

CITY COUNCIL MEETING  
January 19, 1976  
7 p.m.

COUNCIL CHAMBERS

1260th Meeting

The one thousand two hundred sixtieth meeting of the Council of the City of Milwaukie, Oregon, was held on the 19th day of January, 1976, with the following councilpersons present:

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

Also present:

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

The invocation was given by the Reverend Dick Bird, Beautiful Savior Lutheran Church, and the pledge of allegiance was recited, led by Scout Ken Kuppenbender.

AUDIENCE PARTICIPATION

1. Mayor presented a plaque to Fire Chief Richard White, who has resigned his position with the city, in appreciation for his years of service.
2. Jean Baker, 2607 Monroe, asked the people in the room to get into citizen participation programs in their neighborhoods.

REQUEST FOR DENIAL OF BUSINESS LICENSE - TIN PAN ALLEY

Council has received copy of letter from Manager to Ray Rathbone, owner of Tin Pan Alley, dated January 15, notifying him of Manager's intent to recommend denial of application for business license. Council has also received recommendation for denial of business license from Chief of Police, dated January 15, and memo from Planning Director, dated January 16, with history of conditional use approval by Planning Commission for Tin Pan Alley. Council listened to merchants testify to problems they have experienced since Tin Pan Alley started business, as well as patrons of Tin Pan Alley asking that the business continue. The applicant for business license spoke, and city staff gave staff reports.

PUBLIC HEARING - Bike Path Plan adoption

Mayor opened public hearing at 7:40 p.m., and immediately recessed the hearing to return to

REQUEST FOR DENIAL OF BUSINESS LICENSE - TIN PAN ALLEY

It was MOVED by Burgess, SECONDED by Swan, that because of the harassment and vandalism to businesses in the area over the past few months, because of the past and current record of criminal activity, because of the increased delinquency activity, that the business license for Tin Pan Alley be denied immediately. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Applicant will be sent formal notification of decision.

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

PUBLIC HEARING - Bike Path Plan adoption

News release on the public hearing was sent to all newspapers, and interested groups were notified. Public hearing was reopened. On December 9, 1975, the Planning Commission held a public hearing on the proposed plan and passed Resolution Number PC-2-75, approving the plan

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and recommending its adoption by the City Council. Notice of the Council public hearing was sent to Clackamas County Planning Commission, Clackamas County Road Department, CRAG, State Highway Division, City of Portland Planning Director, and North Clackamas School District, and responses have been received from Clackamas County Planning Commission, Clackamas County Engineer, and North Clackamas School District, with comments on the plan.

Testifying in favor of the plan:

Jean Baker, 2607 Monroe

Katie Orlando, 12121 SE Kimbrough

Hearing was closed at 8:35 p.m. It was MOVED by Hutchison, SECONDED by Swan, that Resolution Number 5-1976 (A RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF MILWAUKIE, OREGON, BY ADOPTING THE BIKE/FOOT WAY PLAN AS AN ELEMENT THEREOF) be read by title only. It was MOVED by Burgess, SECONDED by Hutchison, to amend the resolution by changing the fourth paragraph to read: "WHEREAS, the citizens of Milwaukie and affected public agencies ..." MOTION CARRIED unanimously and so ordered. On the motion to read the resolution, MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 5-1976. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison, and Hupp. NOES: None.

PLANNING COMMISSION RECOMMENDATION ON ZC-75-4

Council has received Planning Commission recommendation, dated January 14 for denial of ZC-75-4, a request for change of zone from R-7 to A-3 on the east side of 32nd Avenue 80 feet south of Rockwood Street. Also included in agenda packet are excerpted minutes of the Planning Commission meeting when zone change application was considered, transcript of the portion of the Planning Commission meeting during which the zone change was considered, staff report, staff report addendum, existing land use map prepared by staff, copy of zone change application, written information introduced by Betty Fulmore, a resident in the area, and copy of public hearing notice that was mailed to property owners within 250 feet of the subject property.

Councilwoman Burgess suggested it would be helpful if staff would bring a map when zoning matters are brought before Council, showing which property owners oppose and which favor the proposed change.

It was MOVED by Swan, SECONDED by Burgess, to uphold the Planning Commission recommendation for denial, based on the reports and testimony taken at the Planning Commission public hearing. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None.

(Meeting recessed at 9:20 p.m., reconvened at 9:25 p.m. with all present.)

CONSENT CALENDAR

- a) Approval of minutes - January 5 and 12, 1976 Council meetings
- b) Request for extension of time - Licynta, Boss Lane drainage project
- c) Memo from PW Director re street jurisdiction - Sherman Street
- d) Letter from Senator Hatfield re revenue sharing extension
- e) Draft 2, CRAG Goals and Objectives and Land Use Framework Plan
- f) Letter to Bruce Bischof re ERB case C-532
- g) Letter from City-County Commission on Aging re reduced utility rates
- h) Memo from Attorney re Council rules and regulations
- i) News story from Oregonian - "Baker Adopts Union Rules"
- j) Memo re Bike Path Grant Application

It was MOVED by Swan, SECONDED by Hutchison, to adopt the Consent Calendar. MOTION CARRIED unanimously and so ordered.

b) Public Works Director has written memo, dated January 13, recommending extension of time to Don McLaughlin Construction Co. on Licyntra, Boss Lane, 40th Avenue storm sewer improvements.

c) Public Works Director has written memo, dated January 12, reporting on result of his attempt to interest Clackamas County in taking back street maintenance responsibility for 55th Avenue (Sherman Street) outside the city limits.

d) Senator Hatfield has responded on December 30 to city's request for support for extending revenue sharing program.

e) Council has received draft 2 of CRAG goals and objectives and land use framework plan.

f) Council has received copy of letter from Manager to Bruce Bischof, dated January 14, concerning the city's appeal on Case No. C-532 before the Employment Relations Board.

g) Council has received copy of letter to Mayor, dated January 8, from City-County Commission on Aging, concerning Portland's and Multnomah County's discounts on some municipal services to citizens of low income.

h) City Attorney has written legal opinion, dated January 7, in connection with Council rules and regulations.

i) Council has received copy of Oregonian news story from January 14 edition, "Baker adopts union rules."

j) City Manager has sent copy of memo to Wayne Daigle and Tim Holder, dated January 13, concerning bike path grant application.

RESOLUTION NUMBER 6-1976 - AUTHORIZING SIGNATURE ON BIKE PATH FUNDING APPLICATION

It was MOVED by Burgess, SECONDED by Hutchison, to read Resolution Number 6-1976 (A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN INSTRUMENTS NECESSARY FOR MAKING APPLICATION FOR FUNDS THROUGH THE FEDERAL HIGHWAY ADMINISTRATION BIKEWAY DEMONSTRATION PROGRAM) by title only.

It was MOVED by Hutchison, SECONDED by Burgess, to amend the resolution by changing the first paragraph to read: "WHEREAS, the City of Milwaukie has adopted a Bike/Foot Way Plan, and " MOTION CARRIED unanimously and so ordered. On the main motion, MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 6-1976. MOTION CARRIED unanimously and so ordered.

ORDINANCE NUMBER 1330 - MORATORIUM ON DEVELOPMENT

Southern Pacific Railroad hand-delivered letter concerning this ordinance at the beginning of the meeting, and Mayor requested Council get copies of the letter in their next agenda packet.

It was MOVED by Hutchison, SECONDED by Englund, to read Ordinance Number 1330 (AN ORDINANCE ESTABLISHING A MORATORIUM ON DEVELOPMENT IN AREAS WHERE A POTENTIAL CONFLICT EXISTS BETWEEN THE COMPREHENSIVE PLAN MAP AND THE ZONING MAP) the first time by title only. MOTION CARRIED and so ordered with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. It was MOVED by Hutchison, SECONDED by Englund, for second reading by title only. MOTION CARRIED and so ordered, with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1330. Ordinance 1330 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1330 passed the Council and was so declared by the Mayor.

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LETTER FROM SERVICE DISTRICT #1 RE SEWAGE PLANT EXPANSION

Council has received copy of letter from David J. Abraham, Clackamas County Utilities Director, concerning future expansion of Kellogg plant, Clackamas County Service District #1, dated January 5.

MEMO FROM CITY ATTORNEY RE CHARGING FOR COST OF STORM DRAIN SYSTEM

Council has received copy of memo from City Attorney, dated December 30, on the question of whether the city could charge any other party a portion of the cost of the storm drainage system now under construction on Boss Lane.

AGENDA FOLLOWUP

Council has received memo from Manager, dated January 16, with followup on items listed on the suspense calendar.

RESOLUTION NUMBER 7-1976 - AMENDING LIBRARY FEE RESOLUTION

It was MOVED by Swan, SECONDED by Hutchison, to read Resolution Number 7-1976 (A RESOLUTION AMENDING RESOLUTION NUMBER 43-1976, ESTABLISHING AN ANNUAL CHARGE FOR USE OF THE LEDDING LIBRARY) by title only. MOTION CARRIED unanimously and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 7-1976. MOTION CARRIED and so ordered, by unanimous vote.

APPOINTMENT TO TRAFFIC SAFETY COMMISSION

Mayor appointed Clair Kuppenbender to Traffic Safety Commission.

REPORT FROM CITY ATTORNEY ON BAKER V. MILWAUKIE CASE

There was discussion of the pros and cons of the city signing motion for nonsuit in the two Baker v. Milwaukie cases. It was MOVED by Hutchison, SECONDED by Englund, that the Council direct the city attorney to sign the motion for nonsuit with prejudice as presented to Council, providing it covers any and all suits pertaining to this matter in which the city is a part. MOTION CARRIED with the following roll-call vote: AYES: Englund, Swan, Hutchison and Hupp. NOES: Burgess.

APPOINTMENTS TO PLANNING COMMISSION

Council members announced their priority preference, one through four, on the candidates for appointment to the Planning Commission, as follows: Englund: Foeller, Brandt, Monetti, Altman. Swan: Foeller, Monetti, Brandt, Altman. Burgess: Foeller, Monetti, Altman, Brandt. Hutchison: Monetti, Altman, Foeller, Brandt. Hupp: Monetti, Brandt, Altman, Foeller. The totals were added for each candidate, giving the following totals: Luciano Monetti - 9. Tom Foeller - 10. Larry Brandt - 15. Ben Altman - 16. Mayor announced that Mr. Monetti and Mr. Foeller are new members of Planning Commission. All candidates will be notified.

OTHER BUSINESS

1. Council was given copy of opinion issued by County District Attorney Roger Rook, dated December 31, 1975, on library user fees.
2. Council has received copy of letter from City Attorney to Steve Schell, attorney for Jean Baker, dated January 16, concerning conflict of interest.
3. A workshop for city officials on city budgets will be held February 5 at Greenwood Inn, Beaverton, sponsored by League of Oregon Cities.
4. City has received letters from Representative Robert Duncan and Senator Packwood in response to request for support of extending revenue sharing.

5. Youth Alternatives Program has sent their quarterly status report for September 1, 1975 through December 31, 1975. City Attorney recommended this be sent to the Planning Commission also.
6. Planning Director has notified City Manager, in memo dated January 19, that the Oregon State Marine Board has approved the city's grant request for \$13,350 to improve the Jefferson Street boat ramp.
7. HUD has sent letter dated January 9 concerning significant developments in the National Flood Insurance Program for the year of 1975.
8. Council was informed that the fountain at the Library has been vandalized and has been removed for repair.
9. On January 5 Council considered conditional use 75-17, and made a decision without findings. City Attorney offered to present proposed findings at the next meeting.
10. Council will hold a meeting at 7 p.m. February 9 to interview prospective appointees to Neighborhood Council Executive Boards and to Senior Citizens Advisory Council.
11. Mayor asked if there would be any financial impact on Milwaukie as a result of Rural Fire District No. 56 having annexed the Erroll Heights Fire District.

PAYMENT OF BILLS

It was MOVED by Swan, SECONDED by Hutchison, that the bills listed for January 19, 1976 payment be approved for payment. MOTION CARRIED unanimously and so ordered.

EXECUTIVE SESSION

Meeting adjourned at 10:45 p.m. to go into executive session, under House Bill 2607 passed by the 1975 Legislature.

Bill Hupp  
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Secretary

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CITY OF MILWAUKIE

BILLS PAYABLE ON JANUARY 19th, 1976

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
1. A Boy Supply Company	136.60	20-	136.60
2. Act 1 Uniform Service	27.37	1-3	6.82
		1-4	12.05
		1-5	1.70
		1-6	6.80
3. Arvey Paper & Supplies	236.07	1-13	236.07
4. Julie August	28.88	1-8	28.88
5. Bailey Saw & Tool	24.90	4-	24.90
6. Baker & Taylor	196.89	1-6	196.89
7. John Bassett	75.00	1-8	75.00
8. Sue Bearden	13.95	1-2	13.95
9. City of Beaverton	1.00	1-2	1.00
10. Bernard's Garage	779.37	1-5	681.00
		4-	98.37
11. Cascade Microfilm	339.00	1-9	74.00
		12-	265.00
12. Cargni Janitorial Service	370.00	1-3	370.00
13. Charlie Helwig	411.24	1-2	51.09
		1-4	53.38
		1-5	61.17
		1-6	116.40
		1-8	7.66
		1-9	3.46
		1-10	11.23
		1-12	35.64
		1-13	66.60
		4-	4.61
14. Clackamas County Fire Defense Board	15.00	1-4	15.00
15. Clackamas County Service District #1	6,777.05	20-	6,777.05
16. Colonial Office Products	930.75	1-5	930.75
17. Discount Records	4.65	1-6	4.65
18. Diesel Service Unit	11.78	1-4	11.78
19. Dr. James Donkle	79.00	1-14	79.00
20. John H. Eldridge	101.00	1-5	101.00
21. Electromatic Associates	161.84	12-	161.84
22. Flexible Pipe Tool	17.00	20-	17.00
23. Caylord Brothers	240.00	1-6	240.00
24. General Spray Service	193.75	1-7	193.75
25. Goldsmith Company	58.58	1-4	58.58
26. Graham's Book & Stationery	10.22	1-5	10.22
27. Horton Electric	11.20	1-5	11.20
28. Jerry Hutchison	20.40	1-1	20.40
29. IBM	8.64	1-9	8.64
30. Jury Fees	90.00	1-8	90.00
31. K & K Color Lab	37.77	1-4	6.44
		1-5	19.00
		1-9	12.33
32. Landsen Medical Gas	18.00	1-4	18.00
33. Lavelle Landfill	29.81	4-	29.81
34. Lind Fagenstrom Corp.	416.52	5-	416.52
35. MacMillan Publishing Co.	4.81	1-6	4.81
36. M. Meghrig & Sons	13.58	1-6	13.58

CITY OF MILWAUKIE  
BILLS PAYABLE ON JANUARY 19th, 1976 (continued)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
37. Milwaukie Auto Parts	94.68	1-4	21.11
		4-	73.57
38. Milwaukie Automotive Service	348.43	1-5	348.43
39. Milwaukie Hardware	7.47	1-5	2.85
		4-	4.62
40. Milwaukie Lumber	69.35	1-4	15.75
		1-5	8.70
		1-7	20.40
		1-10	8.00
		4-	16.50
41. Mobil Oil	1,978.88	30-	1,978.88
42. Moody's Investor's Service	60.00	1-6	60.00
43. Multnomah County	115.90	1-2	57.30
		1-10	45.98
		1-12	6.24
		1-13	6.38
44. Myles O'Donnell & Company	292.72	1-5	292.72
45. David B. Nemo	8.25	1-2	8.25
46. Northwest Law Enforcement	22.50	1-5	22.50
47. Northwest Natural Gas Co.	200.78	4-	152.50
		30-	48.28
48. Nudelman Brothers	81.90	1-5	81.90
49. State of Oregon/Dept. of Commerce	88.40	12-	88.40
50. State of Oregon/Dept. of Motor Vehicles	40.00	1-8	40.00
51. Pacific Building Materials	71.76	4-	71.76
52. Pacific Northwest Bell	2,702.24	1-3	1,080.66
		1-4	474.06
		1-5	401.29
		1-6	86.96
		1-10	9.00
		4-	35.60
		7-	552.37
		20-	23.87
		30-	38.43
53. Pioneer Business Forms	134.92	1-13	134.92
54. Pixler Auto Parts	159.93	4-	159.93
55. Portland General Electric	7,433.05	1-1	5,024.57
		1-3	196.48
		1-4	62.18
		1-5	113.95
		1-6	175.10
		4-	132.76
		20-	191.47
		30-	1,536.57
56. Postmaster	5.10	1-4	5.1
57. Progress Electronics	10.06	1-4	10.06
58. Radiotronics	30.00	1-4	30.00
59. Ray Grimshaw Tires	38.00	1-4	38.00
60. Review	9.00	1-6	9.00
61. Robben Oil	226.10	1-4	181.30
		4-	44.80
62. Rock Creek Sand & Gravel	56.00	4-	56.00
63. Hal Schilling	3.50	1-2	3.50

UNRECORDED

## CITY OF MILWAUKEE

BILLS PAYABLE ON JANUARY 19th, 1976 (continued)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
64. Gene Settergren	11,201.45	12-	11,201.45
65. Subpoena Fee	5.00	1-8	5.00
66. Ted McBee Excavating	2,610.00	4-	2,610.00
67. Tri-County Office Machine Co.	75.00	1-5	75.00
68. Urban Institute	5.00	1-2	5.00
69. Valley Communications	55.75	1-4	55.75
70. Valley Lock & Key Service	20.00	1-3	20.00
71. Wall Street Journal	42.00	1-13	42.00
72. Waterworks Supplies	203.50	30-	203.50
73. Weiler Chevrolet	21.24	4-	21.24
74. West Chemical Supply	22.50	1-3	22.50
75. Wichita Feed & Hardware	58.38	4-	8.38
		20-	50.00
76. Wilco Fire & Equipment Co.	407.02	1-4	407.02
77. Willamette Western Corporation	159.87	12-	84.18
		30-	75.69
78. Wolfgang Company	996.00	5-	996.00
79. Xerox Corporation	365.09	1-5	55.69
		1-13	309.40
		<b>TOTAL</b>	<b>\$42,428.34</b>

1-1	GENERAL GOVERNMENT	\$5,044.97
1-2	ADMINISTRATION	140.09
1-3	CITY HALL	1,696.46
1-4	FIRE	1,475.56
1-5	POLICE	3,219.07
1-6	LIBRARY	914.19
1-7	PARKS & GROUNDS	214.15
1-8	MUNICIPAL COURT	246.54
1-9	PLANNING	98.43
1-10	PUBLIC WORKS	74.21
1-12	LEGAL	41.88
1-13	FINANCE	795.37
1-14	CIVIL SERVICE	79.00
4-	STREET	3,545.35
5-	SEWER IMPROVEMENT	1,412.52
7-	SUSPENSE	552.37
12-	REVENUE SHARING	11,800.87
20-	SEWER	7,195.95
30-	WATER	3,881.36