

CITY COUNCIL MEETING
March 20, 1978
7 p.m.

COUNCIL CHAMBERS1309th Meeting

The one thousand three hundred ninth meeting of the Council of the City of Milwaukie, Oregon, was held on the 20th day of March, 1978, with the following councilpersons present:

Jerry N. Hutchison	Allen Manuel
Joy Burgess	Mayor Bill Hupp

Absent: Charles E. Swan (excused)

Also present:

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

The invocation was given by the Reverend Malcolm L. Hazel, Jr., Concord Christian Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - March 6, 1978 meeting
- b) Liquor license renewal
 - 1 - Fernwood Inn
 - 2 - Plaid Pantry Market
 - 3 - Thriftway
- c) Liquor license refusal by OLCC
- d) Report on Block Walk
- e) Reader's Digest article on Scottsdale
- f) Coalition of Social Services meeting notice and minutes
- g) Applications for appointment to citizen advisory groups
- h) Area Agency on Aging funding application
- i) Community Needs Survey summary
- j) Progress payment #2 - Stanley Avenue storm sewer

It was MOVED by Hutchison, SECONDED by Hupp, to amend the original agenda to add Craigmark, Inc., dba Milwaukie Thriftway, to the list of liquor license renewals listed on the agenda Consent Calendar. MOTION CARRIED unanimously by those present.

It was MOVED by Burgess, SECONDED by Hutchison, to accept the Consent Calendar. MOTION CARRIED unanimously by those present.

- b) Police Department finds no reason to deny issuance of liquor license renewal to Fernwood Inn, 2122 SE Sparrow Street; Plaid Pantry Market #79, 9410 SE 32nd Avenue; and Milwaukie Thriftway, 11222 SE Main Street.
- c) Oregon Liquor Control Commission has sent copy of letter dated March 3, 1978, to John R. McSperitt and Margaret D. Poirier, 4794 SE Concord Road, Milwaukie 97222, concerning license refusal for Dispenser Class A liquor license for Puffing Billy's (Mac's Pit and Ski Room), 1916 SE Washington Street.
- d) Neighborhood Council Coordinator has sent report on last summer's Block Walk.
- e) Council has received copy of article from February 1978 Reader's Digest, titled "Scottsdale Slashes Spending."
- f) Coalition of Social Services has sent meeting notice of March 22 meeting, and minutes of February 22 meeting.
- g) Applications have been received for appointment to Planning Commission from Fred R. Leitz, and for appointment to Senior Citizen Advisory Council from Gail Bassett, Cathryn Boyles, Ross Fulmore and Yvonne Recker.

- h) Area Agency on Aging has sent letter stating they have some funding resources, and soliciting requests and grant applications.
- i) A profile of the typical survey respondent to the Community Needs Survey conducted in October has been compiled, as well as a profile of the typical household. Council has also received a list of survey data on matters pending/raised by City Council.
- j) Public Works Director and Manager recommend payment of progress payment estimate No.2 on Stanley Avenue storm sewer, in the amount of \$3366.80, to Nailbenders and Excavators of Oregon.

AUDIENCE PARTICIPATION

1. Nova Young, Chairman of Senior Citizen Advisory Council, has sent memo, dated March 17, concerning proposed multi-purpose center use, and memo, dated March 17, requesting reappointment of Art Johnson to the Council.

It was Council consensus that the requests for multi-purpose center use be included in the plans for the center, and that the Senior Citizen Advisory Council have recommendations for appointments at the next meeting.

It was MOVED by Hupp, SECONDED by Hutchison, to reappoint Art Johnson to the Senior Citizen Advisory Council. MOTION CARRIED by those present.

2. Marlene Brandt, 9903 SE 49th, spoke to Council about a drainage problem occasioned by construction adjacent to her property, which she had brought up at a previous Council meeting. Mrs. Brandt is not satisfied with the city's followup on her complaints. Staff was asked to investigate and report on the situation.

NEIGHBORHOOD COUNCIL REPORTS

1. Neighborhood Council Coordinator has written memo, dated March 3, concerning Neighborhood Council 2 board changes.

2. Neighborhood Council 1 has sent memo, dated March 10, on the proposed building moratorium.

It was MOVED by Burgess, SECONDED by Hupp, to accept the resignation of Nancy Thomas as alternate on Neighborhood Council 2 board, and that a letter and certificate be sent. MOTION CARRIED unanimously by those present.

CORRESPONDENCE

Letter from Clackamas County Clerk, dated March 9, 1978, returns check for \$225 from city to Clackamas County Clerk, dated February 14, 1967, which was sent as an appeal bond for "Tenbush."

MEMO RE RESERVE OFFICER UNIFORMS

Manager has written memo dated March 15, concerning questions raised by Council on the reserve officer uniforms question. It was MOVED by Hupp, SECONDED by Burgess, that the \$2250 shortfall in monies necessary to initiate the program of furnishing uniforms for police reserves be taken from the Uniforms account in the Police Department budget. MOTION CARRIED unanimously by those present.

RESOLUTION ON CHARTER CHANGE RE CIVIL SERVICE SECTION

Council had requested a resolution be prepared placing on the May

primary ballot a measure removing the present Civil Service chapter from the City Charter, and substituting a new chapter which states that a Civil Service system shall be maintained, and that the rules and procedures of such system shall be set forth in ordinance form. Hutchison suggested the first step would be to draft what is intended to replace the Charter section, and that documents be obtained from other areas within and without the state to use as a basis. It was MOVED by Hutchison, SECONDED by Hupp, to instruct staff to gather available documentation relative to drafting an employee system which will be better designed to meet the current needs of the city. There was discussion of appointing a committee to work on a draft. MOTION CARRIED unanimously by those present.

Written comments on the proposed charter change were received from John R. Toll; J. S. Backenstos, Vice President, Clackamas County Labor Council; Fire Department Bargaining Unit; and Officers and Members of City of Milwaukie Employees Association. It was Council consensus to decide on makeup and duties of a committee at the next meeting.

ORDINANCE NUMBER 1389 - ZC-78-1 (SECOND READING)

It was MOVED by Hutchison, SECONDED by Burgess, to read Ordinance Number 1389 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY R-10 ZONE TO CITY OF MILWAUKIE R-7 ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the second time by title only. MOTION CARRIED unanimously by those present. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1389. Ordinance 1389 was put on its passage with the following roll-call vote: AYES: Hutchison, Burgess, Manuel and Hupp. ABSENT: Swan. Ordinance 1389 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1390 - ZC-78-2 (SECOND READING)

It was MOVED by Burgess, SECONDED by Hutchison, to read Ordinance Number 1390 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY R-7 ZONE TO CITY OF MILWAUKIE R-7 ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the second time by title only. MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Ordinance 1390. Ordinance 1390 was put on its passage with the following roll-call vote: AYES: Hutchison, Burgess, Manuel and Hupp. ABSENT: Swan. Ordinance 1390 passed the Council and was so declared by the Mayor.

RATIFY URBAN COUNTY FUNDING

At the last Council meeting, Council put off action on ratifying letter sent by Manager to Clackamas County Commissioners on urban county HUD grant program. It was MOVED by Hutchison, SECONDED by Manuel, to ratify the Manager's action, after consulting with each Councilmember, in writing letter dated March 2 to Clackamas County Commissioners regarding Milwaukie's participation in the Urban County HUD grant program. MOTION CARRIED unanimously by those present.

MEMO RELATIVE TO MORATORIUM

Council requested a recommendation from the Planning Commission on the adoption of a moratorium on development in Milwaukie during preparation of a revised Comprehensive Plan. Planning Director has written memo, dated March 15, on the Planning Commission recommendation. Planning Commission had requested a joint Council-Planning Commission hearing.

It was MOVED by Manuel, SECONDED by Hupp, to direct the Planning Commission to proceed with its investigation of a moratorium limited to those classes of activities and developments where an obvious and irreversible conflict with the draft Comprehensive Plan exists. MOTION CARRIED with the following roll-call vote: AYES: Hutchison, Manuel and Hupp. ABSTAIN: Burgess. ABSENT: Swan.

LEGAL OPINION RE RIPARIAN RIGHTS

City Attorney has written legal opinions, dated March 13 and 16, concerning riparian rights. Council had requested this opinion after receipt of a letter from Division of State Lands, dated February 27, stating Publishers Paper Co. claims preference right to the leasehold area in lease from state approved by Council at their February 27 meeting. Staff was asked to propose a course of action that would bring the matter to a conclusion.

REQUEST FOR PLACEMENT OF RUMMAGE SALE SIGNS IN PUBLIC RIGHT-OF-WAY

Pony Pipers Parents' Club is requesting approval for placement of rummage sale signs off the street in public right-of-way. It was MOVED by Manuel, SECONDED by Hutchison, to authorize placement of the signs. MOTION CARRIED unanimously by those present.

APPLICATION FOR OPEN SPACE ASSESSMENT

William D. Mayes, 5431 SE Willow, has applied to the Clackamas County Assessor to have two-acre property north of Seth Llewelling School between Willow Drive and the south end of Winsor Drive, come under Special Assessment procedures as Open Space Land. This requires the city to approve or deny the application in writing to the County Assessor by April 1. It was MOVED by Hutchison, SECONDED by Hupp, to approve the application. MOTION CARRIED unanimously by those present.

RESOLUTION NUMBER 6-1978 - LIBRARY FINES

It was MOVED by Hupp, SECONDED by Manuel, to read Resolution Number 6-1978 (A RESOLUTION ESTABLISHING FINES AND PENALTIES FOR OVERDUE LIBRARY MATERIALS, AND THE WAIVING OF SAID FINES AND PENALTIES) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Hupp, SECONDED by Hutchison, to adopt Resolution 6-1978. MOTION CARRIED unanimously by those present.

APPROVAL FOR SIGNATURE OF GRANT APPLICATION FOR AAA FUNDS

It was MOVED by Hutchison, SECONDED by Hupp, to authorize the City Manager to sign grant application to Clackamas County Area Agency on Aging for \$4000 for Needs Assessment and Outreach Survey. MOTION CARRIED unanimously by those present.

COUNCIL REPORTS

1. Mrs. Burgess reported on progress of Clackamas County Growth Management Task Force.
2. Manuel mentioned Clackamas County is working on their budget.
3. Mrs. Burgess has been appointed to the Citizen Policy Advisory Library Board for the county.

OTHER BUSINESS

1. Council has received letter from Hector Campbell PTA, supporting the concept of a community center.
2. City Council, Planning Commission, Comprehensive Planning Steering Committee and Traffic Safety Commission will hold a work session at 7 p.m. March 29, 1978, at the Episcopal Church at 21st and Jefferson, at which time the consultant conducting the city's Traffic Safety Study will present his report and findings.
3. Public Works Director and City Manager recommend awarding bid for street paint striper to Norris Paint for \$9995. It was MOVED by Hupp, SECONDED by Burgess, to accept the low bid of Norris Paint for \$9995. MOTION CARRIED unanimously by those present.
4. Manager reported on progress of railroad crossing signals at 21st and Adams.
5. City's traffic engineering consultant requests a work session with City Council to make a formal presentation of the report after April 20. A decision will be made at the next meeting.
6. CRAG has asked to make a presentation to City Council on the Regional Wastewater Treatment Proposal.
7. Manager reported on progress of Measure fountain.

PAYMENT OF BILLS

It was MOVED by Hupp, SECONDED by Hutchison, that the bills listed for March 20, 1978 payment be approved for payment. MOTION CARRIED unanimously by those present.

The meeting adjourned at 10:30 p.m.

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
March 20, 1978
7 p.m.

COUNCIL CHAMBERS

1309th Meeting

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - March 6, 1978 meeting
 - b) Liquor license renewal
 - 1 - Fernwood Inn
 - 2 - Plaid Pantry Market
 - c) Liquor license refusal by OLCC
 - d) Report on Block Walk
 - e) Reader's Digest article on Scottsdale
 - f) Coalition of Social Services meeting notice & minutes
 - g) Applications for appointment to citizen advisory groups
 - h) Area Agency on Aging funding application
 - i) Community Needs Survey summary
 - j) Progress payment #2 - Stanley Ave. storm sewer
5. AUDIENCE PARTICIPATION
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Neighborhood Council 2 Board changes
 - b) Memo from Neighborhood Council 1 re moratorium
7. CORRESPONDENCE
 - a) Letter from Clackamas County Clerk re Check #3409
8. OLD BUSINESS
 - a) Memo re Reserve Officer uniforms
 - b) Resolution No. _____ - Charter change (Civil Service)
 - c) Ordinance No. _____ - ZC - 78-1 (2nd reading)
 - d) Ordinance No. _____ - ZC - 78-2 (2nd reading)
 - e) Ratify Urban County funding
 - f) Memo re moratorium
 - g) Legal opinion re riparian rights
9. CONSIDERATION
 - a) Approval of Pony Piper Parents' Club rummage sale signs
 - b) Application for open space assessment
 - c) Resolution No. _____ - Library Fines
 - d) Approval for signature of grant application - AAA funds
10. COUNCIL REPORTS
11. OTHER BUSINESS
12. PAYMENT OF BILLS
13. ADJOURNMENT

BILLS PAYABLE ON MARCH 20

VENDOR	TOTAL	DEPT.	AMOUNT
1. AKAI American	107.92	1-5	107.92
2. Act 1 Uniform Service	34.34	1-3	8.99
		1-4	11.50
		1-5	2.65
		1-6	11.20
3. Allen's Press Clipping Bureau	17.50	1-2	17.50
4. Molton Andrus	75.00	1-9	75.00
5. Arvey Paper	111.84	1-5	37.36
		1-13	74.48
6. Audio Visual Supply Co.	819.95	1-5	819.95
7. Badger Meter, Inc.	1804.08	30-	1804.08
8. Berenson Hardware Co.	137.70	1-5	137.70
J. M. Bernard's Garage	1162.26	1-5	1115.75
		1-10	46.51
10. Blake, Moffitt & Towne	9.60	1-6	9.60
11. Boise Cascade Corporation	222.56	1-3	14.11
		1-4	31.08
		1-2	.75
		1-10	4.29
		1-13	166.26
		1-14	6.07
12. Bound To Stay Bound Books, Inc.	66.95	1-6	66.95
13. Victor Boulanger	40.00	1-4	40.00
14. Jerry Brock	60.00	1-9	60.00
15. Glenn Burki	5.90	1-5	5.90
16. Carbon Dioxide, Inc.	93.00	1-4	93.00
17. Career Development Center	70.00	1-5	70.00
18. Cascade Aluminum Products Co.	3908.00	13-	3908.00
19. Corinna Cioeta	75.00	1-9	75.00
20. Clackamas County Bar Assn.	15.00	1-12	15.00
21. Clackamas Water District	26.00	1-7	26.00
22. Dames & More	2000.00	1-1	2000.00
23. NUMBER VOIDED			
24. Discount Office Supply	172.80	1-2	172.80
25. Gayle G. Easterday	4.50	1-5	4.50
26. Ruth L. Fagan	192.00	13-	192.00
27. Far West Federal Savings	126.25	13-	126.00
28. Dorothy E. Farrell	3.45	1-14	3.45
29. Fire Engineering/Book Dept.	20.00	1-4	20.00
30. Tom Foeller	90.00	1-9	90.00
31. Fraser Paper Co.	82.50	1-13	82.50
32. Grant Fulmore	15.77	1-4	15.77
33. Genral Spray Service	589.75	1-7	589.75
34. Al Guenther Music on Records	4.48	1-6	4.48
35. Handymore	10.68	1-3	10.68
36. Jim Hensely	90.00	1-9	90.00
37. Higgins Signs	28.00	1-5	28.00
38. Immer & Oswarld	2500.00	1-1	2500.00
39. The Institute for Research	10.09	1-6	10.09
40. International Assn. Chiefs of Police	35.00	1-5	35.00
41. IBM	153.00	1-1	153.00
42. International City Management Assn.	227.00	1-16	20.00
		1-2	207.00
43. Johnson's Paint	537.00	1-3	237.00
		1-12	300.00

BILLS PAYABLE ON MARCH 20, Continued

1-0	GENERAL GOVERNMENT	556.30
1-1	GENERAL GOVERNMENT	5157.19
1-2	ADMINISTRATION	503.80
1-3	CITY HALL	303.28
1-4	FIRE DEPT.	1901.27
1-5	POLICE DEPT.	4972.91
1-6	LIBRARY	563.45
1-7	PARKS & RECREATION	780.60
1-8	MUNICIPAL COURT	74.00
1-9	PLANNING DEPT.	395.00
1-10	PUBLIC WORKS DEPT.	75.80
1-12	LEGAL DEPT.	495.00
1-13	FINANCE DEPT.	2080.04
1-14	CIVIL SERVICE	379.52
1-15	NEIGHBORHOOD COUNCILS	91.14
1-16	CITY COUNCIL	20.00
4-	STATE TAX STREET FUND	4115.38
6-	STREET IMPROVEMENT FUND	977.68
11-	FISCAL ASSISTANCE FUND	3426.06
12-	REVENUE SHARING FUND	275.00
13-	COMMUNITY DEVELOPMENT GRANT FUND	20432.42
20-	SEWER FUND	56.41
30-	WATER FUND	2123.37