

CITY COUNCIL MEETING
October 2, 1978
7 p.m.

COUNCIL CHAMBERS1322nd Meeting

The one thousand three hundred twenty-second meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 2nd day of October, 1978, with the following councilpersons present:

Jerry Hutchison
Charles Swan
Joy Burgess

Allen Manuel
Mayor Bill Hupp

Also present:

Harold L. Schilling, City Mgr.

Myer Avedovech, City Att'y

Steven Hall, Public Works Direct.

Dorothy E. Farrell, Sec'y

Cyrus Nims, Planning Director

The invocation was given by Pastor Roland Boyce, Milwaukie Covenant Church, and the Pledge of Allegiance was recited.

Mayor turned over the gavel to Allen Manuel, who conducted the rest of the meeting.

CORPS OF ENGINEERS SLIDE SHOW ON DRAINAGE MANAGEMENT

Ray Jaren, Portland District, Corps of Engineers, presented slide show titled "When Rain Falls," which portrays the impact of land development on drainage.

CONSENT CALENDAR

- a) Approval of minutes - September 18, 1978 Council meeting
- b) Memo re Ordinance 1402 correction
- c) Letter to Omark
- d) Progress payment on EDA project - Island Station water services
- e) Progress payment on EDA project - water reservoir
- f) New Police Department programs
- g) Parks & Recreation Commission officers
- h) Manager's absence
- i) Request for proposal - Senior Community Center
- j) All-America Cities Entry

It was MOVED by Burgess, SECONDED by Hupp, to accept the Consent Calendar. Hupp asked that items c and h be removed for discussion.

b) City Attorney has written memo, dated September 22, concerning correction to Ordinance 1402.

c) As requested by Mayor, congratulatory letter to Omark has been prepared. Mayor asked if letter is ready for signature, and was told it is ready.

d) Manager and Public Works Director recommend approval of progress pay estimate No. 1 to Riverside Construction on EDA-LPW Project #07-51-23551, Island Station water services, in the amount of \$13,764.33.

e) Manager and Public Works Director recommend payment of progress payment estimate No. 1 to Weil Contracting Serv. Inc. on EDA/LPW Project #07-53-23551, three-million gallon water reservoir, in the amount of \$72,179.58.

f) Police Chief has written memo, dated September 21, concerning new Police Department programs.

g) Parks and Recreation Commission has sent memo, dated September 20,

listing new Commission officers.

h) Manager has written memo, dated September 26, concerning his absence from city October 14-19. Mayor asked the location of the meeting.

i) Council has received copy of "Solicitation for Architectural Services for Senior-Community Center," dated September 26, which is being sent to architectural firms.

j) National Municipal League has sent acknowledgement of Milwaukie's "All America Cities" entry.

On the motion to accept, MOTION CARRIED unanimously.

CORRESPONDENCE

Beaverton Mayor has sent letter, dated August 28, concerning ballot measure 6. An acknowledgement will be sent.

ALTERNATIVE CITY/COUNTY RELATIONSHIPS IN URBAN COUNTY CDBG

Bill Pearl, County Housing and Community Development Agency, has sent letter dated September 28, concerning alternative city/county relationships in Urban County Community Development Block Grants. Manager, in memo dated September 28, recommends Council approve the alternative which would place the responsibility for the project solely in the hands of the city.

It was MOVED by Burgess, SECONDED by Swan, that the city accept option No. 2 in the county letter, which would allow the city to assume full responsibility for the project, and the county to assume monitoring responsibility. Manager pointed out that his recommendation only applied to this year's grant, and that next year the city might want the county to assume total responsibility. MOTION CARRIED unanimously.

BACKGROUND INFORMATION ON ROOFING PERMITS

As requested by Council, background material and memos on the suggestion the city might eliminate the requirement for a permit for re-roofing, have been assembled.

It was MOVED by Hupp, SECONDED by Swan, that the permit requirement for re-roofing be retained, and the fee be eliminated on do-it-yourself, owner-occupied single-family dwellings where the owner does the work himself.

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

ORDINANCE NUMBER 1404 - 36TH AVENUE LOCAL IMPROVEMENT DISTRICT

It was MOVED by Hutchison, SECONDED by Burgess, in view of the fact that deletion of sidewalks, as requested by property owners, would be opposed by the City of Portland, which is involved in the project, and would probably delay the project, that Ordinance Number 1404 (AN ORDINANCE PROVIDING FOR CONSTRUCTION OF AN ADEQUATE STREET AND ALL OTHER APPURTENANCES TO STREET CONSTRUCTION ON 36TH AVENUE BETWEEN SHERRETT AND ROSWELL STREETS, IN THE CITY OF MILWAUKIE, OREGON, AS SET OUT IN THE ATTACHED LEGAL DESCRIPTION MARKED EXHIBIT "A") be read the first time by title only. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Hutchison, for second reading by title only. MOTION CARRIED unanimously.

It was MOVED by Swan, SECONDED by Hutchison, that Ordinance 1404 be adopted. Ordinance 1404 was put on its passage with the following roll-call vote: AYES: Hutchison, Swan, Hupp, Burgess and Manuel. NOES: None. Ordinance 1404 passed the Council and was so declared by the Mayor.

REPORT ON ALLEGED PINBALL PAYOFFS

At the last meeting, Mayor said Council and City Attorney should consider what approach to take in connection with pinball machines within the city that pay off in cash. Manager reported staff had conducted an under-cover surveillance and found nothing which would suggest cash payoffs are being made. Police Department has requested copy of Multnomah County ordinance on in-line machines, and when that is received, it will be evaluated and a report made to Council.

ORDINANCE NUMBER 1405 - BASKETBALL HOOP REGULATIONS

It was MOVED by Hupp, SECONDED by Burgess, to table the ordinance for five years. MOTION FAILED TO PASS with the following roll-call vote: AYES: Burgess and Hupp. NOES: Hutchison, Swan and Manuel.

It was MOVED by Hutchison, SECONDED by Swan, to read Ordinance Number 1405 (AN ORDINANCE PROVIDING FOR THE PLACEMENT, REGULATION AND CONTROL OF BASKETBALL HOOPS WITHIN THE CITY OF MILWAUKIE, OREGON; AND PROVIDING PENALTIES FOR VIOLATION THEREOF) the second time by title only. MOTION CARRIED with the following roll-call vote: AYES: Hutchison, Swan and Manuel. NOES: Burgess and Hupp. It was pointed out that the paragraph on first reading should read "moved to second reading by majority vote" rather than "by unanimous vote."

It was MOVED by Hutchison, SECONDED by Swan, to adopt Ordinance 1405. Ordinance 1405 was put on its passage with the following roll-call vote: AYES: Hutchison, Swan and Manuel. NOES: Hupp and Burgess. Ordinance 1405 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1406 - 55TH AVENUE LOCAL IMPROVEMENT DISTRICT

City Attorney has written memo, dated September 27, concerning problems and alternatives on the 55th Avenue L.I.D., and a method to protect the city from any possibility of default by the developer.

It was MOVED by Hupp, SECONDED by Burgess, to read Ordinance Number 1406 (AN ORDINANCE PROVIDING FOR CONSTRUCTION OF STORM SEWER AND APPURTENANCES ON 55TH AVENUE FROM JOHNSON CREEK TO FIRWOOD STREET, SHADY HOLLOWCOURT, AND WINSOR DRIVE WITHIN SHADY HOLLOW SUBDIVISION OF THE CITY OF MILWAUKIE, OREGON, AS SET OUT IN THE ATTACHED LEGAL DESCRIPTION, MARKED EXHIBIT "A") the first time by title only. MOTION CARRIED unanimously.

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

It was MOVED by Swan, SECONDED by Hupp, to adopt Ordinance 1406. Ordinance 1406 was put on its passage with the following roll-call vote: AYES: Hutchison, Swan, Hupp and Burgess. NOES: None. Ordinance 1406 passed the Council and was so declared by the Mayor.

BID AWARD - PUMP STATION

Public Works Director and City Manager recommend awarding bid on pump station, EDA project #07-51-23551, Milwaukie water system improvements, to Lord Bros. Contractors of Portland in the total amount of \$327,075 for schedules one through three, as recommended by URS Company, engineers for the project.

It was MOVED by Burgess, SECONDED by Swan, to award the bid to Lord Bros. Contractors. MOTION CARRIED unanimously.

Manager pointed out originally Council set aside in excess of \$200,000 to complete the storage facility, intertie with Island Station, and some water line improvements in Island Station. That money was later deleted, and it appears the Island Station improvements will not be completed. Staff was asked to research whether or not the Oak Lodge Water District could service the Island Station area.

ORDINANCE NUMBER 1407 - MULTI-FAMILY CONSTRUCTION PROCEDURES

Letter has been received from 1000 Friends of Oregon, concerning the ordinance.

It was MOVED by Hupp, SECONDED by Burgess, to read Ordinance Number 1407 (AN ORDINANCE PROVIDING FOR THE SPECIAL REVIEW OF CERTAIN LAND USE ACTIONS WITHIN THE CITY OF MILWAUKIE, OREGON, SETTING A TIME LIMIT, AND DECLARING AN EMERGENCY) the first time by title only.

It was MOVED by Hutchison, SECONDED by Swan, to delete Section 10 of the ordinance, and renumber Sections 11 and 12 accordingly. MOTION FAILED TO PASS with the following roll-call vote: AYES: Swan and Hutchison, NOES: Hupp, Burgess and Manuel.

On the motion read, MOTION PASSED unanimously.

It was MOVED by Hupp, SECONDED by Burgess, to read the ordinance the second time by title only. MOTION CARRIED unanimously.

It was MOVED by Hupp, SECONDED by Burgess, to adopt Ordinance 1407. Ordinance 1407 was put on its passage with the following roll-call vote: AYES: Hutchison, Swan, Hupp, Burgess and Manuel. NOES: None. Ordinance 1407 passed the Council and was so declared by the Mayor.

U.N. DAY PROCLAMATION

Mayor read proclamation naming October 24 as United Nations Day in Milwaukie.

RESOLUTION NUMBER 34-1978 - ELIGIBILITY FOR STATE-SHARED REVENUE

It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 34-1978 (A RESOLUTION CERTIFYING THE ELIGIBILITY OF THE CITY OF MILWAUKIE FOR STATE-SHARED REVENUES UNDER ORS 221.760) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Hupp, to adopt Resolution 34-1978. MOTION CARRIED unanimously. Manager pointed out the revenues referred to are subventions.

ORDINANCE NUMBER 1408 - AMENDING GREENWAY ORDINANCE BY DELETING DESIGN REVIEW

It was MOVED by Hupp, SECONDED by Burgess, to read Ordinance Number 1408 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1341, AN ORDINANCE

DEALING WITH THE WILLAMETTE GREENWAY ZONE AND DESIGN REVIEW IN MILWAUKIE, OREGON, BY REPEALING SECTION 2.5.f.) the first time by title only. MOTION CARRIED unanimously.

It was MOVED by Hupp, SECONDED by Burgess, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Hupp, to adopt Ordinance 1408. Ordinance 1408 was put on its passage with the following roll-call vote: AYES: Hutchison, Swan, Hupp, Burgess and Manuel. NOES: None. Ordinance 1408 passed the Council and was so declared by the Mayor.

NEWSLETTER ARTICLE - TAX LIMITATION MEASURES

Manager asked if Council would like an article prepared by staff, titled "Tax Limitation Measures," to appear in the next issue of People to People. It was MOVED by Hupp, SECONDED by Hutchison, not to authorize the inclusion of the article in any city publication. After discussion, the MOTION was clarified to mean to leave the article out of the city newsletter, but to make it available for public use. MOTION CARRIED unanimously.

SEWAGE DISPOSAL AGREEMENT WITH CITY OF PORTLAND

Public Works Director gave history of agreement with City of Portland, triggered by septic tank problems in an area of Portland which protrudes into Milwaukie. The agreement provides for either city to service an area in the other city, if that area is within the servicing city's natural drainage area. It was pointed out that Portland owes Milwaukie approximately \$13,000, and it was suggested when the agreement is returned to Portland, that a bill be attached. It was MOVED by Hupp, SECONDED by Burgess, to approve signing the agreement. MOTION CARRIED unanimously.

COUNCIL REPORTS

1. Tomorrow night Oak Lodge Study Committee meets.
2. Burgess has received letter from CRAG, asking if Milwaukie is interested in formation of a local government advisory committee under MSD. It was MOVED by Burgess, SECONDED by Hutchison, to express an interest in the formation of the Local Government Advisory Committee, and ask that CRAG keep us informed as to when a meeting will occur. MOTION CARRIED unanimously.
3. Mayor asked status of mutual aid agreement with Portland. It has been signed by Manager.

PROGRESS PAYMENT ON 59TH AND HARRISON PUMP STATION

Manager and Public Works Director recommend progress payment No. 2 to Riverside Construction Co. in the amount of \$2401.12, for 59th and Harrison pump station. It was MOVED by Swan, SECONDED by Hutchison, that the payment be made. MOTION CARRIED unanimously.

OTHER BUSINESS

1. Swan complimented the city for cleaning the bike paths, and asked for progress report on signing of bike paths.
2. Manager reported he was invited by Dr. Haakanson of Clackamas Community College to attend meeting on Measure 6 and 11, which meeting was for the purpose of forming a subcommittee of the Oregon Tax Relief Committee, supporting Measure 11. Manager told

the committee he would not become involved, but would find out if any Council member is interested in attending their second meeting. No one indicated an interest in attending.

3. Manager advised Council Fire Chief Boulanger had been requested to testify in a civil suit in Colorado, and his expenses and salary will be paid by the persons requesting his presence.

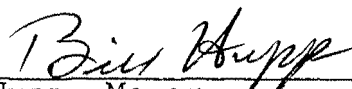
4. City Attorney gave progress report on foreclosure proceedings on delinquent assessments.

5. Manager gave Council copy of September 26 Planning Commission minutes, and drew attention to PR-78-5 on page 5, Brod & McClung application. Manager gave background as follows: Brod & McClung has had under construction for about a month an addition to their existing building. City discovered the work September 20, but had not known before that, and no building permit had been issued, therefore a stop work order was placed on the project. Because an official of the company stated if the work was not allowed to continue, it could cause damage to an exposed part of the building, a meeting was held, including city staff, the contractor on the project, and the company official. Staff agreed to take the matter to the Planning Commission at their next meeting. Manager stated he felt his part in it was appropriate, as he was concerned Brod & McClung was caught between city requirements and a contractor who had not obtained the necessary permits. There was no bending of city ordinances, only a speeding up of administrative procedure. It was Council consensus that the Manager and staff acted in a proper manner.

PAYMENT OF BILLS


It was MOVED by Hupp, SECONDED by Hutchison, that the bills listed for October 2, 1978 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned at 10:15 p.m., to go into executive session under ORS 192660 (2)(d) to discuss pending litigation.



 Bill Hupp, Mayor

ATTEST:



 Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
 October 2, 1978
 7 p.m.

COUNCIL CHAMBERS1322nd Meeting

1. CALL TO ORDER
2. INVOCATION - Pastor Roland Boyce, Milwaukie Covenant Church
3. PLEDGE OF ALLEGIANCE
4. Corps of Engineers slide show on drainage management
5. CONSENT CALENDAR
 - a) Approval of minutes - September 18, 1978 Council meeting
 - b) Memo re Ordinance 1402 correction
 - c) Letter to Omark
 - d) Progress payment on EDA project - Island Station water services
 - e) Progress payment on EDA project - water reservoir
 - f) New Police Department programs
 - g) Parks & Recreation Commission officers
 - h) Manager's absence
 - i) Request for proposal - Senior Community Center
 - j) All-America Cities Entry
6. AUDIENCE PARTICIPATION
7. NEIGHBORHOOD COUNCIL REPORTS
8. CORRESPONDENCE
 - a) Letter from Beaverton Mayor re Ballot Measure 6
9. OLD BUSINESS
 - a) Alternative City/County relationships in Urban County CDBG
 - b) Background information on roofing permits
 - c) Ordinance No. _____ 36th Ave. L.I.D.
 - d) Report on alleged pinball payoffs
 - e) Second reading - Ordinance No. _____ Basketball hoop regulations
 - f) Ordinance No. _____ - 55th Ave. L.I.D.
 - g) Bid award - pump station
10. CONSIDERATION
 - a) Ordinance No. _____ Multi-family construction procedures
 - b) U.N. Day Proclamation
 - c) Resolution No. _____ Eligibility for State-shared revenue
 - d) Ordinance No. _____ Amending Greenway ordinance by deleting Design Review
 - e) Newsletter article - Tax Limitation Measures
 - f) Sewage Disposal Agreement - City of Portland
11. COUNCIL REPORTS
12. OTHER BUSINESS
13. PAYMENT OF BILLS
14. ADJOURNMENT