

CITY COUNCIL MEETING
September 11, 1978
7 p.m.

COUNCIL CHAMBERS

1320th Meeting

The one thousand three hundred twentieth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 11th day of September, 1978, with the following councilpersons present:

Jerry Hutchison
Joy Burgess
Allen Manuel

Mayor Bill Hupp
Charles Swan (entered meeting at 9:50 p.m.)

Also present:

Harold L. Schilling, City Mgr. Myer Avedovech, City Att'y
Steven Hall, Public Works Direct. Dorothy E. Farrell, Sec'y

The invocation was given by the Reverend George Hayes, World Gospel Mission, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - August 21, 1978 Council meeting
- b) Memo re Letter to Editor
- c) Letter re Festival Daze Carnival
- d) Memo re potential annexation
- e) Memo re Kiwanis donation of trash receptacles
- f) Letter from Dept. of Human Resources
- g) Memo re Mac's Pit expansion
- h) Letter from County Commissioner re Senior Center
- i) Letter from EPA re industrial cost recovery procedures

It was MOVED by Hutchison, SECONDED by Burgess, to accept the Consent Calendar. Burgess requested items b, c and f be removed for discussion.

- b) Councilwoman Burgess has written memo to City Council, dated August 23, concerning letter to Editor from Ronald D. Kinsella, published August 23 in Milwaukie Review. Mrs. Burgess discussed contents of letter, having to do with proposed property tax reduction bill.
- c) George Fossati, Main Street Cleaners, has written letter to Festival Daze Board of Directors dated August 23. Councilwoman Burgess discussed the letter, having to do with Festival Carnival.
- d) Public Works Director has written memo, dated August 29, concerning potential annexation in Johnson Creek Boulevard area.
- e) Council has received copies of letter to Kiwanis representative, dated September 1, concerning club's desire to replace and add trash receptacles in the downtown area.
- f) Council has received copy of letter from County Department of Human Resources, dated August 30, addressed to Sara Hite, Human Services Coordinator, concerning "Senior Needs Assessment and Outreach Survey." Mrs. Burgess discussed the letter.
- g) Planning Commission has written memo, dated August 22, concerning Mac's Pit expansion and modification.
- h) Council has received copy of letter from County Commissioners, dated August 24, addressed to Housing and Community Development Director, concerning maintenance and operation of senior centers.

i) US Environmental Protection Agency has written letter, dated September 6, to city Public Works Director, concerning Industrial Cost Recovery Procedures.

MOTION CARRIED unanimously by those present.

AUDIENCE PARTICIPATION

1. Mayor presented Land Surveyor-in-Training certificate to Paul Roeger, Civil Engineering Assistant in Public Works Department.

2. Mayor presented appreciation certificate to Vi Calhoun, who is retiring as Library Assistant.

NEIGHBORHOOD COUNCIL REPORTS

1. It was MOVED by Hutchison, SECONDED by Burgess, to accept the resignation of the Reverend Roland Boyce from Neighborhood Council No. 5 Executive Board, appoint Mary Monetti, presently an alternate to the Board vacancy, and appoint William E. McConnel to the alternate vacancy. After discussion of the number of vacancies, the McConnel appointment was deleted from the motion. MOTION CARRIED unanimously, as reworded, by those present. After clarification of the number of vacancies, it was MOVED by Hutchison, SECONDED by Hupp, to appoint William E. McConnel and Tim Holder as alternates on the Neighborhood Council 5 Board. MOTION CARRIED unanimously by those present. Burgess suggested Council accept Chuck Rea's resignation from NC 5 Board, and there was no dissent.

PUBLIC HEARING - 41ST AVENUE STREET IMPROVEMENT L.I.D.

Notice has been given, as required, to all property owners affected by proposed 41st Avenue street improvement Local Improvement District, that remonstrances or objections to this improvement may be made in writing and filed on or before September 4, 1978.

Public hearing was declared open at 7:15 p.m. Staff report was given by Public Works Director. No remonstrances have been received.

Speaking in favor of the L.I.D.:

W. L. Mehrer (no address given)

Speaking against the L.I.D.:

Elwood Price, 4047 SE Howe Street

Mr. Price's objection to street improvement was he felt he would not benefit, since he only has approximately 10 feet of property which fronts on 41st. Mr. Mehrer said he had authority for the rest of the property owners to volunteer to absorb the cost assessed to Mr. Price. Public hearing was declared closed at 7:49 p.m.

It was MOVED by Burgess, SECONDED by Hutchison, to direct staff to prepare an ordinance for consideration at the next regular meeting, on the proposed L.I.D. on SE 41st Avenue. MOTION CARRIED unanimously by those present.

PUBLIC HEARING - 55TH AVENUE STORM SEWER L.I.D.

Notice has been given, as required, to all property owners affected by proposed 55th Avenue storm sewer Local Improvement District, that remonstrances or objections to this improvement may be made in writing and filed on or before September 4, 1978. Public hearing

was declared open at 7:45 p.m. Residents of 55th Avenue have signed a petition contesting the creation of the L.I.D., alleging that promoters of the L.I.D., who are also developers of proposed Shady Hollow Subdivision, misrepresented the original petition requesting the L.I.D. Those property owners allege they were told there would be no cost to them for the L.I.D., whereas there would be a cost to them in the L.I.D. as presently constituted. In addition to the remonstrance petition, signed by 26 persons, a letter of remonstrance has been received from Leonard B. and Christina K. Noakes, 9345 SE 55th Avenue.

Speaking against the L.I.D.:

Glen Hodges, 9420 SE 55th

Donald L. Ashton, 9700 SE 55th

Public hearing was declared closed at 8:05 p.m.

Public Works Director stated this is a major trunk drainage line, serving a large area. The most reasonable way to pro rate the cost would be to pro rate it over the drainage area, which is larger than the L.I.D. area. The reason that cannot be done is that there is no specific benefit to the people in the large area at this time, and will not be until lines are extended into those areas.

Public Works Director has written memo, dated September 5, with two recommendations/alternatives, assuming the remonstrance will be in the vicinity of 50% of the total project assessment:

(1) revise the assessment boundaries to include only the Shady Hollow Subdivision and right-of-way on SE 55th through which the storm drain must traverse; (2) leave the boundary unchanged and delete the assessment from property owners outside the proposed subdivision.

Joseph L. Gersch, representing developer of subdivision, has written letter dated August 31, 1978, requesting change in L.I.D. boundary to include only the proposed division.

It was MOVED by Hupp, SECONDED by Burgess, to have an ordinance prepared following recommendation No. 1 above, excluding property other than the subdivision. MOTION CARRIED with the following roll-call vote: AYES: Hutchison, Hupp and Burgess. NOES: Manuel. ABSENT: Swan. Hutchison asked for information on anticipated cost to residents on 55th if they asked to hook into the system later.

(Meeting recessed at 8:30 p.m., reconvened at 8:40 p.m. with all present.)

PUBLIC HEARING - COMMUNITY CENTER SITE SELECTION

Public hearing was declared open at 8:40 p.m. Report was given by Ken Lundgren, consultant on site selection.

Letter has been received from Forrest Sandberg (no address given) on site selection.

Speaking in favor of North Clackamas Park site:

Nova Young, Chairman of Senior Citizen Advisory Council,

4748 SE Arden Street, reporting on vote at their meeting

Mel Paulson, 12264 SE 36th, Chairman of Committee for Greater

Milwaukie Adult Center, reporting on vote at their meeting.

Ruth Marian Van Riper (no address given)

(Charles Swan entered meeting at 9:50 p.m.)

Speaking in favor of North Clackamas Park site (cont.):

Marian Marriman (no address given)

Georgia Brakeman, 5172 SE Logus

Joe Hicks (address inaudible)

Speaking against North Clackamas Park site:

J. Elie, 9853 SE 48th, representing AARP, stated most AARP members had indicated they would not go to NC Park

Asking and answering questions:

Dolora Hegg, representing Loaves and Fishes

Larry Holm, 11371 SE 48th

Public hearing was declared closed at 10 p.m.

It was MOVED by Hupp, SECONDED by Burgess, that the Council not only make a selection tonight, but that for the many reasons that have been put forth that the selection be identified as North Clackamas Park site, and that the architect be hired and construction begin at the earliest possible time. MOTION CARRIED unanimously.

(Meeting recessed at 10:30 p.m., reconvened at 10:40 p.m. with all present.)

NEIGHBORHOOD COUNCIL REPORTS

1. David C. Bukovi has sent letter, dated August 27, resigning from Neighborhood Council No. 3. Mayor stated Mr. Bukovi had subsequently agreed to withdraw his resignation.
2. Council accepted resignation of Judy Loby from NC 3 Board, resignation of Letty G. Barrett as Secretary of NC 3, and resignation of Betty Lou Beck from NC 4 Board.

RESOLUTION NUMBER 33-1978 - CHARTER REVISION

Personnel System Study Committee has recommended modifications to Chapter X, Civil Service section of City Charter, and recommended the Council submit the modified Chapter X to the voters, to be kept in the City Charter. Three members of the committee also submitted letters with other recommendations. The Civil Service Commission has recommended that Chapter X be deleted from the Charter, and that civil service system and rules be placed in the form of an ordinance. The Civil Service Commission also recommends a change in Section 57 of Chapter X.

It was MOVED by Hutchison, SECONDED by Hupp, to insert the wording recommended in the memo from Civil Service Commission, dated September 1, in Section 57, subsection 1, in lieu of the wording as it currently reads. MOTION CARRIED unanimously.

It was MOVED by Burgess that the resolution calling for election on charter amendment be read the first time by title only. MOTION FAILED for lack of a second.

It was MOVED by Hutchison, SECONDED by Swan, that Section 43, subsection 7 be corrected to read that additional meetings can be requested by the chairman or a majority of the commission, and that Section 45, subsection 2 (c) be amended by inserting a period after the word "commission," and deleting the last three words. MOTION CARRIED unanimously

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It was MOVED by Swan, SECONDED by Hupp, to extend the meeting for 15 minutes. MOTION CARRIED with the following vote: AYES: Swan, Hutchison, Hupp and Burgess. NOES: Manuel.

It was MOVED by Hupp, SECONDED by Swan, that Section 42, subsection (2) read "The city manager and assistant." MOTION CARRIED with the following roll-call vote: AYES: Swan, Hupp and Burgess. NOES: Hutchison. ABSTAIN: Manuel.

It was MOVED by Hupp, SECONDED by Hutchison, to extend the meeting another fifteen minutes. MOTION FAILED TO PASS with the following roll-call vote: AYES: Hutchison, Hupp and Burgess. NOES: Swan and Manuel. (Note: the resolution providing for extending meetings calls for such motions to require a four-fifths affirmative vote to pass.)

It was MOVED by Swan, SECONDED by Hupp, to continue the meeting for five minutes. MOTION CARRIED with the following roll-call vote: AYES: Hutchison, Swan, Hupp and Burgess. NOES: Manuel.

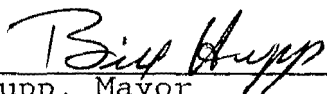
It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 33-1978 (A RESOLUTION SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, AMENDMENTS TO THE CITY CHARTER, PROVIDING FOR THE BALLOT TITLE UNDER WHICH SAID AMENDMENTS SHALL APPEAR, AND CALLING AND PROVIDING FOR ELECTION AT WHICH SAID CHARTER AMENDMENTS ARE TO BE SUBMITTED TO THE LEGAL VOTERS OF MILWAUKIE, OREGON) by title only, as amended. MOTION CARRIED with the following roll-call vote: AYES: Hutchison, Swan, Burgess and Manuel. NOES: Hupp. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 33-1978. MOTION CARRIED with the following roll-call vote: AYES: Hutchison, Swan, Burgess and Manuel. NOES: Hupp.

PAYMENT OF BILLS

It was MOVED by Swan, SECONDED by Hutchison, that the bills listed for September 11, 1978 payment be approved for payment. MOTION CARRIED unanimously.

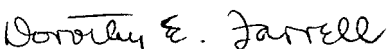
It was MOVED by Swan, SECONDED by Hutchison, to carry over to the next agenda all items left unconsidered. MOTION CARRIED unanimously.

The meeting adjourned at 12 midnight, to go into executive session under ORS 192.660 (1) (b) to discuss personnel matters.



Bill Hupp, Mayor

ATTEST:



Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
September 11, 1978
7 p.m.

COUNCIL CHAMBERS1320th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend George Hayes, World Gospel Mission
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - August 21, 1978 Council meeting
 - b) Memo re Letter to Editor
 - c) Letter re Festival Daze Carnival
 - d) Memo re potential annexation
 - e) Memo re Kiwanis donation of trash receptacles
 - f) Letter from Dept. of Human Resources
 - g) Memo re Mac's Pit expansion
 - h) Letter from County Commissioner re Senior Center
 - i) Letter from EPA re industrial cost recovery procedures
5. AUDIENCE PARTICIPATION
 - a) Presentation of Certificate (Paul Roeger)
 - b) Presentation of Certificate (Vi Calhoun)
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Boyce resignation from NC 5 and recommendation for appointment
 - b) Bukovi resignation from NC 3
 - c) Loboy resignation from NC 3
 - d) Barrett resignation from NC 3
 - e) Beck resignation from NC 4
 - f) Memo from NC 5 re resignations and appointments
- 7:15 pm 7. PUBLIC HEARING - 41st Street L.I.D.
- 7:30 pm 8. PUBLIC HEARING - 55th Street L.I.D.
- 8:00 pm 9. PUBLIC HEARING - Community Center Site selection
10. CORRESPONDENCE
11. OLD BUSINESS
 - a) Resolution No. _____ - Personnel System Study
Committee Report (Note: See Proposed Charter Revision in 7/21 agenda)
 - b) Ordinance No. _____ - Basketball hoop regulations
 - c) Memo re property at 32nd & Boyd
12. CONSIDERATION
 - a) Bid award - surplus equipment
 - b) Ordinance No. _____ - Prohibiting Damage to Library
Property
 - c) Memo re Proposed Local Community Development Committees

13. COUNCIL REPORTS
14. OTHER BUSINESS
15. PAYMENT OF BILLS
16. ADJOURNMENT
17. EXECUTIVE SESSION re personnel (ORS 192.660 (1) (b))