

CITY COUNCIL MEETING

June 6, 1977

7 p.m.

COUNCIL CHAMBERS1291st Meeting

The one thousand two hundred ninety-first meeting of the Council of the City of Milwaukie, Oregon, was held on the 6th day of June, 1977, with the following councilpersons present:

Allen Manuel
Charles E. Swan
Jerry N. Hutchison

Joy Burgess
Mayor Bill E. Hupp

Also present:

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

The invocation was given by the Reverend Simon Maier, Concordia Evangelical Lutheran Church, and the Pledge of Allegiance was recited.

PRESENTATION OF PLAQUE

Mayor Hupp presented a Dogwood Plaque to J. Wayne Daigle, former city Public Works Director.

Mayor Hupp turned over the gavel to Councilwoman Burgess, who conducted the rest of the meeting.

CONSENT CALENDAR

- a) Approval of minutes - May 16, 6:30 a.m. and 7 p.m., and May 23, 1977 Council meetings
- b) Letter from CRAG regarding planning assistance grants
- c) Letter from State Parks and Recreation regarding SPF funding
- d) Newspaper clipping regarding Civil Service
- e) Memo regarding land use decisions
- f) Sewage treatment plant costs
- g) Lawsuits
 - 1) Moran v. Milwaukie - reply brief
 - 2) Milwaukie v. Peerless - demurrers
 - 3) Borosek v. Milwaukie - amended complaint and reply
 - 4) Hupp v. Schumacher - order of mandate
- h) Coalition of Social Services meeting notice
- i) Manager's vacation request

Councilwoman Burgess noted a correction in the May 16 minutes, on page 1, next to last line on page, should read: "The representative from Tri-Met" (rather than CRAG).

It was MOVED by Hupp, SECONDED by Hutchison, to adopt the Consent Calendar as corrected. MOTION CARRIED unanimously.

b) CRAG has sent letter, dated May 18, 1977, concerning planning assistance grant requests.

c) Department of Transportation, Parks and Recreation Branch, has sent letter, dated May 11, 1977, giving notice of approval of Special Projects Funds. Milwaukie's grant is \$67,000 for North Clackamas Park Baseball Field and lighting.

d) Council has received copy of article from May 25 Oregonian, titled "Veterans' points seen hurting Civil Service."

- e) Planning Director and City Attorney have written report, dated March 29, on reasons for a land use decision.
- f) Finance Director has written memorandum, dated May 23, on city's share of costs of sewage treatment plant.
- g) Council has received copies of the following legal documents:
 - 1) Moran v. Milwaukie - Appellant's Reply Brief,
 - 2) Milwaukie v. Peerless Insurance - Demurrers,
 - 3) Borosek v. Milwaukie - Amended Complaint and Reply,
 - 4) Hupp v. Schumacher - Order of Mandate
- h) Clackamas County Department of Human Resources has sent letter, dated May 31, concerning Coalition of Social Services meeting.
- i) City Manager will be on vacation from June 20 through July 1.

NEIGHBORHOOD COUNCIL REPORTS

Neighborhood Council 3 executive board has sent memorandum, dated May 26, 1977, on duck crossing signs. Mrs. Burgess had also written a memo on this subject, dated June 1, which was listed later on the agenda. Reporter for the Milwaukie Review presented two "duck crossing" signs to the Council.

It was MOVED by Hupp, SECONDED by Swan, that Council direct staff to procure sufficient signs to post around the city in order to minimize the carnage.

It was MOVED by Hutchison, SECONDED by Hupp, to amend the motion to be not to exceed eight signs. On the amending motion, MOTION CARRIED unanimously.

On the main motion, MOTION CARRIED unanimously.

Discussion included the following possible locations: 28th to Main on Harrison, Monroe and Washington; Railroad Avenue.

CORRESPONDENCE

1. Council has received letter from Don Emberlin, Principal of Seth Lewelling School, dated May 20, concerning tennis court construction at the school.

2. Council has received letter from Gervaise F. Jarmer, 1400 SE Lava Drive, No. 8, asking for assistance in a factfinding presentation to landowners in the Waverly Heights area concerning the installation of sewer line.

Property owners in the area presented a petition, signed by eight persons, protesting creation of a local improvement district for sewer lines.

It was Council consensus that the only way to solve Mr. Jarmer's problem would be to force a local improvement district over the objections of the other residents, which would be an error.

Mr. Manuel asked for a map of the area showing which properties are on the sewer at present. Kenneth Barton, 1660 SE Waverly, asked for a copy of such a map, when prepared.

3. United States Environmental Protection Agency has written letter to Mayor Hupp, dated May 20, 1977, concerning Safe Drinking Water Act.

League of Oregon Cities has sent letter, dated May 31, concerning the Safe Drinking Water Act, listing three amendments suggested by the League. Staff was asked to write letters to the city's congressional representatives, for the Mayor's signature, indicating support for the League amendments.

4. Senator Hatfield has written letter to Council, dated May 27, 1977, concerning drought assistance measures.

RESOLUTION NUMBER 24-1977 - PIONEER CEMETERY ANNEXATION

It was MOVED by Hupp, SECONDED by Hutchison, to read Resolution Number 24-1977 (A RESOLUTION FOR ANNEXATION OF CERTAIN TERRITORY INITIATED BY THE CITY COUNCIL) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Hupp, to adopt Resolution 24-1977. MOTION CARRIED unanimously.

RESOLUTION NUMBER 25-1977 - OSBORN ANNEXATION

It was MOVED by Swan, SECONDED by Hupp, to read Resolution Number 25-1977 (A RESOLUTION FOR ANNEXATION OF CERTAIN TERRITORY AND CONCURRENCE FOR TRIPLE MAJORITY) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Hupp, to adopt Resolution 25-1977. MOTION CARRIED unanimously.

ENGINEER'S PROPOSAL - WATER SUPPLY AND STORAGE CAPACITY

Stevens, Thompson & Runyan have written letter, dated May 19, 1977, concerning water supply and storage capacity review. It was MOVED by Swan, SECONDED by Hutchison, to authorize the City Manager to sign the agreement with Stevens, Thompson & Runyan for an analysis of the City of Milwaukie's supply and storage circumstances, at an estimated cost of \$6000, to come from the Water Department Miscellaneous Professional Services line item. MOTION CARRIED unanimously.

RESOLUTION NUMBER 26-1977 - VOLUNTARY WATER CONSERVATION PLAN

It was MOVED by Hutchison, SECONDED by Swan, to read Resolution Number 26-1977 (A RESOLUTION EXPRESSING CONCERN OF THE CITY COUNCIL AND ESTABLISHING A VOLUNTARY WATER CONSERVATION PLAN) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 26-1977. MOTION CARRIED unanimously. Also given to Council was H₂O Discussion Paper, prepared by David Nemo, Administrative Assistant, on May 31, 1977.

RESOLUTION NUMBER 27-1977 - COMMITTEE TO REVIEW CITY ORDINANCES

It was MOVED by Hutchison, SECONDED by Hupp, to read Resolution Number 27-1977 (A RESOLUTION BY THE CITY COUNCIL ESTABLISHING AN AD HOC ADVISORY COMMITTEE TO REVIEW THE CITY'S GENERAL ORDINANCES AND TO RECOMMEND REPEAL OR AMENDMENT WHERE DEEMED APPROPRIATE) by title only.

It was MOVED by Hupp, SECONDED by Hutchison, that the committee consist of seven members. MOTION CARRIED with the following roll-call vote: AYES: Burgess, Hutchison and Hupp, NOES: Manuel and Swan.

It was MOVED by Hupp, SECONDED by Hutchison, that the date for presenting findings and recommendations to the City Council be November 1, 1977. MOTION CARRIED unanimously.

On the original motion to read the resolution, MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Hupp, to adopt Resolution 27-1977. MOTION CARRIED unanimously.

It was MOVED by Hutchison, SECONDED by Swan, to reconsider the number of people on the committee. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, that the number on the committee be changed from seven to five. MOTION CARRIED unanimously. It was agreed that each councilmember will bring one suggestion for appointment to the Council at the next meeting.

MEMORANDUM FROM PLANNING COMMISSION RE ZC-77-1

As requested by Council, the Planning Commission, in memo dated June 2, 1977, has adopted and recommends to the Council, findings as part of the Commission's action recommending denial of an application to change zoning at Oak and Campbell Streets from A-2 to A-1-B (ZC-77-1).

It was MOVED by Hutchison, SECONDED by Swan, to uphold Planning Commission recommendation for denial of ZC-77-1, based upon the facts presented in the Planning Commission memo of June 3, 1977. MOTION CARRIED unanimously.

Staff was asked to prepare a proposed amendment to the zoning ordinance making a Planning Commission denial of zone change final, unless appealed to the Council.

AWARD OF BID - LAKE ROAD BIKEWAY

City Manager has written memo, dated June 2, 1977, with a recommendation on Lake Road bikeway. It was MOVED by Hutchison, SECONDED by Swan, to accept the Manager's recommendation and authorize proceeding with the Lake Road bikeway project in the amount of approximately \$82,000, city participation to be in the amount of \$23,000, with the difference from bikeway fund reserves to be taken from street and storm drain line items; also that the bid as submitted by Wes Notz Construction Company, in the amount of \$81,828.50, be awarded, and all other bids rejected. MOTION CARRIED unanimously.

SE 17TH/MILPORT ROAD BIKEWAY

J. Wayne Daigle has written memo to Manager, dated May 23, 1977, concerning SE 17th/Milport Road bikeway. It was MOVED by Hupp, SECONDED by Swan, to accept the bid of Cascade Construction Co. on Schedules A, B and C, in the amount of \$24,434, for bikeway construction along SE 17th Avenue from McLoughlin Boulevard to Ochoco Street. MOTION CARRIED unanimously.

(Meeting recessed at 8:50 p.m., reconvened at 9 p.m. with all present.)

ONE-WAY COUPLET - RIVER ROAD/22ND AVENUE

Clackamas County Public Works Director has written letter, dated May 31, 1977, regarding proposed improvements to River Road, including one-way couplet on River Road and 22nd Avenue. It was MOVED by Swan, SECONDED by Hupp, to approve the county's recommendation to the County Commissioners. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1366 - WITHDRAWING ASSETS, PORTLAND SUBURBAN WATER DISTRICT

City Attorney has written memo, dated May 18, 1977, on the history and background of a piece of property in the area of 32nd and Floss Street. It was MOVED by Swan, SECONDED by Hupp, to read Ordinance Number 1366 (AN ORDINANCE WITHDRAWING THE ASSETS OF THE FORMER PORTLAND SUBURBAN WATER DISTRICT PROPERTY WHICH HAS PREVIOUSLY BEEN ANNEXED INTO THE CITY OF MILWAUKIE) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to read Ordinance 1366 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to adopt Ordinance 1366. Ordinance 1366 was put on its passage with the following roll-call vote: AYES: Manuel, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1366 passed the Council and was so declared by the Mayor pro tem.

RESOLUTION NUMBER 28-1977 - CANVASSING VOTE AT MAY 17 ELECTION

It was MOVED by Hutchison, SECONDED by Swan, to read Resolution Number 28-1977 (A RESOLUTION CANVASSING THE VOTE AT SPECIAL ELECTION HELD ON MAY 17, 1977) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 28-1977. MOTION CARRIED unanimously.

APPOINTMENTS TO LIBRARY BOARD

It was MOVED by Hupp, SECONDED by Manuel, that Council request of the Neighborhood Councils to submit names for the purpose of being interviewed by the City Council for appointments to the Library Board. MOTION CARRIED with the following roll-call vote: AYES: Manuel, Burgess and Hupp. NOES: Swan and Hutchison. It was Council consensus to notify the Neighborhood Councils that the Library Board has proposed three names, and to advise the Library Board of the above motion.

MEMORANDUM FROM COMPREHENSIVE PLANNING STEERING COMMITTEE RE CITIZEN PARTICIPATION, COMPREHENSIVE PLANNING

Comprehensive Planning Steering Committee has sent memorandum, dated May 31, concerning citizen participation in comprehensive planning. It was MOVED by Hutchison, SECONDED by Hupp, to ratify the Citizen Participation Program for Comprehensive Planning 6/28/76; the minutes of Marcy 2, 1977 accepting procedures for citizen involvement; and memorandum of May 13, 1977, on policies and objectives for involvement of non-city residents. MOTION CARRIED, with the following roll-call vote: AYES: Manuel, Burgess, Hutchison and Hupp. ABSTAIN: Swan.

RESOLUTION NUMBER 29-1977 - A RESOLUTION AMENDING RESOLUTION NUMBER 4-1976, A RESOLUTION ESTABLISHING A COMPREHENSIVE PLANNING STEERING COMMITTEE FOR THE CITY OF MILWAUKIE, OREGON

It was MOVED by Hutchison, SECONDED by Hupp, to read Resolution Number 29-1977 (A RESOLUTION AMENDING RESOLUTION NUMBER 4-1976, A RESOLUTION ESTABLISHING A COMPREHENSIVE PLANNING STEERING COMMITTEE FOR THE CITY OF MILWAUKIE, OREGON) by title only. MOTION CARRIED with the following roll-call vote: AYES: Manuel, Burgess, Hutchison and Hupp. ABSTAIN: Swan. It was MOVED by Hutchison,

SECONDED by Hupp, to adopt Resolution 29-1977. MOTION CARRIED with the following roll-call vote: AYES: Manuel, Burgess, Hutchison and Hupp. ABSTAIN: Swan.

GARBAGE RATE INCREASE REQUEST

Finance Director has written memorandum, dated June 1, 1977, concerning request by representatives of garbage franchisees for rate increase. Representatives of the franchisees stated they are no longer represented by Attorney Dale Harlan. It was MOVED by Hupp, SECONDED by Manuel, that Council grant an interim rate increase of 25¢ per can until such time as more data is prepared on which to base a final decision. After discussion, the MOTION was WITHDRAWN. Staff was asked to prepare a reasonable proposal for an interim rate increase, by the next meeting, and if the refuse ordinance needs revision, to make a recommendation.

DENTAL PLAN COSTS

Finance Director has written memorandum, dated June 2, 1977, concerning scheduled increase in dental insurance costs. It was Council consensus that the Finance Director look at other dental plans, or other possibilities for cutting back the costs.

SEWER ASSESSMENT MODIFICATION - LINCOLN PROPERTIES

Finance Director has written memorandum, dated June 1, concerning request of Lincoln Property Company, in letter dated May 25, for adjustment of lines on sewer assessment on property owned by the company in Omark Industrial Park. It was MOVED by Hutchison, SECONDED by Swan, to accept the request and recommendation, and approve the request for realignment of sewer assessment on the two pieces of property, based on a recently-approved minor land partition, contingent upon the company bringing the assessment payments up to date. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1367 - ESTABLISHING CONTRACT REVIEW BOARD

It was MOVED by Hutchison, SECONDED by Swan, to read Ordinance Number 1367 (AN ORDINANCE ESTABLISHING THE CITY COUNCIL AS THE LOCAL CONTRACT REVIEW BOARD FOR THE CITY OF MILWAUKIE AND ADOPTING RULES AND REGULATIONS, AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to read Ordinance 1367 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Swan, SECONDED by Hutchison, to adopt Ordinance 1367. Ordinance 1367 was put on its passage with the following roll-call vote: AYES: Manuel, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1367 passed the Council and was so declared by the Mayor pro tem.

RESOLUTION NUMBER 30-1977 - REPEALING RESOLUTION 11-1965, POLICY ON INSURANCE COVERAGE

It was MOVED by Hutchison, SECONDED by Swan, to read Resolution Number 30-1977 (A RESOLUTION REPEALING RESOLUTION NUMBER 11-1965) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 30-1977. MOTION CARRIED unanimously. Resolution 11-1965 established a policy

of putting the city's insurance coverage out to bid, but that policy is now impractical due to a lack of insurance carriers offering coverage to cities.

AUTHORIZED SPENDING - FISCAL ASSISTANCE FUND

Finance Director has written memo, dated June 2, 1977, concerning fiscal assistance funds. It was MOVED by Manuel, SECONDED by Swan, that staff be directed to allocate fiscal assistance funds in the manner outlined in the memo, as follows:

Accountant - Finance Department	\$6,800
Parks Superintendent	900
Clerk Typist - Police Department	900
Secretary - Planning Department	1,600
Storekeeper - Public Works	1,400

MOTION CARRIED unanimously.

REQUEST FROM WAVERLY GREENS FOR SIGN IN PUBLIC RIGHT-OF-WAY

It was MOVED by Swan, SECONDED by Manuel, that the request be tabled until the next meeting. MOTION CARRIED unanimously.

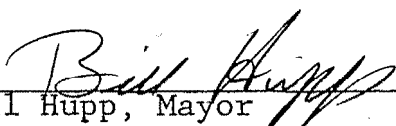
CONTRACT WITH OAK LODGE SANITARY

It was MOVED by Hupp, SECONDED by Manuel, to table this matter until the next meeting. MOTION CARRIED unanimously.

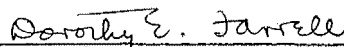
PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Swan, that the bills listed for June 6, 1977 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned at 11 p.m., and went into executive session under ORS 192.660 (2)(a), to discuss labor negotiations and possible purchase of property.


Bill Hupp, Mayor

ATTEST:


Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
June 6, 1977
7 p.m.

COUNCIL CHAMBERS1291st MEETING

1. CALL TO ORDER
2. INVOCATION - The Reverend Simon Maier, Concordia Evangelical Lutheran
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a. Approval of minutes - May 16, 6:30 a.m. and 7 p.m., and May 23, 1977 Council meetings
 - b. Letter from CRAG regarding planning assistance grants
 - c. Letter from State Parks and Recreation regarding SPF funding
 - d. Newspaper clipping regarding Civil Service
 - e. Memo regarding land use decisions
 - f. Sewage treatment plant costs
 - g. Lawsuits
 - 1) Moran v. Milwaukie - reply brief
 - 2) Milwaukie v. Peerless - demurrers
 - 3) Borosek v. Milwaukie - amended complaint and reply
 - 4) Hupp v. Schumacher - order of mandate
 - h. Coalition of Social Services meeting notice
 - i. Manager's vacation request
5. AUDIENCE PARTICIPATION
6. NEIGHBORHOOD COUNCIL REPORTS
 - a. Memo from NC 3 regarding duck crossing
7. CORRESPONDENCE
 - a. Letter from Principal, Lewelling School, regarding tennis courts
 - b. Letter from Jarmer regarding sewer installation
 - c. Letters from EPA and LOC regarding Safe Drinking Water Act
 - d. Letter from Hatfield regarding drought
8. OLD BUSINESS
 - a. Resolution No. _____ - Pioneer Cemetery Annexation
 - b. Resolution No. _____ - Osborn annexation
 - c. Engineer's proposal - water supply & storage capacity
 - d. Resolution No. _____ - alternate day watering
 - e. Resolution No. _____ - committee on ordinances
 - f. Planning Commission memo regarding ZC-77-1
 - g. Award of bid - Lake Road bikeway
 - h. Award of bid - 17th Avenue bikeway
9. CONSIDERATION
 - a. One-way couplet - River Road and SE 22nd
 - b. Ordinance No. _____ - Withdrawing assets, Portland Suburban Water District

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9. CONSIDERATION (continued)
 - c. Resolution No. _____ - canvassing vote
 - d. Appointments to Library Board
 - e. Councilwoman Burgess request for duck crossing sign
 - f. Memo from Planning Commission regarding citizen participation
 - g. Resolution No. _____ - amending resolution regarding
Comprehensive Plan Steering Committee
 - h. Garbage rate increase request
 - i. Dental plan costs
 - j. Sewer assessment modification - Lincoln Properties
 - k. Establishing contract review board
Ordinance No. _____
Resolution No. _____
 - l. Authorized spending - Fiscal Assistance Fund
 - m. Request for sign in Right-of-way - Waverly Greens
 - n. Authorizing signature of contract with Oak Lodge Sanitary
10. OTHER BUSINESS
11. PAYMENT OF BILLS
12. ADJOURNMENT
13. EXECUTIVE SESSION regarding labor negotiations under ORS 192.660 (2)(a)