

CITY COUNCIL MEETING
December 6, 1976
7 p.m.

COUNCIL CHAMBERS

1280th Meeting

The one thousand two hundred eightieth meeting of the Council of the City of Milwaukie, Oregon, was held on the 6th day of December, 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	Donald Oblander, Fin. Direct.
Donald Jones, Police Chief	Myer Avedovech, City Attorney
Cyrus Nims, Planning Director	Dorothy E. Farrell, Secretary

The invocation was given by Father Richard Rossman, Christ the King Catholic Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - November 15, 1976 Council meeting
- b) Letter from Gladstone Library Board
- c) Speed Control Board letter regarding 22nd, Sparrow, River Road
- d) Letter from Portland State University regarding population figure
- e) NC #1 letter to School District
- f) Progress payment - Mason Lane Storm Sewer
- g) Letter from Lake Oswego Councilwoman regarding appointment as CRAG representative
- h) DEQ letter regarding Milwaukie Plywood
- i) Partial payment - City Hall sidewalk improvement
- j) Parks and Recreation Commission letter to County

It was MOVED by Burgess, SECONDED by Hutchison, to accept the Consent Calendar with the exception of items g and i, requested to be removed for later discussion by Mayor. MOTION CARRIED unanimously and so ordered.

- b) Council has received copy of City of Gladstone letter, dated November 11, 1976, concerning county library system.
- c) City has received letter from Oregon State Speed Control Board, dated November 15, 1976, regarding speed on SE 22nd Avenue, SE Sparrow Street, and SE River Road.
- d) City has received letter from Center for Population Research and Census, Portland State University, dated October 31, on city population.
- e) Council has received copy of letter from Neighborhood Council 1 to North Clackamas School District, dated November 29, concerning plans for tennis courts and swimming pool on school district property off Lake Road.
- f) Manager recommends approval of progress payment of \$6349.99 to Wes Notz Excavating, for Mason Lane storm sewer.
- h) Department of Environmental Quality has sent copy of letter to Milwaukie Plywood Corporation, dated December 1, concerning notice of violation.
- j) Milwaukie Parks and Recreation Commission has written Clackamas County Commissioners, dated December 1, concerning North Clackamas Park.

AUDIENCE PARTICIPATION

1) Carl W. Benson, 8720 SE 36th, spoke to Council about paving of 36th Avenue. One side of the street is in Portland, the other side in Milwaukie, which has caused legal complications in coordinating the improvement. Mr. Benson believes all legal complications have been cleared up, as far as Portland is concerned, and had understood the project was to have been before the Milwaukie City Council. Manager said the city had never been informed Portland was ready to participate in the project. Consensus was that Mr. Benson meet with Mr. Schilling to exchange information. Mrs. Burgess asked for a staff report at the next Council meeting either recommending or not recommending formation of an L.I.D. in this area.

NEIGHBORHOOD COUNCIL REPORTS

1. Neighborhood Council Coordinator reports that despite repeated approaches to neighborhood council boards, only two areas have made formal replies on City Council request to consider a proposed amendment to the Zoning Ordinance which would allow hearings on appeals from Planning Commission decisions to be conducted on a transcript only, rather than complete new public hearing before City Council. NC 3 recommends against amendment, NC 5 in favor. It was MOVED by Burgess, SECONDED by Hutchison, that the proposed ordinance amending the zoning ordinance to revise the procedures for appeals be available at the next Council meeting. MOTION CARRIED unanimously and so ordered.
2. Neighborhood Council No. 1 recommends appointment of Don Badley to alternate position left vacant by resignation of Eleanor Kryder. It was MOVED by Hutchison, SECONDED by Swan, to appoint Don Badley to the alternate position. MOTION CARRIED unanimously and so ordered.
3. Mayor has received letter from Clair Kuppenbender, resigning from board of NC 1, but saying he will serve until a replacement is appointed. Consensus was to refer the vacancy to the Neighborhood Council for their recommendation.
4. Environmental Planning Committee of NC 5 has written letter, dated December 1, concerning 7-11 Corporation development, and expressing concern over possibility of excessive development of apartment complexes in the area. Manager said later on the agenda is a proposal to amend the zoning ordinance to preclude as an out-right use anything other than commercial in a commercial zone.

CORRESPONDENCE

1. Mayor has received letter from Portland City Commissioner Ivancie dated November 19, concerning his plan to pursue legality of Bonneville Power preference legislation.
2. Council has received letter from trustees of Milwaukie Pioneer Cemetery, dated November 12, requesting Milwaukie to annex the cemetery. Consensus was that Manager meet with the trustees and report to Council with details of proposed annexation, including staff time necessary for recordkeeping, if city would assume maintenance, maintenance cost, and proposed total city budget requirements.

3. Manager has received letter from attorney Jim Redman, dated November 18, concerning Fontaine/Rife/Laird sewer connections, and asking Council to reconsider its position and agree to cover estimated additional expense of \$2000 to bring gravity service to Harrison Street in front of property owners' homes. Council had placed a limitation of \$12,000 on entire gravity flow project, and had said if property owners wanted connection in front of property the property owners should bear the additional cost.

(Meeting recessed at 8:10 p.m., reconvened at 8:23 p.m. with all present.)

It was MOVED by Burgess, SECONDED by Swan, to table the matter until the next meeting, when further facts and figures are to be presented. MOTION CARRIED unanimously and so ordered.

4. Louis L. Lino, 10254 SW Lancaster Road, has written Council, dated November 18, concerning request for relief for sewer assessment. In May, 1976, the house on the property burned down, but a sewer assessment remains dating back to 1975. Staff recommends no adjustment should be made. Mr. Lino stated the property was part of an old assessment district and should not have been included in the 1975 assessment, but staff has verified that such was not the case. Consensus was if the property can be served by the new sewer system, that the assessment stand; if it cannot be served, the matter will come back to Council.

5. Civil Service Commission has written Council, dated November 23, asking that the classification survey approved in the Supplemental Budget be conducted with the least practicable delay. Council had directed funds approved for consulting services in that budget be impounded pending further discussion. Consensus was that staff will present a report on what the program will do, along with an estimate of cost.

ORDINANCE NUMBER 1349 - IMPOSING BUSINESS TAX - ORDINANCE NUMBER 1350 - REGULATING AND LICENSING BUSINESSES

At the last meeting Council directed certain changes in the two proposed ordinances, and recommended amendments have been included in ordinances before Council at this time. Finance Director said it was not the Business License Committee's intent to eliminate single-family rentals, but staff proposes they not be included because of difficulty of policing.

It was MOVED by Hupp, SECONDED by Hutchison, that the figure be increased from one to two garage sales allowed in one year. MOTION CARRIED with the following roll-call vote: AYES: Hupp, Burgess and Hutchison. NOES: Englund and Swan.

It was decided to change the words "newspaper vendors" to "newspaper carriers," wherever it appears.

It was MOVED by Hutchison, SECONDED by Swan, for first reading of Ordinance Number 1349 (AN ORDINANCE IMPOSING A BUSINESS TAX, REPEALING ORDINANCES NUMBER 489, 535, 1075, 1186 AND 1211, AND DECLARING AN EMERGENCY) the first time by title only, as amended. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Englund, for second reading by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1349. Ordinance 1349 was put on its passage with the following roll-call vote: AYES: Englund,

Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1349 passed the Council and was so declared by the Mayor.

It was MOVED by Hutchison, SECONDED by Englund, for first reading of Ordinance Number 1350 (AN ORDINANCE REGULATING AND LICENSING BUSINESSES, PROFESSIONS, OCCUPATIONS AND RENTAL PROPERTIES IN THE CITY OF MILWAUKIE, AND DECLARING AN EMERGENCY) the first time by title only, as amended. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, for second reading by title only. MOTION CARRIED unanimously and so ordered. It was MOVED BY Hutchison, SECONDED by Burgess, to adopt Ordinance 1350. Ordinance 1350 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1350 passed the Council and was so declared by the Mayor.

It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 40-1976 (A RESOLUTION ESTABLISHING BUSINESS TAXES UNDER ORDINANCE NUMBER 1349; AND ESTABLISHING CRITERIA FOR DETERMINATION OF SIZE OF BUSINESS) by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 40-1976. MOTION CARRIED unanimously and so ordered.

APPOINTMENT OF ALTERNATE TO PARKS AND RECREATION COMMISSION

Frank Mello, 11153 SE 40th Avenue, was appointed as alternate to the Parks and Recreation Commission, to replace David Graf, who resigned.

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

APPOINTMENT OF CITY REPRESENTATIVES TO FIRE STUDY COMMISSION

Council has requested that a blue-ribbon committee be formed for the purpose of evaluating the possibility of contract, consolidation or annexation between city and Clackamas County Fire District No. 1. It was MOVED by Burgess, that Joe Bernard, Bob Franz, Hal Schilling and Chuck Swan be appointed to a blue ribbon study committee, and that joint meetings be pursued by the city and fire district with the proviso that any attempt by the district to restrict consideration and discussion of potential courses of action will be grounds for immediate disbandment of the committee. MOTION FAILED for lack of a second.

It was MOVED by Hutchison, SECONDED by Englund, that Joe Bernard, Bob Franz, Hal Schilling and Chuck Swan be appointed to the above committee. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Hutchison and Hupp. NOES: Burgess.

DISPOSITION OF PARKING LOT LEASE PROPOSAL

It was MOVED by Swan, SECONDED by Burgess, that (1) we spread the remaining balance of the assessment of the L.I.D. created to put the parking lot together, minus the expected revenue from long-term parking, and (2) that we not put a bank building there. MOTION FAILED to pass with the following roll-call vote: AYES: Swan. NOES: Englund, Burgess, Hutchison and Hupp.

It was MOVED by Burgess, SECONDED by Hupp, that the city enter into

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no leasing agreement, and that the city parking lot remain as it exists today. MOTION FAILED to pass with the following roll-call vote: AYES: Burgess and Hupp. NOES: Englund, Swan and Hutchison. It was MOVED by Hupp, SECONDED by Burgess, that we table this until some future date. MOTION FAILED to pass with the following roll-call vote: AYES: Hupp and Burgess. NOES: Englund, Swan and Hutchison.

It was MOVED by Hutchison, SECONDED by Hupp, that both proposals be rejected and the property remain in public use. MOTION CARRIED with the following roll-call vote: AYES: Burgess, Hutchison and Hupp. NOES: Swan and Englund.

Hutchison asked that staff make a survey of the parking lot across from City Hall to see about the possibility of tightening up the spaces to allow more parking; also that the Parks and Recreation Commission be asked if they have any ideas of use of the city-owned property at the south end of Main Street for open space, otherwise that it be developed for additional parking. Council consensus was to follow up on Hutchison's suggestions.

APPOINTMENT TO CIVIL SERVICE COMMISSION

It was MOVED by Burgess, SECONDED by Swan, to appoint Kenneth J. Levstone to another term on the Civil Service Commission. MOTION CARRIED unanimously and so ordered.

APPOINTMENT TO DESIGN REVIEW BOARD

It was MOVED by Englund, SECONDED by Swan, that Corinna Cioetta be appointed to the Design Review Board. MOTION CARRIED unanimously and so ordered.

PD-76-1 and ZC-76-2 - COVENANT PROPERTIES - SHASTA ESTATES

Shasta Estates is a proposal for a planned development with 30 dwelling units on Railroad Avenue, 460 feet west of Linwood. Planning Commission recommends the Council adopt the applicant's final plan and program and pass an ordinance changing the zone from R-7 to A-3 (PD) with certain conditions.

It was MOVED by Swan, SECONDED by Hutchison, to extend the meeting time past 11:30 p.m. MOTION CARRIED unanimously and so ordered.

It was MOVED by Swan, SECONDED by Burgess, to table the matter to the next meeting, and adjourn this meeting. MOTION CARRIED unanimously and so ordered.

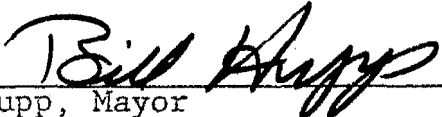
PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Swan, that the bills listed for December 6, 1976 payment be approved for payment. MOTION CARRIED unanimously and so ordered.

A special meeting will be held December 7 at 7 p.m.

Meeting adjourned to executive session at 12 p.m., under ORS 192.660 (1) (b) to discuss a disciplinary matter, and 192.660 (2) (a) to discuss bargaining.

ATTEST:


 Bill Hupp, Mayor


 Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA
December 6, 1976
7:00 p.m.

COUNCIL CHAMBERS

1280th Meeting

1. CALL TO ORDER
2. INVOCATION - Father Richard Rossman, Christ the King Catholic Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
 - a) Approval of minutes - November 15, 1976 Council Meeting
 - b) Letter from Gladstone Library Board
 - c) Speed Control Board letter regarding 22nd, Sparrow, River Road
 - d) Letter from Portland State University regarding population figure
 - e) NC #1 letter to School District
 - f) Progress payment - Mason Lane Storm Sewer
 - g) Letter from Lake Oswego Councilwoman regarding appointment as CRAG representative
 - h) DEQ letter regarding Milwaukie Plywood
 - i) Partial payment - City Hall sidewalk improvement
 - j) Parks and Recreation Commission letter to County
5. AUDIENCE PARTICIPATION
6. NEIGHBORHOOD COUNCIL REPORTS
 - a) Responses regarding zoning ordinance amendment
 - b) Appointment to NC #1 Executive Board
 - c) Letter from NC #5 on 7-11 Store
7. CORRESPONDENCE
 - a) Letter to Mayor regarding "Ivancie Plan" on BPA
 - b) Letter from trustees regarding Milwaukie Pioneer Cemetery
 - c) Letter from attorney for Fontaine/Rife/Laird regarding sewer
 - d) Letter from Louis Lino regarding sewer connection charge
 - e) Letter from Civil Service Commission regarding classification survey
8. OLD BUSINESS
 - a) Ordinance No. _____ and Ordinance No. _____ Business License Resolution No. _____ Business License fees
 - b) Appointment of alternate to Parks and Recreation Commission
 - c) Appointment of City representatives to Fire Study Commission
 - d) Disposition of parking lot lease proposal
 - e) Appointment to Civil Service Commission
 - f) Appointment to Design Review Board
 - g) Memo regarding building permits
 - h) Resolution No. _____ - Charter Amendment Election - Civil Service
 - i) Resolution No. _____ - Charter Amendment Election - Nomination Dates

9. CONSIDERATION

- a) Ordinance Number _____ - Tree cutting
- b) PD-76-1 and ZC-76-2 Ordinance No. _____
- c) Comprehensive Plan Consultant - Selection Committee recommendations
- d) Liquor license application - Peck (Monroe Street Grocery)
- e) Ordinance No. _____ - Amending zoning ordinance
- f) Ordinance No. _____ - Animal Control

10. OTHER BUSINESS

11. PAYMENT OF BILLS

12. ADJOURNMENT

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