

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

COUNCIL CHAMBERS

Special Meeting

A special meeting of the Council of the City of Milwaukie, Oregon, was held on the 15th day of April, 1976. The following councilpersons were present:

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

Also present:

Harold L. Schilling, City Manager	Myer Avedovech, City Attorney
Cyrus Nims, Planning Director	Dorothy E. Farrell, Secretary

The meeting was called for the purpose of Council discussion on Willamette Greenway boundaries and to finish the agenda from the regular meeting of April 5, 1976.

CONSENT CALENDAR

- a) Approval of minutes - March 15, 17 and 31, 1976 meetings
- b) Liquor license applications
 - 1) Chico's Pizza Parlor (Fred Eberly)
 - 2) Lee's Market (John Falos)
- c) Letters re donation of projection screen
- d) Letter from Coos Bay to Governor re LCDC
- e) Letter from Tri-Met re credit on bus pass
- f) Meeting notice - LCDC
- g) Copy of complaint in Library suit
- h) Memo re street dedication - 26th Avenue between Lark and Sparrow
- i) Letter from Chamber of Commerce re bond sale
- j) Memo from City Attorney re J. August complaint re fees
- k) ICMA Newsletter Update
- l) Letter from D.Cornelius to ERB re ERB case C-532
- m) Letter from Secretary of State re audit report
- n) Letter from Corps of Engineers re waterfront
- o) Community Radio Watch minutes
- p) Oregonian article re Multnomah County bargaining
- q) Short course for Planning Commissioners
- r) LGPI Labor Relations bulletin
- s) "The Mayor" Newsletter - March issue

Items a, d, f, i, k, m, n and q had been removed at the April 5 meeting for later discussion.

b) Background reports have been completed by Police Department on the two applicants for liquor licenses, and the Police Department has no objection to the issuance of the licenses.

c) Don Barnick has donated a projection screen to the city.

d) Mayor of Coos Bay has sent copy of letter to Governor Straub re LCDC. Mayor asked for Council comments, and there was general discussion.

e) Stephen McCarthy of Tri Met, in letter dated March 26, has commented on the Council's suggestions on bus pass credit tied to a tax on motor vehicles.

f) LCDC has sent notice of April 3 meeting. Mrs. Burgess had asked to have the item removed to ask if Milwaukie would get a planning extension, but the question was answered in the April 5 meeting.

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- g) Council has received copy of Complaint for Declaratory Judgment in the case of Hupp et al vs. Schumacher et al, the suit on the Library issue.
- h) Public Works Director reports, in a memo dated March 12, that the request for rededication of a section of SE 26th Avenue to the city is at a standstill, as one-half the frontage is for dedication and one-half is against.
- i) Chamber of Commerce sent Council copy of answer to inquiry for information from a prospective bidder for city bonds. Mayor asked what questions were asked, but this was all the information the city received.
- j) City Attorney, in memo dated March 18, reports that James August, who spoke at the Council meeting of February 2, and was asked at that time to discuss the matter with the City Attorney, has not been heard from, and apparently wishes to drop the matter.
- k) Council has received copy of ICMA Newsletter Update for March, 1976. Staff was asked to write members of Congressional delegation citing the programs Milwaukie has used Revenue Sharing money for, and urging extension of the program, with a multi-year concept.
- l) Council has received copy of letter from Darrell Cornelius, attorney for Police bargaining unit, addressed to Melvin Cleveland of ERB, re ERB Case No. C-532.
- m) City has received letter, dated March 23, from Secretary of State's office, asking for a copy of audit report and a check for \$80, the required fee. It was MOVED by Hutchison, SECONDED by Burgess, that a letter be directed to the Governor, with a copy to legislative representatives, objecting to the fact that we have to pay the state to submit the report. MOTION CARRIED with the following roll-call vote: Ayes: Swan, Burgess, Hutchison and Hupp. Abstain: Englund.
- n) Council has received copy of letter dated March 22, from the Corps of Engineers, addressed to Cyrus Nims, Planning Director, concerning the log boom at the waterfront. Mrs. Burgess asked for further information on the subject.
- o) Council has been provided copy of Community Radio Watch minutes of February meeting.
- p) Council has received copy of Oregonian article from March 21 newspaper, concerning Multnomah County bargaining.
- q) Council has received notice of Short Course for Planning Commissioners. Councilman Englund asked that Planning Commission be notified, but they have already received copies. Mayor asked for clarification of an item in March 1 minutes, which have already been approved. On page 4, item 2 states a \$23,800 grant has been received for Furnberg Park. The item should read: "Clackamas County approved recommending to the state the granting of \$23,800 for completion of Furnberg Park, with BOR funds paying 50%, or \$11,900."
- r) Council has received copy of February 27 issue of LGPI Labor Relations Bulletin.
- s) Council has received copy of March 1 issue of "The Mayor, newsletter from the United States Conference of Mayors.

It was MOVED by Burgess, SECONDED by Hutchison, to accept the complete consent calendar. MOTION CARRIED unanimously and so ordered.

ORDINANCE NUMBER 1338 - CITATION POWERS OF CODE ENFORCEMENT OFFICER

City Attorney recommended adding the Building Inspector to the proposed ordinance, on page 1, Section 1, after the words "used by officers," and in the title of the ordinance.

It was MOVED by Hutchison, SECONDED by Englund, to read Ordinance Number 1338 (AN ORDINANCE PROVIDING FOR AUTHORIZING THE SHORT-FORM COMPLAINT AND CITATION METHOD FOR MINOR OFFENSES IN THE MUNICIPAL COURT; EXTENDING THE UNIFORM CITATION AND COMPLAINT SYSTEM TO INCLUDE VIOLATIONS OF THE BUILDING, SIGN, NUISANCE, ZONING, BENCH, BUSINESS LICENSE, MOTORCYCLE AND COMMON VIOLATIONS OF GENERAL OFFENSES IN CHAPTER FIVE (5) OF CITY CODE; AND AUTHORIZING THE CODE ENFORCEMENT OFFICER AND BUILDING INSPECTOR OF THE CITY TO ISSUE SAID SHORT-FORM UNIFORM COMPLAINT AND CITATION) the first time by title only, with the two changes mentioned above. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. It was MOVED by Hutchison, seconded by Burgess, to read the ordinance the second time by title only. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Ordinance 1338. Ordinance 1338 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1338 passed the Council and was so declared by the Mayor.

BIDS ON WINDOW SHADES

Bids have been solicited for window shades for some windows in City Hall. It was MOVED by Englund, SECONDED by Hutchison, to accept the low bid of Venetian Blind Co. in the amount of \$950, with the funds to come from operating contingency. MOTION CARRIED unanimously and so ordered.

KID'S INC. BASEBALL TEAM SPONSORSHIP

Fred Kondo, President of Kid's Inc., has asked the city to sponsor a girl's and a boy's baseball team, at a cost of \$300. It was MOVED by Hutchison, SECONDED by Burgess, that the request be granted, in the amount of \$300. It was MOVED by Hupp to amend the motion to make the amount \$1000, with the money coming from the Community Survey fund, which has not been spent and remains in the budget in its full amount, SECONDED by Hutchison. It was pointed out there might be other deserving youth groups who might ask for money, and also that it might be better to approve the \$300 requested and suggest if Kid's Inc. needs more money that they request it. Amendment to motion FAILED TO PASS with the following roll-call vote: AYES: Hutchison, Hupp. NOES: Englund, Swan and Burgess. It was MOVED by Hutchison, SECONDED by Burgess, to amend the main motion to specify the money come from account 1-1-380, Mayor and Council expense. Amendment MOTION PASSED unanimously. On the original motion, MOTION CARRIED unanimously and so ordered.

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BIDS ON PUBLIC WORKS PICKUPS

City has advertised for bids on four pickups, and received bids from two suppliers. It was MOVED by Hutchison, SECONDED by Swan, to accept the recommendation of Public Works Director to purchase two Ford Couriers at a total price of \$4592, and two Datsuns at a total price of \$6796, with \$350 additional for one canopy for one Datsun. MOTION CARRIED unanimously and so ordered.

(Meeting recessed at 8:20 p.m., reconvened at 8:25 p.m. with all present.)

DISCUSSION OF WILLAMETTE GREENWAY BOUNDARIES - RESOLUTION NO. _____

At the last Council meeting Council received report and recommendation from Planning Commission, and at a public hearing heard testimony from the public.

It was MOVED by Swan to adopt the Planning Commission recommendation on Willamette Greenway boundary. MOTION DIED for lack of a second. Councilwoman Burgess proposed a boundary for Council consideration. (Councilman Englund left the meeting at 9 p.m.)

It was MOVED by Burgess the resolution be read with the boundary she had proposed. MOTION DIED for lack of a second.

It was MOVED by Hutchison, SECONDED by Burgess, that staff be directed to prepare a resolution along the lines of the one before Council tonight, encompassing the boundaries as indicated earlier by Mrs. Burgess, with an additional paragraph as suggested by Cy Nims giving Council the protection they are looking for, for final consideration at the next regular meeting. The additional paragraph would specify that for the extension beyond the 150-foot minimum that no conditional use permit may be mandated by LCDC. MOTION CARRIED unanimously by those present.

It was MOVED by Swan, SECONDED by Hutchison, to send a letter to everybody involved, such as LCDC, CRAG, Department of Transportation, expressing dissatisfaction with the Greenway procedures. MOTION CARRIED unanimously by those present.

PROCLAMATION - PRIVATE PROPERTY WEEK

Mayor Hupp read proclamation designating April 18 through 24 as Private Property Week, sponsored by the Clackamas County Board of Realtors.

OTHER BUSINESS

1. Councilwoman Burgess has furnished draft of committee report from Local Government-Intergovernmental Relations Committee of Tri-County Local Government Commission.
2. Neighborhood Council Coordinator has written memo, dated March 24, re City Council members' role as liaisons to Neighborhood Councils. It was the consensus of the Council to accept the appointments. It was pointed out that Councilmembers need not feel obligated to attend all meetings of Neighborhood Councils. Council requested copies of Neighborhood Council meeting minutes.
3. It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 11-1976 (A RESOLUTION APPROVING THE SUBMITTAL TO THE OREGON LAND CONSERVATION AND DEVELOPMENT COMMISSION OF A REQUEST FOR A

PLANNING EXTENSION) by title only. MOTION PASSED unanimously by those present. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 11-1976. MOTION CARRIED unanimously by those present.

4. Council has received copy of letter from Portland Bureau of Water Works, dated March 31, addressed to Chairman of Stanley Water District Board of Commissioners, responding to the district's letter of March 11, listing alternate methods of serving Precision Castparts and Ford Industries.

5. Clackamas County caucus of cities will meet March 21 at Oregon City Commission chambers.

6. Council has received copy of letter from Employment Relations Board, dated March 25, addressed to City Manager, concerning Clackamas County Peace Officers Association v. City of Milwaukie, Case No. C-532.

TRAFFIC SAFETY GRANT

Milwaukie has received Traffic Safety Grant for a three-year period, starting July 1, 1976, which will fund four additional positions, grant in the amount of \$57,058 for the first year.

It was MOVED by Hutchison, SECONDED by Burgess, for Council endorsement of submission of this application. MOTION FAILED to pass with the following roll-call vote: AYES: Burgess and Hutchison. ABSTAIN: Swan. DID NOT VOTE: Hupp. Council asked this matter to be on the next Council agenda for reconsideration.

OTHER BUSINESS

1. Council has received copies of letter from Mr. Schilling to Mayor Balsiger of Wilsonville concerning CRAG Draft III, goals and objectives; letter from City Administrator of Tualatin to CRAG concerning CRAG rules; letter from Mayor of Canby to LCDC regarding Willamette Greenway; letter from Mayor of Coos Bay to Mayor Hupp concerning repeal of SB 100; Resolution No. 758 of City of Gresham on LCDC and CRAG; ORDINANCE NO. 62 of City of Wilsonville on Willamette Greenway.

2. It was MOVED by Hutchison, SECONDED by Burgess, to approve submission of request for planning grant to LCDC, to assist in compliance with state land use planning requirements. MOTION PASSED unanimously by those present and so ordered.

3. Councilman Swan asked for a list of employees of the city who live within the city limits.

4. Councilwoman Burgess asked for another work session on council procedures.

5. Councilwoman Burgess asked if there is a current city ordinance dealing with proper screening of local businesses.

6. Councilwoman Burgess asked if someone is checking on comments made by Senior Citizens Council concerning park by Police Station.

7. Councilwoman Burgess asked if city could clean up the city parking lot west of Thriftway, and asked what city's liability is if someone should drive off into the lake.

8. There will be an executive session at 7 a.m. Friday, April 16 at the Pancake Pantry.

Meeting adjourned at 10:45 p.m.

ATTEST:

Bill Hupp
Bill Hupp, Mayor

Dorothy E. Farrell
Dorothy E. Farrell, Secretary

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CITY COUNCIL AGENDA
April 15, 1976
7 p.m.

COUNCIL CHAMBERS

Special Meeting

1. CALL TO ORDER
2. DISCUSSION OF WILLAMETTE GREENWAY BOUNDARIES - Resolution No. _____
3. ITEMS HELD OVER FROM APRIL 5, 1976 COUNCIL MEETING
 - (4) CONSENT CALENDAR
 - * a) Approval of minutes - March 15, 17 and 31, 1976 meetings
 - b) Liquor license applications
 - 1) Chico's Pizza Parlor (Fred Eberly)
 - 2) Lee's Market (John Falos)
 - c) Letters re donation of projection screen
 - * d) Letter from Coos Bay to Governor re LCDC
 - e) Letter from Tri-Met re credit on bus pass
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 - o) Community Radio Watch minutes
 - p) Oregonian article re Multnomah County bargaining
 - * q) Short course for Planning Commissioners
 - r) LGPI Labor Relations bulletin
 - s) "The Mayor" Newsletter - March issue
 - (9) CONSIDERATION
 - b) Ordinance No. _____ - Citation powers of Code Enf. Off.
 - c) Bids on window shades
 - d) Letter re Kid's Inc. baseball team sponsorship
 - e) Bids on Public Works pickups
 - (10) OTHER BUSINESS **
 - a) Tri-County Local Government Commission report
 - d) Neighborhood Council liaison appointments
 - g) LCDC Planning Extension - Resolution No. _____
 - h) Portland letter to Stanley Water District
 - i) County caucus minutes and agenda
 - j) ERB letter
 - k) Traffic Safety Grant
4. OTHER BUSINESS
5. ADJOURNMENT
6. EXECUTIVE SESSION

*Removed by Council for later discussion

** Some items were assigned letters but there were no handouts; for instance meeting reminders which were later done by phone; therefore the letters here are not consecutive.