

MILWAUKIE
CITY COUNCIL MEETING
April 19, 1983
7 p.m.

THE MILWAUKIE CENTER

1429th Meeting

At 6 p.m. prior to the regular Council meeting, the following Councilors conducted interviews for city advisory bodies:

Mike Richmond Mayor Joy Burgess
Ron Kinsella Roger Hall (arrived 6:20 p.m.)

Absent: Don Graf

The following persons were interviewed:

Louise Trimpler, 9538 SE 40th- Senior Cit. Advisory Comm.
W. Warren Schafer, 3336 Harrison- Library Board
Janice M. Rose, 2823 SE Balfour- Library Board

The one thousand four hundred and thirtieth meeting of the Milwaukie City Council was held on April 19, 1983 with the following Councilors present:

Mike Richmond Don Graf
Ron Kinsella Roger Hall
Joy Burgess, Mayor

Also present:

Hugh Brown, City Manager Dick Bailey, Fire Chief
Greg Eades, City Attorney Cliff Harshman, P.W. Supt.
Topaz Faulkner, Comm. Serv. Dr. Laurie Perkin, Secretary
Gordon Erickson, Finance Dr.

AUDIENCE PARTICIPATION

Ken Johnson, representing Fair Share, stated objections to the proposed Tacoma Street Overpass. He referred to the Conradt report done by Multnomah County which listed 21 options to the overpass. He requested that Council consider options 14, 18 or 21. Any of these would have less negative effect on the community. He said the overpass would result in too much traffic on Johnson Creek Blvd., would lower property values, harm the foundation of houses and discourage development of light rail. Easton Cross, owner of Kasch's Nursery, provided photographs which showed the heavy truck traffic on Johnson Creek Blvd. He spoke of the need for a stop street on 42nd, a weight limit on Johnson Creek Blvd. He said that the high speeds on McLoughlin was not conducive to the development of light rail.

Flood Johnson, Johnson Creek Blvd., spoke of the need for a load limit.

Herb Junt, from Bob's Rentals, suggested that traffic on McLoughlin should be slowed down so that people would want to ride light rail.

Arnold Callan supported statements made by Ken Johnson and Junt. Callan also questioned the sincerity of the press and said that he saw nothing in the paper about the adult business ordinance. It was decided that a work session would be set up to discuss McLoughlin improvements.

Mayor announced an executive session at the conclusion of the meeting under ORS 192.660.(1) (d) to discuss labor negotiations.

Sandra Moore, Coordinator for Council of Libraries, addressed the Council regarding her concerns over the elimination of the position of Library Director. She said this decision would harm the library, that people of Milwaukie voted in favor of the County Serial Levy thereby stating their support for the library.

Mayor Burgess said the Council does not interfere in personnel matters and that the city had no intention of reducing the level of service of the library.

Beth Saul, Library Director from Canby, spoke of the Library Director's high level of skill, her ability to get grants.

Pam Barnes, Library Director from West Linn urged the Council to reconsider the elimination of this position. She said it would affect the entire Clackamas County Library network.

The City Manager gave his assurance that programs at the library would not suffer and spoke of the qualifications of the three senior librarians and of the Community Services Director who would be taking over many of the tasks of the Library Director.

Sandra Moore said she understood that this move was related to the costs of the library's conversion to the county computer system and that it was not fair that the Library Director be punished for something that was not her fault. The City Manager said the decision was not based on the computer costs.

Dan Liaty, 9415 SE Regents, asked when the city would be granting a Cable TV franchise. He was told that this would be coming up later in the agenda.

Mayor Burgess has received letters regarding the danger of a cross-walk at Linwood Avenue. The City Manager said that the opinion of the Public Works Department was that there was no way to make that particular intersection safe and that people should not be encouraged to use it. Hall suggested that citizens might be willing to help make some of these dangerous intersections more safe by removing obstacles, trees, etc..

Graf suggested the problem be forwarded to the Traffic Safety Commission and the Police Dept. for their recommendation.

Jessie Allen and Camille Davenport, citizens from the Linwood area, spoke of the danger of the crosswalk and requested that something be done to make it safer. Mayor Burgess said she wanted it made clear that she would like something to be done to make the crosswalk safe.

Bill McConnell, citizen, asked to go on record as opposing any change in the crosswalk at Linwood because it would encourage school children to use it and there is no way that it can be made safe.

The meeting recessed at 8:45. The meeting reconvened at 9 p.m.

LEGISLATION

It was MOVED by Graf, SECONDED by Hall, that the bills listed for April 19 be approved for payment. MOTION CARRIED unanimously.

Uniform Fire Code

Fire Chief has requested Council approval of the 1982 Uniform Fire Code. There have been a number of changes from the 1976 edition designed to improve fire protection for the community, most significant of which is the addition of the appendices making reference to the National Fire Codes. The following corrections were made to the proposed ordinance adopting the fire code: Under Section 8 dealing with violations, the words "one year in jail" were omitted. Section 9 b should read "Appendix VI" rather than "IV". Under Section 9 a, the words "(amended by Ord. 1462, adopted June 2, 1980)" should be deleted. It was MOVED by Hall, SECONDED by Richmond to read the ordinance the first time by title only. MOTION CARRIED unanimously. It was MOVED Graf, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Graf, to adopt Ordinance 1538 (AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE, 1982 EDITION, THE SAME BEING COPYRIGHTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND THE WESTERN FIRE CHIEF'S ASSOCIATION, AND REPEALING ORDINANCE NO. 1433) MOTION CARRIED with the following vote: AYES: Richmond, Kinsella, Graf, Hall, Burgess. NOES: none.

Project Pay Estimate- Well # 7

Public Works Director has requested the Council approve payment in the amount of \$1002.30 to Rean Constructors Inc. for progress pay estimate # 5 for the pump house and equipment installation for water well # 7. Cliff Harshman, P.W. Supt. said the well was producing above what had been expected and would be pumping within the next thirty days. It was MOVED by Hall, SECONDED by Kinsella, to approve payment as requested by Public Works Director. MOTION CARRIED unanimously.

CONSENT AGENDA

Approval of minutes - April 5,7, 1983

Liquor license - Sunny Corner Market

It was MOVED by Hall, SECONDED by Kinsella that the consent agenda be approved. Mayor Burgess asked that the April 5 minutes be corrected as follows: On page 2, last paragraph, dealing with adult businesses the sentence "It was MOVED by Burgess...." should read "It was suggested by Burgess...." On page 3, first paragraph, fifth sentence, the words, "Burgess WITHDREW her motion" should be deleted. A MOTION to approve the consent agenda(with the corrections) CARRIED unanimously.

Appointment of UN Day Chairman

It was MOVED by Richmond, SECONDED by Hall, to appoint John Maguire as UN Day Chairman. MOTION CARRIED unanimously.

City Manager evaluation criteria

It was MOVED by Kinsella, SECONDED by Hall, to adopt criteria for the city manager evaluation. It was decided to conduct the evaluation at 7:30 a.m. Monday, April 25. Staff will contact Council regarding the location. The City Attorney's evaluation will take place after the City Manager's on this same date.

Tax Reform

It was MOVED by Richmond, SECONDED by Kinsella that the city revoke its support of the League of Oregon Cities tax reform plan. There was extended discussion of the LOC tax reform plan. Richmond and Kinsella stated opposition to the sales tax and to the fact that the plan did not address the problem with school funding. Hall suggested that the city offer some positive suggestions to the legislature rather than simply revoke support of the LOC plan. It was MOVED by Graf to table the motion until an alternative plan was suggested. MOTION DIED for lack of a second. It was MOVED by Hall, SECONDED by Graf, to extend the meeting 1/2 hour if necessary. MOTION CARRIED unanimously. There was further discussion on the LOC tax reform plan. On the MOTION to revoke support of the LOC tax plan, MOTION CARRIED with the following vote: AYES: Richmond, Kinsella, Burgess. NOES: Graf, Hall. Mayor suggested that Richmond prepare a memo outlining his concerns with the LOC tax reform plan and that a work session be planned to discuss it further. It was decided to hold a work session prior to the next regular council meeting on May 3 at 5 p.m. Interviews for city advisory bodies will be held at 6 p.m.

Downtown Improvements

Community Services Director spoke of the student interns in the Planning Department who are working on project guidelines for improvement of Main Street. They are working with the business community on a long term design for the downtown. The Mayor suggested that the Oregon Nurserymen's Association be presented with a certificate of appreciation for the donation of the trees which have been planted along Main Street.

Cable TV

City Attorney has prepared memo dated April 19 outlining status of negotiations with Tribune Co. and listing concessions made to Tribune in order to assure funds for an interconnection. He said the Council should decide whether they want a guarantee that the interconnection will be made according to city requirements. The other remaining issue is whether the city should be able to purchase the cable system upon expiration of the franchise at a price which does not include any expectations of future profits. Mr. Cullen, President of Tribune, has insisted that the value should include future profits or "going concern" value. It was MOVED by Kinsella, SECONDED by Burgess that the City Attorney be directed to prepare a Cable TV franchise ordinance according to his recommendations in his memo dated April 19 and that the ordinance be brought back for Council approval on May 3, 1983. There was further discussion on the term of the franchise agreement and the value of the system upon expiration of the franchise. It was MOVED by Kinsella, SECONDED by Graf, to extend the meeting to 11:00 p.m. MOTION CARRIED unanimously. On the MAIN MOTION to prepare a Cable TV Franchise Ordinance, MOTION CARRIED unanimously.

Mayor Burgess said she had concerns over the location of adult businesses and would like Council to give staff and Planning Commission some direction regarding zoning. Community Services Director said the Planning Commission is aware of Council's concerns regarding location of adult businesses in the downtown area and is working on a set of compromises within those restrictions. John Foster and Al Liane, members of the Planning Commission expressed concerns regarding conditional use restrictions and there was discussion on whether or not more public hearings were required. City Attorney said Council did not have to have a public hearing, however it would probably be a good idea and in that case notice requirements will have to be met. It was decided to wait until the Planning Commission has made a final decision on this issue before setting a public hearing date.

INFORMATION

Letter to County Budget Committee

City Manager has prepared letter to the county budget committee for Council's approval urging that the budget committee consider the effect on county cities of reductions in the assessors and treasurers office. Graf suggested that the city get together with other cities on a quarterly basis to discuss issues of joint concern. Hall suggested a time be set to go over the McLoughlin improvements. It was MOVED by Graf, SECONDED by Hall to extend the meeting 10 minutes. MOTION CARRIED unanimously.

It was decided that a letter be sent to ODOT making it clear that the city has not approved the Tacoma overpass.

Graf apologized for his absence during the interviews. He had not understood that the interviews were scheduled.

Mayor requested that staff reply to Senior Citizens Advisory Commission regarding Council action regarding their request for an amendment on terms of office for the commission and thanking them for their support of the budget. She stressed the importance of communication with committees and individuals who have business before the Council.

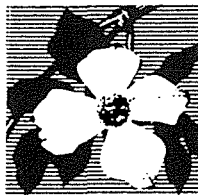
The meeting was adjourned at 11:10 to go into executive session under ORS 192.660. (1) (d) to discuss labor negotiations.

The executive session adjourned at 11:40 p.m.

Joy Burgess, Mayor

Laurie Perkin, Secretary

CITY OF MILWAUKIE



OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

CITY COUNCIL AGENDA

April 19, 1983

Interviews -6 p.m.

7 p.m.

COUNCIL CHAMBERS

REGULAR MEETING (1430th)

- I CALL TO ORDER
 - a) Call to order
 - b) Invocation
 - c) Pledge of allegiance

- II AUDIENCE PARTICIPATION
 - a) Presentation by Fair Share, Jean Johnson re McLoughlin Blvd. improvements

- III LEGISLATION
 - a) Payment of bills
 - b) Approval of Uniform Fire Code

ORDINANCE

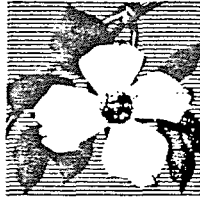
 - e) Final acceptance - Well # 7

- IV CONSENT
 - a) Approval of minutes, April 5 and April 7, 1983
 - b) Liquor license approval - Sunny Corner Market

- V OTHER BUSINESS
 - a) Appt. of UN Day Chairman
 - b) Adoption of criteria for City Manager evaluation
 - c) Discussion of city position on tax reform
 - d) Discussion of status of downtown improvements
 - e) Update on Cable TV negotiations
 - f) Discussion of location of adult businesses

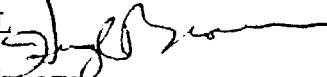
- VI INFORMATION
 - a) Letter from Solomon re post office
 - b) Letters from Senior Citizens Advisory Commission and Center Advisory Board supporting budget
 - c) Letter from DEQ re noise control signs
 - d) Letter from Hatfield re revenue sharing
 - e) Minutes - Planning Commission - 3/22/83
 - f) Minutes - Traffic Safety Commission - 3/14/83
 - g) Minutes - Senior Citizens Advisory Commission - 3/11/83
 - h) Letter from Friends of Center re fundraising
 - i) Letter from Citizens re Tacoma overpass
 - j) Letter from Jessie Allen re Linwood intersection

- VII ADJOURNMENT



MEMORANDUM

April 12, 1983

TO: MAYOR AND CITY COUNCIL 
FROM: HUGH BROWN, CITY MANAGER
SUBJECT: CITY COUNCIL MEETING - April 19, 1983

Prior to Tuesday's meeting, some interviews are scheduled. The exact number and schedule is yet to be established so Laurie will be notifying you further.

The Budget Committee has been notified of the April 20 meeting at the Center. If this time and location is acceptable, the Center is also available on Wednesday, April 27 to use as a location for my annual evaluation.

The discussions with Loaves and Fishes is proceeding well with both sides having exchanged written concerns about the current agreement. I am pleased with the cooperation of Dick Mastbrook and the procedures established to develop a new agreement. It may appear that the process is taking longer than necessary but I feel it is necessary toward working through some sensitive and difficult areas.

I have less patience with the cable negotiations after a couple of meetings being cancelled by Bill Cullen of Tribune. The current schedule calls for a meeting on Thursday, April 14 and a report will be given to City Council Tuesday on the results. There are very few items left to resolve and my direction to Greg and Les is to conclude if at all possible.

The Post Office evaluation of the alternative sites is to be concluded this week and we have requested a copy of their consultant's report. It is hoped we can provide you information about their intentions on May 3 along with information we are preparing about possible city use of the current site.

We have received a copy of a study done by Robert Conratt of Multnomah County regarding McLoughlin Blvd/Tacoma Street Intersection alternatives. As it is rather lengthy, we did not make copies for Council but it will be available in my office and you are welcome to borrow it for your review.

CITY OF MILWAUKIE
BILLS PAYABLE APRIL 19, 1983

III
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1.	Alladin Dunes	168.00	1-62	168.00
2.	American Public Works Assn.	132.00	1-91	66.00
			1-92	33.00
			4-	33.00
3.	Armour of America	90.00	1-52	90.00
4.	Baker & Taylor (NY)	22.34	1-34	22.34
5.	Benkendorf & Associates Ltd.	530.00	1-36	530.00
6.	Boise Cascade Office Products	359.06	1-23	166.61
			1-32	129.30
			1-52	39.79
			1-53	23.36
7.	Boise Cascade Office Products	744.00	12-	744.00
8.	The Bookmen, Inc.	417.28	1-34	417.28
9.	Buck Ambulance	60.00	1-62	60.00
10.	Bureau of Government Research	10.00	1-21	10.00
11.	Carco Distributing	5,564.00	4-	1,855.00
			20-	1,855.00
			30-	1,854.00
12.	Case Power & Equipment	7.76	7-	7.76
13.	Cessco, Inc.	32.02	7-	32.02
14.	Clackamas Water District	132.00	1-32	114.00
			1-36	18.00
15.	Columbia Battery	93.50	7-	93.50
16.	Columbia Equipment	28.15	7-	28.15
17.	City Council	275.00	1-10	275.00
18.	Cunningham Associates, Inc.	168.10	30-	168.10
19.	Custom Parts and Trailer Supply	26.00	7-	26.00
20.	Clackamas Communications, Inc.	381.15	1-62	381.15
21.	" " "	1,383.82	1-62	1,383.82
22.	Clackamas Environmental Services	118.76	1-37	46.88
			1-53	71.88
23.	Clackamas County Library	67.75	12-	67.75
24.	" " Senior Citizens Council, Inc.	54.00	1-32	54.00
25.	Clackamas Cty. Fire Dist. #1	4,074.63	1-62	4,074.63
26.	" " Service Dist. #1	51,818.79	1-22	33.00
			20-	51,785.79
27.	Downes, Ken Downes Associates	2,897.29	1-22	2,897.29
28.	El-Co Contractors, Inc.	630.41	20-	630.41
29.	FBI National Academy Assoc., Oregon	12.00	1-51	12.00
30.	Finzer Business Systems, Inc.	117.65	1-23	117.65
31.	Flexible Pipe Tool Co.	17.50	20-	17.50
32.	4 Seasons Athletics & Awards	500.00	1-36	500.00
33.	GP Technologies, Inc.	34.25	1-23	34.25
34.	Gale Research Co.	172.50	1-34	172.50
35.	Gaylord Bros., Inc.	390.00	1-34	390.00
36.	General Equipment Company	43.32	4-	43.32

CITY OF MILWAUKEE
 BILLS PAYABLE APRIL 1964

②

Goodyear Truck Tire Centers	1-62	1,037.04
	7-	855.04
Graphic Arts Supply Co.	1-24	46.64
Gresham Lawn & Tractor	12-	515.37
ICMA Oregon Section	1-21	87.00
Interstate Rentals	7-	73.00
Keller Supply Co.	4-	292.79
	20-	77.80
	30-	34.96
Lane Concrete Cutting	1-25	908.80
Jim Benton Community College	20-	47.50
	30-	47.50
Main Street Cleaners	1-52	534.00
	1-61	3.10
	1-62	93.06
	1-63	7.24
Milwaukee Automotive Service	3-	2,643.00
Milwaukee Lumber	1-36	64.50
	30-	123.48
National Fire Protection Assn.	1-62	325.95
New Review	1-25	334.16
North Clackamas School District	1-35	165.60
Northwest Law Enforcement Equipment	1-52	164.00
Northwest Natural Gas	4-	10.03
	30-	264.20
Nullemans	1-52	175.00
OMPOA Conference	1-23	94.00
Olson Bros. Service	1-52	61.50
Oregon Dept. of Transportation	30-	150.00
Oregon Society of CPA's	1-23	100.00
PGE	1-32	557.38
	1-34	314.09
	1-36	13.89
	1-53	220.79
	1-61	276.62
	4-	699.49
	20-	49.35
	30-	2,618.67
Public Works Relations	1-36	6.00
Reiffers East Laundry	1-34	18.00
	1-37	16.00
	1-51	4.00
	1-62	13.50
	4-	63.60
	20-	63.60
	30-	63.60
	4-	233.55

CITY OF MILWAUKIE
 BILLS PAYABLE APRIL 19, 1983

III
 a (3)

62.	Pacific Northwest Bell	704.30	1-34	151.33
			1-53	54.16
			1-61	54.88
			1-62	4.60
			4-	297.93
			20-	81.50
			30-	59.90
63.	Park Maintenance	10.00	1-36	10.00
64.	Parkrose Machine & Fab.	450.00	7-	450.00
65.	The Parts Store	65.15	7-	65.15
66.	Petty Cash	114.82	1-10	7.96
			1-21	4.84
			1-23	2.00
			1-35	18.98
			1-37	15.77
			1-62	37.50
			7-	16.70
			30-	11.07
67.	Physicians Medical Laboratories	678.85	1-62	678.85
68.	Platt Electric Supply, Inc.	38.61	7-	38.61
69.	Portland Community College Bookstore	149.40	1-62	149.40
70.	Portland Road & Driveway	782.00	4-	782.00
71.	Portland State University	30.50	4-	10.17
			20-	10.17
			30-	10.16
72.	Price Waterhouse	2,881.00	12-	2,881.00
73.	Riehl, G., Contractor	515.00	1-36	515.00
74.	Rock Creek Sand & Gravel	204.00	4-	204.00
75.	Rossmann's Landfill	47.52	4-	47.52
76.	Sanderson Safety Supply Co.	14.30	20-	14.30
77.	Scobee, Dale	253.00	1-62	253.00
78.	Simmons Supply Co.	22.05	1-53	22.05
79.	Spec Pipe	125.93	4-	125.93
80.	Stein, Jonathan	13.97	1-056	13.97
81.	Stevens Automotive	15.22	7-	15.22
82.	Trumbull Asphalt	225.00	4-	225.00
83.	Valley Communications	444.00	1-36	21.00
			1-52	189.00
			1-91	34.00
			4-	100.00
			30-	100.00
83.	Water, Food & Research Lab., Inc.	137.50	30-	137.50
84.	Weiler Chevrolet	96.55	1-52	35.59
			7-	60.96
85.	Western Pacific Construction Materials	517.23	4-	517.23
86.	Western Paper Company	1,728.91	1-24	1,728.91

III
a (4)

CITY OF MILWAUKIE
BILLS PAYABLE APRIL 19, 1983

87. Wichita Feed & Hardware	238.03	1-36	66.84
		1-63	1.36
		4-	11.70
		20-	33.80
		30-	124.33
88. Willamette Dog & Cat Hospital	3.00	1-52	3.00
89. Zellerbach	292.10	1-62	292.10
	<u>\$96,939.36</u>		<u>\$96,939.36</u>

CHART OF ACCOUNTS
FUNDS, DEPARTMENTS & DIVISIONS


Effective July 1, 1982

CITY COUNCIL	01-10	BONDED DEBT FUND	02
CITY ADMINISTRATION	01-21	EQUIPMENT RESERVE FUND	03
LEGAL	01-22	STATE TAX STREET FUND	04
COMPTROLLER	01-23	IMPROVEMENT BOND SINKING	
COMPTROLLER/PURCHASING	01-24	FUND	05
COMPTROLLER/GENERAL GOVERNMENT	01-25	STREET IMPROVEMENT FUND	06
		EQUIPMENT REPAIR FUND	07
COMMUNITY SERVICES ADMINISTRATION	01-31	BIKE AND FOOTPATH FUND	09
MILWAUKIE CENTER	01-32	FIXED ASSET ACCOUNT GROUP	10
MUNICIPAL COURT	01-33	REVENUE SHARING FUND	12
LIBRARY	01-34	COMMUNITY DEVELOPMENT GRANT	
PLANNING	01-35	FUND	13
PARKS & RECREATION	01-36	SEWER FUND	20
CITY HALL	01-37	WATER FUND	30
		GENERAL LEDGER/INVENTORY	GL
POLICE ADMINISTRATION	01-51		
FIELD SERVICES	01-52		
SUPPORT SERVICES	01-53		
FIRE ADMINISTRATION	01-61		
FIRE SUPPRESSION	01-62		
FIRE PREVENTION	01-63		
PUBLIC WORKS ADMINISTRATION	01-91		
PUBLIC WORKS ENGINEERING	01-92		
PUBLIC WORKS BUILDING	01-93		

MEMORANDUM

~~III~~ B ①

April 14, 1983

TO: CITY COUNCIL
FROM: DICK BAILEY, FIRE CHIEF 
SUBJECT: UNIFORM FIRE CODE

In 1979, the city adopted the 1976 edition of the Uniform Fire Code by Ordinance No. 1433. The 1982 edition is now available and it contains a number of changes designed to improve fire protection for the community. The attached ordinance, if approved, would adopt the 1982 code and preserve the Board of Appeals established in 1979. I recommend your approval.

If you have any questions about the new code, we can discuss them at the meeting.

Milwaukie Ordinances

11
B
2

ORDINANCE NUMBER _____

AN ORDINANCE ADOPTING THE UNIFORM FIRE CODE, 1982 EDITION, THE SAME BEING COPYRIGHTED BY THE INTERNATIONAL CONFERENCE OF BUILDING OFFICIALS AND THE WESTERN FIRE CHIEF'S ASSOCIATION, AND REPEALING ORDINANCE NO. 1433.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. The City of Milwaukie does hereby repeal in total Ordinance No. 1433.

Section 2. There is hereby adopted for the purposes therein expressed, that certain code known and published as the "Uniform Fire Code," 1982 Edition, the same being copyrighted by the International Conference of Building Officials and the Western Fire Chiefs' Association.

Section 3. That a copy of said Uniform Fire Code, 1982 Edition, is on file in the office of the City Recorder, and the same document is marked Exhibit A, and by this reference made a part thereof.

Section 4. That a board of appeals is hereby created with the following general membership:

1. Fire Chief, ex-officio and secretary to the board (non-voting)
2. One member to represent the general contractors
3. One member to represent the business community
4. One member to represent the architect and engineering community.
5. One member to represent the lay (homeowner) community.
6. One member to represent Fire Service (not employed with the City while sitting on the board)
7. One member to represent industry
8. One member to represent insurance

Section 5. Said board of appeals shall be appointed and approved by the City Council of the City of Milwaukie.

Section 6. The board of appeals shall establish such rules and regulations for its government and procedure consistent with the laws of the State of Oregon and the ordinances of the City of Milwaukie.

Section 7. That all fees for permits required under the Uniform Fire Code, 1982 Edition, shall be set by resolution of the City Council.

Section 8. That violations of this Code shall be deemed to be misdemeanors, with a maximum penalty being a fine not to exceed \$1000, one year in jail, or both. That a bail schedule for said violations is contained in Exhibit B, and by this reference made a part thereof.

Section 9. Uniform Fire Code - Exceptions, Amendments. The Uniform Fire Code as adopted does not include:

- a) Single Family. The provisions of this Code shall not apply to dwelling units unless they have been unoccupied for a period of six months. (Amended by Ord. No. 1462, adopted June 2, 1980.)
- b) Appendix Division IV

Section 10. That Section 2 of the Uniform Fire Code be amended as follows:

"Section 2.102. The Chief, with the approval of the Governing Body, is authorized..."

Section 11. That Section 2.302 of the Uniform Fire Code be amended as follows:

"Section 2.302. In order...hereby is created a Board of Appeals consisting of at least five members..."

Section 12. That Section 4.104 of the Uniform Fire Code be amended as follows:

"Section 4.104. Before a permit... authorized representative may inspect..."

Section 13. That Section 9.103 of the Uniform Fire Code be amended as follows:

"Section 9.103. ADMINISTRATOR shall mean the governing body of the jurisdictional area."

Read the firsttime the ____ day of _____, _____, and moved to the second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council this ____ day of _____, _____.

Signed by the Mayor this ____ day of _____, _____.

JOY BURGESS, Mayor

ATTEST:

Laurie Perkin, Recorder

APPROVED AS TO FORM:

Greg Eades City Attorney

LOCAL COURT RULE ESTABLISHING A BAIL

Schedule for Violations of Certain Fire Code Requirements -City Ordinances

Milwaukie City Ordinance	Ordinance Violation	Bail
	Disobeyed Posted Fire Department Regulations	\$ 50.00
	Failed to Correct a Hazard to Life Safety	500.00
	Failed to Maintain Fire Lanes or Fire Protection Equipment	100.00
	Disobeyed a Lawful Order by a Fire Department Official	100.00
	Obstructed Fire Department Personnel or Equipment at or enroute to a Reported Emergency (Court Mandatory)	500.00
	Misuse of Fire Alarm or Fire Protection Equipment	100.00
	Failed to Comply with Fire Code Requirements Within a Specified Time Period	100.00
	Obstructed Access to a Fire Hydrant, Fire Sprinkler Connection, Fire Standpipe Connection	50.00
	Failure to Keep an Unoccupied Building Secured Against Entry	100.00
	Tampering with Fire Department Apparatus (Court Mandatory)	500.00

CITY OF MILWAUKIE
M E M O R A N D U M
PUBLIC WORKS DEPARTMENT

III
E O

DATE: April 13, 1983

TO: Hugh Brown
City Manager

FROM: Steven Hall *S.M. Hall by P.H.R.*
Public Works Director

SUBJECT: Well #7 - Project pay estimate #5 (final)
Project completion

Attached is progress pay estimate #5 for the Pump house and equipment installation for water well #7.

The project is now completed as noted in the letter from Cunningham Associates, Inc. project engineers.

By this memo I am requesting that City Council approve payment in the amount of \$1,002.30 at this time and that the project be formally accepted.

I further request that finance be directed to prepare payment as follows:

Amount: \$1,002.30

To: REAN Constructors
8 Offenbach Place
Lake Oswego, Oregon 97034

Acc't. #: 30-00-365-00

js

H.S. BURDIN
R.D. KENNEDY
J. L. HELTON

PHONE: 653-075
9401 S.E. MCLOUGHLI
MILWAUKIE, OREGON 9722

CITY OF MILWAUKIE
CUNNINGHAM ASSOCIATES, INC.
CONSULTING ENGINEERS
REGISTERED PROFESSIONAL ENGINEERS
OREGON WASHINGTON

III
E (2)

TO: Hugh Brown
FILE 937
City Manager

FROM: Steven Hall
Public Works Director

Mr. Steven M. Hall, P.E.
Public Works Director
SUBJECT: Well #7 - Project pay estimate #5 (final)
City Hall
10722 S.E. Main St.
Milwaukie, OR 97222

Attached is progress pay estimate #5 for the Pump house and
Subject: Well No. 7 installation for water well #7.

ReAn Constructors Contract

The project is now completed as noted in the letter from
Cunningham Associates, Inc. project engineers.

Dear Steve, memo I am requesting that City Council approve pay-
ment in the amount of \$1,002.30 at this time and that the
The construction of the pump house and installation of pumping equipment
have been completed in conformity with the Plans and Specifications.

I further request that finance be directed to prepare payment
as The Contractor, ReAn Constructors, Inc., is required to furnish a
maintenance bond in the amount of 20% of the contract price before release of the 5%
of the final cost which is currently being retained by the City. This bond will
remain in effect for a period of one (1) year from the date of acceptance to
guarantee repair or correction of any damage or failure due to faulty materials or
workmanship.

3 Offenbach Place
Lake Oswego, Oregon 97034

Acc't. #: 30-00-365-00

Very truly yours,
R.D. Kennedy
Robert D. Kennedy
Cunningham Associates, Inc.

RDK:mtf

CITY OF MILWAUKIE

WELL No. 7

CONSTRUCTING PUMP HOUSE
AND
INSTALLING PUMPING EQUIPMENT
REAN CONSTRUCTORS, INC. CONTRACTOR

III
E (3)

ESTIMATE NO. 5 - Final

PAGE NO. 1 OF 3

CUTOFF DATE: April 6, 2983

	THIS ESTIMATE	PREVIOUS ESTIMATE	TOTAL TO DATE
PROGRESS ESTIMATE	\$ 1,055.05	\$ 41,476.47	\$ 42,531.52
EXTRA WORK C.O. #2		478.54	478.54
GROSS AMOUNT OF ESTIMATE	1,055.05	41,955.01	43,010.06
LESS 5% RETAINED	52.75	2,097.75	2,150.50
OTHER DEDUCTIONS			
NET AMOUNT	1,002.30	39,857.26	40,859.56

TOTAL AMOUNT DUE THIS ESTIMATE \$ 1,002.30

ESTIMATE PREPARED BY R.D. Kennedy JLH

APPROVED: CUNNINGHAM ASSOCIATES, INC.

BY R.D. Kennedy

APPROVED: CITY OF MILWAUKIE, OREGON

BY J.M. Hall
PUBLIC WORKS DIRECTOR

PAID _____

CITY OF MILWAUKIE

WELL NO. 7

CONSTRUCTING PUMP HOUSE AND
INSTALLING PUMPING EQUIPMENT
REAN CONSTRUCTORS, INC. CONTRACTOR

ESTIMATE NO. 5 - Final
PAGE 2 OF 3

CUTOFF DATE: April 6, 1983

ITEM	PRICE	UNIT	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE	
			Quan	Amount	Quan	Amount	Quan	Amount
1. Mobilization & clean-up	1,500.00	L.S.	35%	525.00	65%	975.00	100%	1,500.00
2. Struct. excav. & disposal	1,400.00	L.S.			100%	1,400.00	100%	1,400.00
3. Concrete, 6sk. inc. reinf.	145.00	C.Y.			19.8	2,871.00	19.8	2,871.00
4. 1 1/2"-0" Crushed rock	15.00	C.Y.			12	180.00	12	180.00
5. 5/8"-0" Crushed rock	15.00	C.Y.			48	720.00	48	720.00
6. Trench excav. & backfill	7.00	C.Y.			45	315.00	45	315.00
7. Furn. & lay 8"D.I. Pipe	18.50	L.F.			54	999.00	54	999.00
8. Furn. & lay C.I. fittings	1.90	Lb.	77	146.30	1887	3,585.30	1964	3,731.60
9. Connect to 18" main	1,000.00	L.S.			100%	1,000.00	100%	1,000.00
10. 8" Flg. x M.J. G.V. & box	400.00	Ea.			1	400.00	1	400.00
11. 8" Flgd. G.V. & Hdwheel	325.00	Ea.			1	325.00	1	325.00
12. Deleted-Addendum No. 1	----	---						
13. 3" Flgd. G.V. & Hdwheel	125.00	Ea.			1	125.00	1	125.00
14. 8" Ck.V. & 3" Pump Control	3,100.00	L.S.			100%	3,100.00	100%	3,100.00
15. 8" Propeller meter	900.00	L.S.			100%	900.00	100%	900.00
16. 8" Flg. x M.J. Adapter	150.00	Ea.			1	150.00	1	150.00
			XXXX	671.30	XXXX	17,045.30	XXXX	17,716.60

III
C
4

WELL NO. 7

CONSTRUCTING PUMP HOUSE AND
INSTALLING PUMPING EQUIPMENT
REAN CONSTRUCTORS, INC. CONTRACTOR

ESTIMATE NO. 5 - Final
PAGE 3 OF 3

CUTOFF DATE: April 6, 1983

ITEM	PRICE	UNIT	THIS ESTIMATE		PREVIOUS ESTIMATE		TOTAL TO DATE	
			Quan	Amount	Quan	Amount	Quan	Amount
SUBTOTAL BROUGHT FOWARD	XXXXXXXX	XXXX	XXXX	671.30	XXXX	17,045.30	XXXX	17,716.60
17. 4" Flg. x M.J. Adapter	65.00	Ea.			1	65.00	1	65.00
18. Furn. & lay 4" D.I. Pipe *	14.50	L.F.			28	406.00	28	406.00
19. 4" Soil, pipe & drains	*1,516.00	L.S.			100%	1,516.00	100%	1,516.00
20. 8" P.V.C. Sewer pipe	* 8.11	L.F.			172	1,394.92	172	1,394.92
21. Install pump	1,200.00	L.S.			100%	1,200.00	100%	1,200.00
22. Install diesel engine	600.00	L.S.			100%	600.00	100%	600.00
23. Install fuel supply syst.	1,000.00	L.S.			100%	1,000.00	100%	1,000.00
24. Pump house superstruct	11,950.00	L.S.			100%	11,950.00	100%	11,950.00
25. Electrical work	4,400.00	L.S.	5%	220.00	95%	4,180.00	100%	4,400.00
26. Small piping	500.00	L.S.			100%	500.00	100%	500.00
27. Pump control relay	100.00	L.S.	100%	100.00			100%	100.00
28. Painting	*1,275.00	L.S.	5%	63.75	95%	1,211.25	100%	1,275.00
29. Asphaltic. coner. paving	85.00	Ton			4.8	408.00	4.8	408.00
30. Replacing lawn	600.00	L.S.						
Material on Hand								
total			XXXXX	1,055.05	XXXXX	41,476.47	XXXXX	42,531.52

ITC
5

* Price changes per Change Order No. 1

MILWAUKIE
CITY COUNCIL MEETING
April 5, 1983
7 p.m.

IV a ①

THE MILWAUKIE CENTER

1429th Meeting

The one thousand four hundred and twenty ninth meeting of the Milwaukie City Council was held on April 5, 1983 with the following Councilors present:

Joy Burgess, Mayor Don Graf
Ron Kinsella Roger Hall
Mike Richmond

Also present:

Hugh Brown, City Manager Dick Bailey, Fire Chief
Greg Eades, City Attorney Ron Schanaker, Police Chief
Topaz Faulkner, Comm. Serv. Dr. Steve Hall, P.W. Director
Gordon Erickson, Finance Dr. Laurie Perkin, Secretary

AUDIENCE PARTICIPATION

John Coursey, Chairman of the Ways and Means Committee of the Friends of the Milwaukie Center submitted a letter from the Friends of the Center pledging \$10,000 to the Center. He asked for Council support of the Friends fund raising committee. There was discussion on whether these fund raising efforts would in any way interfere with Loaves and Fishes fund raising activities. Pat Kennedy, member of the Ways and Means Committee, explained that the Friends planned to look at the long range needs of the Center, that their efforts would be directed only to the Center.

John Maguire and Doug McClure, Co-Chairmen of the Task Force for the Needy and Unemployed, requested Council endorsement of the group's final report and approval of a draft letter to be sent to organizations in North Clackamas County publicizing the need for donations, volunteers, etc. To be included with the letter is a list of service organizations which can be used for reference. It was MOVED by Kinsella, SECONDED by Graf, to accept the final report as submitted by the Task Force for the Needy and Unemployed. MOTION CARRIED unanimously. It was MOVED by Kinsella, SECONDED by Hall, that the draft letter be approved and mailed by the city to the organizations as requested. MOTION CARRIED unanimously.

PUBLIC HEARING

Adult Business Ordinance

The public hearing was opened at 7:25 p.m. Topaz Faulkner, Community Services Director, made the staff presentation. She said the Planning Commission has held six public hearings on this issue and has recommended adoption of the adult business ordinance which is before Council tonight. Faulkner said the Planning Commission is now working on amendments to the zoning ordinance which will further restrict adult businesses in the city. There was extended discussion on where such businesses would be allowed under this ordinance and the possible legal problems which could result if the city is too restrictive. City Attorney said that under the ordinance, adult businesses would only be allowed at three locations in the city - two strips along McLoughlin and an area in Omark Industrial Park. Even then,

he said, each business would have to go through a conditional use application. The following persons spoke in opposition to the ordinance:

Al Liane, member of the Planning Commission presented a minority report of the Planning Commission dated April 5, 1983 listing his concerns with sections of the ordinance.

Rebecca Sweetland, member of the Planning Commission said that the ordinance infringes upon constitutional rights and would present legal problems for the city.

John Foster, member of the Planning Commission, presented a municipal code prepared by the City of Portland entitled Title 14 Public Peace safety and Morals. He recommended a new ordinance be drafted with more stringent requirements after the amendments to the zoning ordinance were made.

Bill Hupp, 2626 SE Washington, supported Foster's comments. Jean Baker, 2607 SE Monroe, said that an ordinance which would allow any kind of adult business along McLoughlin would drive other businesses out of town.

Jim Backenstos, 3626 SE Harrison and Phil Lisac, 4027 SE Filbert spoke in opposition to the ordinance and recommended that it be rewritten with more restrictions.

Speaking in favor of the ordinance:

Don Trotter, former member of the Planning Commission, said the ordinance was very restrictive. He explained what was meant by the "buffer zone" and pointed out on the map where businesses would be allowed. He said that this ordinance was only a small part of the total zoning ordinance which the Planning Commission is now in the process of amending and which will place even more requirements on adult businesses. He said also that this ordinance is more restrictive than the ordinances passed by Portland and Multnomah County.

No correspondence has been received and there was no further testimony. The Public Hearing was closed at 9:20. It was MOVED by Burgess that Sections 1, 2, and Section 3 though C of the original ordinance be included in this ordinance, as well as sections dealing with definitions and Planning Commission findings, and a Section 5 which would state clear and concise criteria having to do with conditional use requirements, specifying type of proprietors, reputation, compliance with obscenity standards, a method for monitoring such businesses with an emergency clause for immediate adoption.

Under discussion: Graf asked why the Planning Commission changed the original ordinance. Faulkner said that it could have been loosely interpreted, that by leaving out the definitions the ordinance was more rather than less restrictive. There was

extended discussion on zoning ordinance amendments, regulations etc. Burgess suggested declaring a moratorium prohibiting adult businesses for 30 days until the issue was settled; City Attorney, at the Mayor's suggestion, has prepared an ordinance prohibiting adult businesses. Burgess WITHDREW her previous motion. It was MOVED by Burgess, SECONDED by Kinsella that the ordinance prohibiting adult businesses be read in full the first time. (AN ORDINANCE OF THE CITY OF MILWAUKIE PROHIBITING ISSUANCE OF PERMITS FOR ADULT BUSINESSES FOR 60 DAYS) MOTION CARRIED with the following vote: AYES: Burgess, Graf, Kinsella, Richmond. NO: Hall. Hall said he did not think a moratorium was justified since there was no threat to the health and safety of the citizens. It was MOVED by Burgess, SECONDED by Richmond, to have a special meeting on April 7, 1983 at 4:45 in the Council Chambers to have the second reading of the ordinance. MOTION CARRIED with the following vote: AYES: Burgess, Graf, Kinsella, Richmond. NO: Hall.

Public Hearing - Planning Commission Appeal C-83-2 - Murphy/Davis
Public Hearing was opened at 9:50 p.m.

William R. Davis, 4301 SE Hill Rd. Milwaukie and Paul Murphy owner of the volkswagon rental business located on the west side of McLoughlin Blvd, north of Milwaukie Ski and Sports have filed an appeal regarding Planning Commission decision on February 22, 1983 placing restrictions on number of volkswagons allowed on lot and requiring brick planters on lot. Community Services Director presented staff report. She referred to the staff report dated February 8, 1983 which included policy statements providing for highway service uses along McLoughlin Blvd. while improving the visual and pedestrian-oriented linkages between downtown and the Willamette River. John Littlehales, member of the Planning Commission said the Commission's decision was based on policies adopted for the beautification of the city. Paul Murphy, owner of the car rental business, said the restriction of a maximum of 10 cars allowed on the lot at one time was unrealistic. Most of the time, he said, there would be less than 10 but it was conceivable that there would be 3 or 4 times a year when more than 10 renters would bring the cars back at the same time. He objected to the requirement for brick planters, he said, because the owner of the property does not want his asphalt dug up and because the brick planters could result in damage to his vehicles and would create a problem in moving cars. The following persons spoke in favor of Mr. Murphy's appeal:

Bill Hupp, James Backenstos, Kathleen Hulme
There was no correspondence and no further testimony. The Public Hearing was closed at 10:28 p.m. There was extended discussion on types of planters which would be acceptable.

It was MOVED by Hall, SECONDED by Richmond, to amend the conditions imposed by the Planning Commission as follows: Number 8 to state that planters on the proposed site be some sort of cedar tubs rather than brick and that planters in front of the site be some sort of extruded curbing in the ground which can be turned for planting. Number 9 shall state the maximum number of volkswagons stored on the site will be 12. MOTION CARRIED unanimously.
Don Graf left the meeting at 10:30 p.m.

Public Hearing- Budget

The public hearing opened at 10:35 p.m. The City Manager and Finance Director summarized the proposed budget as approved by the Budget Committee and made note of the federal revenue sharing proposed expenditures to comply with the public hearing requirements of those funds. The Council was requested to approve a resolution calling for an election and setting the amount of the requested tax levy. Final approval, the City Manager said, could wait until June. At that time changes can be made based on public hearing testimony. There was discussion on payment on fire engine, need for additional police officer, part time planning person due to annexation study, and further cuts in library. Bill Hupp has submitted memo dated April 2, 1983 listing recommendations which included: the city apply for the Bonneville Power Administration's program of changing street lights to sodium vapor, the city refrain from reducing street lights, reduce employee development costs, reappraise library services, and postpone implementation of the 911 system.

Vivian Healy, 8831 SE 41st, spoke in support of the library and asked that no further cuts be made in the Library budget. The public hearing was closed at 11:10 p.m.

Georgia Brakeman said she had questions about Loaves and Fishes financial report. City Manager said he would provide this information to her.

There was extended discussion on the reduction of street lights. It was MOVED by Burgess, SECONDED by Hall, that the city do nothing to initiate the street light reduction program at this time. There was further discussion of alternatives. A trial program of reduction was suggested. It was agreed that a reduction program would not be implemented at this time. Burgess WITHDREW her motion. The City Manager said he would provide Council with a staff report regarding the BPA project of changing types of street lights.

It was MOVED by Hall, SECONDED by Burgess to adopt Resolution 2-1983 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE CALLING AN ELECTION ON THE 1983-84 OPERATING TAX LEVY). MOTION CARRIED unanimously by those present.

LEGISLATION

Payment of bills

It was MOVED by Hall, SECONDED by Richmond that the bills listed for April 5, 1983 be approved for payment. MOTION CARRIED unanimously by those present.

CONSENT AGENDA

Approval of minutes - March 15, 1983

It was MOVED by Kinsella, SECONDED by Hall, to approve the consent agenda. MOTION CARRIED unanimously by those present.

OTHER BUSINESS

It was decided to postpone the appointment of a UN Day Chairman until the next meeting.

It was MOVED by Richmond, SECONDED by Kinsella that the Council revoke its endorsement of the League of Oregon City resolution calling for tax reform. Hall said he would prefer to wait until more information was provided. It was decided to wait until the next meeting to discuss this issue. Richmond WITHDREW his MOTION.

It was MOVED by Kinsella, SECONDED by Richmond to excuse Kinsella from the Council work session on March 23, 1983. MOTION CARRIED unanimously by those present.

City Manager said he would have an update on the post office location and on negotiations with Loaves and Fishes at the next meeting.

A Budget Committee meeting was scheduled for Wednesday, April 20, 1983 at the Milwaukie Center at 7 p.m.

City Manager said he would provide Council with criteria for his evaluation within the next week.

Interviews for City Advisory Bodies will be held prior to the regular meeting on the 19th of April.

The meeting was adjourned at 11:38 p.m.

Joy Burgess, Mayor

Laurie Perkin, Secretary

MILWAUKIE
CITY COUNCIL MEETING
April 7, 1983
4:45 p.m.

IV
a (b)

COUNCIL CHAMBERS

SPECIAL MEETING

A special meeting of the Milwaukie City Council was held on April 7, 1983 with the following Councilors present:

Mayor Joy Burgess	Don Graf
Ron Kinsella	Roger Hall
Mike Richmond	

Also present:

Hugh Brown, City Manager
Greg Eades, City Attorney
Laurie Perkin, Secretary

It was MOVED by Kinsella, SECONDED by Richmond, to read Ordinance 1537 dealing with adult businesses the second time in its entirety. MOTION CARRIED with the following roll call vote: AYES: Burgess, Graf, Richmond, Kinsella. NO: Hall. Hall said that he felt that the adoption of this ordinance was not necessary and that it would only call attention to the situation. There was further discussion on the necessity of such an ordinance. It was MOVED by Kinsella, SECONDED by Richmond, to adopt Ordinance No. 1537 (AN ORDINANCE OF THE CITY OF MILWAUKIE PROHIBITING ISSUANCE OF PERMITS FOR ADULT BUSINESSES FOR 60 DAYS: DECLARING AN EMERGENCY.) MOTION CARRIED with the following roll call vote: AYES: Burgess, Graf, Kinsella, Richmond. NO: Hall.

The meeting was adjourned at 5:00 p.m.

Mayor Joy Burgess

Laurie Perkin, Secretary

M E M O R A N D U M

IV
B ①

TO: Hugh Brown, City Manager
FROM: Ron Schanaker, Police Chief
DATE: April 8, 1983
SUBJECT: APPLICATION FOR LIQUOR LICENSE

State and local law enforcement records fail to reflect any negative information on the below-listed applicants. I therefore find no reason to deny issuance of the requested license.

APPLICANT: William R. Parsons Jr.
Jeanne F. Parsons
DBA SUNNY CORNER MARKET #2
5010 SE Monroe Street
Milwaukie, Oregon

RCS:jh

GENERAL INFORMATION

APPLICATION FOR PACKAGE STORE LICENSE

IB
②
PS

The filing of this application does not commit the Commission to the granting of the license that you are applying for, nor does it permit you to operate the business named below. If a license is granted by the Commission, you will receive a LICENSE CERTIFICATE.

No fee is collected by the OLCC until a LICENSE CERTIFICATE is to be issued.

No P 2693

(THIS SPACE IS FOR THE OLCC OFFICE USE)

CIRCLE REQUESTED ACTION:

- New outlet
- Lesser privilege
- New licensee**
- New partner
- New location

APPLICATION RECEIVED
OREGON LIQUOR CONTROL COMMISSION

APR 5 1983

LICENSE DIVISION

(THIS SPACE IS FOR CITY OR COUNTY USE)

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY COURT OF _____
(Name of city or county)

RECOMMENDS THAT THIS LICENSE BE: GRANTED _____
DENIED _____

DATE _____

By _____
(Signature)

TITLE _____

\$50.00 Process/90 Day Letter fee

CAUTION: If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name(s) of individual applicant(s), partnership, or corporation:

- (1) William R. Parsons Jr. 5108 S.E. Hunter Ct. Milwaukie Or. 97222
(Name) (Address) (City) (State) (Zip)
- (2) Jeanne F. Parsons 5108 S.E. Hunter Ct. Milwaukie Or. 97222
- (3) _____
- (4) _____

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT.)

- 2. Trade name of premises Sunny Corner Market #2 When filed: 1982
(Year name filed with Corporation Commissioner)
- 3. Former trade name LAW'S MONROE STREET MARKET
- 4. Premises address 5010 S.E. Monroe St. Milwaukie, Clackamas Or. 97222
(Number, Street, Rural Route) (City) (County) (State) (Zip)
- 5. Business mailing address 5010 S.E. Monroe St. Milwaukie, Or. 97222
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)
- 6. Was premises previously licensed by the OLCC?: Yes X No ____ If yes, year: 1982-1983
- 7. If yes, to whom: Kaief Investors, Inc.
- 8. What is the local governing body where your premises is located: Milwaukie
(Name of city or county)
- 9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from this business? Yes ____ No X
- 10. OLCC representative making investigation may contact: William Parsons
(Name)
5108 S.E. Hunter Ct.
(Address)
659-6451 Home
(Tel. No. - home, business, message)

CAUTION: The administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

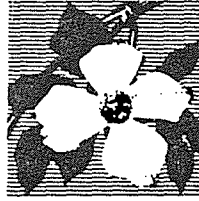
Applicant(s) Signature (1) _____
(In case of corporation, duly authorized officer thereof)

License Division
Oregon Liquor Control Commission
235 E. DIVISION ST.
PORTLAND, OR 97206

- (1) William R. Parsons Jr.
- (2) Jeanne Parsons
- (3) _____
- (4) _____

DATE APRIL 5, 1983

CITY OF MILWAUKIE



IVc ①

OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

MEMORANDUM

April 12, 1983

TO: Mayor and City Council
FROM: Hugh Brown, City Manager *Hugh Brown*
SUBJECT: City Position on Tax Reform

Attached are copies of the letter sent in December to state legislators. Councilmember Richmond has asked for a review of this position in light of the proposals that have been presented in the legislature.

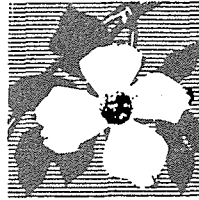
The major point of the letter was to emphasize the critical need for tax reform. Support for the League of Oregon Cities resolution and the bill introduced by the coalition of cities, counties and schools was meant to indicate that these measures helped achieve the city's major concerns.

While there may be questions about the mechanics and implementation of the tax measures being discussed, I feel it is still important to strongly urge tax reform legislation. As I've indicated in memos to you, the coalition bill appears to come closer to guaranteeing property tax relief which is also a major objective.

I recommend no further action be taken at this time, but rather evaluate the tax reform legislation that appears to be most seriously considered by the legislators over the next several weeks and months. This evaluation could then help determine what is best for the city and also addresses citizen concerns.

d

CITY OF MILWAUKIE



IV C (2)
OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

December 17, 1983

Governor Victor Atiyeh
254 State Capitol Bldg.
Salem, OR 97310

Dear Governor Atiyeh:

On behalf of our citizens and our city government, the Milwaukie City Council wishes to convey the urgency for effective tax reform during the approaching legislative session.

Our citizens tell us over and over again of the excessive burden they are carrying to support government services under the present taxing system. The reasons Measure 3 appeared on the ballot and very nearly succeeded are obvious to all - tax reform and property tax relief are immediate and high priority needs. As is often said, and should be often repeated, the message of Measure 3 must not be ignored. Legislation accomplishing both property tax relief and tax reform must be presented soon to the citizens of Oregon!

We say tax reform, and not just property tax relief, because both our city and our citizens seek fairer and more reliable ways of funding needed city services. We find support for efficient government and quality services but no longer any support for adding to the property tax burden to fund them. Attached is a recently adopted resolution of the League of Oregon Cities which speaks to "re-financing" Oregon local governments to establish a more balanced tax system. The Milwaukie City Council supports the League position and recommends the resolution be provided the utmost consideration.

As we strongly urge an effective solution be enacted this session, we also wish to extend our appreciation for the task before you and your attention to the needs of Oregon citizens.

Very truly yours,

Joy Burgess, Mayor

RESOLUTION

CALLING FOR PROPERTY TAX REDUCTIONS BY REFINANCING LOCAL GOVERNMENT

Vc (3)

WHEREAS, citizens in Oregon have expressed their concern at the level of taxes they are paying to federal, state and local governments; and

WHEREAS, the Oregon legislature has demonstrated its concern about property taxes throughout the last decade by dramatically increasing property tax relief through the Homeowners and Renters Relief Program, basic school support and its 1979 Property Tax Relief Plan; and

WHEREAS, Oregon's constitution requires that property taxes in Oregon can only be approved by citizens in each community voting to pay for local services; and

WHEREAS, surveys indicate that, comparing services received for taxes spent, voters are more satisfied with local governments, less satisfied with state governments and least satisfied with the federal government; and

WHEREAS, the November, 1982 general election provided citizens with the opportunity to vote on a property tax limitation measure--Ballot Measure #3--which failed to obtain majority support; and

WHEREAS, it would be foolhardy to interpret the failure of this ballot measure as an indication that tax relief is not a priority issue for citizens in Oregon; and

WHEREAS, local governments are overly dependent on the property tax and the State derives more than three-quarters of its general fund revenues from one source--the income tax; and

WHEREAS, reliance on these sources has caused Oregon's property and income taxes to be significantly above the U.S. average for all

states; and

V/C (4)

WHEREAS, only the states of New Hampshire, Montana and Delaware, in addition to Oregon, do not have a general sales tax; and

WHEREAS, cities in Oregon are vitally concerned with the manner in which tax relief is provided for the citizens of Oregon; and

WHEREAS, a more balanced tax system will exist in the state if property and income taxes are reduced and a statewide sales tax and other alternative revenue sources are introduced to generate offsetting revenues;

NOW, THEREFORE, BE IT RESOLVED that the member cities of the League of Oregon Cities acknowledge the concerns voiced by taxpayers regarding the levels of taxation and government spending at all levels of government; and

BE IT FURTHER RESOLVED, that cities believe that all levels of government must strive to provide necessary services in the most economical fashion in order to keep taxes as low as possible; and

BE IT FURTHER RESOLVED, that the League of Oregon Cities is committed to work with other interested parties to develop a proposal for re-financing of Oregon local governments for submission to the 1983 legislative session that will provide meaningful, constructive property tax relief; and

BE IT FURTHER RESOLVED that cities are prepared to carefully examine a constitutionally dedicated statewide sales tax as the most likely new revenue source available to accomplish such restructuring; and

BE IT FURTHER RESOLVED that the Legislative Assembly be asked to repeal changes made in 1979 and subsequent legislative sessions, to implement the legislature's property tax relief program.

IV
C (5)

BE IT FURTHER RESOLVED that cities believe that any form of property tax relief must not cripple the ability of local governments to provide services nor interfere with the right of local voters to set service levels that meet local needs.

ADOPTED BY RESOLUTIONS COMMITTEE 11-7-82

MEMORANDUM

VI
B (1)
April 15, 1983

TO: MILWAUKIE CITY COUNCIL
FROM: SENIOR CITIZEN ADVISORY COMMISSION
SUBJECT: TERMS OF OFFICE

The Senior Citizen Advisory Commission has problems functioning under the present rules for terms of office as set forth in Ord. #1482. With members appointed for two-year terms, it works out that a majority of members can go off at one time.

In June of this year, six members' terms will expire, leaving only three members to fill offices and carry on the work until six new members are oriented.

To provide continuity, we ask that the terms be extended to three years. In June of 1983, three new members should have two-year terms and three should have three-year terms. This will provide a rotation of three new (or re-appointed) members with three retiring each year. After this year, all members should be appointed for three-year terms.

Doris Olsen

Doris Olsen, chairman

MEMORANDUM

April 15, 1983

VI
B (2)

TO: MILWAUKEE BUDGET COMMITTEE
CITY MANAGER

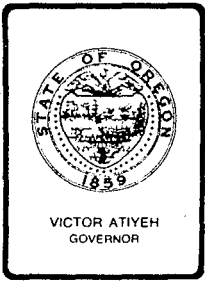
FROM: SENIOR CITIZEN ADVISORY COMMISSION

SUBJECT: CITY BUDGET

The Senior Citizen Advisory Commission supports wholeheartedly the budget as adopted for the City. Being aware that citizen participation will be needed for success at the polls, the Commission members offer their help in any action proposed to further its passage.

Doris Olsen

Doris Olsen, Chairman



Department of Environmental Quality

VI
c

522 S.W. FIFTH AVENUE, BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5696

April 1, 1983

Ronald C. Schanaker, Chief
City of Milwaukie Police Department
2566 S. E. Harrison
Milwaukie, Oregon 97222

Re: "Noise Ordinance Enforced"
Road Signs

Dear Chief Schanaker:

This letter is to confirm our meeting on March 31, 1983. Our Department is happy to contribute 8 noise ordinance signs to your city's effort to control unnecessary noise.

For your information, we have learned this sign has been posted in several states including Illinois, Ohio, Minnesota and California. These signs are also uniformly posted in more than 50 cities across the nation. A copy of the FHWA letter that I referred to regarding conformance to MUTCD and acceptability of the signs is enclosed.

Since DEQ decided to provide these signs to local jurisdictions, we have received requests from eight Oregon cities and one county. The requests outstripped our ability to provide the signs by two and one-half times. I am sure you will be proud to know that Milwaukie is the first city in Oregon to take the necessary steps toward locally posting these signs. Posting the Noise Ordinance Enforced signs on state highways may require site specific approval from the Oregon State Highway Division.

Our Department views the City of Milwaukie as a leader in the state of Oregon in preserving the livability of your community and quality of life for your citizens. Your model community noise ordinance and motor vehicle noise enforcement have made Milwaukie an even more desirable community to live in.

Thank you for your cooperation and assistance.

Sincerely,

Jerry Wilson
Noise Control Program
Air Quality Division

GTW:h

Enclosure (1)

United States Senate

WASHINGTON, D.C. 20510

March 14, 1983

VI
d.

The Honorable Joy Burgess
City of Milwaukie
City Hall
10722 S.E. Main Street
Milwaukie, Oregon 97222

Dear Joy:

Thank you for sending me a copy of your letter to Senator Durenberger concerning revenue sharing. I appreciate your bringing this matter to my attention.

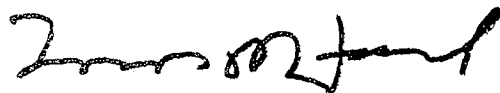
As you probably are aware, I have been opposed to revenue sharing from its inception. When the policy was instigated by the Congress in 1972, I opposed it because I was afraid that local governments would become extremely dependent on revenue sharing funds for a large portion of their integral operating expenses. That prediction has come true to a significant degree. In addition, the U.S. budget is operating at a deficit, and this \$5 billion program contributes substantially to that deficit, helping to cause inflation.

I appreciate the effect that abrupt termination of this program would have on local communities. During consideration of past budgets, I was instrumental in maintaining the current level of appropriations for revenue sharing. This does not represent a change in philosophy, but recognition of reality. There is little more burden which can be passed onto our local governments in the short term. However, it would be my hope that in any reauthorization, we can begin the process of phasing out the program.

Thank you again for contacting me. I deeply regret our disagreement on this issue but hope you will continue to stay in touch on matters of significance to you.

Kind regards.

Sincerely,



Mark O. Hatfield
United States Senator

MOH/jaw
4047

PLANNING COMMISSION MINUTES

REGULAR MEETING

MARCH 22, 1983

VI
E
①

MEMBERS PRESENT

GEORGE CATHEY, Vice President
ALL LAINE
JOHN FOSTER
REBECCA SWEETLAND
BETTY ROHOLT
BOB BROWN

JOHN LITTLEHALES, Excused

STAFF PRESENT:

TOPAZ FAULKNER, PLANNING DIRECTOR
STEVE HALL, PUBLIC WORKS DIRECTOR
JERRY THELANDER, PLANNING INTERN
CAROL LEE, SECRETARY

Mr. Cathey called the meeting to order at 6:35 p.m.

- 3.1 HOWARD FOX, Applicant and Property Owner
VR-83-4 - Variance Request
Location: 2861 S.E. Roswell, Milwaukie
PROPOSAL: Request to add a new entry, and 6' x 28'6"
covered porch to the south side of the house, 15' from
south property line, rather than minimum 20'; 8' from west
property line, rather than minimum 15'.

Topaz presented the Staff Report recommending approval of request.

APPLICANT'S RESPONSE:

SPEAKING: MR. LAUNER HOMEBURG, 14213 S.E. Eades Rd., Molalla, Ore.
Representing Mr. Howard Fox, Applicant and Property Owner

Mr. Homeburg said the weather had started to deteriorate the front of the home. The applicant intends to add a well-designed front porch to the entry. No changes would be made to the sidewalk or entry walk. The new addition will extend two inches beyond the existing porch. The design will allow as much light as possible to the front portion of the home. The appearance of the home would be improved.

There were no comments or questions from anyone in the audience in favor or opposition to the request.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION AND CITY COUNCIL
MEETING MINUTES OF MARCH 22, 1983

VI
E (2)

When the Comprehensive Plan was accepted by L.C.D.C. it was appealed by Thousand Friends and the Housing Council of Oregon because the Milwaukie's Zoning Ordinance does not comply with the Comprehensive Plan. Topaz began her employment with the City during this process. Promises were made to L.C.D.C to revise the Zoning Ordinance in accordance with upzoning of serviced properties to comply with the Comprehensive Plan. The suit by Thousand Friend is directed at finding what properties are already serviced and what services will be necessary to bring certain properties to standard for upzoning. Staff has requested that L.C.D.C. allow more time to develop a map illustrating areas to be upzoned, and an opportunity for the community to become aware of the purposes for upzoning. Staff proposes to arrange a series of informal discussion sessions before the public hearing dates are set, for the benefit of the community.

Mr. Laine asked Staff to explain the requirement for serviced parcels. Mr. Hall explained some of the standards for sewer and water services. Each development must meet requirements such as: appropriate water supply for fire protection; adequate streets to support amount of traffic, which are outlined in traffic safety studies; and storm drainage.

Topaz said that eventually upzoning must take place to correspond with the Comprehensive Designations. The only way to avoid the upzoning procedure would be to have the Comprehensive Plan changed, which would involve the complete hearing process on the basis that there are legitimate reasons for each decision. When municipal funds are limited, as they are now, the only option for improvements then are at the property owner's or developer's expense or by forming an Local Improvement District for the development. Staff is in the process of studies that will determine which properties can be feasibly developed.

There was consensus among the Commission and Council to hold regular joint meetings every three months to allow better understanding and support for the City. The Mayor said the Commission has a vital role in the City government; the Council appreciates the time, effort and dedication of each Commissioner.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION MINUTES
REGULAR MEETING - MARCH 22, 1983

VI
E (3)

Topaz presented the Staff Report, reading the recommended Conditions for the benefit of the audience.

APPLICANT'S RESPONSE:

SPEAKING: RALPH OLSON, Architect, 2045 Hillcrest Dr., West Linn

Mr. Olson said the recommended conditions are acceptable to the applicant. He explained the lots are irregular in shape and extremely steep. The proposed homes will be sited to the front of the lots, providing as much privacy as possible to the lots in the rear. The homes will be light in color, have adequate parking, sidewalks, landscaping. The applicant requests to plant trees of a low-maintenance specie.

There was discussion regarding the configuration of the lots at the time of the original subdivision. Even though the homes would be sited to the front of the lots, open space will be protected and still allow a view of Mt. Hood.

Mr. Cathey asked for audience response of anyone in favor or opposition to the request.

SPEAKING: CHARLIE SWAN, 11822 S.E. 36th Ave, Milwaukie

Mr. Swan said that Mt. Hood is viewed to the east of the property.

SPEAKING: JUDY GIBSON, Suntree Realty, 7925 S.E. Lake Rd.,

Ms. Gibson said the designs of the homes are to be one-story, vaulted ceilings, which will not impair the view to the east.

SPEAKING: LINN JONES, 11886 S.E. 36th Ave, Milwaukie

Ms. Jones stated her concerns regarding the building's height, the rear yard determination, adequate street parking in the cul-de-sac, solar access to existing homes on the west, ground slippage, and obstruction of the homeowner's scenic view.

SPEAKING: JUDY PROULX, 11908 S.E. 36th, Milwaukie

Ms. Proulx asked what would happen to the drainage that runs from her property to the proposed building site, Lot #5. She is also concerned that the view of Mt. Hood will be obstructed.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION MINUTES
REGULAR MEETING - MARCH 22, 1983

VI
E (4)

SPEAKING: NORMAN HOLTER, 11959 Kehrli Drive, Milwaukie

Mr. Holter said he has concerns for the safety of the children who live in the cul-de-sac. Increased traffic in the cul-de-sac should be considered, as well as, construction of sidewalks, providing protection for pedestrians in the area.

SPEAKING: MR. DON TROTTER, 12102 S.E. 36th, Milwaukie

Mr. Trotter said the Staff Report for the original Subdivision, S-75-3, shows conventional setbacks on all sides to all lots. At that time, the Commission told the applicant that conventional houses could be built on irregular shaped lots with regular setbacks. The proposed homes are to have roofs with a pitch of more than average for conventional homes.

SPEAKING: CHARLIE SWAN, 11822 S.E. 36th Ave, Milwaukie

Mr. Swan said it would be best to have trees planted that do not shed leaves.

SPEAKING: MR. RALPH OLSON, Representing Applicant

Mr. Olson clarified several points of concern. He mentioned the home on Lot #5 could be shifted so as not to protrude in the view of the neighbors and the fill dirt leveled to be even with the street. The roof design is an acceptable design for these homes and will add distinction and style necessary for marketing. Solar access for homes to the west will not be impaired because most of the solar energy is from the south. Drainage will be to either dry well or sewer, and sidewalks will be constructed in from of all three lots.

Mr. Liane asked Mr. Olson if the proposed homes would have any impact on solar access to the homes on the north. Mr. Olson said he did not expect solar access to be impaired to those homes either.

Mr. Brown asked Mr. Olson if the homeowner's view would be impacted if the roof design were reduced in height. Mr. Olson said the impacts of reduced height would be minimal.

There was discussion among the Commissioners and Mr. Olson regarding determination of rear yards of the irregularly shaped lots.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION MINUTES
REGULAR MEETING - MARCH 22, 1983

VL
E (5)

Mr. Brown Made a Motion to approve VR-83-5, Sea Homes request to build single-family detached residences on Lots #5, #6 and #7, at the north end of Kehrli Drive, with setback variances as stated in the Staff Report, with 13 Findings as stated in the Staff Report, and adding Finding #14: Designation of rear yards as indicated in applicant's drawing is reasonable. Based on information that the north property line is farthest from the street and should be considered the rear property line, of Lot #5 and perhaps Lot #7. The Commission agreed that the lines running north and south should be considered as side yard lines. Finding #15: Decision based on testimony received at the public hearing. Condition #2 to be deleted; Condition #3 to be modified, deleting the word "decidious"; adding Conditions as stated in Addendum to Staff Report; and renumbering as appropriate.

Mr. Laine Made a Motion to Amend the Main Motion, changing the variance on Lot #6 to 15' instead of 10', reducing the variance by 5' and moving the center home 5' to the north. Mr. Cathey Seconded the Motion, it carried unanimously.

Ms. Roholt said the architect has provided a well-designed plan and would be opposed to any design that would give the homes an appearance of having elevated foundations.

Mr. Cathey clarified the Motion on the floor: Lots #5 and #7 would remain as the applicant has illustrated in the Site Plan, Lot #6 would be changed to a variance of 5'--siting the home 15' from the front property line.

Ms. Sweetland Made a Motion to Amend the Main Motion designating the north and south property lines of Lots #5 and #6 as side yards.

Mr. Liane Seconded the Motion, it carried. Mr. Brown voted in opposition, stating the applicant had taken a conservative approach and filed for variances on each lot.

Mr. Foster Made a Motion to reduce the vaulted ceiling peak by 3'. Mr. Liane Seconded the Motion. Discussion among the Commissioners and Applicant's Representative did not support the opinion that the scenic view of Mt. Hood, for homeowners to the west, would be preserved. The Motion Failed, Mr. Laine and Mr. Foster voting for the motion, Mr. Cathey, Mr. Brown, and Ms. Roholt voting in opposition, Ms. Sweetland abstaining.

The Main Motion to approve VR-83-5, with Findings and Conditions as stated above Carried, Ms. Sweetland voting in Opposition.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION MINUTES
REGULAR MEETING - MARCH 22, 1983

VI
E (6)

FINDINGS: VR-83-5 Sea Homes

1. The city will gain additional housing units, the existing single-family building scale will be maintained and solar access not significantly impacted.
2. The proposal is supported by the following elements of the Comprehensive Plan:
 - A. OBJECTIVE #2 - Residential Land Use: Density, Policy 2.a, Page 28.
 - B. OBJECTIVE #4 - Neighborhood Conservation, Policy 5, Page 31.
 - C. OBJECTIVE #4 - Site and Building Design, Policy 1, Page 83.
3. The rear yard of Lot #5 will be about 52', Lot #6 about 26', and the north side yard of Lot #7 about 60'.
4. Adequate access designed to City Standards is available.
5. The closest dwelling will be about 50' north.
6. Minimum setbacks will be met or exceed on the other side and rear yard of Lots #5 and #6 and front and side yards of Lot #7.
7. Emergency vehicle access is adequate.
8. Impairing of southerly views from the existing houses, on the north, will be kept to a minimum.
9. The irregular lot configuration, location at the end of a cul-de-sac and steep topography are unusual conditions.
10. Typical platted lot in an R-7 Zone has a minimum lot width of 60', and minimum lot depth of 80'. Lots #5, #6, and #7 are significantly different from this standard. Exhibit #1, Sheets 1, 2, and 3, clearly show the uniqueness of the parcels.
- 11.. The lots are extremely steep near the cul-de-sac and are irregular in shape, which limits the size, configuration, and location of the proposed dwelling.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION MINUTES
REGULAR MEETING - MARCH 22, 1983

VI
E (7)

FINDINGS: VR-83-5 Sea Homes Continued

12. The houses on Lots #5 and #6, could be shifted north reducing the front yard variances, but adding significantly to the cost of construction because of more re-grading, additional fill and possibly elevation posts. Houses moved closer to the north property line, would literally look down onto the existing single-family residences because of the grade difference.
13. The rear yard variance on Lot #7 cannot be feasibly eliminated without reducing the width of the house by at least 10'.
14. Designation of rear yards as indicated in applicant's drawing is reasonable.
15. The decision of the Commission is based on testimony received and Staff presentation at the public hearing.

CONDITIONS: VR-83-5 Sea Homes

1. Drainage, grading, utilities and procedures for fire protection to be approved by Public Works and Fire Departments.
2. Provide trees between houses and the north property line. Tree species, size, location and number to be approved by the Planning Department.
3. Rear yard setbacks of Lot #5, #6, and #7 shall be maintained as shown on Exhibit #1, Sheets 2 and 3.
4. Revise site plan to show front yard setback of 15' for Lot #6.
5. The builder will be required to have soil tests done by either an engineer or engineering geologist, to approve the fill area, prior to any construction.
6. Foundation footings must be engineered to meet soil tests findings, and be reviewed by the Public Works Department.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION MINUTES
REGULAR MEETING - MARCH 22, 1983

VI
E (8)

4.0 PUBLIC COMMENT

SPEAKING: Mr. Don Trotter, 12102 S.E. 36th Ave, Milwaukie

Mr. Trotter asked Staff when the Commission intended to continue the public hearing regarding manufactured housing.

Topaz said the public hearing will continue April 12.

6.2 PLANNING COMMISSION MEETING MINUTES: March 8, 1983

The Minutes were approved, Mr. Cathey would sign them.

There was discussion regarding the procedure for public notification. The Commission asked Staff to draft a letter stating Commission's support for Staff's computer needs.

Topaz mentioned that the Nurserymen's Association had donated time and street trees for the downtown project, and wrought iron borders for the 24 flowering cherry trees are being provided through grant funds.

8.1 PLANNING COMMISSION CALENDAR OF EVENTS

Topaz said that Staff is still in the process of reviewing changes to the draft ordinance that were suggested by the Commission during workshop sessions. The Commission had requested Staff to review certain issues of major importance and submit them to the Council for immediate action. Public Hearings will be held on issues such as: manufactured housing, design review, solar access, planned development process, as well as permitted and conditional uses for industrial zones.

The Adult Entertainment Ordinance is scheduled for public hearing before the City Council, April 5. Commissioners were encouraged to attend that meeting.

The meeting adjourned at 10:35 p.m.

MINUTES OF MARCH 22, 1983

PLANNING COMMISSION AND CITY COUNCIL MEETING

VI
E (9)

MEMBERS PRESENT:

JOY BURGESS, MAYOR
DON GRAF, COUNCILMAN
ROGER HALL, COUNCILMAN
RON KINSELLA, COUNCILMAN
MIKE RICHMOND, COUNCILMAN

TOPAZ FAULKNER, PLANNING DIRECTOR
STEVE HALL, PUBLIC WORKS DIRECTOR
AL LAINE, COMMISSIONER
JOHN FOSTER, COMMISSIONER
REBECCA SWEETLAND, COMMISSIONER
BETTY ROHOLT, COMMISSIONER
JOHN LITTLEHALES, COMMISSIONER (Absent)
BOB BROWN, COMMISSIONER
GEORGE CATHEY, COMMISSIONER (absent)
JERRY THELANDER, PLANNING INTERN
CAROL LEE, SECRETARY

Mayor Burgess opened the meeting at 5:35 p.m., explaining the purpose of the meeting was to allow the Planning Commission an opportunity to explain some of the most recent issues before the Planning Commission.

Topaz briefly outlined the functions and procedures the Commission follows on basic issues. She explained that a legislative decision is made by the Council. Adopted Ordinances such as the Zoning, Subdivision, Sign, and Environmental Protection, as well as the Comprehensive Plan apply to the general population. A Quasi-Judicial decision, by the Commission at public hearings, involves land use regulations for individual pieces of properties. Problems arise when applying judgment to specific pieces of property because the standards will never cover all the points of interest. Topaz mentioned the requirements for Conditional Use and Variance Requests. Specific criteria are applied to each request before the Commission gives their impartial decision by upholding the spirit and intent of the Comprehensive Plan and Zoning Ordinance.

Mr. Kinsella asked what action the Planning Commission takes in the case of a structure that is torn down and an applicant wishes to rebuild. Topaz explained, this would be a nonconforming use. Any structure that is abandoned, changed or added on to, or demolished, must meet the requirements of the Ordinance at that point even though the use was allowed before. The Zoning Ordinance allows for Supplementary Regulations, which provides some flexibility in the current Ordinance.

The Zoning Ordinance is being revised, now in draft form. A series of Public Hearings will soon be scheduled for discussion of Amendments to the current Zoning Ordinance and the revised Ordinance, which will cover a variety of land use issues that need clarification.

CITY OF MILWAUKIE - PLANNING DEPARTMENT
PLANNING COMMISSION MINUTES
REGULAR MEETING - MARCH 22, 1983

VI
E (10)

Mr. Liane Made a Motion to add Finding #7: No adverse testimony received. Ms. Sweetland Seconded the Motion.

Ms. Sweetland Made a Motion to approve VR-83-4, with 7 Findings, and 1 Condition as stated in the Staff Report. Mr. Liane Seconded the Motion. The Motion Carried Unanimously.

FINDINGS: VR-83-4

1. The proposal is supported by OBJECTIVE #2 - Neighborhood Conservation of the Comprehensive Plan, Page 31, which encourages building rehabilitation.
2. The substandard street side yard is an unusual condition. Any addition that follows the west building line would require a variance.
3. The position of the house makes it difficult to add on to the south side of the house without the need for a street side yard and front yard variance.
4. The request follows the existing east and west building lines, roof lines, and will be similar in appearance.
5. The substandard street side yard will not be further impacted.
6. The request is the minimum necessary that creates a usable porch on the south side.
7. No adverse testimony received at public hearing.

CONDITION: VR-83-4

Utilities, drainage and procedures for fire protection to be approved by Public Works and Fire Departments.

- 3.2 SEA HOMES, Applicant; DOROTHY MACKLIN, Property Owner
VR-83-5 Variance Request
LOCATION: North end of Kehrli Drive, west of 37th Ave.
PROPOSAL: Request to build single-family detached residences on Lots #5, #6 and #7 of Rowe Subdivision (S-75-3) platted in 1975 with the following variances:

1. Front Yard setback of 10', on Lot #5
2. Front Yard setback of 10', on Lot #6
3. Rear yard setback of 10', on Lot #7

TRAFFIC SAFETY COMMISSION
MINUTES MARCH 14, 1983

VI
f (1)

I CALL TO ORDER: The meeting was called to order by Chairman Louis Bruneau at 7:33 p.m. in the City Council Chamber.

MEMBERS PRESENT: Louis Bruneau, Chairman
Warren Bottemiller
Dave Bukovi
Don Kopp
Dick Samuels
Jim Stell

MEMBERS ABSENT: Eric Griffith

STAFF PRESENT: Paul Roeger, Office Engineer
Virginia Kopp, Secretary
Kim Chamberlain, Secretary

II APPROVAL OF MINUTES: The minutes will be approved at the April Meeting.

III AUDIENCE PARTICIPATION: None

IV OLD BUSINESS:

A. Project Status Report

1. Signalization - No response from the state.
2. McLoughlin Blvd. - Same status.
3. Railroad Crossings - Same status.
4. No traffic revisions reported.

B. Recommendation to City Council on Traffic Safety Legislation was submitted to the Council by Bruneau; Council approved the request. The Council requested more information if other issues or legislation came up. Commission discussed drunk-driving prevention and child-safety seats.

V OTHER BUSINESS:

Due to lack of funds status of Tri-Met Transit Center has remained the same.

After checking with Greg Eades, City Attorney, Roeger found that the banning of "Happy-Hour" advertisement is possible; if factual information is provided proving that "happy-hours" increase traffic accidents.

VI f (2)

Bottemiller said that the balloon sign on the corner of Scott and McLoughlin Blvd. blocking drivers' views will be raised.

Paul said that he would have to check on whether turning into Peakes' parking lot from McLoughlin Blvd. is legal due to the double yellow line.

Also there has not yet been a traffic count on the intersection at 37th and Monroe streets to see if there is a volume problem.

Bottemiller asked the secretary about the status of the defensive driving course at the Senior Center. The secretary replied that there is no space available at the current moment for the DDC at the community college since there are several new classes starting for the Spring Term. However, she feels the summer would be a better time to hold the course due to the fact that the community college classes will be out for the summer, and because more seniors drive during the summer months. Also, there is a list of instructors willing to teach the DDC, the secretary will look into this. It would be possible to have two classes, morning and afternoon, on the same schedule.

Still mentioned the pot hole at King and 42nd. Roeger responded that the maintenance budget was going down continually. There must be something done locally in order to get funds from the Federal government, such as gas tax monies. Bruneau said he is in the process of doing a study with the League of Oregon Cities polling 73 cities around the state trying to get a report on the condition of urban streets. He has received two dozen replies so far and he said there are maintenance problems all over the state such as the condition of 42nd and King. Deterioration is accelerating and there is much pressure on the legislature to do something about it.

There is discussion in the legislature about adjusting motor vehicle registration fees and drivers licence fees to help with road maintenance costs.

Kopp suggested the Commission go on record in favor of a gas tax increase. Samuels and Bukovi opposed the idea and favored other revenue methods, such as weight-mile tax; axle tax; studded tire tax.

VI NEW BUSINESS:

The Commission members were encouraged to watch the movie on TV depicting the formation of M.A.D.D., March 14 at 9 p.m.

VI f (3)

VII ADJOURNMENT:

Bruneau made a motion to adjourn, motion seconded by
Stell. Meeting adjourned at 8:20 p.m.

Louis Bruneau
Chairman

Kim Chamberlain
Secretary

April 11, 1983
Date

SENIOR CITIZEN ADVISORY COMMISSION

MARCH 11, 1983

VI g

Present: Doris Olsen, Art Renner, Kay Stevens, Alice Measure,
Nick Knapp, Wanda Rulifson, Gail Roach

Staff: Sara Hite

Absent: Joe Keller - excused
Art Johnson - not excused

Guest: John Vannice, AARP

Minutes of January 14, 1983 approved as printed.

New member - Wanda Rulifson - was introduced to the group.

John Vannice, AARP President, presented information on pending legislative bills that impact seniors. The bill that provides supervision of the Ombudsman for nursing homes by the legislature would impede the kind of fast action that cases of neglect or abuse require, and is not favored. SB22 provides that adult foster home providers be supervised by the Senior Services Division to see that patrons are well treated. In the past, providers needed only a business license. This bill would give authority to make improvements such as fire safety.

Housing Committee

Nick reported that the goal of long-term improvement of Hillside Park that is now waiting for HUD approval to sell to private parties, would not affect the City. Needed utility improvements could be made under an LID, then turned to the City. The high-rise will remain in any case.

Center Program

Older Americans' Day will be celebrated in May at a regular Loaves & Fishes lunch rather than a Saturday lunch.

City Budget

The Center budget was accepted with no cuts by the Budget Committee, with positive support expressed for the Center. The need is for groups such as ours to help passage of the budget at the election.

The Library Levy comes up March 29. Kay will contact Friends of the Library to see if we can help further.

Chairman Doris appointed a Nominating Committee to report at the next meeting: Alice Measure, Art Renner, Gail Roach. We are asked to encourage anyone who might be interested in serving on this committee to make application at the City Hall.

Next meeting: Nick will arrange for someone from Senior Services Division to come to discuss their work.

Meeting adjourned.

Gail Roach,
Secretary



FRIENDS OF ^{VI}_H
THE MILWAUKIE CENTER

5440 SE KELLOG CREEK DRIVE, MILWAUKIE, OR 97222
(503) 653-8100

To: City Council
From: The Friends of The Milwaukie Center
Date: April 14, 1983

In regard to the letter to the Milwaukie City Council dated March 25, 1983, from the Friends of The Milwaukie Center regarding the pledge for \$10,000, our organization wishes to clarify any misunderstanding about fundraising. Independent organizations using the Center will of course continue to conduct their own activities in this regard.

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10412-03

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3325 SE Johnson Creek Blvd.
Portland, OR 97222
April 8, 1983

CITY OF MILWAUKIE
Mr. Hugh Brown, City Manager
10722 SE Main Street
Milwaukie, OR 97222

Dear Mr. Brown:

As owners and residents of properties in the thirty-three hundred block of SE Johnson Creek Blvd. for the past forty-eight years, we are most concerned about the proposed Tacoma/McLoughlin overpass and the increased traffic and problems it will create.

We resided and owned our home at 3322 from 1935 to 1953 at which time built and moved across the street to our present address. Over these years, there have been innumerable accidents on this curving, winding road with cars ending up in the front yards of each of these places. A few doors away a very serious accident due to excessive speed on one of the curves took the life of a teen-age girl working in her front yard with her father. The twenty-five mile an hour limit means nothing on this street.

Bottles and refuse are constantly being tossed from passing cars, sometimes landing in front of our living room window. Neither the city or county bother to do any cleanup along the road.

One cannot sit and read without experiencing the house vibrating which, of course, has caused numerous cracks.

An increase in traffic, which is certain if this proposal is carried out, will most assuredly add to these problems. This is supposedly a residential area, and we most emphatically do not want more traffic directed this way.

Sincerely,

Lillian P. Black

George W. Black

Lillian P. Black
George W. Black

65 11: 16

1043-03

10430 SW 43rd
Portland, OR 97219
April 5, 1983

VI
i (2)

CITY OF MILWAUKIE
Mr. Hugh Brown, City Manager
10722 SE Main Street
Milwaukie, OR 97222

Dear Mr. Brown:

RE: Proposed Tacoma/McLoughlin Overpass

As current property owners of 3316 and past resident for 24 years at 3325 S. E. Johnson Creek Blvd., we have a little idea of the neighborhood concerns regarding the proposed overpass.

Undoubtedly an increase in traffic would occur on Tacoma, Johnson Creek, and 32nd as a result of the overpass. With the present curves and narrowness of the roads, handling of the traffic would be further complicated, thus becoming more dangerous.

Increased vibration would result. Presently one may be sitting in my parents' living room at the above address and feel the floor vibrate, hear the windows rattle, see a vase falling from the piano, and observe firewood stacked in the basement move several inches in a few days, all a result of cars and trucks encountering holes or driving off the edge of the road. Newer construction such as our southwest Portland home would not withstand nearly as well that which their home has endured for 30 years.

As a result of Johnson Creek winding in and out of Multnomah and Clackamas Counties, determining which jurisdiction will police the area has caused much confusion. It is difficult to imagine what would happen if traffic were to increase beyond the already heavy flow.

Many times we hear it said that nothing should stand in the way of progress, but is this overpass really progress? There is less business along Johnson Creek and in the immediate SE area as compared to a number of years ago, thus, less commuter and truck traffic. A number of companies are moving to areas along the Milwaukie freeway or out to Clackamas, therefore, no need to use the Johnson Creek corridor. With the opening of the I205 freeway, it seems unthinkable to use Johnson Creek as a connector to McLoughlin. Why wouldn't an individual use the Milwaukie freeway a mile down the road. Building the overpass would cause several businesses to either close their doors or move to another location resulting in displacement of workers in an already distressed economy.

There must be many other important ways in which this money could be better spent. What about light rail Portland to Milwaukie or widening the Sellwood Bridge? Has anyone ever studied improving McLoughlin by the mere adding of street lighting, a nominal expense as compared to the above, yet would certainly add to safer driving on a stormy night?

Let's not spend money just because it is available. After all, voters of this state have indicated their dislike for government waste. Spend the money only where improvement is definitely needed.

Sincerely,

Carol A. Seagraves

Lewis E. Seagraves

Carol A. Seagraves

Lewis E. Seagraves

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Apr. 14, 1983

Mayor Joy Burgess
Milwaukie, Ore.

Dear Mrs. Burgess:

I am Jessie Allen and live at 6325 Aspen St., Milwaukie, which is the Cedarcrest Area. We belong and attend the Milwaukie Covenant Church, 12201 S. E. Linwood, Milwaukie. This is directly west of Aspen St., off Linwood. I have contacted Mr. Brown about the difficulty of pedestrians in crossing Linwood at this intersection to get to the church, which we sometimes do two or three times a week or more, as do many other Cedarcrest residents. Traffic coming north on Linwood climb quite a steep hill after crossing at the intersection and light on Harmony and Linwood. These cars come up this about two-block climb at a fast speed and people crossing at the intersection of Aspen do not have a view of these cars until they near the top. I feel this is very dangerous for anyone crossing at this place, especially when we are past the "sprinting" age.

Would you please consider signs and cross-walk to make this a little safer?

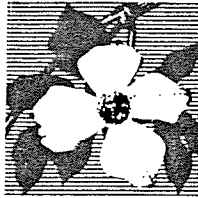
Thanking you,

I am

Jessie Allen

Jessie Allen
6325 Aspen St.
Milwaukie, Or. 97222
Tel. 659-2362

CITY OF MILWAUKIE



OFFICE OF THE CITY MANAGER
in the City Hall • phone 659-5171

April 18, 1983

Kay Stevens
11276 SE 30th
Milwaukie, OR 97222

Dear Ms. Stevens:

Thank you for writing to express your concerns. I agree with your analysis of Marilyn's commitment to the library. She has indeed recruited an excellent staff and we will be depending on them to maintain the current hours and service levels.

Decisions regarding the budget are not arbitrary. When a layoff is required to achieve a necessary reduction in expenditures, careful consideration is given to every potential impact. This is definitely not the beginning of our city turning its back on the library and letting it deteriorate. The Council has frequently expressed their belief in the importance of maintaining our city library. I do assure you that this action will not result in a loss of stature for Milwaukie.

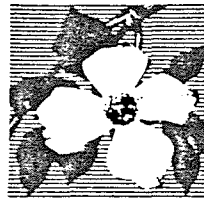
Again, thank you for writing. If you have any further questions or concerns, please contact me.

Sincerely,

Hugh Brown
City Manager

cc: City Council
Topaz Faulkner, Comm. Services Director

HB/lp



MEMORANDUM

TO: MAYOR AND CITY COUNCIL

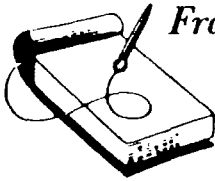
FROM: THE MILWAUKIE PLANNING COMMISSION

RE: CITY COMPUTER

DATE: APRIL 14, 1983

The Planning Commission supports the purchase of a computer for City Hall. The Planning Staff has a clear need for access to data processing and word processing services. The result would be a saving of many hours of staff time each week. For example, reports could be done in far less time if, instead of repeatedly typing those sections of the plan and ordinances to be quoted, the word processor could type these using the computer's memory. In addition, public hearing notices could be mailed in a fraction of the time currently required, and with a fraction of the errors, if the property ownership information were on the computer and the necessary labels printed by a word processor. There are other examples of time that could be saved and services improved, these are only the most obvious.

We understand the need to maintain a minimum staffing level to stay within the budget. However, the applications for land use actions are increasing in number. If the City cannot enlarge the Staff, we must either expand their capabilities by adding technological support, or reduce the current level of service. We commend council's choice of purchasing a computer, and strongly recommend the conversion of Planning Division functions be given high priority.



From the desk of

MAYOR JOY BURGESS

JB

Property tax relief: 'Are you with us?'

By RUSSELL SADLER

SALEM — The near miss by the property tax limitation initiative last November sent the Legislature one indisputable message: Voters want something done about property taxes. Unfortunately, the rest of the message got muddled, triggering the present debate over just what it is the voters want done.

Gov. Vic Atiyeh, re-elected by the largest margin of any modern governor, insists most Oregonians fear increases in their future property taxes, not the size of their present property tax bill.



SADLER

Atiyeh believes a constitutional cap on present property tax rates will appease enough people to prevent the passing of a crippling tax limitation initiative.

The same Oregonians who nearly passed Ballot Measure 3 and re-elected Atiyeh by a record margin also elected more Democrats to the Oregon House. Most House Democrats believe dramatic reductions must be made in residential property taxes to prevent the passage of a new tax limitation initiative.

Speaker Grattan Kerans, D-Eugene, said the Legislature must place a property tax relief package on the ballot later this year it will have "failed to keep faith with the voters."

The House Revenue Committee, chaired by Rep. Tom Throop, D-Bend, is trying to cobble together a property tax relief program that would win House approval. It is a matter of connecting the acceptable options. It appears the House plan either would reduce property taxes for all property owners or just for residential property owners.

Future property tax increases would be deterred either by a constitutional limit on local government levies, or a limit on total local government spending required to win Republican support. Lost property tax revenue would be made up either by a sales tax or income tax increases.

Business groups are lobbying for the sales tax and are willing to keep their own exemptions to a minimum to get it. Other interest groups from public employee unions to the aging warriors of the Grange favor income tax increases.

In the Oregon Senate, the do-nothing option is still alive and well. Senate President Ed Fadeley, D-Eugene, indulged in an appearance at an anti-sales tax rally staged on the Capitol steps earlier last month, bellowing "no sales tax" to the joy of the small but animated crowd. Publicly, Fadeley has offered no alternative tax relief plan. Privately, he thinks the Legislature can wait this one out.

Sen. Charles Hanlon, D-Mountaindale, chairman of the Senate Revenue Committee, is circulating a list of "10 verities" about the sales tax among his colleagues. Hanlon concludes Oregonians will not pass a sales tax that shifts the tax burden from one class of taxpayers to another, and asks what the point is of going through the effort of crafting a sales tax if it doesn't alter the tax burden.

This attitude of maybe we can get away with doing nothing is quite prevalent among Democrats in the Oregon Senate.

Hanlon believes tax limitation fever has peaked in Oregon. Privately, Hanlon insists that if supporters of a tax limitation initiative could not pass it in 1982 with the economy prostrate and unemployment at record levels, they will not pass one in 1984 when the economy has improved.

It is tempting to dismiss Hanlon as naive but for one startling development. The people who combined their efforts to put Measure 3 on the ballot last year cannot agree on the details of a new initiative.

The Oregon Taxpayers Union is a coalition of anti-government groups welded together during the Ballot Measure 3 campaign. Ray Phillips, the venerable tax limitation petitioner, promises a new initiative. But there is a power struggle over the leadership of the Taxpayers Union, and the nature of any new tax limitation initiative depends on its outcome.

*From:
The Oregonian
May 2, 1983*

Phillips is apparently being edged out, challenged by Joe Hollman, a builder responsible for much of the organization of the Measure 3 near miss; and Don McIntire, founder of the increasingly sophisticated anti-government group called Enough Is Enough In Oregon. Hollman and McIntire apparently agree that grafting a California-style property tax limitation into Oregon tax law creates unknown side effects that frighten conscientious voters who would otherwise support the move.

At the recent Taxpayers Union convention in Portland, McIntire drifted quietly around the hall soliciting ideas for a tax limitation initiative he hopes will have broader appeal than Ballot Measure 3. It is now being drafted. If he has his own way, McIntire would like an initiative limiting school levies, repealing the state income tax and replacing it with a 5 percent flat tax on all business and personal incomes — no deductions or exemptions — to finance state government and school districts. McIntire thinks that will have broad appeal at the polls.

Oregonians may be redesigning their state tax system at the ballot box during the next two years. More than one interest group will be asking voters the rhetorical question, "Are you with us?" You will need to know enough of the basics to figure out what each tax plan does to you as well as for you.

Russell Sadler is a Salem-based syndicated reporter and commentator who contributes columns to The Oregonian.