

CITY COUNCIL MEETING
October 18, 1976
7 p.m.

COUNCIL CHAMBERS

1277th Meeting

The one thousand two hundred seventy-seventh meeting of the Council of the City of Milwaukie, Oregon, was held on the 18th day of October, 1976, with the following councilpersons present:

- C. Mervin Englund
- Joy Burgess
- Jerry Hutchison
- Mayor Bill E. Hupp

Absent: Charles E. Swan (excused)

Also present:

- Harold L. Schilling, City Manager
- J. Wayne Daigle, Dir. of P.W.
- Donald Oblander, Finance Director
- Myer Avedovech, City Attorney
- Dorothy E. Farrell, Secretary

The invocation was given by the Reverend Ray L. Erwin, Milwaukie Seventh Day Adventist Church, and the Pledge of Allegiance was recited.

PUBLIC HEARING - SUPPLEMENTAL BUDGET - RESOLUTION NUMBER 36-1976

Councilman Swan has requested that the following items in Revenue Sharing Fund Appropriations under Materials and Services be approved but not spent until brought before Council for discussion:

- Waterfront and downtown parking study - \$25,000
- Job classification and personnel system study - \$5000
- Management audit - \$10,000
- Community Center Study - \$8000

Public hearing was declared open. Notices published as required. No one appeared to speak either for or against the proposed supplemental budget. Public hearing was declared closed.

It was MOVED by Burgess, SECONDED by Hutchison, to read Resolution Number 36-1976 (RESOLUTION ADOPTING 1976-77 SUPPLEMENTAL GENERAL FUND BUDGET AND MAKING APPROPRIATIONS) by title only. MOTION CARRIED unanimously by those present, and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Resolution 36-1976. MOTION CARRIED unanimously by those present, and so ordered.

CONSENT CALENDAR

- a) Approval of minutes - September 20 and October 4 meetings
- b) Petition for annexation - Hrapkowicz (information)
- c) Petition for annexation - Dewey (information)
- d) Memo from Council to Neighborhood Councils re parking lot
- e) Letter re meeting on Library situation
- f) Letter re Sewage Treatment Plant odor problem
- g) Application for Dept. of Army permit for boat launch
- h) Report on Neighborhood Council reaction - animal control
- i) League of Oregon Cities Information Update - October 1
- j) Letter from League of Oregon Cities re Ballot Measure 10

It was MOVED by Hutchison, SECONDED by Burgess, to adopt the Consent Calendar with the exception of item e, g and h, removed for later discussion. MOTION CARRIED unanimously by those present, and so ordered.

b) Planning Director has written memorandum, dated October 13, with information on petition for annexation of property on Lake

Road near Kuehn Court.

c) Planning Commission has sent memorandum, dated October 5, with report on their action on annexation request by Mrs. Dewey for property on 60th Avenue south of Monroe and north of Wichita Court.

d) Council has received copy of memorandum, dated October 5, sent to all Neighborhood Councils, on the subject of proposed lease of city's Main Street parking lot.

f) David J. Abraham, Clackamas County Director of Utilities, has sent copy of letter dated September 29 from CH2M Hill, regarding Kellogg Creek Water Pollution Control Plant Odor Control Program.

i) Council has received copy of "Information Update for Oregon Cities" for October 1, 1976.

j) League of Oregon Cities has written letter, dated October 11, stating League of Oregon Cities executive committee opposes Ballot Measure 10.

AUDIENCE PARTICIPATION

1. Timothy Deggendorfer, 2120 SE Monroe, spoke concerning the condemnation of a portion of his property on Licyntra for a sewer easement, as directed by Council on September 20. Councilwoman Burgess announced she would abstain from voting on this matter because of a possible conflict of interest.

It was MOVED by Hutchison, SECONDED by Englund, Council take no further action in this matter at this time. MOTION CARRIED with the following roll-call vote: AYES: Englund, Hutchison and Hupp. ABSTAIN: Burgess.

NEIGHBORHOOD COUNCIL REPORTS

Council has received reports of resignations and recommendations from Neighborhood Councils 1, 2 and 4.

It was MOVED by Burgess, SECONDED by Hutchison, that the Council accept the recommendations as follows: that NC 1 executive board be asked for suggestions to replace Eleanor Kryder as alternate; that Fred Liddell be appointed to replace Allen deLay as alternate on NC 2, and that the Board approach other persons to replace Mike Miller as alternate; that Ralph Britton be appointed to replace Don Worth on NC 4 executive board, and that the Board solicit new applicants for the alternate position. MOTION CARRIED unanimously by those present.

CORRESPONDENCE

1. Council has received letter from Ralph Guerra, 8826 SE Regents Drive, asking Council to allow the fence in the public right-of-way to remain. It was MOVED by Burgess, SECONDED by Hupp, that the Council grant a variance for the fence until such time as sidewalk and other city improvements are required, at which time all removal costs and cost of setback to the property line will be the responsibility of the property owner. MOTION FAILED to pass with the following roll-call vote: AYES: Burgess and Hupp. NOES: Englund and Hutchison. City Attorney was asked for a legal opinion by the next Council meeting.

2. Larry Weber has written letter resigning from the Traffic Safety Commission. It was MOVED by Hutchison, SECONDED by Hupp, that a

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letter be sent expressing Council's thanks for the assistance he has given the city. MOTION CARRIED unanimously by those present. It was MOVED by Englund, SECONDED by Hutchison, to accept the resignation of Larry Weber and appoint Gary Salyers to the Traffic Safety Commission. MOTION CARRIED unanimously by those present.

3. Mayor has received letter, dated October 4, from Clackamas County Supervisor of Elections, asking that the Milwaukie Charter be changed to conform with state law on deadline for nomination petitions. It was Council consensus that staff draft a Charter change to be placed on the ballot, as well as any other amendments that need attention.

4. Manager has received letter from State Speed Control Board, dated October 12, saying the Board will reconsider speed zoning action for SE 22nd, SE Sparrow and SE River Road. Mrs. Burgess reported at a meeting of Island Station residents a petition was signed opposing the previous action of the Speed Control Board. Staff was requested to report on accidents on these streets for the last five years, as well as accidents at the intersection of River Road and McLoughlin.

5. Council has received letter from Senator Hatfield, dated October 6, relative to Federal Domestic Assistance computer plan.

(Meeting recessed at 8:15 p.m., reconvened at 8:25 p.m. with all present.)

APPOINTMENTS TO DESIGN REVIEW BOARD

It was MOVED by Hutchison, SECONDED by Burgess, to appoint Tom Foeller, Jerry Brock, Molton Andrus, Joe Griggs and Jim Hensley to the Design Review Board. It was MOVED by Burgess, SECONDED by Hupp, to amend the original motion to delete Joe Griggs. On the amending motion, MOTION CARRIED unanimously by those present. On the main motion, MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Hutchison, that for alternates, the names of Joe Griggs, Dan Butler, Rudy Dinger, Betty Stephens, Luciano Monetti, Ken Hamilton and Ray Renfrow be further investigated by staff as to their availability, and this matter then be brought to the Council for appointments. MOTION CARRIED with the following roll-call vote: AYES: Burgess, Hutchison and Hupp. NOES: Englund. It was suggested staff recommend a means of compensating the Board for expenses. Staff was asked to try to find a graphic artist to serve on the board.

REPORT ON INMAN STREET PROBLEM

Manager reported the subject street, 39th, has been paved with rock and oil, but the city will not accept maintenance, since it is a private street.

MEMO RELATIVE TO FRANKO OIL CASE

Staff has written memo, dated October 15, relative to Franko Oil case. It was MOVED by Burgess, SECONDED by Hutchison, that the motion passed on October 4 be supplemented with an amendment as follows:

Facts presented, and in the record, concerning the proposal, including testimony by those present and the video tape of the traffic conditions which show that the public interest, safety and welfare would be most seriously affected with respect to:

1. Traffic Conditions and Hazards

- a. Heavy and increasing traffic volumes on McLoughlin Blvd. which result in close vehicle spacing, and insufficient openings for drivers exiting the site to enter or cross the highway. South-bound, peak hour traffic is virtually bumper to bumper at all times in front of the site. Even the light at River Road fails to create significant gaps between vehicles.
- b. Lack of shoulder or parking lane on west side of highway within which vehicles may slow and maneuver to enter site, or, upon leaving site, to accelerate and enter travel lane.
- c. Inadequate center turning lane, and hazardous stopping and turning movements at Harrison Street intersection directly in front of site. This is made more serious by south-bound River Road traffic bound for Harrison Street. This traffic must cross two lanes in order to turn left across north-bound McLoughlin Blvd. traffic. The capacity of the left turn refuge is inadequate, which interferes with inner through lane.

2. The Proposed Use

Gasoline is a commodity subject to short supply. This scarcity has created long lines and serious congestion wherever gasoline was available.

3. The Site

The site under consideration is too small to accommodate customer waiting under shortage conditions. No alternative adjacent streets abut the site to absorb waiting vehicles. Because of this, McLoughlin Blvd. would be blocked and subject to additional hazards. Other service stations along McLoughlin Blvd. in Milwaukie have alternative adjacent streets to accommodate overflow conditions.

MOTION CARRIED unanimously by those present, and so ordered.

BUSINESS LICENSE APPLICATION - HANNA INDUSTRIES

Planning Commission, in memo dated October 12, has recommend withholding approval of business license application by Hanna Industries for a specialty sports store at 2001 SE Harvester Drive, until certain conditions are met.

It was MOVED by Hupp, SECONDED by Hutchison, to authorize the continuance of the business until such time as Hanna has an opportunity

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to make a formal request to the Planning Commission, discussing the problems they have in terms of complying with all the conditions as well as spelling out those things they are willing to do and that could be done as early as next week. It was MOVED by Hutchison SECONDED by Hupp, to amend the motion to provide the meeting with the Planning Commission be held within ten days. On the amending motion, MOTION CARRIED unanimously by those present. On the main motion, MOTION CARRIED unanimously by those present.

VACANCY ON CIVIL SERVICE COMMISSION

Kenneth J. Levstone's appointment on the Civil Service Commission expires in November, 1976. It was Council consensus to advertise for applicants to the position, as well as asking Mr. Levstone if he would consider reappointment. Complete resumes are to be submitted by applicants.

It was Council consensus to look into the possibility of increasing the Commission members to five, and the Commission is to be asked for their feelings on this possibility.

PUBLIC WORKS GRANT APPLICATION

It was MOVED by Burgess, SECONDED by Hutchison, to read Resolution Number 37-1976 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN INSTRUMENTS NECESSARY FOR MAKING APPLICATION FOR FUNDS THROUGH THE LOCAL PUBLIC WORKS CAPITAL DEVELOPMENT AND INVESTMENT PROGRAM) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 37-1976. MOTION CARRIED unanimously by those present. Grant request for storm sewer improvements is being submitted.

PROPOSED DONATION TO MILWAUKIE HIGH SCHOOL BAND

The proposal has been made that the city donate funds to Milwaukie High School Band for expenses of a trip. City Attorney reports this is legally impossible.

RIFE/FONTAINE/LAIRD SANITARY SEWER

Latest proposal for the subject sanitary sewer line, at the front property line, would cost \$2000 more than previously authorized by Council. It was MOVED by Hutchison, SECONDED by Burgess, that staff advise the parties the city will place the sewer line as earlier planned, at a cost of approximately \$12,000, but if the persons wish a different line taken, they would pick up the difference in cost. MOTION CARRIED unanimously by those present.

OTHER BUSINESS

1. League of Oregon Cities has sent League convention information.
2. Neighborhood Council Coordinator reports successful neighborhood cleanup in NC 3 area. It was MOVED by Hutchison, SECONDED by Englund, that a complimentary letter be sent to the participants. It was MOVED by Hupp, SECONDED by Hutchison, to amend the motion to include notification to the other Neighborhood Councils of the successful effort. On the amending motion, MOTION CARRIED unanimously by those present. On the main motion, MOTION CARRIED unanimously by those present.

- 3. Council has received petition signed by residents on SE Filbert Street, asking city to remove two trees located on the SE corner of 32nd and Filbert. The petition will be referred to the Traffic Safety Commission.
- 4. It was MOVED by Hutchison, SECONDED by Burgess, to authorize payment to McLoughlin Construction of \$5712.93, final payment on Licynta, Boss Lane and 40th Avenue storm sewer. MOTION CARRIED unanimously by those present.
- 5. Manager mentioned problem of unknown persons dumping rubbish on 37th just south of Railroad Avenue. It was Council consensus that the property owners be told to do more than they are presently doing to control the problem.
- 6. Councilwoman Burgess asked that 22nd Avenue be center-stripped.
- 7. Councilwoman Burgess stated she felt material furnished to Neighborhood Councils relative to the proposed lease of a portion of the city parking lot on Main Street is not representative of both sides of the question. After discussion, it was Council consensus that the only missing information is a petition signed by downtown businessmen, which was never furnished to staff. Mrs. Burgess will bring a copy to staff, and copies will be furnished to Neighborhood Councils.

CONSENT CALENDAR

e) Council has received copy of letter from Mrs. Burgess, dated October 7, to all elected officials in Clackamas County. It was MOVED by Englund, SECONDED by Hutchison, that the following be made a part of the record: "Relative to the proposed meeting regarding library service, the Milwaukie City Council in an informal but unanimous opinion determined at their meeting of October 4, 1976, the following: (1) For several reasons a meeting in October would be premature and ill-timed. (2) Mrs. Burgess' actions were without the knowledge and authority of the Council and do not necessarily represent Council attitudes. (3) The question would be better served if considered at a caucus of Clackamas County cities, following the standard format and procedures of that group.

The Milwaukie City Council tonight reaffirms the position taken at the October 4, 1976 meeting. The Council further regrets that Mrs. Burgess has ignored the opinions and attitudes of her fellow Councilmembers, but has chosen instead to follow the alleged urging to proceed by a person or persons outside of the Council and the City of Milwaukie."

MOTION FAILED to pass, with the following roll-call vote: AYES: Hutchison and Englund. NOES: Hupp and Burgess.

g) Council has received copy of application for Dept. of Army permit for boat ramp. There was discussion of the time frame for the work.

h) Neighborhood Council Coordinator has reported on Neighborhood Council input on animal control program. There was discussion of the program.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Englund, that the bills

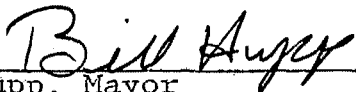
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listed for October 18, 1976 payment be approved for payment. MOTION CARRIED unanimously by those present.

CONSENT CALENDAR

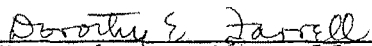
It was MOVED by Burgess, SECONDED by Hutchison, that Council accept items e, g and h on the Consent Calendar. MOTION CARRIED unanimously by those present.

The meeting adjourned at 10:40 p.m.



Bill Hupp, Mayor

ATTEST:



Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
October 18, 1976
7 p.m.

COUNCIL CHAMBERS

1277th Meeting

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- 1. CALL TO ORDER
- 2. INVOCATION - The Reverend Ray L. Erwin, Milwaukie Seventh Day Adventist Church
- 3. PLEDGE OF ALLEGIANCE
- 4. PUBLIC HEARING - Supplemental Budget - Resolution No. _____
- 5. CONSENT CALENDAR
 - a) Approval of minutes - September 20 and October 4 meetings
 - b) Petition for annexation - Hrapkowicz (information)
 - c) Petition for annexation - Dewey (information)
 - d) Memo from Council to Neighborhood Councils re parking lot
 - e) Letter re meeting on Library situation
 - f) Letter re Sewage Treatment Plant odor problem
 - g) Application for Dept. of Army permit for boat launch
 - h) Report on Neighborhood Council reaction - animal control
 - i) League of Oregon Cities Information Update - October 1
 - j) Letter from League of Oregon Cities re Ballot Measure 10
- 6. AUDIENCE PARTICIPATION
- 7. NEIGHBORHOOD COUNCIL REPORTS
 - a) Memorandum re appointments
- 8. CORRESPONDENCE
 - a) Letter from Ralph Guerra re fence
 - b) Letter from Larry Weber re Traffic Safety Commission
 - c) Letter from Elections Supervisor re city charter
 - d) Letter from Speed Control Board re River Road
 - e) Letter from Hatfield re Federal Domestic Assistance
- 9. OLD BUSINESS
 - a) Appointments to Design Review Board
 - b) Report on Inman street problem
 - c) Memo re Franko Oil case
- 10. CONSIDERATION
 - a) Business license application - Hanna Industries
 - b) Appointment to Civil Service Commission
 - c) Resolution No. _____ - Public Works grant application
 - d) Subsidy to band _____
- 11. OTHER BUSINESS
- 12. PAYMENT OF BILLS
- 13. ADJOURNMENT