

CITY COUNCIL MEETING  
November 15, 1976  
7 p.m.

COUNCIL CHAMBERS

1279th Meeting

The one thousand two hundred seventy-ninth meeting of the Council of the City of Milwaukie, Oregon, was held on the 15th day of November, 1976, with the following councilpersons present:

- |                   |                    |
|-------------------|--------------------|
| C. Mervin Englund | Jerry 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 Farrell, Secretary    |
| Donald Oblander, Finance Director |                               |

The invocation was given by the Reverend Roland Boyce, Milwaukie Covenant Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - August 23, 1976 and November 1, 1976
- b) Report on street lighting
- c) Street resurfacing list
- d) Clackamas fire district letter and Burgess response
- e) Furnberg Park grant application cancellation
- f) Tri County Local Government Commission report
- g) Randall v. City of Milwaukie
- h) H.U.D. letter regarding Community Development Block Grant

It was MOVED by Burgess, SECONDED by Swan, to adopt the Consent Calendar. MOTION CARRIED unanimously and so ordered.

- b) Staff reports that city-wide planning for street light locations will begin November 2.
- c) Manager has written memo, dated November 12, listing street resurfacing projects to be done under supplemental budget appropriation.
- d) Chief Carpenter of Clackamas County Fire District No. 1 wrote letter to Councilwoman Burgess, dated November 5, concerning committee to study possible contract for fire service, or merger, and asking that hiring of a new Fire Chief for Milwaukie be delayed. Copy of Mrs. Burgess' response, dated November 8, is also included.
- e) Staff has written memo, dated November 3, saying State Health Department has advised the city that a toilet facility is not required for Furnberg Park.
- f) Council has received copy of Tri-County Local Government Commission memo, dated October 27, concerning new committee assignments.
- g) Council has received copy of Complaint in case of Robert Randall v. City of Milwaukie.
- h) Department of Housing and Urban Development has written, dated November 5, that city's application for Community Development Block Grant in the amount of \$233,000 has been approved.

PRESENTATION OF AUDIT REPORT

James Savage, Coopers & Lybrand, presented audit report and management letter, for fiscal year 1975-76.

NEIGHBORHOOD COUNCIL REPORTS

Neighborhood Council No. 2 executive board has written memo to City Council, dated November 12, 1976, concerning citizen participation plan for Community Development Block Grant.

It was MOVED by Hutchison, SECONDED by Burgess, to accept the citizen participation plan as presented. MOTION CARRIED unanimously and so ordered.

PUBLIC HEARING - BUSINESS LICENSE REVISIONS

Public hearing was declared open at 7:30 p.m. Notices of hearing were hand-delivered to downtown businessmen and mailed to apartment owners of record. Staff report was given by Finance Director.

Business License Review Committee met several times, and recommend the two ordinances and fee resolution.

There has been no correspondence received either for or against the proposed ordinances and resolution. No one spoke in favor of the ordinances or resolution.

Speaking against the ordinances and resolution:

Joe Bernard, 11731 - 35th Street

Margaret Moreland, 11081 Penzance, Apartment 3

Carol Althouse, 3711 SE Van Waters

Al Jager, 12350 SE 31st Place

Clyde Basler, 3711 SE Aldercrest

Asking questions:

Dave Strauss, 10916 SE Woodhaven Place

Various suggestions were made for changes in the proposed ordinances. Public hearing closed at 9:20 p.m.

(Meeting recessed at 9:20 p.m., reconvened at 9:28 p.m. with all present.)

It was MOVED by Swan, SECONDED by Englund, that the suggested changes be made and the amended ordinances considered at the next meeting.

MOTION CARRIED unanimously and so ordered.

PUBLIC HEARING - VR-76-16 - Bartholomy appeal

Public hearing was declared open at 9:30 p.m. Notices mailed as required. Applicant, Trixie Bartholomy, 3710 SE Rockwood, appealed Planning Commission denial of VR-76-16, variance to operate a small antique and collectibles shop from residence at 3710 SE Rockwood. Staff report was given by Tim Holder, Planning Department.

Correspondence in favor was received from Vi and Randy Randall, 9726 SE 37th. No correspondence in opposition was received.

Speaking in favor of the appeal:

Trixie Bartholomy, 3710 SE Rockwood, applicant

Mayor asked for a show of hands of persons in audience in favor of appeal, and 12 persons raised their hands. No one appeared to speak against the appeal. Public hearing closed at 10:20 p.m.

It was decided to refer the problem to the Planning Commission for a possible change in the zoning ordinance that would give more flexibility to allow this kind of variance, and the matter will be on the agenda at the first meeting in February, 1977.

(Meeting recessed at 10:20 p.m., reconvened at 10:30 p.m. with all present.)

DDJ309

FESTIVAL DAZE PRESENTATION ON CITY HALL PLAZA

Dave Strauss, representing Board of Directors of Milwaukie Festival Daze, presented plan for a small City Hall Plaza, to be given to the city as a gift from the Festival Board. The only cost to the city would be for plumbing for moving the drinking fountain, and added walkway. It was MOVED by Burgess, SECONDED by Hutchison, that the Festival Daze Board be given permission to proceed and work with staff in developing a new City Hall Plaza. MOTION CARRIED unanimously and so ordered. Staff will write a letter of thanks to Festival Board.

CORRESPONDENCE

1. Councilwoman Burgess has written memo, dated November 8, 1976, to City Council, concerning smoking in Council Chambers.
2. David Graf, 10190 SE 38th Street, has written to City Council, dated November 3, resigning as alternate on the Parks and Recreation Commission. It was MOVED by Burgess, to accept the resignation of David Graf with regret, and to appoint Betty Stephens to the vacant position. MOTION FAILED for lack of a second. It was MOVED by Hupp, SECONDED by Swan, to accept the resignation of David Graf with regret and delay until the next regular meeting appointment of a replacement. MOTION CARRIED unanimously and so ordered.
3. Chairman of Board of Trustees of Ledding Library has written to Council, dated November 10, with suggestions for appointments to County Library Steering Committee. It was MOVED by Englund, SECONDED by Hutchison, to accept the recommendations (Carol Hildebrand Lake Oswego Librarian, and Hal Schilling, Milwaukie City Manager) of the Board for persons to represent the three large cities in the county. MOTION CARRIED unanimously and so ordered.
4. Councilman Englund has written Council, dated November 12, with miscellaneous suggestions for consideration. Contents of the memo were referred to staff for their reaction.

COMMITTEE TO STUDY FIRE DISTRICT MERGER

Manager reported Fire District No. 1 will be meeting November 16 to consider city's correspondence regarding the appointment of such a committee. The matter will be on the next Council agenda, after receipt of the district's reaction.

MEMOS REGARDING REROOFING PERMITS

Police Chief and Public Works Director have written memos, dated November 4 and November 5, concerning reroofing permits in general, and William Larkin stop work order in particular. There was discussion of city writing to state asking for some relief for the requirement of building permits for reroofing, but one councilperson objected to this procedure.

MOTION FOR GUERRA FENCE

At the last meeting staff was directed to prepare a motion for Council to adopt concerning the Guerra's fence. City Attorney has proposed language for a motion. It was MOVED by Burgess, SECONDED by Swan, that the Council allow Mr. and Mrs. Frank Guerra to keep the fence in the public right-of-way so long as it does not restrict vehicle or pedestrian traffic on the public right-of-way, or obstruct the view of the traffic from pedestrians along the right-of-way for

clear vision. Mr. and Mrs. Guerra shall be responsible for the maintenance of the fence should any damage occur, and the Guerras shall agree to enter into a hold harmless agreement with the city for any liability due to damage or injury caused as a direct result of the fence in the public right-of-way, located at 8826 SE Regents Drive. MOTION CARRIED unanimously and so ordered.

#### LETTER TO SPEED CONTROL BOARD

Manager has written Speed Control Board, dated November 10, saying the city is in full accord with the reduction in speed from 30 mph to 25 mph on portions of SE 22nd Avenue, SE Sparrow-Street and SE River Road.

#### RESOLUTION NUMBER 38-1976 - AFFIRMATIVE ACTION

Civil Service Commission has recommended Council adopt an affirmative action resolution. It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 38-1976 (A RESOLUTION EXPRESSING THE INTENT AND COMMITMENT OF THE CITY OF MILWAUKIE TO INSURE EQUAL OPPORTUNITY IN EMPLOYMENT) by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 38-1976. MOTION CARRIED unanimously and so ordered.

#### FACTFINDING AWARD - POLICE CONTRACT

City has received factfinding award from Factfinders Board on unresolved issues in contract negotiations for 1976-77 between city and National Union of Police Officers, Local 843.

#### RESOLUTION NUMBER 39-1976 - CANVASSING VOTE AT GENERAL ELECTION

It was MOVED by Hupp, SECONDED by Burgess, to read Resolution Number 39-1976 (A RESOLUTION CANVASSING THE VOTE AT ELECTION HELD ON NOVEMBER 2, 1976) by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 39-1976. MOTION CARRIED unanimously and so ordered.

#### OTHER BUSINESS

1. Councilman Swan asked about current condition of starter on fire truck. Manager stated there was never any continuing problem as described to Council by Firefighter Harris at November 1 meeting.
2. Councilwoman Burgess asked if Planning Commission was working on a tree-cutting ordinance. Manager said staff could bring a workable interim ordinance for Council consideration at next meeting, as Planning Commission has not yet had time to work on this.

#### PAYMENT OF BILLS

It was MOVED by Burgess, SECONDED by Hutchison, that the bills listed for November 15, 1976 payment be approved for payment. MOTION CARRIED unanimously and so ordered.

The meeting adjourned at 11:34 p.m.

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Recorder

Bill Hupp  
Bill Hupp, Mayor

DDJ309

413

CITY COUNCIL AGENDA  
November 15, 1976  
7:00 p.m.

COUNCIL CHAMBERS

1279th Meeting

DDJ309

- 1. CALL TO ORDER
- 2. INVOCATION - The Reverend Roland Boyce, Milwaukie  
Covenant Church
- 3. PLEDGE OF ALLEGIANCE
- 4. CONSENT CALENDAR
  - a) Approval of minutes - August 23, 1976 and November 1, 1976
  - b) Report on street lighting
  - c) Street resurfacing list
  - d) Clackamas fire district letter and Burgess response
  - e) Furnberg Park grant application cancellation
  - f) Tri County Local Government Commission report
  - g) Randall v. City of Milwaukie
  - h) H.U.D. letter regarding Community Development Block Grant
- 5. AUDIENCE PARTICIPATION
  - a) Auditors' presentation of audit report
  - b) *PI*
- 6. NEIGHBORHOOD COUNCIL REPORTS
  - a) Citizen Participation Plan

7:30 p.m. 7. PUBLIC HEARING - Business License - Ordinance No. \_\_\_\_\_  
and Resolution No. \_\_\_\_\_

8:00 p.m. 8. PUBLIC HEARING - Bartholomy appeal - VR - 76 - 16

- 9. CORRESPONDENCE
  - a) Memo from Councilwoman Burgess regarding smoking  
in Council Chambers
  - b) Resignation from Parks and Recreation Commission
  - c) Letter from Library Board regarding Steering Committee
  - d) Memo from Councilman Englund
- 10. OLD BUSINESS
  - a) Appointment of committee to study fire district merger
  - b) Memos regarding reroofing permits
  - c) Proposed motion regarding Guerra fence
  - d) Speed Control Board letter
- 11. CONSIDERATION
  - a) Resolution No. \_\_\_\_\_ Affirmative Action
  - b) Factfinding award - Police contract
  - c) Festival Daze presentation on City Hall plaza
- 12. OTHER BUSINESS
- 13. PAYMENT OF BILLS

CITY OF MILWAUKIE  
BILLS PAYABLE ON NOVEMBER 15, 1976

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
1. Act 1 Uniform Service	41.03	1-3	8.50
		1-4	21.63
		1-5	2.65
		1-6	8.25
2. AFCO Contractors	163.00	20-	163.00
3. Allen's Press Clipping Bureau	15.00	1-2	15.00
4. American Waterworks Assoc.	200.00	1-10	200.00
5. Myer Avedovech	329.09	1-12	329.09
6. Badger Meter, Inc.	276.00	30-	276.00
7. Baker & Taylor	197.79	1-6	197.79
8. Bernard's Garage	145.96	1-5	80.34
		4-	65.62
9. Bruce Bischof	400.00	1-1	400.00
10. Boise Cascade	53.16	1-5	53.16
11. Brodart	2,324.76	1-6	2,324.76
12. Burroughs Corporation	469.31	7-	469.31
13. Callaghan & Company	74.50	1-12	74.50
14. Care Custodians	225.00	1-5	225.00
15. Charlie Helwig	169.25	1-2	21.16
		1-4	2.40
		1-5	40.08
		1-10	2.36
		1-13	103.25
16. Clackamas County	79.75	4-	26.58
		20-	26.58
		30-	26.59
17. Clackamas County Clerk	3.30	30-	3.30
18. Clackamas Co. Serv. Dist. #1	13,761.60	20-	13,761.60
19. Commercial Business Supply	116.08	1-5	116.08
20. Cornell Mfg. Co.	234.90	30-	234.90
21. Decatur Electronics, Inc.	1,173.51	1-5	1,173.51
22. Dr. Donkle	79.00	1-5	39.50
		1-14	39.50
23. Facts on File	287.00	1-6	287.00
24. Flexible Pipe Tool Co.	3,000.00	20-	3,000.00
25. Fred Meyer	23.80	1-5	23.80
26. Gale Research Co.	36.10	1-6	36.10
27. Gaylord Bros.	1.30	1-6	1.30
28. J.K. Gill Company	333.00	12-	333.00
29. Graphic Products	47.29	1-2	47.29
30. Ruth L. Green	9.20	1-6	9.20
31. Hilton Hotel	48.00	1-1	48.00
32. Hydronix, Inc.	16.00	20-	16.00
33. Int. Assoc. of Chiefs of Police	20.99	1-5	20.99
34. Jan's Cleaners	171.76	1-4	40.97
		1-5	130.79
35. Donald R. Jones	15.40	1-5	15.40
36. Josten's Book Lease Plan	44.69	1-6	44.69
37. Jury Fees	95.00	1-8	95.00
38. K & K Color Lab	20.77	1-5	16.99
		1-9	3.78
39. Landeen Medical Gas	18.00	1-4	18.00
40. Langton Mehlig & Associates	220.00	12-	220.00

CITY OF MILWAUKIE  
BILLS PAYABLE ON NOVEMBER 15, 1976

DDJ309

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
41. Lloyds of Milwaukie	46,965.00	1-1	46,965.00
42. Main Line Book Co.	454.98	1-6	454.98
43. Janet Mandaville	15.92	1-2	15.92
44. Laurie Mathers	3.50	1-2	3.50
45. McFarlane Sawdust	46.00	1-7	46.00
46. Dr. Mick	118.50	1-14	118.50
47. Milwaukie Automotive Service	452.41	1-5	452.41
48. Milwaukie Hardware	18.53	1-5	2.04
		1-7	9.67
		4-	5.25
		30-	1.57
49. Milwaukie Oil Co.	157.20	1-5	48.45
		4-	36.25
		20-	36.25
		30-	36.25
50. Milwaukie Police Reserves	44.00	1-8	44.00
51. Jim Mishler	48.70	1-10	48.70
52. Mobil Oil Co.	1,700.80	30-	1,700.80
53. Mobile Radio Communication	29.50	1-5	29.50
54. Multigraphics	114.80	1-13	114.80
55. Multnomah County	145.89	1-13	145.89
56. Northwest Law Enforcement Co.	19.60	1-5	19.60
57. Northwest Natural Gas Co.	134.64	1-6	90.83
		4-	31.42
		30-	12.39
58. State of OR/Dept. of General Services	60.00	1-10	60.00
59. State of OR/Dept. of M.V.	70.00	1-8	70.00
60. Oregon City Laundry	95.25	1-4	95.25
61. Oregon Excavating Inc.	225.00	4-	225.00
62. Pacific Building Materials	25.94	4-	25.94
63. Pacific Coast Ind. Laundry	90.00	4-	30.00
		20-	30.00
		30-	30.00
64. Pacific Northwest Bell	1,632.39	1-3	598.25
		1-4	413.95
		1-5	451.23
		1-6	88.24
		4-	35.74
		20-	10.82
		30-	34.16
65. Pacific Waterworks Supply	43.77	20-	43.77
66. Paulsen & Roles Lab.	13.00	1-6	13.00
67. Payline Northwest Co.	99.60	1-7	10.28
		4-	89.32
68. Petty Cash	43.00	1-5	43.00
69. Phelbin Mfg. Co.	49.20	4-	49.20
70. City of Portland	650.00	4-	650.00

CITY OF MILWAUKIE  
BILLS PAYABLE ON NOVEMBER 15, 1976

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
71. Portland General Electric	8,015.24	1-1	5,431.02
		1-3	251.59
		1-4	18.71
		1-5	108.26
		1-6	188.86
		1-7	5.00
		4-	105.77
		20-	122.52
		30-	1,783.51
72. Potter-Webster Co.	34.31	1-4	34.31
73. Review	161.08	1-2	93.75
		1-4	60.00
		1-9	7.33
74. Rock Creek Sand & Gravel	15.00	30-	15.00
75. Shell Oil Co.	44.85	1-7	18.25
		30-	26.60
76. Southern Pacific Transp.	100.00	6-	100.00
77. Standard & Poor's Corp.	150.00	1-6	150.00
78. Stevens Thompson & Runyan	1,382.62	1-7	1,298.28
		1-9	5.61
		1-10	26.17
		4-	12.00
		20-	24.06
		30-	16.50
79. Subpoena Fees	20.00	1-8	20.00
80. Superior Publishing Co.	10.51	1-6	10.51
81. Town Concrete Pipe Co.	27.13	4-	27.13
82. Traffic Safety Supply Co.	32.00	4-	32.00
83. Union Oil Co. of California	8.68	1-4	8.68
84. Verd-A-Ray Corp.	76.14	1-7	76.14
85. Viscount Records	83.77	1-6	83.77
86. Waterworks Supplies	12.90	30-	12.90
87. Wes Notz Excavating	375.00	20-	375.00
88. Dick West Chevron	10.20	4-	10.20
89. Western Fire Equipment	365.87	1-4	365.87
90. White Westinghouse	14.25	20-	14.25
91. Wilco Fire Equipment	54.34	1-4	54.34
92. Ann P. Wilcox	100.00	20-	100.00
93. Willamette Western	185.04	4-	185.04
94. Xerox Corporation	445.47	1-5	93.66
		1-13	351.81
95. Zip Code Directories	19.50	1-2	3.25
		1-4	3.25
		1-6	3.25
		1-8	3.25
		1-9	1.62
		1-10	1.63
		1-13	3.25
		TOTAL	\$90,251.31

CITY OF MILWAUKIE  
BILLS PAYABLE ON NOVEMBER 15, 1976

DDJ309

1-1	GENERAL GOVERNMENT	\$52,844.02
1-2	ADMINISTRATION	199.87
1-3	CITY HALL	858.34
1-4	FIRE	1,137.36
1-5	POLICE	3,186.44
1-6	LIBRARY	3,992.53
1-7	PARKS AND GROUNDS	1,463.62
1-8	MUNICIPAL COURT	232.25
1-9	PLANNING	18.34
1-10	PUBLIC WORKS	338.86
1-12	LEGAL	403.59
1-13	FINANCE	719.00
1-14	CIVIL SERVICE	158.00
4-	STREET	1,642.46
6-	STREET IMPROVEMENT	100.00
7-	SUSPENSE	469.31
12-	REVENUE SHARING	553.00
20-	SEWER	17,723.85
30-	WATER	4,210.47