

CITY COUNCIL MEETING

June 16, 1975

7:00 p. m.

COUNCIL CHAMBERS

1246th Meeting

The one thousand two hundred forty-sixth meeting of the Council of the City of Milwaukie, Oregon, was held on the 16th day of June, 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

Myer Avedovech, City Attorney

J Wayne Daigle, Dir. of P. W.

Dorothy E. Farrell, Secretary

The invocation was given by the Reverend Robert O. Jackson, First Church of the Nazarene, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - June 2 and June 5 Council meetings
- b) Lawsuit - Moran vs. Milwaukie
- c) Letter re Baker vs. Milwaukie
- d) Article from Wall Street Journal re New York City budget problems
- e) Commendation letter for Police Department
- f) PUC notice of Northwest Natural Gas rate increase information meeting
- g) CRAG meeting schedule
- h) Letter from Hatfield re 701 funds
- i) Letter from DEQ re STP
- j) Commendation letter for Fire Department
- k) Letter from Highway Division re Expressway
- l) Memo from attorney re "Baker" legislation
- m) Telegram re Senate Bill 514

Councilwoman Burgess requested that items a, b, e and j be removed for discussion, Councilman Hutchison requested items g and k, and Mayor Hupp requested item c.

- a) Councilwoman Burgess requested that her "no" vote be recorded on the motions on Ordinance establishing a growth policy for public lands and facilities, at the top of page 3 of the minutes of the June 2 meeting.
- b) Council has received copies of class action for breach of contract, Ronald Moran vs. City of Milwaukie. Councilwoman Burgess asked why Councilman Englund was not listed in Exhibit C, and was reminded he had not yet been appointed to the Council.
- c) Council has received letter dated June 6 from Black, Helterline, Beck & Rappleyea, attorneys for Jeanett Baker, demanding removal of apartment units at Spring Creek Apartments. Mayor Hupp questioned the deadline.
- d) Council has received copy of article from Wall Street Journal May 28 issue, regarding New York City's finances.
- e) Council has received copy of letter to Police Department from Mr. and Mrs. Lester L. Boring, dated June 2, commending the department. Councilwoman Burgess read the letter.
- f) Council has received notice of Public Information Meeting at 7 p. m. June 19 on Northwest Natural Gas request for rate increase.
- g) Council has received copy of letter from CRAG, dated May 29, outlining meeting schedule. Councilman Hutchison asked at what figure the CRAG budget was adopted. The budget was adopted at 40¢ per capita.

Mayor Hupp introduced Ed Burke, CRAG ombudsman, who said Larry Rice, Executive Director of CRAG, would be glad to meet with Council or Council and Planning Commission and discuss any concerns.

DDJ309

- h) Council has received copy of letter from Senator Hatfield, dated May 29, regarding 701 Planning Assistance funds.
- i) Council has received memorandum from Department of Environmental Quality, dated June 2, 1975, stating results of survey are satisfactory on the Sewage Treatment Plant.
- j) Councilwoman Burgess read letter of commendation from United States Coast Guard Auxiliary, dated May 20, to Fire Chief and Fire Department.
- k) Council has received copy of letter from State Highway Division, dated May 27, concerning Highway 224, Milwaukie Expressway. Councilman Hutchison asked about date of meeting with the Regional Engineer, Ed Hardt. This letter refers to complaints about lack of pedestrian facilities on the expressway.
- l) City Attorney has given a report on the progress of legislation designed to take care of city problems created by the case of Baker vs. Milwaukie.
- m) Council received copy of telegram sent at their direction to members of the Legislature concerning Senate Bill 514.
- It was MOVED by Burgess, SECONDED by Hutchison, to accept all items on the consent calendar. MOTION CARRIED and so ordered.

AUDIENCE PARTICIPATION

1. Paul Helton, member of Milwaukie Festival Daze board, introduced Jeanette Kearney, first runnerup in the Miss Milwaukie contest, and her chaperon, Mrs. Gene Purdy. Miss Kearney sold Festival buttons to those present.
2. Jean Baker, 2607 Monroe, speaking for herself, as a member of the 1000 Friends of Oregon, and T. I. M. E., spoke to the Council regarding the "growth policy" ordinance and her opposition to it.

(Meeting recessed at 8:05 p. m. , reconvened at 8:15 p. m. with all present.)

PUBLIC HEARING - DOWNTOWN SIDEWALK ASSESSMENT - ORDINANCE NUMBER 1313

Public hearing was declared open. Notices posted and mailed as required. The Public Works Director gave a staff report. There was no correspondence either for or against the completion or assessment.

Asking questions:

Eugene Norton, 10707 SE Sherman'

No one appeared to speak either for or against the completion or assessment.

Public hearing was declared closed.

It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance Number 1313 (AN ORDINANCE DECLARING THE ASSESSMENT FOR SIDEWALK AND RELATED IMPROVEMENTS ON EAST ONE-HALF OF BLOCK 15, MILWAUKIE) be read the first time. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1313 be read the second time. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1313 be adopted. Ordinance 1313 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1313 passed the Council and was so declared by the Mayor.

AUDIENCE PARTICIPATION

Larry Williams, Executive Director of the Oregon Environmental Council, asked to address the Council on the growth policy ordinance, and was asked to wait until the matter comes up regularly on the agenda.

APPOINTMENT TO LIBRARY BOARD

Council has received letter from Ledding Library Board, dated June 5, 1975, recommending appointment of the Reverend Lawrence Saalfeld to fill the vacancy created by the expiration of Dave Strauss's term. Mayor appointed the Reverend Lawrence Saalfeld to a five-year term on the Library Board.

ORDINANCE NUMBER 1314 - ESTABLISHING GROWTH POLICY

Larry Williams, Oregon Environmental Council, reiterated the feelings of Mrs. Baker, who spoke earlier in the meeting.

It was MOVED by Swan, SECONDED by Englund, that Ordinance Number 1314 (AN ORDINANCE ESTABLISHING A GROWTH POLICY FOR PUBLIC LANDS AND FACILITIES AS AN ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF MILWAUKIE) be read the second time. MOTION CARRIED and so ordered. Councilwoman Burgess wished her vote recorded as "no." Ordinance 1314 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Hutchison and Hupp. NOES: Burgess. Ordinance 1314 passed the Council and was so declared by the Mayor.

POLICE RESERVE INSURANCE

Council has received copy of memo from Police Chief, dated June 9, 1975, regarding insurance for police reserves.

PROPOSED NOISE ORDINANCE

Council has received copies of Portland's proposed noise ordinance, and a memo from the Police Chief concerning that ordinance. A survey was discussed, that would show the noise levels at different locations at different times of day, and the Manager will find out the cost of getting an audiometer. Council has also received copies of Milwaukie's present ordinance, and DEQ's noise control regulations. The Manager suggested more examples of noise control ordinances be obtained.

MEMO RE DWYER HOSPITAL

Council has received copy of memo from Executive Secretary, dated June 11, re letter from administrator of Dwyer Hospital, dated May 9.

ASSESSMENT REVIEW COMMITTEE - RESOLUTION NUMBER 21-1975

It was MOVED by Swan, SECONDED by Hutchison, that Resolution Number 21-1975 (A RESOLUTION AUTHORIZING THE CREATION OF AN ASSESSMENT REVIEW COMMITTEE FOR ASSESSMENT DISTRICT UNDER ORDINANCE 1278; AND ESTABLISHING THE DUTIES AND RESPONSIBILITIES AND MEMBERSHIP OF THE COMMITTEE) be read. MOTION CARRIED and so ordered. It was MOVED by Swan, SECONDED by Englund, that Resolution 21-1975 be adopted. MOTION CARRIED and so ordered.

ORDINANCE NUMBER 1315 - AMENDING MOTORCYCLE ORDINANCE

Council has received letter from Milwaukie Festival Daze requesting an amendment to the city's motorcycle ordinance to allow a quarter-midget racing event during the festival. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance Number 1315 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1307, RELATING TO THE REGULATION OF OPERATING MOTORCYCLES AND MOTOR-DRIVEN VEHICLES, AND DECLARING AN EMERGENCY) be read the first time. An amendment was added at the end of Section 1, as follows: "... except that the Council shall prescribe such requirements as are necessary to protect the public good." MOTION CARRIED and so ordered. It was MOVED by

DDJ309

Hutchison, SECONDED by Englund, that Ordinance 1315 be read the second time. MOTION CARRIED and so ordered. Ordinance 1315 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1315 passed the Council and was so declared by the Mayor.

It was MOVED by Swan, SECONDED by Hutchison, to allow the Portland Quarter-midget Racing Association to hold a race at either the Quad Theater or Hanna Enterprises, between 9 a. m. and 8 p. m. on July 20. MOTION CARRIED and so ordered.

RESOLUTION NUMBER 22-1975 - COLE ADDITION L. I. D.

Council has received copy of memorandum from Public Works Director, dated June 10, 1975, concerning sanitary sewers - replat of Cole Addition.

It was MOVED by Hutchison, SECONDED by Swan, that Resolution Number 22-1975 (A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWER IMPROVEMENTS IN THE REPLAT OF COLE ADDITION AREA OF THE CITY OF MILWAUKIE) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Swan, that Resolution 22-1975 be adopted. MOTION CARRIED and so ordered.

OTHER BUSINESS

1. A work session and special meeting will be held June 23, to pay last-minute bills, discuss City Hall renovation with the architect, and to canvass the vote at June 22 election.
2. Manager reported on discussions with County Service District regarding trees at the Sewage Treatment Plant.
3. Manager reported on progress in discussion of sewage problem in Tarrybrooks area.
4. Manager reported on progress of Scottsdale trip.
5. Manager discussed a new suspense calendar process.
6. Manager reported on the situation regarding county funding to city libraries.
7. Manager reported on bargaining.
8. Council has received copy of memorandum from Councilman Englund re Byron Foreman, who has resigned from the Planning Commission.
9. Council has received copy of memorandum from City Attorney, dated June 16, regarding proposed initiative petition from T. I. M. E.
10. Councilwoman Burgess has received letter from CRAG notifying city of new liaison person.
11. Councilwoman Burgess has received letter from CRAG, dated June 5, with schedule for adoption of land use framwork plan. Cy Nims, Planning Director, was appointed as Milwaukie representative to the Community Development Technical Advisory Committee.
12. Councilman Swan requested staff write a job description for a committee to examine and possibly overhaul current assessment procedures and policies.
13. Manager reported on progress at Furnberg Park.
14. Staff was asked to make a recommendation on water and sewer rates to Historical Society Museum.
15. Councilwoman Burgess asked that the newly planted flowers in the downtown area be kept watered.
16. City Attorney was asked for general formats for holding different types of hearings.
17. Manager was asked to find out why Councilmembers are not listed as members of Chamber of Commerce.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Swan, that the bills listed for June 17, 1975 payment be approved for payment. MOTION CARRIED and so ordered.

The meeting adjourned at 12:15 a. m.

Bill Hupp

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell

Dorothy E. Farrell, Secretary

DDJ309

CITY COUNCIL AGENDA

June 16, 1975

7 p. m.

COUNCIL CHAMBERS

1246th Meeting

1. CALL TO ORDER
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - June 2 and June 5, 1975 Council meetings
 - b) Lawsuit - Moran vs. Milwaukie
 - c) Letter re Baker vs. Milwaukie
 - d) Article from Wall Street Journal re New York City budget problems
 - e) Commendation letter for Police Department
 - f) PUC notice of Northwest Natural Gas rate increase information meeting
 - g) CRAG meeting schedule
 - h) Letter from Hatfield re 701 funds
 - i) Letter from DEQ re STP
 - j) Commendation letter for Fire Department
 - k) Letter from Highway Division re Expressway
 - l) Memo from attorney re "Baker" legislation
 - m) Telegram re Senate Bill 514
5. AUDIENCE PARTICIPATION
 - a) Milwaukie Festival Daze
6. PUBLIC HEARING - Sidewalk assessments - Ordinance No. 1313
7. CORRESPONDENCE
 - a) Letter from Library Board re appointment to board
8. OLD BUSINESS
 - a) Second reading - Ordinance No. 1314 - Growth policy
 - b) Memo from Police Chief re police reserves insurance
 - c) Portland noise ordinance, Milwaukie noise ordinance, and DEQ rules
 - d) Memo re Dwyer Hospital
 - e) Assessment Review Committee - Resolution No. 21-1975
9. CONSIDERATION
 - a) Letter from Festival re motorcycle ordinance - Ordinance No. 1315 - amending motorcycle ordinance
 - b) Schedule work session with architect re City Hall
 - c) Cole Addition L. I. D. - Resolution No. 22-1975
10. OTHER BUSINESS
11. PAYMENT OF BILLS

RESOLUTION NUMBER 18-1975

RESOLUTION ADOPTING 1975-76 BUDGET, MAKING APPROPRIATIONS, AND LEVYING TAXES.

BE IT RESOLVED by the Council of the City of Milwaukie, Oregon, that the Council hereby adopts the budget approved by the Budget Committee of the City of Milwaukie on May 15, 1975, and as approved by the City Council on June 5, 1975, now on file in the office of the City Recorder.

BE IT FURTHER RESOLVED by the Council of the City of Milwaukie that the Council hereby levies the taxes provided for in the budget adopted in Paragraph One of this resolution in the aggregate amount of \$1,324,251, and that these taxes are hereby levied and assessed pro rata upon all taxable property within the City of Milwaukie as of 1 a.m., July 1, 1975.

BE IT FURTHER RESOLVED by the Council of the City of Milwaukie that the amounts for the fiscal year beginning July 1, 1975, and for the purpose shown below are hereby appropriated and allocated as follows:

GENERAL FUND

GENERAL GOVERNMENT, for:

Materials and Services	\$262,786
Capital Outlay	500
Salary Adjustments	135,000
Operating Contingency	55,000

ADMINISTRATION DEPARTMENT, for:

Personal Services	63,088
Materials and Services	23,651
Capital Outlay	1,300

CITY HALL, for:

Materials and Services	20,250
Capital Outlay	1,500

FIRE DEPARTMENT, for:

Personal Services	513,338
Materials and Services	66,742
Capital Outlay	1,100

POLICE DEPARTMENT, for:

Personal Services	423,599
Materials and Services	68,977
Capital Outlay	22,000

LIBRARY, for:

Personal Services	112,741
Materials and Services	29,760
Capital Outlay	320

PARKS AND GROUNDS, for:

Personal Services	\$ 14,967
Materials and Services	2,971
Capital Outlay	40,600

MUNICIPAL COURT, for:

Personal Services	35,790
Materials and Services	11,678
Capital Outlay	200

PLANNING DEPARTMENT, for:

Personal Services	41,537
Materials and Services	3,434
Capital Outlay	1,515

PUBLIC WORKS DEPARTMENT, for:

Personal Services	349,761
Materials and Services	5,695
Capital Outlay	1,640

PARKING DISTRICT, for:

Parking District Expenses	8,000
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LEGAL DEPARTMENT, for:

Personal Services	31,683
Materials and Services	1,751
Capital Outlay	1,150

FINANCE DEPARTMENT, for:

Personal Services	60,914
Materials and Services	19,125
Capital Outlay	700

CIVIL SERVICE DEPARTMENT, for:

Personal Services	7,594
Materials and Services	4,065
Capital Outlay	1,155

TOTAL GENERAL FUND APPROPRIATIONS \$2,447,577

BONDED DEBT FUND

Principal to be Paid	39,000
Interest to be Paid	6,588

TOTAL BONDED DEBT APPROPRIATIONS \$ 45,588

EQUIPMENT RESERVE FUND

Equipment for Fire Department	\$ 914
Equipment for Public Works Department	41,086
TOTAL EQUIPMENT RESERVE FUND APPROPRIATIONS	\$ 42,000

STATE TAX STREET FUND

Materials and Services	\$ 34,110
Capital Outlay	102,156
Transfer to Equipment Reserve	11,000
Transfer to General Fund, Administrative Expense	175,000
Transfer to General Fund Resources, Parks and Grounds	40,000
Transfer to Bikeway Fund	2,110
TOTAL STATE TAX STREET FUND APPROPRIATIONS	\$364,376

SEWER IMPROVEMENT FUND

Materials and Services	\$ 1,500
Capital Outlay	920,000
Clackamas County Service District #1	60,000
Interest Expense and Warrants	110,000
Warrants	2,745,845
TOTAL SEWER IMPROVEMENT FUND APPROPRIATIONS	\$3,137,345

STREET IMPROVEMENT FUND

Materials and Services	\$ 1,200
Capital Outlay	49,800
Debt Retirement	
Principal	13,000
Interest	3,500
TOTAL STREET IMPROVEMENT FUND APPROPRIATIONS	\$ 67,500

BIKEWAY FUND

Capital Outlay	\$ 8,471
TOTAL BIKEWAY FUND APPROPRIATIONS	\$ 8,471

REVENUE SHARING

Materials and Services	\$ 74,500
Capital Outlay	215,251
Transfer to General Fund (Public Safety)	100,000
Reserve for Supplemental Allocation to Revenue Sharing Projects	96,249
TOTAL REVENUE SHARING APPROPRIATIONS	\$486,000

SEWER FUND

SEWER SYSTEM MAINTENANCE DEPARTMENT, for:

Materials and Services	\$ 8,261
Capital Outlay	5,000
Transfer to Equipment Reserve	2,500
Transfer to Sewer Improvement Fund	\$225,000

WATER POLLUTION CONTROL DEPARTMENT, for:

Materials and Services	\$216,410
Capital Outlay	19,529
Transfer to General Fund	109,000
Operating Contingencies	500

TOTAL SEWER FUND APPROPRIATIONS	\$586,200
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WATER FUND

OPERATION DEPARTMENT, for:

Materials and Services	\$ 43,350
Capital Outlay	79,187
Transfer to Equipment Reserve	3,500
Transfer to General Fund, (Administration and Personnel Costs)	157,000

BOND RETIREMENT, for:

Bond Principal	\$ 42,000
Bond Interest	60,513

TOTAL WATER FUND APPROPRIATIONS	\$387,550
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BE IT FURTHER RESOLVED by the Council of the City of Milwaukie that the total requirement for the General Fund and Bonded Debt Fund for the fiscal year beginning July 1, 1975 is \$2,493,165. That the Council of the City of Milwaukie does appropriate \$1,171,904 as its current tax base monies and \$1,321,261 from other resources.

BE IT FURTHER RESOLVED that the figures contained herein be modified in the nominal amounts necessary to accommodate mathematical errors and those adjustments necessary for fringe benefits and salaries.

BE IT FURTHER RESOLVED by the Council of the City of Milwaukie that the City Recorder certify to the County Clerk and County Assessor of Clackamas County, Oregon, the tax levy made by this resolution, and shall file with the State Tax Commission a true copy of the budget as finally adopted.

Be it so resolved.

Introduced and adopted by the City Council on the 5th day of June, 1975, at a special meeting of the City Council.

Bill Hupp

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell, Recorder

Approved as to form:

Myer Avedovech, City Attorney