

CITY COUNCIL MEETING  
October 20, 1975  
7 p.m.

COUNCIL CHAMBERS

1254th Meeting

The one thousand two hundred fifty-fourth meeting of the Council of the City of Milwaukie, Oregon, was held on the 20th day of October, 1975, with the following councilpersons present:

- |  |                    |
|--|--------------------|
| C. Mervin Englund                            | Joy Burgess        |
| Charles E. Swan (entered meeting at 10 p.m.) | Jerry N. Hutchison |
|  | Mayor Bill Hupp    |

Also present:

- |                                   |                                |
|-----------------------------------|--------------------------------|
| Harold L. Schilling, City Manager | Cyrus Nims, Planning Director  |
| J. Wayne Daigle, Dir. of P.W.     | Myer Avedovech, City Attorney  |
| Donald R. Jones, Police Chief     | Dorothy E. Farrelli, Secretary |
| Don Oblander, Finance Director    |                                |

The invocation was given by the Reverend Orval Clay, Battin Baptist Church, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - October 6 and October 15, 1975 Meetings
  - b) Letters from Health Division re Lake Village Apts. pool
  - c) Acceptance of public utilities - Hollyberry
  - d) Acceptance of Phase I - Public Improvements - The Grove
  - e) CRAG agenda
  - f) Coalition of Social Services minutes
  - g) Oregon Transportation Plan meeting notice
- b) Council has received letter from Health Division, Department of Human Resources, dated October 1, 1975, addressed to L.V.&L. Investments, regarding swimming pool at Lake Village Apartments, 2105 SE 26th.
- c) City Engineer has written memo to City Manager and City Council, dated October 8, 1975, recommending acceptance of public utilities for Hollyberry subdivision, and approval recommended thereon by Manager.
- d) City Engineer has written memo to City Manager and City Council, dated October 6, 1975, recommending acceptance of phase I of public improvements for The Grove subdivision, and acceptance recommended thereon by Manager.
- e) CRAG has sent agenda for general assembly meeting October 30, 1975.
- f) Council has received Clackamas County Coalition of Social Services minutes of September 24 meeting.
- g) Oregon Department of Transportation is holding meeting October 29 at Cosmopolitan Hotel, Portland, to discuss progress on the Oregon Transportation plan.
- It was MOVED by Hutchison, SECONDED by Burgess, to accept the consent calendar. MOTION CARRIED and so ordered.

AUDIENCE PARTICIPATION

1. Jerry Mesander, Chairman of Planning Commission, discussed the proposed site design review ordinance.
2. Ken Levstone, representing Comprehensive Health Planning Association, discussed the National Health Planning and Resources Development Act of 1974. Staff was asked to prepare a resolution appointing Mr. Levstone as the city's liaison to represent the city as the law is implemented.

CORRESPONDENCE

Frank Mello, 1425 - 40th Street, has written the Council asking to be appointed to the newly-formed Parks and Recreation Commission. It was

DDJ309

MOVED by Burgess, SECONDED by Englund, that Council direct staff to advertise for the position vacancies on the Park and Recreation Commission Senior Citizens Council and Neighborhood Councils, and that Council members submit lists of names if desired, that staff prepare letters and application forms, and Council interview the applicants. MOTION CARRIED unanimously and so ordered.

(Meeting recessed at 8 p.m., reconvened at 8:08 p.m. with all present.)

PUBLIC HEARING - SEWER ASSESSMENTS - EAST MILWAUKIE-ISLAND STATION SEWER  
L.I.D. - ORDINANCE NUMBER 1322

Public hearing was declared open. Letters sent as required. Council has received minutes of Sewer Assessment Review Committee meetings. The following persons dissatisfied with the committee recommendations addressed the Council:

Fred W. Jarrard, 2205 - 36th Street  
Milton J. Merrin, Jr. - 5131 SE Logus Road  
Fred E. Weber - 8 N. State Street, Lake Oswego  
George M. Jenks, President of Milwaukie Lutheran Church

Asking questions:

Myrtle Fisher - 11414 SE Stanley  
Donald Fenton - 2306 River Road

Gaynelle Biaggini, 10916A SE Linwood, did not dispute the assessment, but complained of length of hookup from street to residence. This matter was not relevant to the hearing.

Graham Horsfeldt, 13230 SE WhereElse Lane, asked when and where his connection would be made. Staff said Mr. Horsfeldt had been asked to show where he wanted the connection made. Mr. Horsfeldt also mentioned damage to trees, which was not relevant to the hearing.

Eugene Reese, 5611 SE Logus, had been given the option to elect whether or not to hook up, since his basement cannot be served. Mr. Reese elected not to hook up to the sewer.

Leland Rife, 6011 SE Harrison, speaking also for Eugene Fontaine, 6015 SE Harrison, stated their basements cannot be served.

(Meeting recessed at 10:40 p.m., reconvened at 10:50 p.m. with all present)

It was MOVED by Burgess that the Council credit Mr. Rife's assessment for the cost of a pump that the city would provide, but that the upkeep of the pump would be by the property owner. MOTION FAILED for lack of a second.

It was MOVED by Burgess that Mr. Reese be exonerated from assessment. MOTION FAILED for lack of a second. It was pointed out if Council adopts the committee recommendation Mr. Reese would be exonerated.

It was MOVED by Burgess Mr. Horsfeldt be given three to four months delay for final hookup date, inasmuch as the lateral has not been installed. MOTION FAILED for lack of a second. After discussion, it

was MOVED by Burgess, SECONDED by Hutchison, that Council permit Mr. Horsfeldt three or four months delay on his final hookup date. City Attorney stated Council does not have this authority under the ordinance, and therefore the motion is illegal. MOTION FAILED with the following vote: NOES: Englund, Swan, Hutchison, Hupp. AYES: Burgess.

It was MOVED by Hutchison, SECONDED by Englund, to accept in total the recommendations of the sewer assessment review committee, as set forth in minutes for August 25, September 4, 8, 11, 23 and 25, 1975, with the addition of Mr. Rife and Mr. Fontaine, and other properties in the same situation being treated in a like manner with the Burt and Lazarus properties, as recommended by the committee. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance Number 1322 (AN ORDINANCE DECLARING THE ASSESSMENT FOR THE CONSTRUCTION OF SANITARY SEWERS AND APPURTENANCES IN THE EAST MILWAUKIE AND ISLAND SETTLEMENT AREAS OF THE CITY OF MILWAUKIE) be read the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to read the ordinance the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1322 be adopted. Ordinance 1322 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison, Hupp. NOES: None. Ordinance 1322 passed the Council and was so declared by the Mayor.

Council has received memorandum from City Engineer on the assessments, and memorandum from Finance Director on financial details.

#### CITY HALL REMODELING

Council has received bid tabulation on bids for city hall remodeling. It was MOVED by Swan, SECONDED by Burgess, to accept the low bid of Gene Settegren for city hall remodeling, in the amount of \$70,280. MOTION CARRIED with the following roll-call vote: AYES: Swan, Burgess and Hupp. NOES: Englund and Hutchison. Staff was asked to recommend where extra amount over budgeted amount for this item could be found.

#### ORDINANCE NUMBER 1324 - AMENDMENTS TO ZONING ORDINANCE

It was MOVED by Hutchison, SECONDED by Burgess, that Ordinance Number 1324 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1316. AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE) be read the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, that Ordinance 1324 be adopted. Ordinance 1324 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1324 passed the Council and was so declared by the Mayor.

#### ORDINANCE NUMBER 1325 - CIVIL DEFENSE ORDINANCE

It was MOVED by Hutchison, SECONDED by Burgess, that Ordinance Number 1325 (AN ORDINANCE REPEALING ORDINANCE NO. 541 AND ESTABLISHING A LOCAL ORGANIZATION FOR CIVIL DEFENSE IN ACCORDANCE WITH THE STATE CIVIL DEFENSE PLAN AND PROGRAM, FOR THE CITY OF MILWAUKIE; AUTHORIZING THE MAYOR TO APPOINT A DIRECTOR OF CIVIL DEFENSE FOR THE CITY OF MILWAUKIE, AND GIVING SUCH DIRECTOR ALL THE POWERS AND DUTIES PROVIDED FOR IN CHAPTER 401, OREGON REVISED STATUTES) be read the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1325 be adopted. Ordinance 1325 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1325 passed the Council and was so declared by the Mayor. It was MOVED by Burgess, SECONDED by Hutchison, that the Mayor designate City Manager Hal Schilling as director of civil defense. MOTION CARRIED unanimously and so ordered.

#### ISSUES ON POLICE LOGGING SYSTEM

Council has received memorandum from Police Chief, dated October 8, 1975, with a recommendation and alternatives for 24-hour logging tape and radio and telephone operation, and copies of letters concerning the county communications system. It was MOVED by Burgess, SECONDED by

Englund, that Council accept the bid of Magnasync for 24-hour logging tape and installation at a cost of \$10,177, and also the Dictaphone call check message repeater at a cost of \$1049, for a total of \$11,226. MOTION CARRIED, with the following roll-call vote: AYES: Englund, Swan, Burgess and Hutchison. NOES: Hupp. Staff will bring back a recommendation on the source of additional funds over the budgeted amount.

RESOLUTION NUMBER 39-1975 - AUTHORIZING INTERFUND LOAN

Council has received memo from Finance Director, dated October 15, explaining resolution authorizing interfund loan. It was MOVED by Hutchison, SECONDED by Burgess, that Resolution Number 39-1975 (A RESOLUTION AUTHORIZING REVENUE SHARING FUND TO LOAN \$175,000 TO SEWER IMPROVEMENT FUND TO PROVIDE THE NECESSARY CASH TO COVER A TEMPORARY DEFICIT) be read. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Resolution 39-1975. MOTION CARRIED unanimously and so ordered.

ORDINANCE NUMBER 1326 - SITE DESIGN REVIEW

Council has received memo from Planning Director, dated October 16, concerning site design review ordinance. It was MOVED by Burgess, SECONDED by Englund, that Ordinance Number 1326 (AN ORDINANCE ADOPTING INTERIM SITE DESIGN REGULATIONS FOR THE CITY OF MILWAUKIE, OREGON) be read the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, that the ordinance be read the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Englund, to adopt Ordinance 1326. Ordinance 1326 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1326 passed the Council and was so declared by the Mayor. It was MOVED by Burgess, SECONDED by Hutchison, that Council direct staff to proceed to devise and develop an ordinance centered on establishment of a design review board to implement design review. MOTION CARRIED unanimously and so ordered.

MEMO FROM PUBLIC WORKS DIRECTOR RE STREET NAME AND HOUSE NUMBER CHANGES

Council has received memo from Public Works Director, dated October 16, regarding status of house numbering and street name change program.

ORDINANCE NUMBER 1327 - ABANDONED SERVICE STATIONS

Council has received memo from Planning Commission regarding unused service stations. It was MOVED by Hutchison, SECONDED by Burgess, to read Ordinance Number 1327 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, DECLARING UNUSED SERVICE STATIONS PUBLIC NUISANCES AND PROVIDING FOR THEIR ABATEMENT) the first time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to read the ordinance the second time by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, that Ordinance 1327 be adopted. Ordinance 1327 was put on its passage with the following roll-call vote: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1327 passed the Council and was so declared by the Mayor.

RESOLUTION NUMBER 40-1975 - LENGTH OF COUNCIL MEETINGS

Council has received memo from Councilman Swan on the subject of use and abuse of Council and citizen time. It was MOVED by Swan, SECONDED by Englund, to read Resolution Number 40-1975 by title only. MOTION

CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Swan, to adopt Resolution 40-1975. MOTION CARRIED unanimously and so ordered.

RESOLUTION NUMBER 41-1975 - WAIVING PLANNING COMMISSION FEES

Council has received memo from City Manager, dated October 20, concerning waiving of Planning Commission fees. It was MOVED by Englund, SECONDED by Hutchison, to read Resolution Number 41-1975 (A RESOLUTION AMENDING RESOLUTION NUMBER 8-1975, ESTABLISHING ZONING FEES AND SUBDIVISION FEES) by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Burgess, SECONDED by Swan, to adopt Resolution 41-1975. MOTION CARRIED unanimously and so ordered.

DDJ309 OTHER BUSINESS

1. Manager has received letter from Sate Accident Insurance Fund, dated October 13, regarding remodeling of City Hall.
  2. Council has received copy of city's letter to CRAG, dated October 17, with comments on CRAG's proposed goals and objectives and suggested criteria for determining broad land use areas.
  3. Planning Commission has submitted its annual report.
  4. Manager has written letter to Erwin G. Nakath, 115 SE 32nd Street, regarding clear vision appeals and the procedure for waiving Planning Commission fees. It was recommended that Council refer the matter of appeals on clear vision violations to the Planning Commission.
  5. Mayor reported on appearing before the County Commissioners concerning North Clackamas Park.
- There will be a Council work session at 7:30 p.m. October 28.

PAYMENT OF BILLS

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

The meeting adjourned at 1:45 a.m.

Bill Hupp  
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Secretary

## CITY COUNCIL AGENDA

October 20, 1975

7:00 P.M.

COUNCIL CHAMBERS1254th Meeting

1. CALL TO ORDER
2. INVOCATION - Rev. Orval Clay, Battin Baptist Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Approval of Minutes - October 6, 1975 and October 15, 1975 Council Meetings
  - b) Letters from Health Division re Lake Village Apts. pool
  - c) Acceptance of public utilities - Hollyberry
  - d) Acceptance of Phase I - Public Improvements - The Grove
  - e) CRAG agenda
  - f) Coalition of Social Services minutes
  - g) Oregon Transportation Plan meeting notice
5. AUDIENCE PARTICIPATION
  - a) Comprehensive Health Planning representative
  - b) Tri-Met representative
6. CORRESPONDENCE
  - a) Letter from F. Mello re Parks & Recreation Commission
7. PUBLIC HEARING - Sewer Assessment Committee - Ordinance No. \_\_\_\_\_
8. OLD BUSINESS
  - a) 2nd reading, Ordinance No. \_\_\_\_\_ - Amendments to Zoning Ordinance
  - b) 2nd reading, Ordinance No. \_\_\_\_\_ - Civil Defense Ordinance
  - c) Bids - Police Logging System
  - d) Ordinance No. \_\_\_\_\_ - Design Review
  - e) Memo from Public Works Director re Street Name and House Number Changes
  - f) Ordinance No. \_\_\_\_\_ - Abandoned Service Stations
9. CONSIDERATION
  - a) Resolution No. \_\_\_\_\_ - Length of Council Meetings
  - b) Resolution No. \_\_\_\_\_ - Authorizing Interfund Loan
10. OTHER BUSINESS
11. PAYMENT OF BILLS
12. ADJOURNMENT

## CITY OF MILWAUKIE

BILLS PAYABLE ON OCTOBER 20th, 1975

VENDOR	TOTAL	DEPT.	AMOUNT
1. Act 1 Uniform Service	26.34	1-3	6.94
		1-4	11.30
		1-5	1.70
		1-6	6.40
2. Andy Lee Printer	75.75	1-5	75.75
3. Julie August	82.50	1-8	82.50
4. Baker & Taylor	6.71	1-6	6.71
5. Bernard's	319.04	1-4	47.06
		1-5	259.75
		4-	12.23
6. Books for Accountants	3.77	1-13	3.77
7. Bressie Electric	84.26	1-4	84.26
8. Burroughs	63.80	1-13	63.80
9. Charlie Helwig	134.48	1-2	18.79
		1-4	47.12
		1-6	13.60
		1-8	.95
		1-9	7.76
		1-10	1.36
		1-12	13.44
		1-13	31.46
10. Chevron Asphalt	1974.00	12-	1974.00
11. Clackamas County	18.50	1-4	18.50
12. Clark Boardman Co. Ltd.	35.92	1-12	35.92
13. Complete Carpet Service	799.75	1-5	799.75
14. Congressional Quarterly Inc.	18.00	1-6	18.00
15. Enterprise Courier	36.00	1-6	36.00
16. Feenaughty Machinery Company	19.60	4-	19.60
17. Freightliner Corporation	45.56	4-	45.56
18. Ray Grimshaw	4.50	4-	4.50
19. John Herbst	31.48	1-7	31.48
20. IBM	53.61	1-10	53.61
21. Johnson's Papco Paint	21.06	1-3	21.06
22. Donald Jones	24.45	1-5	24.45
23. Jury Fees	150.00	1-8	150.00
24. Joni Kelner	2.10	1-13	2.10
25. K & R Plumbing	700.00	5-	700.00
26. Lavelle Landfill	28.62	4-	28.62
27. Main Street Cleaners	140.38	1-4	36.90
		1-5	103.48
28. Milwaukie Hardware	26.88	1-5	26.88
29. Milwaukie Lumber	98.31	1-3	69.87
		4-	13.44
		12-	15.00
30. Milwaukie Oil	131.90	1-4	52.53
		4-	79.37
31. Mobil Oil	2384.90	30-	2384.90
32. Moore Business Forms	285.88	1-13	285.88
33. Myles O'Donnell	297.72	1-5	297.72
34. Nailbenders	65.00	5-	65.00
35. Northwest Law Enforcement	10.00	1-4	10.00
36. Northwest Natural Gas	14.15	4-	4.35
		30-	9.80
37. Nudelman Brothers	8.95	1-4	8.95
38. OKT/Olson	554.95	1-1	221.99
		1-2	110.99
		1-4	55.49
		1-5	55.49
		1-9	110.99

CITY OF MILWAUKIE

BILLS PAYABLE ON OCTOBER 20th, 1975 (continued)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
39. Don Oblander	6.90	1-13	6.90
40. State of Oregon/ Dept. of Motor Vehicles	35.00	1-8	35.00
41. Oregon Advance Appellate Information Inc.	25.00	1-12	25.00
42. Oregon Chapter American Public Works Assoc.	38.00	1-10	38.00
43. Oregon Park & Recreation Society	52.00	1-7	52.00
44. Oregon State Fire Marshall Assoc.	50.00	1-4	50.00
45. Pacific Coast Industrial Laundry	46.00	4-	46.00
46. Pacific Northwest Bell	893.95	1-3	683.88
		1-4	6.00
		1-6	91.06
		1-10	9.00
		4-	37.93
		20-	25.42
		30-	40.66
47. Pixler Auto Parts	50.15	4-	50.15
48. City of Portland	194.37	1-5	99.88
		1-6	62.90
		4-	31.59
49. PGE	6686.80	1-1	4097.67
		1-3	192.63
		1-4	46.99
		1-6	179.11
		1-7	3.85
		4-	107.12
		20-	109.16
		30-	1950.27
50. Portland Road & Driveway	225.01	4-	37.50
		30-	12.50
		12-	175.01
51. Quality Books Inc.	732.62	1-6	732.62
52. Robben Oil	40.25	1-3	40.25
53. Rock Creek Sand & Gravel	16.00	4-	16.00
54. James J. Routsen	850.00	12-	850.00
55. Rub-A-Dub Car Washes	53.75	1-5	53.75
56. Valley Lock & Key Service (R.A. Samuels)	5.00	1-13	5.00
57. Harold Schilling	17.80	1-2	17.80
58. Smith Masonry Cont.	525.00	1-7	525.00
59. Spring Creek Apts.	224.00	1-5	224.00
60. Stevens Thompson & Runyan	619.37	5-	619.37
61. Subpoena Fees	20.00	1-8	20.00
62. Town Concrete Pipe	547.75	4-	73.50
		20-	474.25
63. Waterworks Supplies	43.20	30-	43.20
64. Weiler Chevrolet	79.42	4-	79.42
65. West Chevron	18.70	4-	18.70
66. West Chemical Products	22.50	1-3	22.50
67. Wilco Fire Equipment	63.06	1-4	28.56
		1-5	34.50
68. Willamette Week	15.00	1-2	15.00
69. Willamette Western	3945.70	12-	3945.70
70. Xerox	343.07	1-13	343.07

DDJ309

\$25,264.19

## CITY OF MILWAUKIE

BILLS PAYABLE ON OCTOBER 20th, 1975 (continued)

1-1	General Government	\$4319.66
1-2	Administration	162.58
1-3	City Hall	1037.13
1-4	Fire	503.66
1-5	Police	2057.10
1-6	Library	1146.40
1-7	Parks & Grounds	612.33
1-8	Municipal Court	288.45
1-9	Planning	118.75
1-10	Public Works	101.97
1-12	Legal	74.36
1-13	Finance	741.98
4-	Street	705.58
5 -	Sewer Improvement	1384.37
20-	Sewer	608.83
30-	Water	4441.33
12-	Revenue Sharing	6959.71