

CITY COUNCIL MEETING  
January 17, 1977  
7 p.m.

COUNCIL CHAMBERS

1282nd Meeting

The one thousand two hundred eighty-second meeting of the Council of the City of Milwaukie, Oregon, was held on the 17th day of January, 1977, 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 Manager	Cyrus Nims, Planning Director
J. Wayne Daigle, Dir. of P.W.	Myer Avedovech, City Attorney
Donald Jones, Police Chief	Dorothy E. Farrell, Secretary

The invocation was given by the Reverend John Waide, Oak Hills Presbyterian Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - January 3, 1977 and January 7, 1977
- b) Letters regarding joint Fire Service Study Committee
- c) Letter from League of Oregon Cities regarding Legislative Session
- \* d) Letters and memo regarding Public Works Grant application
- \* e) Letters regarding A.A. Ambulance business license
- \* f) Letter from Governor regarding boat ramp
- \* g) Greenway hearings
- \* h) Letters from churches regarding Community Development Block Grants
- \* i) Memo regarding committee terms of office
- \* j) Animal Control vehicle bids
- k) Letter from HUD

\* Items of business from the January 3, 1977 meeting.

It was MOVED by Hutchison, SECONDED by Swan, to adopt the Consent Calendar, with the exceptions of items b, all starred items, and k, requested by Burgess, and item a, requested by Swan. MOTION CARRIED and so ordered.

c) League of Oregon Cities has sent letter, dated January 4, concerning the role of cities during the Legislative Session.

AUDIENCE PARTICIPATION

1. Mayor read proclamation naming February 6 through February 12, 1977, as Vocational Education Week.
2. Mayor presented Revenue Sharing checks to the following social services and community service organizations:
  - Milwaukie Historical Museum - \$3000
  - Loaves and Fishes - \$6000
  - Youth Alternatives Program - \$3500
  - Clackamas County Youth Commission - \$1250
3. Gay Martin, from Clackamas County Children's Commission, spoke to Council, representing Clackamas County Coalition of Social Services, which has now come under the County Department of Human Resources. County has agreed to match any money given by cities to the Coalition of Social Services, and city can earmark funds for any special program they desire. The Coalition will be coming before Council asking for funding for next budget year. Manager asked if Ms. Martin could carry back to the county the request for them to match the above contributions to Milwaukie Historical Museum, Loaves and

Fishes, Youth Alternatives Program and Clackamas County Youth Commission.

NEIGHBORHOOD COUNCIL REPORTS

1. Neighborhood Council I has recommended appointment of Ms. Thelma Savage, 2405 SE Lewellyn, to a vacant alternate position on the Executive Board. It was Council consensus that she be appointed to the position.
2. Neighborhood Council Coordinator has sent memo, dated January 12, 1977, giving status of vacancies and appointment recommendations. It was Council consensus that Joanne Baker and Don Badley be appointed to vacancies on NC 1 Board, Betty Fulmore to alternate position on NC 2 Board.

CORRESPONDENCE

1. Jon W. Nickel, in letter dated January 3, 1977, has resigned from the Milwaukie Planning Commission. It was MOVED by Burgess, SECONDED by Hutchison, to accept the resignation of Jon Nickel, and that a letter be sent to him from staff, expressing City Council gratitude for the fine service he has rendered. Manager reported that Mr. Nickel had expressed willingness to serve until a replacement was found, and after discussion of waiting until his term is completed before sending the letter, Mrs. Burgess withdrew the motion.
2. Jean Baker has written letter re application for appointment to Planning Commission. The application will be filed to be considered later.

ORDINANCE NUMBER 1354 - AMENDING ZONING ORDINANCE RE COMMERCIAL ZONES - SECOND READING

The ordinance was read the first time at the January 3 meeting. It was MOVED by Hutchison, SECONDED by Burgess, that Ordinance Number 1354 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1316, AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE) be read the second time by title only. MOTION CARRIED with the following roll-call vote: AYES: Manuel, Burgess, Hutchison and Hupp. NOES: Swan. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Ordinance 1354. Ordinance 1354 was put on its passage with the following roll-call vote: AYES: Manuel, Burgess, Hutchison and Hupp. NOES: Swan. Ordinance 1354 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1355 - AMENDING ANIMAL CONTROL ORDINANCE

It was MOVED by Burgess, SECONDED by Hupp, to read Ordinance Number 1355 (AN ORDINANCE AMENDING ORDINANCE #1352, AN ORDINANCE PROVIDING FOR ANIMAL CONTROL; ANIMALS RUNNING AT LARGE; ESTABLISHING THE LICENSING OF DOGS; REPEALING OTHER ORDINANCES; AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hupp, to read Ordinance 1355 the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hupp, to adopt Ordinance 1355. Ordinance 1355 was put on its passage with the following roll-call vote: AYES: Manuel, Swan,

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Burgess, Hutchison and Hupp. NOES: None. Ordinance 1355 passed the Council and was so declared by the Mayor.

MARY COURT L.I.D.

Council has received memoranda from City Attorney and Public Works Director, dated January 17, concerning spreading the assessment on that portion of Replat of Cole Addition Area Local Improvement District known as "Mary Court L.I.D." The original larger L.I.D. was formed based on the hope that Portland would participate in the cost of the part of the area within their boundaries, but that participation has not materialized. The homeowners in the Mary Court area have been pressing to have the assessments spread. Staff recommends that the assessments be spread based on the area sewerred at this point, and at some future time deal with the remaining area. Public Works Director has certified completion. It was MOVED by Hutchison, SECONDED by Burgess, that the hearing on completion and assessments be set for February 21, 1977. MOTION CARRIED unanimously and so ordered.

(Meeting recessed at 8:30 p.m., reconvened at 8:35 p.m. with all present.)

ORDINANCE NUMBER 1356 - AMENDING ZONING ORDINANCE REGARDING HEARINGS

It was MOVED by Hutchison, SECONDED by Burgess, that Ordinance Number 1356 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1316, AS AMENDED, AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE) be read the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to read Ordinance Number 1356 the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to read Ordinance 1356 the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1356. Ordinance 1356 was put on its passage with the following roll-call vote: AYES: Manuel, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1356 passed the Council and was so declared by the Mayor.

RESOLUTION NUMBER 4-1977 - TRANSFER OF STREETS

It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 4-1977 (A RESOLUTION REQUESTING TRANSFER OF JURISDICTION OF PORTION OF LINWOOD AVENUE AND OATFIELD ROAD) by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, that Resolution 4-1977 be adopted. MOTION CARRIED unanimously and so ordered. It was Council consensus that staff write a letter to Clackamas County requesting a trade-off-- the city will accept jurisdiction of 17th Avenue and return to county jurisdiction of 55th Avenue from King Road to Monroe, which was requested by the city many years ago. One side of the street is outside the city limits, and the Public Works Director feels that the city should never have accepted jurisdiction from the county.

AMENDMENT TO POLICE BARGAINING CONTRACT

Council has received memoranda concerning amending Police bargaining contract to add a salary range for Clerk Typist II. It was MOVED by Hutchison, SECONDED by Burgess, to approve the amendment to

the Police bargaining contract (addendum listing salary ranges).  
MOTION CARRIED and so ordered.

COMMUNITY DEVELOPMENT PRE-APPLICATION

Neighborhood Council #2 Community Development Advisory Committee has requested Council approval of Community Development Block Grant Pre-application proposal for 1977. It was MOVED by Hutchison, SECONDED by Swan, to approve the pre-application and authorize the City Manager to sign. MOTION CARRIED unanimously and so ordered.

MEMO FROM COUNCILWOMAN BURGESS RE LIBRARY STEERING COMMITTEE

Councilwoman Burgess has written Mayors and Councilmembers in Clackamas County, and Clackamas County Commissioners, on January 11, 1977, concerning Elected Officials' Meeting to be held February 1, to consider hiring a consultant to study a plan for library service in Clackamas County. A formula for sharing in the cost of a consultant has been prepared. It was MOVED by Hutchison, SECONDED by Swan, to name Joy Burgess as the city's representative on the selection procedure. MOTION CARRIED unanimously and so ordered. It was MOVED by Swan, SECONDED by Hutchison, that Milwaukie agree to the \$1008 proposed in the formula for sharing cost of consultant, contingent on the County approving their share proposed in the formula. MOTION CARRIED unanimously and so ordered.

PROPOSED ORDINANCES ON PARKING REGULATIONS AND ON ABANDONED VEHICLES

It was MOVED by Hutchison, SECONDED by Burgess, that these ordinances be referred to the Traffic Safety Commission. MOTION CARRIED unanimously and so ordered.

CONSENT CALENDAR

- a) It was Council consensus that the minutes of the January 7, 1977 meeting be amended to include Fire Chief Victor Boulanger as one of those present.
- b) Clackamas County Fire District No.1 has written letter dated January 3, 1977, concerning joint fire services study committee, and Manager has responded, in letter dated January 7. There was some discussion concerning the Fire District letter.
- c) There was some discussion concerning letter from League of Oregon Cities, dated January 4, 1977, concerning legislative session.
- d) Council has received staff report, dated December 28, 1976, giving background on Public Works grant applications, and responses to letters sent by city. Mrs. Burgess suggested letters sent to Congressmen should be printed in newspapers.
- e) Council has received copies of letters from Alexander Schneider, attorney for A.A. Ambulance Service of Portland, Inc., dated December 20 and December 29, 1976, and response from City Manager, dated December 27. Mayor Hupp commented on contents of letters. It was MOVED by Burgess, SECONDED by Hutchison, to ratify the Manager's letter of December 27. MOTION CARRIED unanimously and so ordered.
- f) City has received copy of letter from Governor to Corps of Engineers, dated December 21, 1976, concerning city's boat ramp project. There was no discussion by Council.

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- g) LCDC is holding public hearing on Milwaukie section of Willamette Greenway at 10 a.m. January 28, 1977, in Salem. Councilwoman Burgess asked if it would be in the best interests of the city for a representative to be present. It was pointed out the city will get a copy of the staff report from LCDC before the meeting, and Council will be provided copies.
- h) Council has received letters from St. John's Catholic Church and Beautiful Savior Lutheran Church, recommending a neighborhood Community Center. There was no Council discussion.
- i) Staff has provided a list of expiration dates of terms of office of appointees to city committees and commissions. Manager was asked to contact persons whose terms are up, to find out if they are interested in reappointment.
- j) Council has received copy of staff memo, dated December 29, 1976, on bids for animal control van purchase.
- k) Council has received copy of memo from Housing and Community Development Coordinator, dated January 13, regarding HUD letter on Section 8 housing. Recommendation is to send letter to HUD saying Milwaukie does not intend to apply for the Section 8 program and encourages approval of the application by Community Action Agency. It was MOVED by Swan, SECONDED by Hutchison, to adopt the rest of Consent Calendar. MOTION CARRIED unanimously and so ordered.

OTHER BUSINESS

- 1. Mayor spoke on problem of getting mail delivered properly.
- 2. It was MOVED by Swan, SECONDED by Hutchison, to approve submission of grant application to state for Phase II, comprehensive planning, in the amount of \$22,725.
- 3. Certificates provided by county were presented to newly-elected members of Council.
- 4. Council consensus was to retain Bruce Bischof as city's bargaining agent.
- 5. Councilwoman Burgess urged a Council work session to discuss city's immediate and future goals.
- 6. Manager was asked to check progress of the planned removal of poplars on Kellogg Treatment Plant grounds.
- 7. Hutchison nominated Councilman Swan as President of the Council, SECONDED by Manuel. MOTION CARRIED unanimously and so ordered.
- 8. It was Council consensus to ask the Neighborhood Councils to send their goals to the Council.

PAYMENT OF BILLS

It was MOVED by Swan, SECONDED by Hutchison, that the bills listed for January 17, 1977 payment be approved for payment. MOTION CARRIED unanimously and so ordered.

*Bill Hupp*  
\_\_\_\_\_  
Bill Hupp, Mayor

ATTEST:

*Dorothy E. Farrell*  
\_\_\_\_\_  
Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA  
January 17, 1977  
7:00 p.m.

COUNCIL CHAMBERS

1282nd Meeting

1. CALL TO ORDER
  2. INVOCATION - Reverend John Waide, Oak Hills Presbyterian Church
  3. PLEDGE OF ALLEGIANCE
  4. CONSENT CALENDAR
    - a. Approval of minutes - January 3, 1977 and January 7, 1977
    - b. Letters regarding joint Fire Service Study Committee
    - c. Letter from League of Oregon Cities regarding Legislative Session
    - \* d. Letters and memo regarding Public Works Grant application
    - \* e. Letters regarding A. A. Ambulance business license
    - \* f. Letter from Governor regarding boat ramp
    - \* g. Greenway hearings
    - \* h. Letters from churches regarding Community Development Block Grants
    - \* i. Memo regarding committee terms of office
    - \* j. Animal Control vehicle bids
    - k. Letter from HUD
  5. AUDIENCE PARTICIPATION
    - a. Presentation of Revenue Sharing checks
      - 1) Milwaukie Historical Society
      - 2) Loaves and Fishes
      - 3) Youth Alternatives Program
      - 4) Clackamas County Youth Commission
    - b. County Department of Human Resources
  6. NEIGHBORHOOD COUNCIL REPORTS
    - a. NC #1 recommendation regarding alternate position
    - b. Memo from NC coordinator regarding appointment recommendations
  7. CORRESPONDENCE
    - a. Resignation from Planning Commission (Nickel)
  8. OLD BUSINESS
    - a. Second reading, Ordinance No. \_\_\_\_\_ - amending zoning ordinance regarding commercial zones
    - b. Ordinance No. \_\_\_\_\_ - amending Animal Control Ordinance
    - c. Mary Court L.I.D.
    - \* d. Ordinance No. \_\_\_\_\_ - amending zoning ordinance regarding hearings
- \* Items of business from the January 3, 1977 meeting.

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- 9. CONSIDERATION
  - \* a. Resolution No. \_\_\_\_\_ - Transfer of streets
  - b. Amendment to Police contract
  - c. Community Development pre-application
  - d. Memo from Councilwoman Burgess regarding Library Steering Committee
  - e. Ordinance No. \_\_\_\_\_ - Parking regulations
  - f. Ordinance No. \_\_\_\_\_ - Abandoned vehicles

10. OTHER BUSINESS

11. PAYMENT OF BILLS

12. ADJOURNMENT

\* Items of business from the January 3, 1977 meeting.

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