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CITY COUNCIL MEETING

May 17, 1976

7 p.m.

COUNCIL CHAMBERS

1268th Meeting

The one thousand two hundred sixty-eighth meeting of the Council of the City of Milwaukie, Oregon, was held on the 17th day of May, 1976, with the following councilpersons present:

C. Mervin Englund	Jerry Hutchison
Joy Burgess	Mayor Bill E Hupp
Charles E Swan (arrived 9:05 pm)	

Also present:

Harold L Schilling, City Manager	Myer Avedovech, City Attorney
J. Wayne Daigle, Dir. of P.W.	Donna Bacon, Sec. Pro-tem

The invocation was given by the Reverend Robert F. Day, Wichita Evangelical Church of North America, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of Minutes - April 19, 26, May 3
- b) Letter re mediation/collective bargaining ordinance
- c) Letter from HUD re Comm. Develop. Block Grant site visit
- d) Letter re Milwaukie Lutheran Church v Milwaukie
- e) Letter re Milwaukie v Major
- f) Answer in Moran v Milwaukie
- g) Hearing date in Randall v Hupp et al
- h) Letter re four-plex/Shell Lane
- i) Letter to architect re City Hall remodeling
- j) Liquor license application - Herby Corp.
- k) Letter re Hupp v Schumacher et al

It was MOVED by Hutchison, SECONDED by Burgess, that the consent calendar be approved with items d,e,f,g,j, and k removed for discussion; It was consensus of the Council to wait until all items had been discussed to vote on motion to accept.

b) Council has received copy of letter, dated May 11, from Bruce Bischof, city bargaining team, to Grant Fulmore, firefighter bargaining team, recognizing impasse in negotiations and proposing request for mediator from State Conciliation office.

c) Council has received letter of compliment, dated May 7, from Floyd B. Arms, Director, Community Planning & Development, HUD, concerning site visit re City's Community Development Block Grant application.

h) Council has received letter regarding four-plex on Shell Lane, dated May 6, from City Attorney to James August, of 11.86 SE Lamp-lighter Street.

i) Council has received copy of letter directed to James Routson, architect, dated May 6, regarding completion of City Hall remodeling project.

AUDIENCE PARTICIPATION:

1) Mayor introduced five Neighborhood Council representatives present at meeting:

Bob Gudgel	Neighborhood Council #1
Katie Orlando	Neighborhood Council #1
George Passadore	Neighborhood Council #5
Wally Bischoff	Neighborhood Council #4
David Graf	Neighborhood Council #2

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2) Wally Bischoff, 4516 Franklin, spoke of support from Neighborhood Council #4 on two major subjects: financial support of dog control and license enforcement for coming fiscal year. A unanimous vote was cast at their meeting on May 13, for supporting the hiring of personnel to operate vehicle, and support of the County for a holding facility. Mayor Hupp requested more information for Neighborhood Councils, and Burgess directed matter to staff for more input and factfinding.

3) David Graf, 10190 SE 38th, Neighborhood Council #2, informed City Council of his neighborhood council's support of the statement from Neighborhood Council #4.

CORRESPONDENCE

1. Letter has been received, dated May 11, from Associated General Contractors re new legislative law ORS Chapter 279. No response required but context will be considered at staff level.
2. Letter received, dated May 11, from Douglas C. Houser, attorney, re Beaver Heat Treating fire, to be handled in executive session and scheduled sometime in future as not ready for executive session at this time.
3. Letter has been received from Governor re audit review fee. Matter directed back to City Manager for clarification.

ORDINANCE RE WILLAMETTE GREENWAY CONDITIONAL USE

It was MOVED by Burgess, SECONDED by Hutchison, in Section 2, Area Defined, that sentence would read: "The boundaries of the zone include all land within 150 feet of the ordinary low-water land". MOTION CARRIED and so ordered with following roll call vote: AYES: Englund, Burgess, Hutchison. NOES: Hupp. It was MOVED by Burgess, SECONDED by Hutchison, that (AN ORDINANCE AMENDING ORDINANCE NUMBER 1316, AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE) be read the first time by title only. MOTION CARRIED by unanimous vote and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that the second reading be deferred until the next Council meeting, to be placed on the agenda for June 7, 1976. MOTION CARRIED and so ordered by unanimous vote. (Meeting recessed at 8:20 P.M., reconvened at 8:25 p.m. with all present with the exception of Swan)

PROPOSED CRAG RULES FOR GOALS AND OBJECTIVES - DRAFT III

Council has received copies of PROPOSED RULES ADOPTING AND IMPLEMENTING THE CRAG GOALS AND OBJECTIVES. It was suggested City Manager refer this to staff level, and Mayor Hupp stated that the Council agrees to let staff go over this Draft III and make recommendations before Council takes up this matter.

PROPOSED BUS SHELTER @ 2647 S.E. LAKE ROAD

Council has received copy of memo from Public Works Director, dated May 11, noting City Manager's approval of this location of 27th and Lake Road for bus shelter. Mr. Cox, Tri-Met, was present to answer questions. There was discussion on proposed site. It was MOVED by Hutchison, SECONDED by Burgess, to approve this shelter at 27th and Lake Road. MOTION CARRIED and so ordered by unanimous vote of the Council.

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cORDINANCE REGARDING DISPOSITION OF UNCLAIMED PROPERTY

It was MOVED by Hutchison, SECONDED by Burgess, that (AN ORDINANCE RELATING TO THE DISPOSITION OF UNCLAIMED PROPERTY IN POSSESSION OF THE POLICE DEPARTMENT) be read the first time by title only. MOTION CARRIED by unanimous vote and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, that the second reading be deferred until the next Council meeting, to be placed on the agenda for June 7, 1976. MOTION CARRIED and so ordered by unanimous vote of the Council.

REQUEST FOR STREET VACATION - 29th AND VAN WATER

Council received memo from City Manager, dated May 14, setting out procedures under ORS 271.080 for street vacations, and notarized petition, dated May 4, 1976, in conformance with 2/3 required signatures in area of the real property affected thereby. City Manager cited that this property is part of an estate and State law requires proceeding immediately rather than having the option of considering any other alternatives now under discussion by the Council. It was MOVED by Englund, SECONDED by Hutchison, to set a hearing on June 7th agenda. MOTION WITHDRAWN by Englund as next State requirement is in form of resolution. It was MOVED by Burgess, SECONDED by Hutchison, to direct staff to prepare a resolution for next Council meeting. MOTION CARRIED and so ordered by unanimous vote of the Council.

SANITARY SEWER CONNECTION FEE IN UNASSESSED DISTRICT

Council received copy of memo from Director of Public Works, dated May 12 concerning sanitary sewer connection fee on Milport Road, T L 800, 1,1E,26AD. (Councilman Swan entered meeting at 9:05 p.m.) It was MOVED by Burgess, and SECONDED by Hutchison, to follow staff's recommendation and set this particular sewer assessment at \$550. for tax lot 800,1,1E,26AD. Englund requested amendment of motion to include addition of an interceptor cost at 1 1/4 cent per square foot on line plus \$550 assessment figure. It was MOVED by Hutchison, SECONDED by Swan, to accept motion as amended. MOTION CARRIED and so ordered by unanimous vote of the Council.

DIERINGER'S PROPERTIES, INC., APPEAL NO. VR-75-16

Council received copy of memo from Planning Department, dated May 14, and letter to City Recorder from Douglas White, attorney for Dieringers, dated May 11, requesting indefinite delay of hearing date on appeal on VR-75-16. Recommendation of Council was for City to accept a request for the hearing date no later than August 1, 1976 and that the hearing be scheduled no later than October 1, 1976.

RESOLUTION 15-1976 - POLICE SERGEANTS' SALARIES

It was MOVED by Hutchison, SECONDED by Swan, that Resolution Number 15-1976 (A RESOLUTION AMENDING THE PAY PLAN FOR THE MANAGEMENT AND CONFIDENTIAL EMPLOYEES FOR THE CITY OF MILWAUKIE FROM JULY 1, 1975 to JUNE 30, 1976) be read by title only. MOTION CARRIED by unanimous vote of the Council. It was MOVED by Hutchison, SECONDED by Burgess, for adoption of Resolution 15-1976. MOTION CARRIED and so ordered with following roll call vote: AYES: Englund, Burgess, Hupp, Hutchison, and Swan.

ITEMS FROM CONSENT CALENDAR FOR DISCUSSION

1. Milwaukie Lutheran Church v Milwaukie - Council received copy of letter to attorneys for defendants, dated May 13, attempting settlement out of court.

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2. Milwaukie v Majors - Council received copy of letter to attorney for defendant offering settlement at price of City's appraisal report
3. Moran v Milwaukie - Council received copy of defendant's answer filed in this case, and explanation on original issue in dispute.
4. Randall v Hupp, et al - Council received copy of notice for date of trial, which is scheduled to be heard May 24 in Circuit Court.
5. Liquor license application - Herfy's Corporation. Council received copy of letter from Herfy's Corporation, dated May 11, requesting City Council's endorsement of RMBA license and memo stating Police Department has no objections to issuance of license.
6. Hupp v Schumacher et al - Library suit. Council received copy of letter, dated May 13, to defendants to initiate response or City will take a default within ten days.

It was MOVED by Burgess, and SECONDED by Hutchison, for full acceptance of Consent Calendar. MOTION CARRIED and so ordered by unanimous vote of the Council.

OTHER BUSINESS

1. It was MOVED by Burgess, and SECONDED by Hutchison, to place resolution for ad hoc committee to study ordinances and fees regulating businesses, on agenda of next Council meeting. The following clarification is to be included in resolution: Committee is to consist of nine members, with representation of four from business community, five from those not in business from each of the five neighborhood councils. Hutchison was requested to classify people on list of applicants into four categories of: manufacturing/industry; retail sales; service; insurance/financial. MOTION CARRIED and so ordered by unanimous vote of the Council.
2. There will be a special meeting of Tri-County Local Government Commission on Thursday, May 20th, at Portland State University.
3. Council received copy of letter to Chief Harry L. Carpenter, dated May 17, from City Manager regarding the fire dispatching contract proposed by District 56 for fiscal 1977.
4. Letter has been received from Mr. Donald Plympton, Vice President, OMSB, re lease proposal on parking lot across from City Hall. It was MOVED by Hutchison, and SECONDED by Burgess, to direct staff to do a feasibility study as to cost to city and income to city if City should enter negotiations. MOTION CARRIED and so ordered by unanimous vote of the Council. This matter will be on the June 7th agenda. It was MOVED by Hutchison, and SECONDED by Swan, that city staff immediately undertake a study to determine the number of spaces and related costs and incomes that can be reasonably derived by developing the city-owned property around the south end of Main Street as a monthly rental parking facility - the short and long-term cost/income balance to be derived from the proposed lease to OMSB based upon lease at a minimum of \$415 per month, building costs at a minimum of \$175,000 and retainage of forty-eight parking spaces renting at \$10 per month each, and further that a determination be made that all legal obligation of the City, with regard to these possible actions are or can be met. MOTION CARRIED and so ordered by unanimous vote of the Council.
5. Burgess has received call from Mr. Sanman, resident in Century Park, requesting reinstatement of drinking facilities; also the drinking fountain at the Library is not working.
6. Englund requested that the Planning Department be asked to proceed more rapidly on Design Review. City Manager pointed out burdens placed upon the City by LCDC and that progress was proceeding as rapidly as possible.

7. Mayor Hupp directed question on \$200,000 Grant for Central Dispatch system by County to Chief Don Jones who explained that this was LEAA fund specifically allocated to purchase of equipment by Central Dispatch and that Milwaukie Police planned to utilize inter-tie capabilities of frequency, but County would not intercept or dispatch the City's calls.

PAYMENT OF BILLS

It was MOVED by Hutchison, and SECONDED by Swan, that bills listed for May 17, 1976 be approved for payment with the exception of no. 15. MOTION CARRIED and so ordered.

Meeting adjourned at 10:30 p.m.

Bill Hupp
Bill Hupp Mayor

ATTEST:

Donna Bacon
Donna Bacon, Secretary Pro-tem

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CITY OF MILWAUKIE
BILLS PAYABLE ON MAY 17, 1976

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
1. A.W.W.A. Publications Order Dept.	8.00	1-10	8.00
2. Acme Business Forms	288.62	1-13	288.62
3. Act 1 Uniform Service	29.08	1-3	7.00
		1-4	13.58
		1-5	1.70
		1-6	6.80
4. Albina Fuel Company	15.00	1-6	15.00
5. Allen's Press Clipping Bureau	15.00	1-2	15.00
6. Arvey Paper and Supplies <i>testock Print Shop</i>	355.95	1-13	355.95
7. Dadger Meter	1,228.11	30-	1,228.11
8. Baker and Taylor	16.92	1-6	16.92
9. Bruce Bischof	400.00	1-1	400.00
10. Brooks Products, Inc. <i>meter parts</i>	816.98	30-	816.98
11. Cargni Janitorial <i>two months (loss \$25 month)</i>	690.00	1-3	690.00
12. Cessco, Inc. <i>Homeite Saw Repair</i>	481.91	3-10 1-4	474.41
			7.50
13. Charlie Helwig	257.45	1-2	146.98
		1-5	5.60
		1-6	15.16
		1-12	24.08
		1-13	65.63
14. Clackamas County	26.25	30-	26.25
15. Clackamas Upholstery <i>office chair recovery</i>	60.00	1-5	60.00
16. Current Company	19.00	1-9	19.00
17. D.S.G., Inc. <i>IBM selective element</i>	7.95	1-10	7.95
18. Division of Continuing Education	15.00	1-5	15.00
19. EBSCO Subscription Services	2,293.44	1-6	2,293.44
20. Electromatic Associates, Inc. <i>Speakers</i>	48.00	1-5	48.00
21. Tony Forbes <i>Tires</i>	155.74	4-	155.74
22. Graham's Book and Stationery	48.10	1-5	15.70
		1-6	2.40
		1-9	12.22
		1-10	4.73
		5-	13.05
23. Harold Electric Company <i>Water cooler</i>	92.00	12-	92.00
24. Alan D. Henderson <i>Mao Furniture</i>	75.00	1-7	75.00
25. Highway Safety Products <i>Reflective A/S</i>	171.52	4-	171.52
26. Jerry Hutchison	6.00	1-1	6.00
27. International City Management	15.00	1-14	15.00
28. Irwin-Hodson Company <i>Bond Printing</i>	797.50	5-	797.50
29. Jury Fees	140.00	1-8	140.00
30. K & K Color Lab	47.95	1-5	47.95
31. Landeen Medical Gas	18.00	1-4	18.00
32. Layton Sales & Supply	47.39	4-	47.39
33. Main Line Book Company	8.75	1-6	8.75
34. Janet Mandaville	1,010.74	1-2	1,010.74
35. Don McLaughlin Construction	2,571.89	12-	2,571.89
36. Milwaukie Automotive Service	21.45	1-5	21.45
37. Milwaukie Glass Co.	8.94	1-4	8.94

Progress Payment Boss & 42nd Draining Projects

CITY OF MILWAUKIE
BILLS PAYABLE ON MAY 17, 1976 (cont.)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
38. Milwaukie Hardware	12.37	1-5	5.39
		1-7	6.98
39. Milwaukie Lumber	30.63	1-4	21.28
		1-5	7.20
40. Mobil Oil	1,532.55	30- 20-	1,532.55 -2.15
41. Vernon L. Mormance	90.24	1-10	90.24
42. Multigraphics Division	53.74	1-13	53.74
43. Myles O'Donnell and Company	292.72	1-5	292.72
44. Nailbenders	106.50	5-	106.50
45. National Chemsearch	531.60	4-	531.60
46. Northwest Natural Gas	223.70	1-6	123.08
		4-	72.09
		30-	28.53
47. Don Oblander	285.42	1-1	17.00
		1-13	268.42
48. Office of State Fire Marshal	45.00	1-4	45.00
49. Olson Borthers Shell	22.20	1-5	1.40
		4-	20.80
50. State of Oregon/Dept. of Motor Vehicles	55.00	1-8	55.00
51. State of Oregon Economic Development Division	10.00	1-6	10.00
52. Oregon City Laundry	104.79	1-4	104.79
53. Oregon Excavating, Inc.	227.00	30-	227.00
54. Oregon Extension Office	1.20	1-2	1.20
55. Oregon Hi-Fi and Recorder	42.00	1-2	42.00
56. Oregon State Highway Division	7.56	1-9	7.56
57. Oregon State Library	13.95	1-6	13.95
58. Pacific Coast Industrial Laundry	94.00	4-	94.00
59. Pacific Northwest Bell	2,534.70	1-3	581.86
		1-4	465.22
		1-5	755.44
		1-6	86.00
		1-9	9.00
		4-	35.58
		7-	552.43
		20-	10.77
		30-	38.40
60. Pixler Auto Parts	31.78	4-	31.78
61. City of Portland	1,239.37	1-3	108.26
		1-4	404.27
		1-5	110.56
		1-6	30.92
		4-	456.77
		20-	60.50
		30-	68.09

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CITY OF MILWAUKIE
BILLS PAYABLE ON MAY 17, 1976 (cont.)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
62. Portland General Electric	6,623.22	1-1	4,369.24
		1-3	214.40
		1-4	51.49
		1-5	106.38
		1-6	171.96
		1-7	5.00
		4-	108.90
		20-	87.66
		30-	1,508.19
63. Public Productivity Review	10.00	1-2	10.00
64. Quality Books Inc.	475.73	1-6	475.73
65. Review	131.50	1-1	52.00
		1-2	79.50
66. Robben Oil	190.75	1-5	190.75
67. Royale Coffee Service	12.50	1-1	12.50
68. Harold L. Schilling	80.35	1-1	63.00
		1-2	17.35
69. Gene Settergren	4,883.06	12-	4,883.06
70. Shell Oil Company	23.42	1-5	23.42
71. Skidmore Village Books	4.00	1-6	4.00
72. State Accident Insurance Fund	15.00	1-1	15.00
73. Subpoena Fees	20.00	1-8	20.00
74. University of Claifornia, Berkeley	5.00	1-9	5.00
75. Urban Land Institute	9.00	4-	9.00
76. H. R. Wacker and Associates	750.00	1-1	750.00
77. Water Metrics	7.50	30-	7.50
78. Waterworks Supplies	108.32	30-	108.32
79. Western School Supply	52.80	1-3	52.80
80. Wilco Fire Equipment	41.34	1-4	38.34
		1-5	3.00
81. Willamette Western Corporation	126.60	30-	126.60
82. Wrought Iron Specialties	12.50	4-	12.50
83. Xerox	71.19	1-5	71.19
84. John T. Zea + Bill Workman	547.00	1-5	547.00
85. Clackamas County Service District #1	56,735.35	20-	56,735.35

TOTAL \$90,832.78

CITY OF MILWAUKIE
BILLS PAYABLE ON MAY17, 1976 (cont.)

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1-1	GENERAL GOVERNMENT	\$5,684.74
1-2	ADMINISTRATION	1,322.77
1-3	CITY HALL	2,128.73
1-4	FIRE	1,178.41
1-5	POLICE	2,329.85
1-6	LIBRARY	3,274.11
1-7	PARKS AND GROUNDS	86.98
1-8	MUNICIPAL COURT	215.00
1-9	PLANNING	52.78
1-10	PUBLIC WORKS	110.92
1-12	LEGAL	24.08
1-13	FINANCE	1,032.36
1-14	CIVIL SERVICE	15.00
4-	STREET	1,747.67
5-	SEWER IMPROVEMENT	917.05
7-	SUSPENSE	552.43
12-	REVENUE SHARING	7,546.95
20-	SEWER	56,896.43
30-	WATER	5,716.52