

CITY COUNCIL MINUTES

July 6, 1976

7 p.m.

COUNCIL CHAMBERS1271st Meeting

The one thousand two hundred seventy-first meeting of the Council of the City of Milwaukie, Oregon, was held on the 7th day of July, 1976, with the following councilpersons present:

C. Mervin Englund

Charles E. Swan

Joy Burgess

Mayor Bill E. Hupp

Absent: Jerry Hutchison

Also present:

Myer Avedovech, City Attorney

Harold L. Schilling, City

J. Wayne Daigle, Dir. of P.W.

Manager (entered meeting

Dorothy E. Farrell, Secretary

at 8:45 p.m.)

The invocation was given by the Reverend Robert O. Jackson, First Church of the Nazarene, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - June 10, 1976 Council meeting
- b) Copy of letter to Mrs. Martin re sidewalk problem
- c) Central Fire Dispatch meeting minutes
- d) Attachments to CRAG letter
- e) DEQ Notice of Public Hearing
- f) Memorandum re flowers
- g) Copy of letter to Clackamas County Library Board
- h) Memo from Planning Director re mobile homes
- i) Copy of letter re Randall case
- j) YAP Minutes - May 26, 1976
- k) Legal documents - Hupp v. Schumacher case
- l) Memo re Cash's/Jan's Cleaners
- m) Order - Hedensten v. Milwaukie

Councilwoman Burgess requested removal of items b, h and i for later discussion. It was MOVED by Swan, SECONDED by Burgess, to accept the consent calendar with the exception of items b, h and i. MOTION CARRIED unanimously by those present, and so ordered.

c) Council has received June 3, 1976 minutes of Central Fire Dispatching Service of the Clackamas, Milwaukie, Happy Valley and Oak Lodge Rural Fire Protection Districts and the City of Milwaukie.

d) CRAG has sent enclosures to letter dated June 10, which were inadvertently left out.

e) Department of Environmental Quality will hold a public hearing on amendments to rules governing motor vehicle emission inspection, on July 16, 1976 at 1 p.m. in Portland City Council Chambers.

f) Staff has sent memo, dated July 1, 1976, concerning flower planting in downtown area.

g) Council has received copy of letter from City Manager to Chairman of Clackamas County Library Board, dated June 24, 1976.

j) Council has received May 26 minutes of Youth Alternatives Program Community Advisory Council.

k) Council has received copies of Memoranda in Opposition and in Support of Demurrer in the case of Hupp et al v. Schumacher et al.

l) Staff has written memo, dated July 1, 1976, concerning question raised at 6/30/76 Council meeting about Jan's Cleaners.

m) Council has received copy of Stipulation and Order of Dismissal in the case of Hedensten v. Milwaukie.

NEIGHBORHOOD COUNCIL REPORTS

George Passadore, Neighborhood Council 5, reported on their review and recommendations regarding animal control.

CORRESPONDENCE

1. Kid's Incorporated has written Council, dated June 30, 1976, requesting financial support to assist in conduct of annual state-wide Milwaukie baseball tournament. Discussion centered on the timing of consideration of the request, with Mrs. Burgess stating the request should be referred to the Budget Committee, but others feeling this would delay too long.

It was MOVED by Swan, SECONDED by Englund, that \$500 be given to Kid's Incorporated, due to the time frame. MOTION CARRIED with the following roll-call vote: Ayes: Englund, Swan and Hupp.

NOES: Burgess.

2. Seven persons living on SE Mary Court and SE 34th Street have signed a petition requesting immediate billing for sewage assessment completed in the Fall of 1975. Staff has written a memo dated July 2, 1976, giving the background. Initially a L.I.D. was proposed covering the entire Cole Addition, but when agreement could not be reached with Portland for participation for the portion of the L.I.D. within the City of Portland, only the Mary Court section of the L.I.D. was constructed, but assessment has not been made, hoping for Portland's participation, which would spread the cost more equitably. The consensus was that the Public Works Director contact Portland one more time to see if they will participate in the project, and that the 14 people in the rest of the L.I.D. be contacted to see if they are having any septic tank problems.

3. Council has received letter from the Clackamas County Bikeway Advisory Committee, dated June 30, 1976, with notice of a bicycle tour of Oatfield Road July 17, 1976.

SANITARY SEWER CONSTRUCTION - FONTAINE, RIFE AND MARTINEZ

Public Works Director has written memo, dated June 28, 1976, with three alternates for providing sanitary sewer to Fontaine, Rife and Martinez, on SE Harrison Street. A member of the audience called attention to the fact that it is the Laird home, not the Martinez home that is involved. It was MOVED by Englund, SECONDED by Swan, that staff contact formally the people where easements are involved, study the cost, determine what might be torn up, and if it looks feasible, that Council authorize staff to proceed with the gravity route to King Road. Englund withdrew the motion to restate, and it was MOVED by Englund, SECONDED by Swan, that staff be authorized to proceed with inquiry for easements on the properties involved, and that they be authorized to proceed

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with the gravity flow system to King Road if the total cost, including easements and repair, doesn't exceed \$12,000, with the proviso that if the cost does exceed \$12,000, that it be brought back to Council for further action. MOTION CARRIED unanimously by those present.

MEMO RE PARKING STUDY FOR DOWNTOWN AREA

Planning Director has written memo, dated June 28, concerning downtown parking study. Various councilmembers suggested the following: 1) find out what consultants are available and what cost would be for thorough review of downtown parking, including a study of free parking, metered parking, and parking lots; 2) a reevaluation and recommendation about fines and fees the city charges for downtown parking infractions; 3) an engineering study on street profiles on all streets, and the cost; 4) a study of an east-west corridor.

RESOLUTION APPROVING THE CONCEPT OF WIDENING McLOUGHLIN BOULEVARD

Council had asked that staff prepare a resolution approving the concept of widening McLoughlin Boulevard. It was Council consensus to ask a representative of the Highway Department to come to a Council meeting to answer questions.

MEMO RE WINDOW SHADE BIDS

Staff has written memo, dated May 19, on revised window shade bids. It was MOVED by Swan, SECONDED by Englund, to authorize staff to accept the bid of Venetion Blind Co. in the amount of \$1744.25 for City Hall window shades, the money to come from the Contingency Fund. MOTION CARRIED unanimously by those present.

REPORT ON PERCENTAGE OF EMPLOYEES WHO LIVE WITHIN CITY

Staff has written report on employe residency, dated July 2, 1976. The discussion centered on whether all employees should live in the city, or just emergency areas; whether the city limits should be considered, or a radius outside the city; and whether a grandfather clause should be considered.

(Meeting recessed at 8:40 p.m., reconvened at 8:50 p.m. with all present.)

MILWAUKIE EMPLOYEES ASSOCIATION 76-77 CONTRACT

It was MOVED by Burgess, SECONDED by Swan, that City Council authorize the Mayor to sign the agreement between the city and Milwaukie Employees Association from July 1, 1976 to June 30, 1977. MOTION CARRIED unanimously by those present.

CHAMBER OF COMMERCE BILL

Staff has written memo, dated June 30, giving the basis for the \$210 billing for Chamber of Commerce membership. There was discussion of the propriety of payment of city funds for transportation and meals to attend such meetings. It was decided a policy on payment for transportation and meals for Councilmembers will be on the next agenda for discussion.

STATE COMMERCE DEPARTMENT LETTER RE MOBILE HOMES

State Department of Commerce, Building Codes Division, has sent letter dated June 25 concerning administration of new state regulations over mobile home parks. Staff has recommended that the Department be notified that the city will take over administration of the program. It was MOVED by Englund, SECONDED by Burgess, to authorize staff to notify the Department of Commerce that the city will assume the administrative areas specified when a city employee is qualified. MOTION CARRIED unanimously by those present.

POPULATION ESTIMATE

Staff has written memo, dated June 30, concerning the 1975 population estimate. Portland State University did a housing unit survey for revising the population estimate, and their findings indicated a revised estimate of 16,800. Staff has requested their survey sample, in order to evaluate how they conducted the survey.

REQUEST TO ANNEX TO CITY

Council has received letter from Doral Development Corporation, dated July 2, 1976, requesting annexation of Sundial Court subdivision, off 60th Avenue between Monroe and Lloyd Streets. It was MOVED by Englund, SECONDED by Swan, to read (A RESOLUTION FURTHERING ANNEXATION TO THE CITY OF MILWAUKIE OF CERTAIN TERRITORY) by title only. MOTION FAILED TO PASS with the following roll-call vote: AYES: Englund and Swan. NOES: Burgess and Hupp. It was MOVED by Burgess, SECONDED by Swan, that the Council refer the annexation request to the Planning Commission for recommendation and also that the information be provided to the Neighborhood Council that it affects, and at the earliest opportunity this input, both from the Planning Commission and Neighborhood Council, be returned to the City Council, and that a new resolution be drafted. MOTION CARRIED unanimously by those present. There was discussion of the wording of the resolution, and whether the Council had to approve the annexation, or could merely pass the request on to the Boundary Commission.

CONSENT CALENDAR

- b) Council has received copy of letter to Mrs. Floyd Martin, 9770 SE 32nd Avenue, dated June 28, from city, concerning notice to repair sidewalk. Mrs. Burgess asked the sidewalk location, which is at 32nd and Olson.
- h) Planning Director has written memo, dated June 22, concerning letter from Perrin re mobile homes. Mrs. Burgess asked the nature of the initial inquiry, which was a letter of concern that some communities engage in exclusionary zoning. Manager had asked for a report on the situation in Milwaukie.
- i) Council has received copy of letter from Circuit Court Judge, dated June 18, concerning case of Randall v. Hupp. Mrs. Burgess asked if further court action is contemplated, and the answer is "probably."

OTHER BUSINESS

- 1. Police Chief has received letter from Oregon Traffic Safety Commission, dated July 2, with notice that final approval has been given to the city's Traffic Safety Grant application.
- 2. David Graf has indicated interest in being appointed to the

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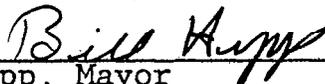
city's Parks and Recreation Commission.

3. Proto Tool has written letter, dated July 6, 1976, stating the company is willing to accept the recommendation of the Planning Commission as stated at the May 25 Council meeting of the Commission regarding Proto Tool's zone change request. It was MOVED by Swan, SECONDED by Burgess, to accept the letter and allow Proto Tool to withdraw the appeal (ZC-76-1) MOTION CARRIED unanimously by those present.

4. Manager gave a verbal report on change of ownership and name of business from Chico's Pizza to Island Station Tavern. The new owners stated they would be serving beer and food, and it was determined it was not a change of type of business, and the new owner was not required to go through conditional use procedure. At the present time staff has learned that food is not being served. It was MOVED by Burgess to close the business down until he gets the food service going. MOTION FAILED for lack of a second. It was Council consensus that the Manager meet with the business owner and find out what his intention is, and report back to the Council.

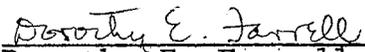
5. Mrs. Burgess asked staff to draft an ordinance to regulate objectionable types of business.

Meeting adjourned at 10:25 p.m.



Bill Hupp, Mayor

ATTEST:



Dorothy E. Farrell, Secretary