

CITY COUNCIL MEETING
June 20, 1977
7 p.m.

COUNCIL CHAMBERS

1292nd Meeting

The one thousand two hundred ninety-second meeting of the Council of the City of Milwaukie, Oregon, was held on the 20th day of June, 1977, with the following councilpersons present:

Allen Manuel (entered meeting at 7:10 p.m.)	Jerry N. Hutchison
Charles E. Swan	Joy Burgess Mayor Bill E. Hupp

Also present:

David Nemo, Admin. Asst.	Donald Oblander, Fin. Direct.
Myer Avedovech, City Atty.	Dorothy E. Farrell, Sec'y.

The invocation was given by the Reverend Evan Coley, Advent Christian Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - June 6, 1977 (6:30 a.m.) and June 6, 1977 (7 p.m.)
- b) Letter from Clackamas County Rape Victim Advocate Program
- c) Lawsuits
 - 1) Wilson v. Milwaukie - Complaint
 - 2) Randall v. Milwaukie - Notice of Appeal
 - 3) Firefighters Association v. Milwaukie - Demurrer
- d) Community Development Block Grant application
- e) Oregon Traffic Safety Commission letter regarding Traffic Safety Grant
- f) Coalition of Social Services letter
- g) Letter to Congressman AuCoin regarding Public Works Employment Act
- h) Letters regarding "The Grove"
- i) Letter from Happy Valley Fire District
- j) Animal Control statistics
- k) Memo regarding energy conservation

It was MOVED by Burgess, SECONDED by Hutchison, to accept the Consent Calendar. Councilwoman Burgess asked to have items i and j removed for discussion.

- a) Mayor Hupp asked to have added to the minutes of June 6, 1977, his request for an addition to the information that was furnished relative to the franchise fee--the fees that are now being charged and paid in the metropolitan area.
- b) Program Director of Clackamas County Rape Victim Advocate Program has sent letter, undated, thanking the city for donation to the Social Services Coalition.
- c) Council has received copies of the following legal documents:
 - 1) Wilson v. Milwaukie - Complaint
 - 2) Randall v. Milwaukie - Notice of Appeal and Designation of Record
 - 3) Firefighters Association v. Milwaukie - Demurrer
- d) Council has received copy of city's Community Development Block Grant application
- e) Oregon Traffic Safety Commission has informed city, in letter dated June 14, 1977, of final approval of the city's Roadway and Traffic Safety Plan Project.

- f) Coalition of Social Services has sent letter, dated June 13, including copy of funding application "Request for Special Project Funding" and a copy of the presently used contract.
- g) Manager has sent letter to Congressman AuCoin, dated June 16, concerning EDA Public Works Employment Act distributions.
- h) Council has received copy of correspondence from Voorhies and Peterson, homeowners in "The Grove," to Brayson Builders,, and response from Brayson and Brayson, as well as Manager's letter to the homeowners, all concerning a drainage problem.
- i) Happy Valley Rural Fire District No. 65 has sent letter, dated June 8, to Chief Boulanger, Milwaukie Fire Department, thanking the Department for assistance given with the Hurst Rescue Tool. Mrs. Burgess commented she is grateful the city has the Rescue Tool.
- j) Neighborhood Council Coordinator, in memo dated June 7, has furnished Neighborhood Councils with animal control statistics. Mrs. Burgess commented that we need to work toward 100% compliance with the ordinance.
- k) Staff has prepared an energy conservation program, and Council has received copy of memo on this subject from Liz Englund to Manager.
- Mayor asked that when Council receives copies of lawsuit documents, they also receive a summary of what the document means.
- On the Motion to adopt, as amended, MOTION CARRIED unanimously by those present.
- (Councilman Manuel entered meeting at 7:10 p.m.)

AUDIENCE PARTICIPATION

1. Ann Hupp, 2626 SE Washington, asked that the flags be placed at the front of the Council Chambers. It was MOVED by Swan, SECONDED by Hutchison, that Mayor Hupp be appointed as a committee of one to move the flags. MOTION CARRIED unanimously.
2. Steve McCarthy, Assistant General Manager of Tri-Met, gave a presentation on Tri-Met plans for the future.
3. John McDonald, 10116 SE Stanley, asked questions about Milwaukie police officers going outside the city limits. It was suggested Mr. McDonald contact the Manager later for answers to his questions.
4. Esther Fuller, 10507 - 37th Avenue, representing the Milwaukie Ledding Library Board, asked the Council to pass on the Neighborhood Councils the qualifications the Library Board desires in the two new appointees.

RESOLUTION NUMBER 31-1977 - BARNEY McCLAIN RETIREMENT

It was MOVED by Hutchison, SECONDED by Swan, after Resolution Number 31-1977 (EXPRESSING CONGRATULATIONS AND APPRECIATION TO BARNEY McCLAIN ON THE OCCASION OF HIS RETIREMENT) was read by the Mayor, that Resolution 31-1977 be adopted. MOTION CARRIED unanimously. A signed copy of the resolution was presented to Mr. McClain.

NEIGHBORHOOD COUNCIL REPORTS

1. A brochure has been prepared giving notice that July is Milwaukie Block Walk Month.
2. Neighborhood Council Environmental Committee has prepared a proclamation designating July as Block Walk Month, in an effort to accomplish a resource inventory to assist in revision of the city's comprehensive plan. Proclamation was read by the Mayor.
3. Neighborhood Council 5 executive board has recommended Victor and Jesse Alfson for appointment to the Senior Citizen

Advisory Council.

It was MOVED by Burgess, SECONDED by Hupp, to appoint Victor and Jesse Alfson to the Senior Citizen Advisory Council. The MOTION WAS WITHDRAWN, and it was MOVED by Burgess, SECONDED by Hupp, that Victor Alfson be appointed as the regular appointee, and that Jesse Alfson be the alternate, on the Senior Citizen Advisory Council. MOTION CARRIED unanimously.

CORRESPONDENCE

1. Senior Citizens Advisory Council has written letter, dated June 14, 1977, urging action by the City Council to hire a coordinator for senior programs. Manager pro tem announced the city has been successful in obtaining a grant for \$3000 from the Clackamas County Area Agency on Aging, for this purpose. It was MOVED by Burgess, SECONDED by Manuel, that the city proceed as soon as the grant is received. MOTION CARRIED unanimously.

2. Senior Citizen Advisory Council has written memo to City Council, dated June 17, concerning proposed Community Center, which they recommend be constructed at North Clackamas Park.

APPOINTMENTS TO ORDINANCE STUDY COMMITTEE

The following appointments were made to the Ordinance Study Committee, established by Resolution Number 27-1977:

Burgess nominated Betty Stephens, 3323 SE Filbert

Hutchison nominated Anna Payne, 12120 SE 32nd

Swan nominated Edgar D. Fuller, 10507 SE 37th

The rest of the appointments will be made at the next meeting.

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

This item was tabled at the last meeting. It was MOVED by Hutchison, SECONDED by Swan, to deny the request for sign in the public right-of-way at Waverly Greens Apartments. MOTION CARRIED unanimously.

CONTRACT WITH OAK LODGE SANITARY SERVICE

This item was tabled at the last meeting. It was MOVED by Burgess, SECONDED by Swan, that the Mayor be authorized to sign the contract with Oak Lodge Sanitary Service. MOTION CARRIED unanimously.

RATE INCREASE PROPOSAL - REFUSE COLLECTION

As requested, Finance Director has prepared a resolution establishing new interim collection rates for refuse collection. However, at the request of the franchisees, Finance Director recommends the resolution not be approved, but that a recommendation for permanent rate increase be presented in July. Mayor asked that at that time, information be presented on the rates presently charged in the metropolitan area, and it was agreed that comparison figures on residential cans only need be obtained. Staff was also requested to obtain figures on franchise fees in the surrounding area. It was MOVED by Burgess, SECONDED by Hutchison, to table the matter to the next meeting. MOTION CARRIED unanimously.

(Meeting recessed at 8:35 p.m., reconvened at 8:45 p.m. with all present.)

APPOINTMENT TO TRAFFIC SAFETY COMMISSION

Mrs. Judy Bates, 8830 SE 42nd Avenue, indicated to Council an interest in being appointed to the Traffic Safety Commission. Neighborhood Councils have been asked to submit names for possible appointment to that Commission, on April 18, but have not done so to date. It was MOVED by Burgess, SECONDED by Hutchison, that Judy Bates be appointed to the Traffic Safety Commission, her term to expire in January, 1980. MOTION CARRIED unanimously.

SAMPLE ORDINANCES - RESIDENCY REQUIREMENTS

As requested, Council has been provided sample ordinances on residency requirements. It was MOVED by Swan, SECONDED by Hutchison, to table this item until the next meeting. MOTION CARRIED with the following roll-call vote: AYES: Swan, Hutchison and Hupp. NOES: Burgess and Manuel.

RATIFY POLICE CONTRACT

Collective Bargaining Agreement for 1977-78 between Service Employees International Union, Local No. 843 (formerly National Union of Police Officers, Local No. 843) and City of Milwaukie, has been signed by union representatives. It was MOVED by Hutchison, SECONDED by Burgess, to ratify the agreement between the city and the Police Officers Association. MOTION CARRIED unanimously.

PERSONNEL CONSULTING PROPOSALS

Manager has written memorandum, dated June 12, recommending release of impounded funds for a classification study, and asking authorization to retain the services of Mr. Gary Foss for this study. It was MOVED by Hutchison, SECONDED by Burgess, to accept the Manager's recommendation. MOTION CARRIED unanimously.

MAP SHOWING EXISTING WAVERLY SEWERS

As requested, a map has been prepared, showing residences in the Waverly area that are not connected to a sewer. Staff was asked for an estimate of the number of homes that are not connected to a sewer.

TIME FRAME FOR FILLING VACANCIES

As requested, staff has prepared a list of the last six vacancies in city employment, and the time required to fill the vacancies.

ORDINANCE AMENDING ZONING ORDINANCE

Staff has prepared a proposed ordinance, as requested, which would make decisions of the Planning Commission on zone changes final, unless appealed to the City Council. It was MOVED by Burgess, SECONDED by Swan, to read the ordinance the first time by title only. After discussion, it was MOVED by Hutchison, SECONDED by Swan, to ask the Planning Commission for comments. The MOTION WAS WITHDRAWN, and Council concurred that the Planning Commission be asked for comments.

DENTAL INSURANCE ALTERNATIVES

Council has received memorandum from Finance Director, dated June 15, 1977, on dental insurance alternatives. Manager recommends Council authorize staff to initiate replacement of the city Oregon Dental Service contract with the Blue Cross dental plan.

It was MOVED by Hutchison, SECONDED by Burgess, to change to Blue Cross dental plan from Oregon Dental Service, effective July 1. MOTION CARRIED unanimously.

RESOLUTION NUMBER 32-1977 - CANVASSING VOTE AT SPECIAL ELECTION

It was MOVED by Hutchison, SECONDED by Burgess, that Resolution Number 32-1977 (A RESOLUTION CANVASSING THE VOTE AT SPECIAL ELECTION HELD ON JUNE 7, 1977) be read by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 32-1977. MOTION CARRIED unanimously.

AWARD OF BIDS - DRAINAGE PROJECT

Staff recommends awarding the bid on Schedule 2 of Milwaukie Storm Sewers - Census Tract #209 to K & R Construction Co., in the amount of \$91,983.35. This recommendation is contained in memo dated June 20. An earlier memo, dated June 17, from the Finance Director, recommended award to Marshall, but changing circumstances changed the recommendation. Manager pro tem stated the city had hoped to be able to use Public Works Development Act funds for the other schedules, but has discovered that the fact the project has been bid makes the project ineligible for that funding.

It was MOVED by Hutchison, SECONDED by Swan, to accept the bid of K & R Construction on Schedule 2, and reject all other bids on Schedule 2. MOTION CARRIED unanimously.

Mrs. Burgess asked if staff could explore the idea of a walkway in that area for the safety of children going to Ardenwald School. Don Graf mentioned that Neighborhood Council 2 will be having a parade in the area of the project the latter part of September, and hoped the construction would not interfere with the parade.

MEMO REGARDING SPECIAL COUNCIL MEETING

Finance Director requests a special meeting the week of June 26 to make last minute adjustments in the apportionment of expenditures. The meeting will be at 8 p.m. Wednesday, June 29.

APPOINTMENT OF CITY REPRESENTATIVE TO ADVISORY COMMITTEE TO FEDERAL AGENCY ON AGING

Mayor announced Council has three names to pick from for appointment to advisory committee to Federal Agency on Aging. After discussion, it appears all the persons mentioned have already been appointed. Staff is to write a letter to the Area Agency on Aging and ask them if they are soliciting an appointment.

OTHER BUSINESS

1. Council has received copy of letter from Bruce Bischof, city bargaining representative; to The Oregonian, concerning a story in the May 26 Oregonian on the Gerald Harris lawsuit, which story was inaccurate.

2. City employee, recently retired, has filed claim for unemployment compensation. Finance Director has written State Employment Division stating since the employee retired voluntarily, the city should not be held responsible for unemployment compensation.
3. City Attorney stated Clackamas County requests a change in the property description in Resolution No. 24-1977 (Pioneer Cemetery annexation) to include half the street. It was MOVED by Hutchison, SECONDED by Burgess, to ratify the changed description in Resolution 24-1977. MOTION CARRIED unanimously.
4. City has made application for Older Americans Act Project Grant for July 1, 1976 through June 30, 1977, for Repair Service Grant Program for Senior, Disabled or Handicapped Homeowners.
5. City has made application for Older Americans Act Project Grant for July 1, 1976 through June 30, 1977, for Community Resource Identification and Mobilization.
6. Milwaukie Senior Citizen Advisory Council has made a proposal to the United States District Court Probation Office for funds.

It was MOVED by Hutchison, SECONDED by Burgess, to ratify the above three applications for grant funds. MOTION CARRIED unanimously.

7. Council has received copies of petitions for standing Amicus Curiae in the cases of State v. Troutdale and Hermiston v. ERB. It was MOVED by Hutchison, SECONDED by Burgess, to ratify authorizing law firm of Johnson, Harrang & Mercer to be Special Counsel for the city in the above matter. MOTION CARRIED unanimously.
8. The next Council meeting will be July 5, since the regular meeting would have been July 4.
9. City Manager pro tem discussed city's water supply situation.
10. City Manager pro tem discussed EDA grant.
11. City Manager pro tem gave Council copies of relevant articles on water rates, and said there is a need to consider the city's water rate structure.
12. City Attorney has met with Civil Service Commission Chairman to prepare proposed Charter changes.
13. Homeowners on Licyntra Lane and Licyntra Court have signed petition requesting the streets be improved with rock and oil. It was Council consensus to request staff to have this done.
14. There was discussion of a number of homes which do not have new house numbers in a prominent location. The next issue of city newsletter will remind citizens this is required. Staff was asked to see if there is any penalty for not complying with the ordinance.
15. Councilman Manuel reminded Council the city owes the county \$5337.75 for prisoner board from October, 1976 to date.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Manuel, that the bills listed for June 20, 1977 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned at 11:05 p.m., and went into executive session to discuss Fire Department bargaining.

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Recorder

Bill Hupp
Bill Hupp, Mayor

CITY COUNCIL AGENDA
June 20, 1977
7 p.m.

COUNCIL CHAMBERS

1292nd Meeting

1. CALL TO ORDER
2. INVOCATION - Reverend Evan Goley, Advent Christian Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a. Approval of minutes - June 6, 1977 (6:30 am) and June 6, 1977 (7:00 pm)
 - b. Letter from Clackamas County Rape Victim Advocate Program
 - c. Lawsuits
 - 1) Wilson v. Milwaukie - Complaint
 - 2) Randall v. Milwaukie - Notice of Appeal
 - 3) Firefighters Association v. Milwaukie - Demurrer
 - d. Community Development Block Grant application
 - e. Oregon Traffic Safety Commission letter regarding Traffic Safety Grant
 - f. Coalition of Social Services letter
 - g. Letter to Congressman AuCoin regarding Public Works Employment Act
 - h. Letters regarding "The Grove"
 - i. Letter from Happy Valley Fire District
 - j. Animal Control Statistics
 - k. Memo regarding energy conservation
5. AUDIENCE PARTICIPATION
 - a. Resolution No. _____ - McClain Retirement
 - b. Tri-Met representatives
6. NEIGHBORHOOD COUNCIL REPORTS
 - a. Block Walk Brochure
 - b. NC Environmental Committee Block Walk Proclamation
 - c. NC 5 recommendation regarding Senior Citizen Advisory Council
7. CORRESPONDENCE
 - a. Letter and memo from Senior Citizen Advisory Commission regarding Community Center and Coordinator
8. OLD BUSINESS
 - a. Appoint committee to study ordinances
 - b. Request for sign in right-of-way - Waverly Greens - tabled June 6, 1977
 - c. Contract with Oak Lodge Sanitary - tabled June 6, 1977
 - d. Rate increase - refuse collection - Resolution No. _____
 - e. Sample ordinances - residency requirements
 - f. Ratify police contract
 - g. Personnel consulting proposals
 - h. Map showing Waverly sewers

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8. OLD BUSINESS (continued)
 - i. Time frame for filling vacancies
 - j. Ordinance amending zoning ordinance - Ordinance No. _____
 - k. Dental insurance alternatives
9. CONSIDERATION
 - a. Resolution No. _____ - Canvassing vote
 - b. Award of bids - drainage project
 - c. Memo regarding special Council meeting
 - d. Appointment of city representative to Advisory Committee
to Federal Agency on Aging
10. OTHER BUSINESS
11. PAYMENT OF BILLS
12. ADJOURNMENT
13. EXECUTIVE SESSION on labor negotiations and property purchase
under ORS 192.660 (2) (a)