORRESPONDENCE
 - a) Letter from Housing Authority re low income sewer rates
 - b) Resignation from Traffic Safety Commission
 - c) Letter re Greenway meeting
 - d) Resignation from Senior Citizen Council
8. OLD BUSINESS
 - a) Memo re interagency agreement
 - b) Traffic Safety Management Projects
 - c) Hanna appeal of Design Review Board decision
 - d) Consulting firms for community center
9. CONSIDERATION
 - a) Acceptance of Economic Development report
 - b) Ordinance No. _____ - Records retention
 - c) A-77-4 - zoning of annexed area (Allen property)
 - d) Ordinance No. _____ - Amending Parking Ordinance
 - e) Ordinance NO. _____ - Amending Traffic Ordinance
10. OTHER BUSINESS
11. PAYMENT OF BILLS
12. ADJOURNMENT