

MILWAUKIE
CITY COUNCIL MEETING
August 18, 1981
7 p.m.

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COUNCIL CHAMBERS

1390TH MEETING

The one thousand three hundred ninetieth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on August 18, 1981, with the following councilors present:

Mel Paulson	Roger Hall
Anne Nickel	Mayor Joy Burgess
Donald W. Graf	

Also present:

Kenneth S. Whorton, City Mgr.	Gordon Erickson, Finance Dir.
Richard Bailey, Fire Chief	Greg Eades, City Attorney
Steven Hall, P.W. Director	Dorothy E. Farrell, Sec'y
Topaz Faulkner, Planning Dir.	

The invocation was given by Mayor Burgess, and the Pledge of Allegiance was recited.

MILWAUKIE CENTER LANDSCAPING MASTER PLAN

Gerald Herrmann, Director of Environmental Learning Center at Clackamas Community College, consultant for planning The Milwaukie Center landscaping, presented the landscaping plan. Center Director and Parks and Recreation Superintendent have written memorandum, dated August 18, 1981, concerning the process that led up to the completed plan, and giving staff recommendations. It was MOVED by Graf, seconded by Nickel, to accept the plan as presented, and to authorize the staff to expend money on the initial phase of the sprinkler system to be installed for approximately the remaining \$4562 in Community Development Block Grant funds from the Center building grant; if there is any money left that staff be authorized to spend it for whatever is necessary for the project; and to direct staff to investigate resources in the community and develop a plan for implementing the second half of phase one of the plan as soon as possible, recognizing the extremely limited resources. MOTION CARRIED unanimously.

CERTIFICATE OF CONFORMANCE IN FINANCIAL REPORTING

Manager announced the city has received Certificate of Conformance in Financial Reporting from the National Municipal Finance Officers Association for the city's comprehensive annual financial report for fiscal year ended June 30, 1980. Finance Director Gordon R. Erickson has received an Award of Financial Reporting Achievement from the same group.

PRESENTATION OF PLAQUE TO CITY MANAGER

Mayor presented "Dogwood Plaque" to City Manager Ken Whorton, on behalf of the City Council, in recognition of his contribution to the City of Milwaukie.

PUBLIC HEARING - APPEAL OF CIVIL SERVICE DECISION

As noted in the August 4, 1981 minutes, the appeal by Larry Taylor, formerly of the city Public Works Department, was held over to

tonight's meeting. Since Larry Taylor was not present, it was Council consensus that the matter be held over to the next meeting, and that staff contact Mr. Taylor and get a response from him as to whether or not he will attend the next meeting.

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CITY MANAGER RECRUITMENT

It was MOVED by Burgess, SECONDED by Paulson, that the City Council delay its efforts to search state- or nation-wide for a City Manager for approximately 90 days, until the November 17 City Council meeting, in order to allow time to consider the application of Interim City Manager Dick Bailey, and to evaluate his professional talents, performance and capabilities to fill the role of permanent City Manager for Milwaukie.

It was MOVED by Paulson, SECONDED by Burgess, to amend the motion to make the time period 60 days during which he can serve in this capacity without the City Council searching.

On the amending motion, MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Graf and Hall.

On the main motion, MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Graf and Hall.

MEMORANDUM FROM KEN WHORTON ON VACATION - DATE ON AGREEMENT WITH INTERIM CITY MANAGER

There was Council concurrence to approve Ken Whorton's request for taking the last six working days of the month as vacation time, making his last working day August 21; and to make the effective date of agreement with Dick Bailey to act as interim City Manager August 21.

PAYMENT OF BILLS

It was MOVED by Graf, SECONDED by Paulson, that the bills listed for August 18, 1981 payment be approved for payment. MOTION CARRIED unanimously.

BID AWARD - HARRISON STREET OVERLAY

Public Works Director, in memorandum dated August 12, 1981, recommends acceptance of the low bid by Portland Road and Driveway in the amount of \$34,545.15 for cold planing and resurfacing of SE Harrison Street from SE 37th to SE 42nd including the full intersection of 42nd and Harrison. It was noted this project is a carryover from the 1980-81 project list which was not completed because of uncertainty as to the amount of state gas tax coming into the street fund. It was MOVED by Nickel, SECONDED by Graf, to accept the staff recommendation. MOTION CARRIED unanimously.

BID AWARD - 40TH AND WISTER LOCAL IMPROVEMENT DISTRICT

Manager and Public Works Director, in memorandum dated August 13, 1981, recommend award to Oregon Excavating in the amount of \$140,849.57, subject to confirmation of bid extensions for the recommended firm, on the construction of 40th and Wister Local Improvement District. The cost will be paid totally by the participants in the L.I.D. It was MOVED by Nickel, SECONDED by Paulson, to accept the bid of Oregon Excavating for the stated amount. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1500 - ESTABLISHING CABLE TV COMMISSION -
SECOND READING - APPOINTMENTS TO CABLE ADVISORY COMMISSION

It was MOVED by Paulson, SECONDED by Graf, that Ordinance Number 1500 (AN ORDINANCE OF THE CITY OF MILWAUKIE ESTABLISHING A CABLE COMMUNICATIONS ADVISORY COMMISSION) be read the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Graf, to adopt Ordinance 1500. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1500 passed the Council and was so declared by the Mayor.

It was MOVED by Graf, SECONDED by Nickel, that the individuals listed in the memorandum from City Attorney, dated August 18, be accepted by the Council, with the additional name to be supplied at the next meeting. MOTION CARRIED unanimously. The memorandum states the following individuals have agreed to serve on the Cable Communications Advisory Commission: Bob Ellis, Clackamas Community College; Phil Corson, North Clackamas School District; Laird Prouty, Community Schools; Bob Walker, Portland State University; George Van Bergen; and John Brenton.

PROPOSED LANGUAGE ON PLANNING COMMISSION APPEALS

City Attorney has written memoranda, dated July 3 and 7, 1981, concerning Planning Commission appeals. City Attorney explained he had drafted language to provide the option for the Council to hold something less than a de novo hearing on appeals from Planning Commission decisions, when it is appropriate.

It was MOVED by Graf, SECONDED by Paulson, to refer the matter to the Planning Commission for their review and recommendation. MOTION CARRIED unanimously.

RESOLUTION NUMBER 23-1981 - AUTHORIZING BANKING ACCOUNTS AND SIGNERS

It was MOVED by Graf, SECONDED by Nickel, to adopt Resolution Number 23-1981 (A RESOLUTION OF THE COUNCIL OF THE CITY OF MILWAUKIE AUTHORIZING BANKING ACCOUNTS AND SIGNERS. REPEALING RESOLUTION NUMBER 29-1980). MOTION CARRIED unanimously.

SET TIME TO INTERVIEW APPLICANTS FOR CENTER ADVISORY COMMITTEE AND CIVIL SERVICE COMMISSION

It was MOVED by Paulson, SECONDED by Burgess, that Ordinance 1498 (establishing The Milwaukie Center Advisory Board) be repealed. MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Graf and Hall.

It was MOVED by Graf, SECONDED by Nickel, to set this item over to September 1. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Graf. NOES: Nickel and Hall.

It was Council consensus to write a letter to the three unions, saying if three more names of applicants for appointment to Civil Service Commission vacancy are not submitted by a certain date, the city will assume names previously submitted for earlier vacancies are still satisfactory.

There will be a meeting at 6:30 p.m. August 31 to interview applicants for the Civil Service Commission, and to interview up to three applicants to Center Advisory Board.

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ORDINANCE NUMBER 1501 - REPEALING ORDINANCE 1257 ESTABLISHING CRIMINAL OFFENSES

It was MOVED by Nickel, SECONDED by Graf, to read ORDINANCE NUMBER 1501 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REPEALING ORDINANCE NUMBER 1257 PROVIDING FOR CRIMINAL OFFENSES) the first time. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Nickel, to read Ordinance 1501 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Graf, to adopt Ordinance 1501. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1501 passed the Council and was so declared by the Mayor.

OTHER BUSINESS

Councilor Nickel said she would like to have a ruling from the Chair or a Council consensus on handling insulting comments from the audience. Mayor said anyone who wishes to speak from the audience will please address the Mayor and come up front and make a statement. Nickel asked what would happen if the person chooses not to; Mayor said: "Then we will have order in the Chambers."

CONSENT AGENDA

- a) Approval of minutes - August 4, 1981 Council meeting
- b) Liquor license application - Piper's Pub
- c) Memorandum from Manager concerning vacation
- d) Traffic Safety Commission annual report - 1980

It was MOVED by Paulson, SECONDED by Nickel, to accept the Consent Agenda. Graf said he would abstain from voting on the motion due to item "b" being an application by a family member. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Hall. ABSTAIN: Graf.

- b) Police Chief finds no reason to deny issuance of Retail Malt Beverage liquor license for Piper's Pub, 10282 SE Main Street.
- c) This item was discussed earlier in the meeting.
- d) Traffic Safety Commission has submitted annual report for 1980.

INFORMATION ITEMS

- a) Library Board minutes - 8/3/81
- b) Letter from BPA on transmission facilities
- c) Thanks letter from Home Builders Assn.
- d) SCAC minutes - 7/10/81
- e) Letter from Dwyer Hospital concerning Senior booklet
- f) Letter from OLCC on Marci's Club liquor license
- g) Reception for Ken Whorton
- h) Memo on transfer of cannon from N.C. Park
- i) Special meeting notice
- b) Bonneville Power Administration has sent letter, dated August 7, 1981, concerning implementation of the "Impact Aid" section of The Pacific Northwest Electric Power Planning and Conservation Act.
- c) Thomas L. Tye, Compass Corporation, has sent letter, dated August 6, 1981, addressed to City Council, Mayor, City Manager and City Engineer, thanking the city for making an exception and allowing Clackamas County Home Builders Association to have picnic

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at North Clackamas Park on August 12, 1981.

e) Lorilee Carlson, Community Relations, Dwyer Hospital, has sent letter, dated August 12, 1981, thanking Sara Hite, Human Services Coordinator, for sending additional 200 copies of the "Senior's Guide to North Clackamas County."

f) OLCC has sent the following: copy of letter to Claudio Martini, dated August 7; letter to Office of City Manager, dated August 14; and letter to Office of City Manager, dated August 17, all concerning Marci's Club application for liquor license. It was Council consensus that the City Attorney request participation of the city at the public hearing before the OLCC.

g) There will be a reception for Kenneth S. Whorton at The Milwaukie Center from 4 to 6 p.m. August 20.

h) Fire Chief has sent memorandum, dated August 13, concerning transfer of North Clackamas Park artillery piece to National Guard.

i) There will be a special Council meeting at 7 p.m. August 20 to discuss the city manager selection process.

COUNCIL STATEMENT REGARDING UPCOMING BUDGET ELECTION

City Manager Pro Tem has written memorandum, dated August 18, concerning Council statement on the budget election, with attached statements for Council consideration. There was Council concurrence to use proposed statement No. 3, as follows:

"The Milwaukie City Council, in an effort to maintain even the most basic city services, fully supports the operating levy being submitted to the voters of Milwaukie on September 15th.

"It is the hope of the Council that the anticipated passage of this levy will mark the beginning of a new, more positive direction for the City of Milwaukie."

COMMUNITY DEVELOPMENT BLOCK GRANT COOPERATION AGREEMENT

City has received letter from Clackamas County Department of Human Resources, Community Development Division, dated August 14, concerning Community Development Block Grant Cooperation Agreement. It was MOVED by Nickel, SECONDED by Paulson, that the city enter into this agreement with the county, and the Mayor sign the agreement. MOTION CARRIED unanimously.

OTHER BUSINESS

1. There was discussion of scheduling persons to give the invocation at Council meetings.

2. Councilor Hall referred to memorandum from Manager to Mayor, with copies to City Council, dated July 30, concerning guidelines to determine when letters should be on city letterhead and typed by a city employee. It was MOVED by Hall, SECONDED by Paulson, to schedule this matter as an agenda item for the September 1 meeting. MOTION CARRIED unanimously.

3. Mayor has received billing from Metro; the city's assessment at 50¢ per capita is \$8988.

It was MOVED by Paulson, SECONDED by Hall, to adjourn the meeting. MOTION CARRIED unanimously. The meeting adjourned at 9:10 p.m.

ATTEST:

Joy Burgess, Mayor

Dorothy E. Farrell, Secretary