

CITY COUNCIL MEETING
November 1, 1976
7 p.m.

COUNCIL CHAMBERS

1278th Meeting

The one thousand two hundred seventy-eighth meeting of the Council of the City of Milwaukie, Oregon, was held on the 1st day of November, 1976, with the following councilpersons present:

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

Also present:

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

The invocation was given by Don Graf, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - October 18, 1976 meeting
- b) County notice of increase in sewer service charge,
- c) Letter from postoffice re zip code
- d) Liquor license application - Cereghino Market Place - 2936 SE Washington
- e) Table of parking lot materials
- f) Letter from Franko Oil attorney, and city response
- g) Riverfront Development Committee minutes and staff report

It was MOVED by Burgess, SECONDED by Swan, to accept the Consent Calendar. Burgess requested removal of items b, d and g for later discussion, Hupp requested items a and c and Swan requested item f. Manager reported on item d, saying applicants requested the matter not be considered at this time, therefore item d was withdrawn. MOTION CARRIED unanimously and so ordered.

NEIGHBORHOOD COUNCIL REPORTS

Neighborhood Council Coordinator has written memorandum, dated October 29, on Neighborhood Council appointments. It was MOVED by Burgess, SECONDED by Hutchison, that Council accept Marlene Graham's resignation as alternate on Neighborhood Council 5 Executive Board, and appoint John Palmer in her place. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Swan, to replace inactive member Stan Craig on Neighborhood Council 3 Executive Board with alternate Pierre Brunelle, and appoint Jim Misner to replace Brunelle as alternate. MOTION CARRIED unanimously and so ordered.

LETTER FROM ATTORNEY FOR AA AMBULANCE

Council has received copy of letter from Alexander Schneider, attorney for AA Ambulance Service of Portland, Inc., dated October 25, concerning revocation of ambulance license, and copy of letter from City Attorney, dated October 6, on the same subject, addressed to AA Ambulance. Mr. Schneider was notified the matter would be on the November 1 agenda, but did not appear at the meeting. The matter was tabled.

LETTER FROM LARKINS RE STOP WORK ORDER

Mayor has received letter from Mr. and Mrs. William Larkins, 4408 Franklin Street, concerning stop work order on roofing job at their home, for which a permit had not been obtained. The stop work order was posted October 25, and Manager reported the work on the roof proceeded in violation of the stop work order, and on November 1 a citation was issued as required by ordinance. Mr. Larkins stated there had been a mixup between him and the contractor. The matter was referred to staff to discuss with Mr. and Mrs. Larkins.

PETITION AND LETTERS RE CLACKAMAS COUNTY FIRE DISTRICT NO. 1

Council has received copy of letter to Manager from Chief of Clackamas County Fire District No. 1, dated October 14, and Manager's response, dated October 25, as well as petition signed by four members of Milwaukie Fire Department, addressed to City of Milwaukie, City Manager, Mayor and Councilpersons, Civil Service Commission and Acting Chief, all having to do with request by Milwaukie firefighters and Chief of County Fire District that the city explore the feasibility of contracting with the district for fire service or merging the two departments. Manager stated Chief Carpenter, during the summer, had discussed such a suggestion. Manager told Chief Carpenter the city would be interested in seeing data showing the proposal would increase the level of service and be an economic benefit to the city taxpayer, but such indications were not forthcoming. Manager furnished copy of Scottsdale fire contract to Carpenter. Manager charted cost impact of district #1 absorption of city fire service, and cost impact of city absorption of district #1 area within Clackamas County.

It was MOVED by Swan, SECONDED by Hutchison, to create a blue-ribbon committee to examine the possibilities of (a) contracting our fire service, (b) possible merger; with the criteria being to maintain or increase our fire protection, and that there be an obvious economic benefit to the taxpayers. With the permission of the seconder, Swan withdrew his motion.

(Meeting recessed at 8:20 p.m., reconvened at 8:30 p.m. with all present.)

It was MOVED by Swan, SECONDED by Burgess, to create a blue-ribbon committee to consider the "possibility" of changing our fire protection structure. The committee should consider the following: (a) contracting the entire service; (2) merger with one or more districts; (3) annexations, if necessary, and (a) consider apparent reasonable additional costs; (4) economic effect on (a) residents of the City of Milwaukie and (b) residents of entire districts where annexations or mergers are to take place.

Swan proposed the committee consist of eight members, selected as follows: two members at large from the City of Milwaukie; one staff person (non-fire); two people at large from possible annexed district (for those boundaries we would use Clackamas County boundary); one staff person from whatever municipal district is out there; one representative from Milwaukie Fire Department, and one representative from current District No. 1. The above eight people would select a

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chairman, who would be the ninth member. The criteria or basic job description would be: interested in maintaining fire protection at the same or increased level, and show a strong economic effect for all taxpayers concerned.

There was a suggestion the fire district decide on their representation. There was a suggestion the committee make a first agenda item discussion of obtaining outside technical assistance.

There was considerable discussion on the makeup of the committee, having committee meetings open to the public, and asking for citizen input.

MOTION CARRIED unanimously and so ordered.

DATE FOR PUBLIC HEARING ON BUSINESS LICENSE COMMITTEE REPORT

A public hearing will be held on the report and proposal of the Business License Review Committee, at 7:30 p.m. November 15, in Council Chambers. Notification flyers will be distributed to downtown businessmen. Council will be given proposals and background information as soon as it is prepared.

PROPOSAL FROM ARCHITECT RE PUBLIC WORKS SHOP FACILITY

Zaik/Miller/Butler, architects, have presented a proposal for Public Works Department Development. Council previously authorized contracting with an architect to develop preliminary data necessary to proceed with the public works grant for construction of public works facility, with a limit of \$5000. The proposal by Zaik/Miller/Butler is for a total of \$6510. Manager said he had two concerns-- the grant application will probably be too late for consideration, and the cost more than anticipated for the engineering work. The matter was tabled for future consideration.

7-11 LIQUOR LICENSE APPLICATION

Council previously directed a letter be written to Oregon Liquor Control Commission, saying Council would be on record as not opposing application for liquor license by Southland Corporation for a 7-11 store at the corner of Linwood Avenue and Harmony Road in the City of Milwaukie, providing certain criteria are met when the application is actually made. OLCC has said in order for them to give prior approval to the license application, it will be necessary to have a more affirmative response from the city. A letter is to be written saying the city will approve the requested liquor license application upon satisfactory completion of the design review process and compliance with all local codes and ordinances, as well as a background investigation of the Manager of the store.

HANNA INDUSTRIES BUSINESS LICENSE

At the last meeting Council directed that Hanna Industries meet with the Planning Commission to work out problems with the conditions set by the Planning Commission on Hanna's specialty sports store. Planning Commission has written letter to Hanna Industries, dated October 28, giving revised conditions for the business.

LICYNTRA LANE SANITARY SEWER BIDS

Public Works Director has written memo dated October 28, listing bids received for construction of a sanitary sewer line on Licyntra Lane, and recommends award to the low bidder, Ken Hood Construction. It was MOVED by Hutchison, SECONDED by Englund, to accept the bid

of Ken Hood Construction in the amount of \$8699.25, for construction of sanitary sewer line on Licyntra Lane. Mrs. Burgess stated she will abstain from voting because of a conflict of interest. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Hutchison and Hupp. ABSTAIN: Burgess.

RECONSIDERATION OF MILWAUKIE LUMBER COMPANY SIGN

On October 4, Council agreed to reconsider decision regarding the Milwaukie Lumber sign application. City Attorney has written legal opinion, dated October 29, on requirements of the sign ordinance. It was MOVED by Swan, SECONDED by Hupp, that under Ordinance 1210, Section 15, paragraph 2, the Milwaukie Lumber Company sign be allowed to remain as a non-conforming sign for approximately 5 1/2 years. MOTION CARRIED with the following roll-call vote: AYES: Swan, Burgess and Hupp. NOES: Englund and Hutchison.

LEGAL OPINION RE GUERRA FENCE

City Attorney has written legal opinion, dated October 29, on Council's authority to allow Guerra fence in public right-of-way. It was MOVED by Burgess, SECONDED by Hupp, to grant a variance for the fence to the Guerras, at 8826 SE Regents Drive, until such time as sidewalk and other city improvements are necessary, at which time all removal and cost of setback will be the responsibility of the property owner. After considerable discussion, the motion was withdrawn and City Attorney was directed to propose a motion that would cover all aspects of the situation, for the next meeting.

PROPOSED AMENDMENT TO CENTRAL FIRE DISPATCH AGREEMENT

H. L. Carpenter, Chief of Clackamas County Fire District No. 1, has proposed an amendment to the Central Fire Dispatch agreement. City Attorney has written legal opinion, dated October 29, discussing the proposed amendment. It was MOVED by Hutchison, SECONDED by Hupp, a letter be sent to the Fire District saying what language would be acceptable to the city. MOTION CARRIED unanimously and so ordered.

OTHER BUSINESS

1. City Attorney has written letter to Lillian Meyers, attorney for Mr. and Mrs. Dick Beatty, dated October 29, concerning the Beatty's driveway at 11897 SE Wood.
2. In response to a petition signed by residents on Filbert Street, trees at 32nd and Filbert which caused a clear-vision problem have been cut down.
3. North Clackamas School District has written letter, dated October 25, asking city to support proposed construction program for recreational facility at 4444 SE Lake Road, for which district has applied for Public Works Capital Development Program funds. It was MOVED by Swan, SECONDED by Hupp, that Council direct staff to write a supportive letter. MOTION CARRIED unanimously and so ordered.
4. City Engineer has written memo, dated October 29, listing bids received for construction of street improvements (asphaltic concrete overlay), recommending award to Portland Road and Driveway Company. It was MOVED by Hutchison, SECONDED by Hupp, to accept the bid of Portland Road and Driveway Company in the amount of \$55, 075, on

asphaltic concrete overlay. A list of streets to be improved will be furnished later. MOTION CARRIED unanimously and so ordered.

5. Public Works Director has written memo, dated October 27, listing bids on 21st and Sparrow guard rail, and recommending award to low bidder. It was MOVED by Burgess, SECONDED by Hupp, that Coral Corp. be awarded the bid for 21st and Sparrow guard rail, in the amount of \$3625. MOTION CARRIED unanimously and so ordered.

6. Neighborhood Council Coordinator has reported, in a memo dated October 29, on the plans of various neighborhood councils to consider the downtown parking lot issue.

7. Manager reported that city is proceeding on taking care of dumping situation at 37th and Railroad.

8. Council has received "Information Update" from League of Oregon Cities, dated October 28.

9. Manager's Administrative Assistant has written memo, dated November 1, on progress on problems at the railroad trestle at Main Street and Lake Road.

10. Councilman Hutchison is on the legislative committee for the League of Oregon Cities, and asked for any suggestions for resolutions for League consideration.

CONSENT CALENDAR

b) City has received letter from Clackamas County Commissioners, dated October 14, addressed to property owners and customers of Clackamas County Service District No. 1, concerning increase in monthly service charge for sewer service. There was discussion of whether it would be necessary for the city to raise its sewer rate. Manager stated the city had not been able to learn what the operation and maintenance cost of the plant will be.

a) Mayor and Councilman Hutchison had a discussion about previous statements each had made concerning proposed lease of city-owned parking lot.

c) District Manager/Postmaster has written letter, dated October 22, concerning Neighborhood Council request for uniform zip code. Mayor requested copies go to the Neighborhood Councils. It was pointed out the letter was addressed to the Neighborhood Councils, and the copy was furnished for City Council information.

f) Council received copy of letter from attorney for Franko Oil Company, dated October 21, and Manager's response. Councilman Swan expressed appreciation of the Manager's letter.

g) Council has received minutes of Riverfront Development Committee October 22 meeting, and memo from Dave Phelps to committee concerning Corps of Engineers permit for boat ramp and dock construction. Councilwoman Burgess asked questions about statements in the minutes. It was MOVED by Hutchison, SECONDED by Burgess, to adopt consent calendar with the exception of item d. MOTION CARRIED unanimously and so ordered.

OTHER BUSINESS

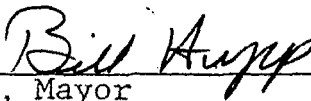
Walter Huber, Neighborhood Council 1, said Don Black is leaving city, and asked that staff write letter of appreciation for his past service

- 2. Councilwoman Burgess asked for progress report on ventilation system in Council Chambers.
- 3. Jean Baker, 2607 Monroe, asked if city had considered her request for "Tot Finder" signals on windows. Council had previously received a report recommending no action on this request.

PAYMENT OF BILLS

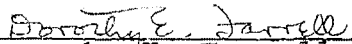
It was MOVED by Hutchison, SECONDED by Hupp, that the bills listed for November 1, 1976 payment be approved for payment. MOTION CARRIED unanimously and so ordered.

The meeting adjourned at 11 p.m.



 Bill Hupp, Mayor

ATTEST:



 Dorothy E. Farrell, Secretary

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CITY COUNCIL AGENDA
November 1, 1976
7 p.m.

COUNCIL CHAMBERS

1278th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Malcolm Hazel, Concord Christian Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - October 18, 1976 meeting
 - b) County notice of increase in sewer service charge
 - c) Letter from postoffice re zip code
 - d) Liquor license application - Cereghino Market Place - 2936 SE Washington
 - e) Table of parking lot materials
 - f) Letter from Franko Oil attorney, and city response
 - g) Riverfront Development Committee minutes and staff report
5. AUDIENCE PARTICIPATION
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Memorandum re appointments
7. CORRESPONDENCE
 - a) Letter from attorney for AA Ambulance
 - b) Letter from Larkins re stop work order
 - c) Petition and letters re Fire District
8. OLD BUSINESS
 - a) Set date for public hearing - Business License
 - b) Proposal from architect re Public Works shop facility
 - c) 7-11 liquor license
 - d) Report on Hanna Industries business license
 - e) Licyntra Lane sewer bids
 - f) Reconsideration of Milwaukie Lumber Co. sign
 - g) Legal opinion re Guerra fence
9. CONSIDERATION
 - a) Central Dispatch contract
10. OTHER BUSINESS
11. PAYMENT OF BILLS
12. ADJOURNMENT

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