

CITY COUNCIL MEETING

May 19, 1975

7 p. m.

COUNCIL CHAMBERS

1244th Meeting

The one thousand two hundred forty-fourth meeting of the Council of the City of Milwaukie, Oregon, was held on the 19th day of May, 1975, with the following councilpersons present:

- |                   |                    |
|-------------------|--------------------|
| C. Mervin Englund | Jerry N. Hutchison |
| Charles E. Swan   | Mayor Bill E. Hupp |
| Joy Burgess       |                    |

Also present:

- |                                   |                                |
|-----------------------------------|--------------------------------|
| Harold L. Schilling, City Manager | Tim Holder, Planning Assistant |
| J. Wayne Daigle, Dir. of P. W.    | Myer Avedovech, City Attorney  |
| Cyrus Nims, Planning Director     | Dorothy E. Farrell, Secretary  |

The invocation was given by the Reverend Robert F. Day, Wichita Evangelical Church, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - May 5, 1975 Council meeting
  - b) Letter from Governor re Community Development Act
  - c) Letter from Brandts re motorcycle ordinance
  - d) Letter from Corps of Engineers re Water Resources Study
  - e) Letter to Congressmen re 701 funds
  - f) Memo from Public Works Director re Sewage Treatment Plant
  - g) Memo from Public Works Director re sidewalk assessment
  - h) Letter from Hatfield re Community Development funds
  - i) Letter from Packwood re 701 funds
- b) Letter has been received from the office of Governor Straub, dated May 8, 1975, concerning applications for Metro Discretionary balances under Title I, Housing and Community Development Act of 1974. Council concurred that letters should be written to Governor Straub and to William H. Young, Director of Intergovernmental Relations Division, thanking them for their supportive efforts in behalf of Milwaukie and other cities who have made application for these funds.
- c) Council has received copy of letter from Larry and Marlene Brandt, 9506 Winsor Drive, dated May 5, thanking Council members and City Manager for the motorcycle ordinance.
- d) Letter has been received from Corps of Engineers, dated May 9, 1975, giving notice of initiation of Portland-Vancouver Metropolitan Area Water Resources Study, requested by CRAG. Staff was requested to write a letter to CRAG and the Corps of Engineers, asking that the study assist Milwaukie in addressing our needs in the categories mentioned in the letter from the Corps of Engineers.
- e) Council has received copy of letter to Congressmen asking their backing of efforts for more substantial funding of 701 Comprehensive Planning Assistance Program.
- f) Council has received memorandum from Public Works Director, dated May 13, concerning odors from Kellogg Creek Sewage Treatment Plant.
- g) Council has received memorandum from Public Works Director, dated May 13, concerning sidewalk improvement assessment on Main, Jackson and Monroe Streets.
- h) Council has received copy of letter from Senator Hatfield, with information on his efforts on discretionary balance funds under the Community Development Act. Council directed a letter be written to the Oregon Congressional delegation stating the city is appreciative of their efforts.

DDJ309

It was MOVED by Hutchison, SECONDED by Burgess, to accept all items on the consent calendar. MOTION CARRIED and so ordered.

#### AUDIENCE PARTICIPATION

1. Marlene Brandt, 9506 Winsor Drive, complained about the way the City Attorney is handling the drainage problem at her home.
2. Dale Morrison, 5231 SE Park, complained about the condition of the street in front of his home. Manager will look into it and see what can be done.

#### PUBLIC HEARING - ORDINANCE NUMBER 1311 - MORATORIUM ON DEVELOPMENT - GROWTH POLICY FOR PUBLIC LANDS AND FACILITIES

At a special meeting on May 13, the Planning Commission considered two proposed ordinances, one establishing a growth policy for public lands and facilities as an element of the Comprehensive Plan, the other establishing a moratorium on development in areas where a potential conflict exists between the Comprehensive Plan map and the Zoning map. The Planning Commission voted to recommend approval of the two ordinances.

Correspondence in favor of the growth policy ordinance:

Virginia Hill and Dorothy Lewis

There was no correspondence in opposition to either ordinance.

Questions asked:

Harry Saylor, 4705 Lake Road

Ardyth Duncan, Guilford Drive

Mrs. Orlando, Lake Road

Kim Peterson, 5902 SE Monroe

Mrs. Rulifson, 7th Avenue and 4th Street

Margaret Howell, 2015 3rd Avenue

Pierre Brunelle, 5556 Logus

Speaking in opposition:

Vater Parker, attorney representing Milwaukie Homeowners Association

Bert Thorsen, 27th Street

Pierre Brunelle, 5556 Logus

Jean Baker, 2607 Monroe

Ardyth Duncan, Guilford Drive

(Meeting recessed at 9:35 p. m. , reconvened at 9:43 p. m. with all present.)

It was MOVED by Swan, SECONDED by Englund, to table the matter until the next meeting, to give staff a chance to go the other two routes mentioned in the discussion. MOTION CARRIED and so ordered. Councilwoman Burgess wished her vote recorded as "No." Discussion followed, with the maker of the motion stating he was referring to both ordinances under discussion, and the seconder saying he thought the motion referred to the "growth" ordinance.

It was MOVED by Burgess, SECONDED by Englund, to rescind the motion. MOTION CARRIED and so ordered.

It was MOVED by Burgess, SECONDED by Hutchison, that the Council consider the ordinance establishing a moratorium on development in areas where a potential conflict exists between the comprehensive plan map and the zoning map, and for first reading of the ordinance. MOTION FAILED to pass.

It was MOVED by Swan, SECONDED by Englund, that the commonly-named "growth" ordinance be tabled. MOTION CARRIED and so ordered.

It was MOVED by Burgess, SECONDED by Englund, that Ordinance Number 1311 (AN ORDINANCE ESTABLISHING A MORATORIUM ON DEVELOPMENT IN AREAS WHERE A POTENTIAL CONFLICT EXISTS BETWEEN THE COMPREHENSIVE PLAN MAP AND THE ZONING MAP) be read the first time. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, that the ordinance be read the second time. MOTION CARRIED and so ordered. It was MOVED by Swan, SECONDED by Hutchison, that the ordinance be adopted. MOTION CARRIED and so ordered. Ordinance 1311 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1311 passed the Council and was so declared by the Mayor.

#### CORRESPONDENCE

1. Council has received copy of letter from Coopers & Lybrand, city auditors, dated May 5, 1975, addressed to City Manager, defining the relationship and degree of responsibility between auditor and client.
2. Council has received letter from Robert E. Wagner, Administrator of Dwyer Hospital, dated May 9, concerning senior citizens. Manager was asked to find out exactly what the letter means, and if Mr. Wagner wishes to meet with Council, that he be put on the agenda for the next meeting.
3. Council has received notification from CRAG of public meeting on interim transportation plan, at 7:30 p. m. May 15 at Milwaukie High School.
4. Council has received copy of letter to Mayor from Dr. Warren Schafer, dated May 14, and it was suggested the Mayor answer the letter.

#### SHOOK ESTATE

Joseph W. Shook, owner of property at 12780 SE 88th, Portland, willed the property to the City of Milwaukie to be used for park purposes only. The personal representative of the estate has written the city that it is necessary to sell the property to pay the expenses of the estate, and asking that the Mayor sign Consent to Sale of Real Property. The remainder will be turned over to the city for some type of park use. It was the consensus of the Council that the Mayor sign the document.

#### SEWAGE TREATMENT PLANT LANDSCAPING

Ted Havlicek, 1520 Eton Lane, read a letter objecting to the use of Lombardy Poplars at the Kellogg Creek Treatment Plant. Manager was asked to find out what rights the city has to require changes to be made, and report back to the Council.

#### PLANNING COMMISSION MATTER

Gerry Mesander, Chairman of Planning Commission, gave Council members a letter on attendance record of Planning Commission member Byron Foreman. Staff will draft a letter for Mayor's signature, addressed to Mr. Foreman.

#### RESOLUTION NUMBER 14-1975 - TRANSFER OF FUNDS

It was MOVED by Burgess, SECONDED by Hutchison, that Resolution Number 14-1975 (A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TO REAPPORTION THE 1974-75 BUDGET) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess,

DDJ309

47

SECONDED by Hutchison, that Resolution 14-1975 be adopted. MOTION CARRIED and so ordered.

RESOLUTION NUMBER 15-1975 - SETTING FEES FOR BUILDING CODE APPEALS

It was MOVED by Hutchison, SECONDED by Burgess, that Resolution Number 15-1975 (A RESOLUTION AMENDING RESOLUTION NUMBER 65-1968 AND SETTING FEES FOR BUILDING CODE APPEALS APPLICATION) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Swan, that Resolution 15-1975 be adopted. MOTION CARRIED and so ordered.

OTHER BUSINESS

1. Manager reported complaints have been served on Frank Mello, 1425 - 40th, for violations of city ordinances on zoning and building permits.
2. City has received letters from Clackamas County Public Works Department, dated May 12, 1975, notifying that asphalt overlays are planned for Linwood Avenue from King Road to Harmony Road, and Oatfield Road from Dartmouth Street in Gladstone to Lake Road in Milwaukie.
3. Council has received copy of Wall Street Journal article on New York City, dated May 14, 1975.
4. Council has received copy of article from Revenue Sharing Bulletin of April, 1975, concerning revenue sharing renewal.
5. Council has received notice of meeting of Coalition of Social Services at 7:30 p. m. May 22, 1975, and the minutes of their April 17 meeting.
6. Councilwoman Burgess reported on meeting with citizens with intent to form a Senior Citizen Center. Staff was asked to obtain copies of Lake Oswego's ordinance and a synopsis of function of their senior citizens group, as well as information from other cities.
7. Manager was asked to invite members of Citizen Information Committee to a preliminary meeting.
8. Staff was asked to write a letter, for Mayor's signature, congratulating the Bernards for 50 years in the same business.

PAYMENT OF BILLS

It was MOVED by Burgess, SECONDED by Hutchison, that the bills listed for May 20, 1975 payment be approved for payment. MOTION CARRIED and so ordered.

EXECUTIVE SESSION

The meeting adjourned to executive session to discuss labor negotiations, at 12:25 p. m.

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

ATTEST:

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

## CITY COUNCIL MEETING

May 19, 1975

7 p.m.

COUNCIL CHAMBERS1244th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Robert F. Day, Wichita Evangelical Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Approval of minutes - May 5, 1975 Council meeting
  - b) Letter from Governor re Community Development Act
  - c) Letter from Brandts re motorcycle ordinance
  - d) Letter from Corps of Engineers re Water Resources Study
  - e) Letter to Congressmen re 701 funds
  - f) Memo from Public Works Director re Sewage Treatment Plant
  - g) Memo from Public Works Director re sidewalk assessment
  - h) Letter from Hatfield re Community Development funds
  - i) Letter from Packwood re 701 funds
5. AUDIENCE PARTICIPATION
6. CORRESPONDENCE
  - a) Letter from Coopers and Lybrand re audit
  - b) Letter from Dwyer Hospital re community needs
  - c) Letter from CRAG re Interim Transportation Plan
  - d) Letter from Dr. Schafer re street light
7. PUBLIC HEARING AT 7:30 p.m.
  - a) Ordinance No. 1311 Moratorium on development
  - b) Ordinance No.            Growth policy for public lands and facilities
8. OLD BUSINESS
  - a) Letter from attorney re Shook estate
9. CONSIDERATION
  - a) Resolution No. 14-1975 -Transfer of funds
  - b) Resolution No. 15-1975 -Setting fee for building code appeals
  - c) Memo
10. OTHER BUSINESS
11. PAYMENT OF BILLS
12. ADJOURNMENT

CITY OF MILWAUKIE  
BILLS PAYABLE ON MAY 19th

DDJ309

| <u>VENDOR</u>                                 | <u>TOTAL</u> | <u>DEPT.</u> | <u>AMOUNT</u> |
|---|--------------|--------------|---------------|
| 1. A to Z Rental                              | 11.50        | 20-          | 11.50         |
| 2. Julie August                               | 37.50        | 1-8          | 37.50         |
| 3. American Public Works Association          | 100.00       | 1-10         | 25.00         |
|   |              | 4-           | 75.00         |
| 4. Baker & Taylor                             | 731.26       | 1-6          | 731.26        |
| 5. Bearings Inc.                              | 15.07        | 20-          | 15.07         |
| 6. J. M. Bernard's Garage                     | 424.16       | 1-5          | 105.93        |
|   |              | 4-           | 318.23        |
| 7. Bob's Rentals Inc.                         | 11.00        | 20-          | 11.00         |
| 8. Eric Carlson                               | 105.00       | 1-14         | 105.00        |
| 9. Cessco                                     | 777.80       | 1-4          | 777.80        |
| 10. Chevron Asphalt Co.                       | 290.00       | 1-7          | 290.00        |
| 11. Clackamas County Service Dist. #1         | 4706.45      | 20-          | 4706.45       |
| 12. Columbia Hydraulic Service Inc.           | 36.75        | 30-          | 36.75         |
| 13. Dick's Concrete Service                   | 228.90       | 20-          | 106.10        |
|   |              | 5-           | 122.80        |
| 14. Electromatic Associates Inc.              | 59.25        | 1-5          | 59.25         |
| 15. Eugene Overall/Blue Seal                  | 27.27        | 1-3          | 8.02          |
|   |              | 1-4          | 11.15         |
|   |              | 1-5          | 1.70          |
|   |              | 1-6          | 6.40          |
| 16. J. G. Ferguson Publishing Co.             | 21.15        | 1-6          | 21.15         |
| 17. Gladstone Lincoln Mercury                 | 50.10        | 1-5          | 3.10          |
|   |              | 7-           | 47.00         |
| 18. Graham's Book & Stationery                | 40.36        | 1-5          | 4.65          |
|   |              | 1-6          | 35.71         |
| 19. Hazeltine Leasing Company                 | 100.00       | 1-5          | 100.00        |
| 20. Charlie Helwig Inc.                       | 504.09       | 1-2          | 126.50        |
|   |              | 1-4          | 30.33         |
|   |              | 1-5          | 154.43        |
|   |              | 1-6          | 85.44         |
|   |              | 1-8          | 35.84         |
|   |              | 1-9          | 2.00          |
|   |              | 1-10         | 31.67         |
|   |              | 5-           | 37.88         |
| 21. Horton Electric                           | 9.55         | 1-4          | 9.55          |
| 22. Industrial Specialties Co.                | 18.40        | 4-           | 18.40         |
| 23. Interior Floor Center                     | 143.00       | 1-4          | 143.00        |
| 24. I.B.M. Corporation                        | 654.84       | 1-2          | 24.84         |
|   |              | 1-8          | 630.00        |
| 25. International City Management Association | 12.00        | 1-2          | 12.00         |
| 26. Jury Fees                                 | 140.00       | 1-8          | 140.00        |
| 27. K & K Color Lab                           | 19.72        | 1-5          | 19.72         |
| 28. Kellum Motors Inc.                        | 27.00        | 4-           | 27.00         |
| 29. Landeen Medical Gas and Equipment         | 18.00        | 1-4          | 18.00         |
| 30. Lanson/Tremaine                           | 183.73       | 1-6          | 183.73        |
| 31. Larry & Chuck's Heating Service           | 68.25        | 1-4          | 68.25         |
| 32. Lavelle Landfill                          | 51.84        | 4-           | 51.84         |
| 33. The Chas. H. Lilly Co.                    | 16.00        | 5-           | 16.00         |
| 34. Main Street Cleaners                      | 231.17       | 1-4          | 76.37         |
|   |              | 1-5          | 154.80        |

CITY OF MILWAUKIE  
BILLS PAYABLE ON MAY 19th (continued)

| <u>VENDOR</u>                             | <u>TOTAL</u> | <u>DEPT.</u> | <u>AMOUNT</u> |
|---|--------------|--------------|---------------|
| 35. Mariner's Supply Co. Inc.             | 50.02        | 4-           | 50.02         |
| 36. Edwin A. Mickel, M.D.                 | 12.00        | 1-5          | 12.00         |
| 37. Milwaukie Auto Parts                  | 31.48        | 1-4          | 10.50         |
|   |              | 4-           | 20.98         |
| 38. Milwaukie Automotive Service          | 109.70       | 1-5          | 109.70        |
| 39. Milwaukie Hardware                    | 31.90        | 1-4          | 12.60         |
|   |              | 4-           | 19.30         |
| 40. Milwaukie Lumber                      | 163.00       | 1-3          | 44.12         |
|   |              | 4-           | 15.00         |
|   |              | 20-          | 103.88        |
| 41. Mobil Oil Company                     | 1890.02      | 30-          | 1890.02       |
| 42. Moore's Audio-Visual Center, Inc.     | 33.14        | 1-6          | 33.14         |
| 43. Multnomah County Stores               | 209.25       | 1-2          | 53.28         |
|   |              | 1-4          | 29.80         |
|   |              | 1-5          | 29.80         |
|   |              | 1-6          | 37.15         |
|   |              | 1-8          | 14.90         |
|   |              | 1-10         | 11.22         |
|   |              | 1-14         | 33.10         |
| 44. National Fire Protection              | 214.50       | 1-4          | 214.50        |
| 45. Northwest Natural Gas                 | 216.47       | 1-6          | 129.77        |
|   |              | 4-           | 63.94         |
|   |              | 30-          | 22.76         |
| 46. Nudelman Bros.                        | 300.60       | 1-4          | 300.60        |
| 47. Myles O'Donnell & Co.                 | 287.70       | 1-5          | 287.70        |
| 48. Oregon City Laundry                   | 91.36        | 1-4          | 91.36         |
| 49. Oregon Electric Sign Association      | 5.00         | 1-9          | 5.00          |
| 50. Pacific Coast Industrial Laundry Inc. | 45.00        | 4-           | 45.00         |
| 51. Pacific Northwest Bell                | 1815.25      | 1-3          | 478.32        |
|   |              | 1-4          | 335.51        |
|   |              | 1-5          | 415.31        |
|   |              | 1-6          | 79.40         |
|   |              | 1-10         | 9.00          |
|   |              | 4-           | 74.13         |
|   |              | 20-          | 12.00         |
|   |              | 30-          | 4.40          |
|   |              | 7-           | 407.18        |
| 52. Pacific Water Works Supply Company    | 97.36        | 30-          | 97.36         |
| 53. Payline Northwest Co.                 | 45.42        | 4-           | 45.42         |
| 54. Pennwalt Corporation                  | 145.00       | 20-          | 145.00        |
| 55. Pipeline Products Co.                 | 78.00        | 30-          | 78.00         |
| 56. Pixler Auto Parts                     | 23.00        | 4-           | 23.00         |
| 57. City of Portland                      | 1225.53      | 1-3          | 11.66         |
|   |              | 1-4          | 47.40         |
|   |              | 1-5          | 32.50         |
|   |              | 1-6          | 142.05        |
|   |              | 1-7          | 94.40         |
|   |              | 4-           | 745.89        |
|   |              | 20-          | 80.63         |
|   |              | 30-          | 71.00         |

CITY OF MILWAUKIE

BILLS PAYABLE ON MAY 19th (continued)

DDJ309

| <u>VENDOR</u>                                    | <u>TOTAL</u> | <u>DEPT.</u> | <u>AMOUNT</u> |
|--|--------------|--------------|---------------|
| 58. Portland General Electric                    | 5494.17      | 1-1          | 3595.38       |
|  |              | 1-3          | 132.97        |
|  |              | 1-4          | 51.85         |
|  |              | 1-5          | 57.69         |
|  |              | 1-6          | 121.29        |
|  |              | 1-7          | 3.58          |
|  |              | 4-           | 87.64         |
|  |              | 20-          | 373.43        |
|  |              | 30-          | 1070.34       |
| 59. Portland Road and Driveway                   | 1323.55      | 4-           | 1037.30       |
|  |              | 20-          | 33.75         |
|  |              | 30-          | 252.50        |
| 60. Portland Saw Works                           | 46.50        | 1-4          | 46.50         |
| 61. Radio-tronics                                | 36.35        | 1-4          | 36.35         |
| 62. The Review                                   | 42.00        | 1-9          | 42.00         |
| 63. Riverside Construction Inc.                  | 5362.55      | 5-           | 5362.55       |
| 64. Robben Oil                                   | 253.66       | 1-3          | 125.06        |
|  |              | 1-4          | 128.60        |
| 65. Rub-a-Dub Car Wash                           | 46.25        | 1-5          | 46.25         |
| 66. Harold L. Schilling                          | 3.50         | 1-9          | 3.50          |
| 67. Senter Tool Service                          | 29.05        | 4-           | 9.68          |
|  |              | 20-          | 9.69          |
|  |              | 30-          | 9.68          |
| 68. Sherwin-Williams Company                     | 69.00        | 1-4          | 69.00         |
| 69. Claude Smith Inc.                            | 5.13         | 4-           | 5.13          |
| 70. State of Oregon Department of Motor Vehicles | 25.00        | 1-8          | 25.00         |
| 71. Street                                       | 116.52       | 1-4          | 36.63         |
|  |              | 20-          | 79.89         |
| 72. Subpoena Fees                                | 30.00        | 1-8          | 30.00         |
| 73. 3M Company                                   | 111.65       | 4-           | 111.65        |
| 74. Town Concrete Pipe                           | 229.92       | 20-          | 229.92        |
| 75. Tri-County Office Machine                    | 377.68       | 1-4          | 36.13         |
| 76. Tri-County Training Officers Association     | 40.00        | ---1-10      | 1-5---28.90   |
|  |              | 1-4          | 40.00         |
| 77. U.S. Pipe & Foundry                          | 16,605.73    | 30-          | 16,605.73     |
| 78. Unitog Company                               | 50.45        | 1-4          | 50.45         |
| 79. University of Washington                     | 300.00       | 1-10         | 300.00        |
| 80. Water  | 1,546.20     | 1-2          | 8.92          |
|  |              | 1-4          | 222.78        |
|  |              | 1-5          | 894.42        |
|  |              | 1-7          | 1.84          |
|  |              | 1-10         | 69.05         |
|  |              | 4-           | 349.19        |
| 81. Dick West Chevron                            | 13.75        | 4-           | 13.75         |
| 82. Western Fire Equipment Co.                   | 193.34       | 1-4          | 193.34        |
| 83. Wichita Feed and Hardware                    | 17.35        | 4-           | 10.75         |
|  |              | 20-          | 6.60          |
| 84. Willamette Hi-Grade                          | 366.93       | 4-           | 366.93        |
| 85. Wilco Fire Equipment                         | 178.79       | 1-4          | 175.79        |
|  |              | 1-5          | 3.00          |
| 86. Xerox  | 141.31       | 1-5          | 141.31        |
| 87. John T. Zea                                  | 191.00       | 1-5          | 191.00        |
| 88. Western Drug Label                           | 154.50       | 1-1          | 38.00         |
|  |              | 1-2          | 79.50         |
|  |              | 1-5          | 37.00         |
| 89. Jeffrey D. Viers                             | 1036.00      | 1-7          | 1036.00       |
|  |              | TOTAL        | 51,429.64     |

## BILLS PAYABLE

May 19, 1975

|      |                            |           |
|------|----------------------------|-----------|
| 1-1  | General                    | 3,633.38  |
| 1-2  | Administration and Finance | 305.04    |
| 1-3  | City Hall                  | 800.15    |
| 1-4  | Fire                       | 3,264.14  |
| 1-5  | Police                     | 3,173.91  |
| 1-6  | Library                    | 1,606.49  |
| 1-7  | Parks and Grounds          | 1,425.82  |
| 1-8  | Municipal Court            | 913.24    |
| 1-9  | Planning                   | 52.50     |
| 1-10 | Public Works               | 474.84    |
| 1-14 | Civil Service              | 138.10    |
| 4-   | Street                     | 3,585.17  |
| 5-   | Sewer Improvement          | 5,539.23  |
| 7-   | Suspense Fund              | 454.18    |
| 20-  | Sewer                      | 5,924.91  |
| 30-  | Water                      | 20,138.54 |