

CITY COUNCIL MEETING

May 6 1974

7 p m

COUNCIL CHAMBERS

1219th Meeting

The one thousand two hundred nineteenth meeting of the Council of the City of Milwaukie Oregon was held on the 6th day of May 1974 The meeting was called to order by Mayor Donald W Graf with the following councilpersons present

- |                    |                     |
|--------------------|---------------------|
| Bill E Hupp        | William M Keller    |
| Robert G Stochosky | Mayor Donald W Graf |
| Joy Burgess        |                     |

Also present

- |  |                                |
|--|--------------------------------|
| Harold L Schilling City Manager                        | Myer Avedovech City Attorney   |
| J Wayne Daigle Dir of P W                              | (entered meeting at 7 18 p m ) |
| Donald Jones Police Chief                              | Dorothy E Farrell secretary    |
| Rod Sandoz City Planner (entered meeting at 7 18 p m ) |                                |

The Pledge of Allegiance was recited by those present

CONSENT CALENDAR

- a) Notice of PUC hearing Northwest Natural Gas rate increase
- b) Councilman Hupp s letter re refuse franchise
- c) Councilman Hupp s letter re parade
- d) Copy of letter from Judge Hammond re Lines case
- e) Copy of Police Chief s memo re CRISS system
- f) Approval of minutes April 15 and April 29 1974

It was MOVED by Stochosky SECONDED by Burgess that the Consent Calendar be accepted with the exception of item e MOTION CARRIED and so ordered

Council has received copy of Notice of Hearing before the Public Utility Commissioner of Northwest Natural Gas Company s rate increase request

Council has received letter from Councilman Hupp dated April 17 1974 questioning whether the city has an ordinance which properly protects the city in the area of garbage collection

Council has received letter from Councilman Hupp dated April 29 1974 thanking the city for its cooperation in connection with the Ed Bolander birthday parade on April 27

Council has received copy of letter to Robert A Bennett attorney for Marvin Lines from Judge P K Hammond dated April 25 1974 re Mr Bennett s motion in the case of Lines vs City of Milwaukie

There was additional discussion of Police Chief s memo to City Manager dated April 17 1974 re withdrawal from CRISS system and entry onto LEDS system effective 7/1/74 and Police Chief s and City Manager s letter to CRISS Project Director dated April 30 1974 stating the city will withdraw from CRISS effective 7/1/74 Mayor Graf stated since there were no objections from the Council Council would accept the recommendation of the City Manager and Police Chief

AUDIENCE PARTICIPATION

1 Mayor presented certificate to Paul H Roeger Engineering Technician for his completion of the Oregon Chapter American Public Works Association training seminar titled APWA Construction Inspector Training Program

2 Mayor Graf read a proclamation proclaiming the week of May 12 1974 as Buddy

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Poppy Week and Carmel Faughender 1974 Poppy Girl presented a poppy to Mayor Graf and recited a poem

3 Walt Fitch Milwaukie Rotary Club invited Council to the dedication of a memorial to Tim DeShields at Milwaukie High School 1 p m May 28 Tim DeShields was a foreign exchange student sponsored by Milwaukie Rotary who was killed in an auto accident in Brazil

#### CORRESPONDENCE

1 Council has received letter from James Hunt 1916 Washington dated April 24 1974 concerning design review

2 Council has received letter from Department of Human Resources Health Division dated April 15 1974 stating Milwaukie's water system meets the bacteriological standards of the Health Division Public Works Director Wayne Daigle read a report from County Health Department dated April 30 1975 which was requested by the Milwaukie Mayor at that time and which showed the contrast between the water system then and now

3 Councilwoman Burgess received letter from W P Walker 3706 Harrison Street dated May 3 1974 asking questions about the tax base The letter will be answered by the City Manager

4 Mayor Graf received letter from Jameson D Selleck 821 Twin Pines Circle Ashland Oregon asking support for a proposal to put the U S Army in charge of transporting and guarding all nuclear material Council asked that copies of the letter be made and furnished to them

#### ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT IN CORE AREA OF DOWNTOWN MILWAUKIE

In response to a question by the Mayor City Attorney stated the reading of the ordinance would include the two items of the boundaries and the exclusions without their being read In response to another question City Attorney stated engineering costs are included in the total cost set out in the ordinance

It was MOVED by Burgess SECONDED by Keller that (AN ORDINANCE CREATING A LOCAL IMPROVEMENT DISTRICT IN THE CORE AREA OF DOWNTOWN MILWAUKIE FOR THE IMPROVEMENT OF STREETS SIDEWALKS CURBS DRAINAGE WATER UNDERGROUNDING OF POWER TELEPHONE AND RELATED SYSTEMS STREET LIGHTING STREET LANDSCAPING OFF-STREET PARKING FACILITY AND INTERSECTION DESIGN FOR BETTER CONTROL OF VEHICULAR AND PEDESTRIAN TRAFFIC) be read the first time MOTION CARRIED and so ordered Councilman Hupp wished his vote recorded as no

It was MOVED by Keller SECONDED by Burgess that the above ordinance be read the second time by title only It was requested that the seven exclusions on Exhibit B be pointed out on the map and when this was done it was discovered that two properties the Council had directed be excluded had not been listed in Exhibit B

(Meeting recessed at 8 10 p m reconvened at 8 20 p m with all present )

The following items 8 and 9 were read as being included in Exhibit B Exclusions from Assessment

8 The east one-half (1/2) of Block 14 PLAT OF MILWAUKIE

9 Lot 4 Block 3 LEWELLING PARK

MOTION CARRIED and so ordered Councilman Hupp wished his vote recorded as no

ORDINANCE NO 1293, AMENDING ORDINANCE 1292 - ZC-74-2

It was MOVED by Stochosky SECONDED by Keller that Ordinance Number 1293 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1292 PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE CLACKAMAS COUNTY OREGON FROM R 7 ZONE TO R 7 (PD) ZONE AND AMENDING ORDINANCE NUMBER 1183 AS AMENDED) be read the first time MOTION CARRIED and so ordered It was MOVED by Stochosky SECONDED by Keller that Ordinance 1293 be read the second time by title only MOTION CARRIED and so ordered Ordinance 1293 was put on its passage with the following roll call vote AYES Hupp Stochosky Burgess Keller and Graf NOES None Ordinance 1293 passed the Council and was so declared by the Mayor

STAFF REPORT RE CITY CREW AT 10055 SE 45TH

On April 15 Martin Bodtke 10055 SE 45th stated to the Council that city employees with backhoe came and looked at the dry well near his property but left without doing anything Council has received a report from Public Works Director dated May 1 1974 explaining the incident

CONSIDERATION OF BUSINESS LICENSE APPLICATION JOHN SETZ

John Setz 11335 SE Beckman Road applied for business license to repair automobiles in garage at his residence which is zoned R 7 single family residential City Manager ruled that repairing automobiles did not fall within the home occupation provisions of the zoning ordinance Mr Setz appealed the decision to the Planning Commission and on April 23 the Planning Commission voted to uphold the City Manager's interpretation Mr Setz wrote a letter to Mayor and Council dated April 26 stating he was appealing the decision of the Planning Commission City Planner told the Council he had spoken to Mr Setz and Mr Setz indicated he did not desire to formally appeal as that would have required payment of a fee and a formal public hearing City Manager indicated staff is asking the request for business license be denied and deposit returned

It was MOVED by Hupp SECONDED by Stochosky that City Council grant John Setz the business license he has paid for for the purpose of operating this very minor tune-up and brake adjustment service by appointment without signs and without noise at his location as is given in our agenda under item a under consideration

With the permission of the seconder of the motion Mr Hupp amended his motion to include that we take the action that I have stated with the provision that it would be withdrawn if there were anyone within the entire area that would object it would be conditional upon the lack of objection since the very map of the location and the distances between people and the full approval of everyone within 200 feet have given written approval to me it seems like this would be not a precedent for everyone in the city but for this particular area where there was no remonstrance and no objection I would make that addition to my motion that it be granted until such time as it was a problem in this particular instance due to these particular circumstances and I think it is the Council's prerogative to do so

It was pointed out that if the motion passes Mr Setz still could not operate the business because he still would be in violation of the zoning ordinance

Mayor Graf stated that based on the above opinion of the city attorney he declared the motion and second to be out of order and not acceptable

City Manager stated the Council could refer the matter back to the Planning Commission for reconsideration or could initiate an amendment to the home occupation provision of the zoning ordinance

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IT WAS MOVED by Keller SECONDED by Burgess that the business license application of John Setz be denied and the fee returned MOTION CARRIED and so ordered

#### REQUEST FOR RATE INCREASE MILWAUKIE SANITARY SERVICE

Manager has received letter from Dale M Harlan dated April 26 1974 asking to be put on the agenda for May 6 to discuss proposal for rate increase under Milwaukie refuse collection agreement Mr Harlan was unable to be present but asked to be scheduled for the next Council meeting Councilman Stochosky asked for information as to what then-Councilman Harlan's position was with regard to the garbage contractors at the time the proposed ordinance was tabled in 1969

#### AWARD OF BID FOR WATER PROPERTY ON MAPLE STREET

City owned property originally purchased for water department on Maple Street has been advertised for sale and bids received from F M Tarbell Co Realtors and Howard R Cleary as set out on the memorandum attached to these minutes It was MOVED by Hupp SECONDED by Burgess to accept Howard R Cleary's bid of \$15 105 cash payable within 30 days MOTION CARRIED and so ordered

#### EXECUTIVE SESSION COLLECTIVE BARGAINING

The meeting recessed at 9 15 to executive session for collective bargaining discussion under ORS 192 660 Section 2 paragraph (2) subsection (a) and reconvened in regular session at 10 40 p m

#### PROPOSED FORMATION OF COMMITTEE TO PROMOTE LIGHT RAIL SYSTEM

Councilwoman Burgess has requested that the Council consider formation of a city committee to promote the light rail transit system currently under consideration It was decided to put the matter on the agenda the first meeting in June

#### ORDINANCE NUMBER 1294 BUILDING CODE AMENDMENTS

It was MOVED by Stochosky SECONDED by Hupp that Ordinance Number 1294 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1290 TO ADOPT THE STATE OF OREGON STRUCTURAL SPECIALTY CODE AND FIRE AND LIFE SAFETY CODE 1973 EDITION AND STATE OF OREGON MECHANICAL SPECIALTY CODE AND MECHANICAL FIRE AND LIFE SAFETY CODE 1973 EDITION AND THEIR SUPPLEMENTS AND DECLARING AN EMERGENCY) be read the first time MOTION CARRIED and so ordered It was MOVED by Burgess SECONDED by Stochosky that Ordinance 1294 be read the second time by title only MOTION CARRIED and so ordered Ordinance 1294 was put on its passage with the following roll call vote AYES Hupp Stochosky Burgess Keller and Graf NOES None Ordinance 1294 passed the Council and was so declared by the Mayor

#### BIDS ON SPRINKLER SYSTEM

Bids were asked for sprinkler system for City Hall and bids were received as set out in the memorandum attached to these minutes It was MOVED by Keller SECONDED by Burgess that the bid be awarded to the low bidder Cosco Fire Protection Co in the amount of \$10 001 to be added to the revenue sharing budget for the next fiscal year After discussion of the method of payment it was MOVED by Hupp SECONDED by Stochosky to table this matter until the next meeting and direct staff to come up with a payment plan MOTION CARRIED and so ordered

OTHER BUSINESS

Mrs Ann Hupp has suggested that Council send a letter to World Fair officials in Spokane in recognition of Oregon Day May 14 1974 at the fair It was MOVED by Keller SECONDED by Stochosky that staff be directed to draft the letter MOTION CARRIED and so ordered

2 City Manager brought Council up to date on status of long-term disability insurance contract that was negotiated with two of the employee units Standard Insurance will furnish the coverage and the cost will be about \$300 a month

3 In the case of Baker vs City of Milwaukie Mrs Baker's counsel has filed a petition for review with the Oregon Supreme Court

4 City Manager told the Council Ruth Friesen Finance Director will be leaving the city s employ May 17 and he will make a temporary appointment pending a civil service examination

5 City Manager told the Council as of July 1 the city will transfer from the current Blue Cross plan to a plan provided under the umbrella of the League of Oregon Cities

PAYMENT OF BILLS

It was MOVED by Keller SECONDED by Hupp that the bills listed for May 7 1974 payment be approved for payment MOTION CARRIED and so ordered

The meeting adjourned at 11 30 p m

Donald W. Graf  
Donald W Graf Mayor

ATTEST

Dorothy E Farrell  
Dorothy E Farrell Secretary

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CITY COUNCIL AGENDA

May 6 1974

7 p m

COUNCIL CHAMBERS

1219th Meeting

- 1 CALL TO ORDER
- 2 INVOCATION
- 3 PLEDGE OF ALLEGIANCE
- 4 EXECUTIVE SESSION - RE LABOR NEGOTIATIONS
- 5 CONSENT CALENDAR
  - a) Notice of PUC hearing - Northwest Natural Gas rate increase
  - b) Councilman Hupp s letter re refuse franchise
  - c) Councilman Hupp s letter re parade
  - d) Copy of letter from Judge Hammond re Lines case
  - e) Copy of Police Chief's memo re CRISS system
- 6 AUDIENCE PARTICIPATION
  - a) Carmel Faughender 1974 Poppy Girl - Buddy Poppy Week Proclamation
- 7 CORRESPONDENCE
  - a) Letter from Jim Hunt re design review
  - b) Water System Certificate of Merit from Human Resources Department
- 8 OLD BUSINESS
  - a) Ordinance No \_\_\_\_\_ Downtown L I D
  - b) Ordinance No \_\_\_\_\_ Amending Ordinance 1292 ZC 74 2
  - c) Staff report re city crew at 10055 SE 45th
- 9 CONSIDERATION
  - a) Consideration of business license application - John Setz
  - b) Request for rate increase Milwaukee Sanitary Service
  - c) Proposed formation of committee to promote light rail system Letter to  
Co newwoman Burgess from Tri Met
  - d) Ordinance No \_\_\_\_\_ Building Code amendments
  - e) Award of bid for water property sale
- 10 OTHER BUSINESS
- 11 PAYMENT OF BILLS
- 12 ADJOURNMENT

City of Milwaukee  
M E M O R A N D U M

May 6 1974

TO City Manager  
FROM Director of Public Works  
SUBJECT Property Sale Lots 20 and 21 Block C Milwaukee Park  
Bid Proposals

The subject property was offered for sale and so advertised in the Milwaukee Review in two consecutive publications. The following responses were received on May 3 1974

1	F M Tarbell Co Realtors	Bid	\$12 501 00
	Subject to development plans approved or no later than 90 days from date of acceptance by seller		
	Bid	\$12 501 00	
	Note	2 000 00	
	Delivery of Deed	<u>\$10 501 00</u>	
2	Howard R Cleary		
	(a) Cash		\$15 105 00
	(b) 50% down 50% within 1 year @ 9% interest on unpaid balance		\$15 600 00
	(c) 25% down 3 semi annual payments @ 9% on unpaid balance		\$16 100 00

Recommendation Award to Howard R Cleary on Bid A payable within 90 days

  
JWD/mb

City of Milwaukee  
M E M O R A N D U M

May 6 1974

TO City Manager  
FROM Director of Public Works  
SUBJECT Sprinkler System Bid Summary  
City Hall

The following tabulation of bids received May 3 1974 are herein presented for consideration

<u>Name</u>	<u>Time of Bid Hold</u>	<u>Amount</u>
Cosco Fire Protection Co Kirkland Washington	30 days	\$10 001 00
Fire Prevention Systems Inc Portland Oregon		10 451 00
National Automatic Sprinkler Co of Ore Portland Oregon	15 days	10 985 00

All bids subject to approval of State Fire Marshal and Oregon Insurance Service

  
JWD/mb