

CITY COUNCIL MEETING
September 19, 1977
7 p.m.

COUNCIL CHAMBERS

1298th Meeting

The one thousand two hundred ninety-eighth meeting of the Council of the City of Milwaukie, Oregon, was held on the 19th day of September, 1977, with the following councilpersons present:

Allen Manuel
Charles E. Swan
Joy Burgess

Jerry N. Hutchison
Mayor Bill E. Hupp

Also present:

Harold L. Schilling, City Mgr.
Steven Hall, Dir. of P.W.

Myer Avedovech, City Atty.
Dorothy E. Farrell, Sec'y.

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

CONSENT CALENDAR

- a) Approval of minutes - September 6, 1977
- b) Progress payment - Traffic Safety Management Program
- c) Johnson Creek Drainage Basin map
- d) Invitation to Oregon Economic Development Conference
- e) Final billing - 17th Ave/Milport Bikeway
- f) Progress payment - Lake Road Bikeway

It was MOVED by Burgess, SECONDED by Hutchison, to accept the Consent Calendar. Mrs. Burgess asked about item c, which was intended to show the areas in the Johnson Creek drainage basin which are unsewered. The map did not reproduce well, and a different map will be provided to Council. MOTION CARRIED unanimously.

- b) City Manager and Public Works Director recommend payment of \$4774.01 to Transportation Planning and Management, Inc., for engineering services in August, 1977, on the Milwaukie Roadway and Traffic Safety Management Program.
- c) Johnson Creek Drainage Basin map.
- d) Department of Economic Development, State of Oregon, invites Council to a conference at Bowman's on October 7, 1977.
- e) City Manager and Public Works Director recommend final payment of \$28,495.95 to Cascade Construction Company Inc. on 17th Avenue/Milport Bikeway.
- f) City Manager and Public Works Director recommend progress payment No. 5, in the amount of \$1755.60, to Wes Notz Excavating, Inc., on Lake Road Bikeway.

AUDIENCE PARTICIPATION

1. Eloise Hobson, Chairman of Parks and Recreation Commission, presented the Commission's annual report.
2. Kenneth J. Levstone gave a presentation on Northwest Oregon Health Systems.

PUBLIC HEARING - APPEAL ON G-77-11 - CONDITIONAL USE APPLICATION FOR FIVE-PLEX - 32ND NEAR MALCOLM

Planning Commission approved conditional use application for a five-plex on the west side of 32nd Avenue approximately 120 feet south of Malcolm Street. Appeal was filed on August 11. Public hearing will be based on evidence provided at the hearing, not on the transcript record, in accordance with an amendment to zoning procedures adopted August 1, 1977.

Public hearing was declared open at 7:30 p.m. Notices mailed as required. Staff report was given by City Attorney. No correspondence was received either for or against the appeal, other than that received during Planning Commission consideration.

Speaking in favor of appeal:

Don Graf, 2949 SE Boyd, representing Neighborhood Council 2
 K. E. Grow, 3039 SE Malcolm Street
 Herb Nissen, 3002 SE Malcolm
 Mrs. Roy E. Johnson, 9147 SE 29th
 Theresa Hale, 3024 SE Malcolm

Speaking against the appeal:

Karen Tindall, 18014 S. Skylands Circle, Lake Oswego, applicant
 for conditional use permit.

Public hearing was declared closed at 8:30 p.m.

It was MOVED by Hutchison, SECONDED by Burgess, to uphold the appeal and overturn the decision of the Planning Commission, based on the fact we have set aside in the current comprehensive plan this general area as limited commercial, and the thought that is exactly what it should be, and to allow continued development for residential purposes in this zone will negate the possibility of reasonable commercial development at a future date.
 MOTION CARRIED unanimously.

(Meeting recessed at 8:50 p.m., reconvened at 9 p.m. with all present.)

NEIGHBORHOOD COUNCIL REPORTS

Letter has been received from Joanne Baker, dated August 29, 1977, resigning from the board of Neighborhood Council No. 1.

LETTER FROM DEPARTMENT OF COMMERCE RE DROUGHT RELIEF APPLICATION

Offer of Loan and Grant has been received from Economic Development Administration, Department of Commerce; grant not to exceed \$7000, and loan not to exceed \$28,000, under the Drought Relief Act of 1977.

It was MOVED by Burgess; SECONDED by Hutchison, to accept the Acceptance of Offer of Loan. After discussion, the motion was WITHDRAWN, and it was MOVED by Burgess, SECONDED by Hutchison, to read Resolution Number 45-1977 (ACCEPTANCE OF OFFER OF LOAN) by title only. MOTION CARRIED unanimously. It was MOVED by Swan, SECONDED by Hutchison, to adopt Resolution 45-1977. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Hutchison, to accept the grant in the amount of \$7000. MOTION CARRIED unanimously.

CORRESPONDENCE

1. Norman C. Battaglia, in letter dated September 14, 1977, has resigned from Civil Service Commission and Budget Committee.
2. Nova Young, Chairman of Senior Citizen Advisory Council, in letter dated September 19, 1977, requests joint meeting with City Council. It was decided to meet with the Senior Citizen Council at 7 p.m. September 26, and at 8 p.m. have a work session on proposed Charter changes.

3. Mel Paulson, Chairman of newly-formed Committee for a Greater Milwaukie Community Center, in letter dated September 16, 1977, asks for Council's position the question: "...when funding is available and actual plans go forward, what will be the definite place of Senior Citizens in the Community Center?" Staff was asked to respond to the committee, assuring them of the Council's support, and that the community center will be adequate for all senior citizen activities in the Milwaukie area.

PARK AND RECREATION COMMISSION REPORT ON APPOINTMENTS.

Council has asked for a report from the Park and Recreation Commission on appointments to vacancies, but the Commission has not had a meeting, so will report at the next Council meeting.

WATER TOWER PARK PLAN

Manager has written report, dated September 19, on Water Tower Park, showing estimated project cost as \$34,166.75. The report also spells out principal resources for Parks and Recreation during fiscal 1977-78, as well as proposed project expenditures.

RESOLUTION NUMBER 46-1977 - ECONOMIC DEVELOPMENT ADVISORY COMMISSION

It was MOVED by Swan, SECONDED by Manuel, to read Resolution Number 46-1977 (A RESOLUTION ESTABLISHING AN AD HOC ECONOMIC DEVELOPMENT ADVISORY COMMISSION) by title only. MOTION CARRIED unanimously, with Council agreement that the number of members should be five. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 46-1977. MOTION CARRIED unanimously. It was suggested that Manuel and Schilling suggest appointees to the committee.

ORDINANCE ON EMPLOYEE RESIDENCY

Employee groups have been asked to comment on the proposed ordinance, but nothing has been received yet.

LETTER FROM EPA RE REDUCED SEWER RATE CHANGES

United States Environmental Protection Agency has written letter, dated September 9, 1977, saying the city can't fund the reduced sewer rates for low-income users on a rate basis. The user charge system, the letter states, must result in the distribution of the cost of operation and maintenance of treatment plant to each user in proportion to each user's contribution to the total wastewater loading of the treatment works. Other requirements are also spelled out in the letter. Staff was asked to prepare a letter to the city's congressional delegation complaining about the Federal Government being able to subsidize low income persons, but not allowing the city to do so.

USE OF HOUSE ON KELLER PROPERTY

Jerry and Jean Lenhardt have offered to provide park and grounds maintenance services to the city in return for rental possession of the city-owned dwelling on Keller Park property. It was Council consensus that an agreement be prepared for signature.

RESOLUTION NUMBER 47-1977 - CERTIFYING CITY PROVIDES MINIMUM SERVICES

It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 47-1977 (A RESOLUTION CERTIFYING THAT THE CITY OF MILWAUKIE PROVIDES AT LEAST FOUR OF THE REQUIRED SERVICES TO BE ENTITLED TO PARTICIPATE IN STATE-SHARED REVENUES IN LIQUOR, CIGARETTE TAX AND CERTAIN HIGHWAY FUNDS) by title only. MOTION CARRIED unani- mously. It was MOVED by Burgess, SECONDED by Swan, to adopt Resolution 47-1977. MOTION CARRIED unanimously.

OTHER BUSINESS

1. Manager reported the PGE rate surcharge would have a financial impact on the city.
2. Council asked whether Community Development funds would be available for Water Tower Park. Manager stated it may be possible some money can be diverted.
3. Manager reported on problems with present house trailer at North Clackamas Park. Staff has been looking at used trailers for a replacement. It was MOVED by Swan, SECONDED by Hupp, to authorize Manager to look at used trailers quickly, and make the best deal possible. MOTION CARRIED unanimously.
4. Public Works Director reported on progress on street projects.
5. Manager stated there is a regional wastewater treatment study in progress. One option being considered would effectively shut down the Oak Lodge treatment plant and divert sewage to Milwaukie. The CRAG board of directors will be discussing this Thursday night. It was MOVED by Hupp, SECONDED by Burgess, for the city to write CRAG asking them to hold up any decision until the environmental, economic and social impacts are made available. MOTION CARRIED unanimously.
6. It was MOVED by Hutchison, SECONDED by Burgess, to read Resolu- tion No. 48-1977 (A RESOLUTION HONORING RUTH GREEN AND GRANTING SPECIAL PRIVILEGES) by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolu- tion 48-1977. MOTION CARRIED unanimously.
7. A letter has been received from Congressman Duncan, dated September 14, 1977, concerning EDA funds.
8. Letter has been received from EDA, dated September 16, 1977, concerning EDA drought assistance funds.
9. Nova Young, Chairman of Senior Citizen Advisory Council, has received letter from Senator Hatfield, dated September 15, 1977, concerning EDA funds.
10. Copies of proposed community survey questionnaire were given to councilmembers, with request they fill them out, and make comments.
11. John Palmer, 6224 SE Aspen, asked if it would be feasible to declare a moratorium on any conditional use applications for residen- tial development in a commercial zone, until the comprehensive plan revision is finished. It was decided to ask the Planning Commission to study the question.
12. Mayor stated there is a rat problem at the library pond. Staff will request help from the county.

City Council Meeting September 19, 1977

Page 5.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Burgess, that the bills listed for September 19, 1977 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned to executive session at 11:05 p.m., under ORS 192.660 (2)(a), to discuss acquisition of property. At 11:30 p.m. it was MOVED by Burgess, SECONDED by Hutchison, to extend the meeting for another 10 minutes. The meeting returned to regular session at 11:30 p.m.

ORDINANCE NUMBER 1372 - MUNICIPAL WATER SYSTEM FACILITIES

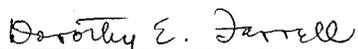
It was MOVED by Hutchison, SECONDED by Manuel, to read Ordinance Number 1372 (AN ORDINANCE PROVIDING FOR DEVELOPMENT OF A MUNICIPAL WATER SYSTEM FACILITIES AND PARK SPACE ON THE MEDICA PROPERTY, CLACKAMAS COUNTY, OREGON, AS MORE PARTICULARLY SET FORTH IN THE LEGAL DESCRIPTION AND DECLARING AN EMERGENCY) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Burgess, for second reading by title only. MOTION CARRIED unanimously. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Ordinance 1372. Ordinance 1372 was put on its passage with the following roll-call vote: AYES: Manuel, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1372 passed the Council and was so declared by the Mayor.

It was MOVED by Hutchison, SECONDED by Burgess, to continue the meeting to 7 p.m. Monday, September 26, 1977. MOTION CARRIED unanimously.

The meeting adjourned at 11:45 p.m.


 Bill Hupp, Mayor

ATTEST:


 Dorothy E. Farrell, Secretary

CITY OF MILWAUKIE
BILLS PAYABLE ON SEPTEMBER 19th, 1977

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT:</u>	<u>AMOUNT</u>
1. A.R.T.S., Inc.	0.50	1-6	0.50
2. A to Z Rental Center	29.00	1-10	24.00
		20-	5.00
3. Ads Systems Consultants	425.00	1-13	425.00
4. American Business Machines	145.00	1-4	145.00
5. American Library Assoc.	0.25	1-6	0.25
6. Arvey Paper	23.99	1-6	23.99
7. Myer Avedovech	36.90	1-12	36.90
8. Badger Meter	58.43	30-	58.43
9. Baker and Taylor	53.68	1-6	53.68
10. Bernard's	441.05	1-5	82.75
		4-	358.30
11. Boise Cascade	213.86	1-4	32.24
		1-9	9.36
		1-10	2.03
		1-13	170.23
12. Bound to Stay Bound Books	94.19	1-6	94.19
13. Bro-Dart	3.95	1-6	3.95
14. Cantel, Inc.	3.50	30-	3.50
15. Chevron Asphalt	1,664.64	4-	1,664.64
16. Children's Book Council	10.70	1-6	10.70
17. Clack. Co. Serv. Dist. #1	52,475.82	20-	52,475.82
18. Clack. Water District	13.00	1-7	13.00
19. Columbia Region Association of Governments	8,304.00	1-1	8,304.00
20. Coopers and Lybrand	200.00	1-1	200.00
21. Country Store	8.95	1-6	8.95
22. Daily Journal of Commerce	125.00	12-	125.00
23. Francis Ford	268.14	4-	268.14
24. Gene B. Franklin	125.00	1-8	125.00
25. Fraser Paper Co.	162.90	1-15	162.90
26. Gaylord, Inc.	0.99	1-6	0.99
27. General Spray Service	165.00	1-7	165.00
28. Gladstone Lincoln Mercury	13.99	1-5	13.99
29. W.W. Grainger	73.85	30-	73.85
30. Harper and Row	9.95	1-2	9.95
31. Donald S. Hatton and Assoc.	450.00	1-1	450.00
32. Horton Electric	118.35	1-6	118.35
33. Hydronix	80.00	20-	80.00
34. IBM	183.20	1-1	154.85
		1-13	28.35
35. Imperial Office Machines	1,690.23	1-13	1,690.23
36. K & K Color Lab	175.52	1-5	175.52
37. Kellum Motors, Inc.	6.88	4-	6.88
38. J.M. Kerr Logging & Const. Co.	695.80	1-7	695.80

CITY OF MILWAUKIE
BILLS PAYABLE ON SEPTEMBER 19th, 1977 (cont.)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
39. Main Street Cleaners	37.80	1-4	37.80
40. Man and Manager	95.68	1-2	95.68
41. Janet Mandaville	6.44	1-15	6.44
42. McGuire Bearing Co.	9.60	1-4	9.60
43. Milwaukie Family Practice Group	137.00	1-4	22.00
		1-5	35.00
		1-14	80.00
44. Milwaukie Lumber Co.	226.42	1-3	13.08
		1-4	106.00
		1-5	30.96
		1-7	7.38
45. Mobil Oil	1,563.25	1-00	1,563.25
46. Roger Mundorff	160.00	1-8	160.00
47. Myles O'Donnell	700.60	1-3	393.75
		1-5	306.85
48. National Chemsearch	110.74	4-	110.74
49. Norris Paints	86.50	4-	86.50
50. Northwest Natural Gas	25.91	1-6	10.13
		4-	6.14
		30-	9.64
51. Nudelman Bros.	26.90	1-4	26.90
52. Olson Bros. Shell	822.01	1-5	806.51
		1-10	15.50
53. Olympic Sales Co.	183.60	1-13	101.95
		11-	81.65
54. Oregon Audio Visual Systems	99.45	1-5	99.45
55. Oregon City Laundry	87.48	1-4	87.48
56. Oregon State Bar	45.00	1-12	45.00
57. Oregon Trail Chapter	120.00	1-2	30.00
		1-5	30.00
		1-10	30.00
		1-13	30.00
58. PaCoast Supply	13.00	1-5	13.00
59. Pacific Coast Industrial Laun.	63.75	4-	63.75
60. Pacific Northwest Bell	1,686.58	1-00	24.39
		1-3	676.78
		1-4	159.54
		1-5	487.51
		1-6	87.98
		4-	45.60
		13-	154.32
		20-	11.08
		30-	39.38
61. Payline Northwest Co.	86.90	1-10	86.90
62. City of Portland	299.60	1-4	142.78
		1-7	40.31
		4-	116.51

CITY OF MILWAUKIE
BILLS PAYABLE ON SEPTEMBER 19th, 1977 (cont.)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
63. Portland General Electric	10,996.81	1-1	8,808.45
		1-3	301.24
		1-4	29.55
		1-7	5.00
		4-	95.19
		20-	48.66
		30-	1,708.72
64. Power Brake Dist. Co.	29.29	1-4	29.29
65. Review	9.94	1-14	9.94
66. Rose City Awning Co.	50.40	1-4	50.40
67. S & P Electric	386.93	1-4	386.93
68. Sanderson Safety	11.35	1-10	4.85
		4-	6.50
69. Sears Roebuck & Co.	40.34	1-4	40.34
70. Shell Oil Co.	81.69	1-7	33.21
		30-	48.48
71. Steve Smith	250.00	11-	250.00
72. Subpoena Fees	20.00	1-8	20.00
73. Togarts Radiator Shop	15.00	4-	15.00
74. Union Oil	116.90	4-	116.90
75. Wash. Co. Extension Service	3.00	1-15	3.00
76. Waterworks Supplies	92.21	30-	92.21
77. Wes Notz Excavating	9,882.85	9-	9,882.85
78. Western Pacific Const.	2,482.87	4-	2,482.87
79. Wichita Feed and Hardware	93.38	1-7	82.88
		4-	10.50
80. Wilco Fire	550.25	1-4	550.25
81. Richard Wilmot	650.00	1-7	650.00
82. Wilsey and Ham	3,300.00	1-9	3,300.00
83. Kathi Wood	2.50	1-16	2.50
84. Zellerbach Paper Co.	83.60	1-13	83.60
			<u>\$104,394.73</u>

1-00	GENERAL FUND	\$1,587.64
1-1	GENERAL GOVERNMENT	17,917.30
1-2	ADMINISTRATION	135.63
1-3	CITY HALL	1,384.85
1-4	FIRE	1,856.10
1-5	POLICE	2,081.54
1-6	LIBRARY	413.66
1-7	PARKS & GROUNDS	1,692.58
1-8	MUNICIPAL COURT	305.00
1-9	PLANNING	3,309.36
1-10	PUBLIC WORKS	163.28
1-12	LEGAL	81.90
1-13	FINANCE	2,529.36
1-14	CIVIL SERVICE	89.94
1-15	NEIGHBORHOOD COUNCILS	172.34
1-16	CITY COUNCIL	2.50
4-	STREET	5,454.16
9-	BIKEWAY FUND	9,882.85
11-	FISCAL ASSISTANCE	331.65
12-	REVENUE SHARING	125.00
13-	COMMUNITY DEVELOPMENT	154.32
20-	SEWER	52,620.56
30-	WATER	2,103.21