CITY COUNCIL MEETING
February 20, 1979
7 p.m.

COUNCIL CHAMBERS 1331st Meeting

The one thousand three hundred thirty-first meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 20th day of February, 1979, with the following councilpersons present:

Anne Nickel
Joy Burgess
Mel Paulson
Robert Ewald
Mayor Allen Manuel

Also present:

Harold L. Schilling, City Mgr.
Cyrus Nims, Planning Director
Myer Avedovech, City Att'y
Dorothy E. Farrell, Sec'y

The invocation was given by the Reverend Charles J. Roluffs, Beautiful Savior Lutheran Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

a) Approval of minutes - January 29, 30, 31 and February 5, 1979
b) Report on C. E. Smith complaint
c) Liquor license applications
   1) 7-11 Food Store #19 325, 6303 SE Harmony (PS)
   2) Captain Cooks, 1916 SE Washington (DA)
   3) Open Pantry Food Mart, 8929 SE 42nd (PS)
d) Application for appointment to Senior Citizen Advisory Council
e) Letter from Tri-Met
f) Memo re 36th Avenue L.I.D.
g) Report on how other cities defined low income areas
h) Progress payment - water storage tank

It was MOVED by Burgess, SECONDED by Nickel, to accept the Consent Calendar. Mrs. Burgess requested that items (c)(2) and (d) be removed for discussion.

b) Public Works Director has reported on complaint by Charles E. Smith, 9589 SE 32nd, at the last Council meeting, concerning driveway and parkway at his home being damaged by contractor.

c) Police Department has investigated and finds no reason to deny issuance of liquor licenses to 7-11 Store on Harmony Road, Open Pantry Food Mart on 42nd, and Captain Cooks, 1916 SE Washington. Mrs. Burgess asked about the new owners of the restaurant.

d) Clyde O. Williams has made application for appointment to the Senior Citizen Advisory Council. The application will be forwarded to the Council.

e) Tri-Met has sent letter, dated February 9, 1979, concerning improving Tri-Met service.

f) Public Works Director has sent letter, dated February 7, concerning 36th Avenue Local Improvement District.

g) Community Development Director has sent memo, dated February 14, concerning designation of low income areas by county.

h) Public Works Director has sent memo, dated February 15, concerning progress pay estimate No. 5 for three million gallon reservoir, to Weil Contracting Service, Inc., in the amount of $26,435.08.

On the motion to accept, MOTION CARRIED unanimously.

1. Dr. Larry Froland asked Council to join with President Carter in proclaiming March 4 through 10 as Save Your Vision Week. Mayor read proclamation.
2. David C. Pitzer, 10205 SE 41st Court, registered complaint against A & B Towing operating a business at 10215 SE 41st Court without a business license and in the wrong zone. Manager will give Council a report at the next meeting.

NEIGHBORHOOD COUNCIL REPORTS
Neighborhood Council Coordinator has reported, in memo dated February 13, on Neighborhood Council activities.

CORRESPONDENCE
1. Eloise Hobson has sent letter, dated February 8, resigning from Parks and Recreation Commission and Traffic Safety Commission. Manager reported he had talked to Mrs. Hobson on the phone, and she had withdrawn her resignation from the Parks and Recreation Commission.
2. Mrs. Onda Polier, 8625 SE 30th, has written letter, dated February 9, requesting rules for basketball hoops in the public right-of-way be changed to require permission from all property owners adjoining the play area, not just next to where the hoop is located. It was MOVED by Burgess that the ordinance on basketball hoops be repealed. MOTION FAILED for lack of a second. It was MOVED by Burgess, SECONDED by Paulson, that the ordinance have incorporated within it a permit process and laws that are more definitive, somewhat similar to the city motorcycle ordinance, so it would be more properly enforceable. MOTION FAILED with the following roll-call vote: AYES: Burgess and Paulson. NOES: Nickel, Ewald and Manuel.

PUBLIC HEARING - SALAZAR APPEAL ON ZC-78-10
Public hearing was declared open at 7:30 p.m. Notices published as required (also mailed to property owners within 250 feet). Planning Commission denied ZC-78-10, request to change zone from R-10, Single Family Residential, to A-3, Apartment Residential, on 1.7 acres at NE corner of Lake Road and 43rd Avenue (applicants Sevillia and Opal Salazar). Staff report was given by Planning Director. No correspondence, either for or against the appeal, has been received. Applicant's presentation was made by Dale Rader, Attorney, 1201 SW 12th, Portland.
Speaking against the appeal:
John Freeman, 10952 SE 21st
Bill Hupp, 2626 SE Washington
Applicant rebuttal:
Dale Rader
Sevillia Salazar, Star Route, Rhododendron, Or.
Public hearing was declared closed at 8:15 p.m.
It was MOVED by Nickel, SECONDED by Burgess, to accept the recommendation of the Planning Commission to deny the zone change. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None.

(Meeting recessed at 8:30 p.m., reconvened at 8:35 p.m. with all present.)

CORRESPONDENCE

I. Metropolitan Service District has sent letter to Mayor, dated February 9, concerning three possible legislative changes to facilitate implementation of MSD's Solid Waste Management Program, and asking for Council comments.

It was MOVED by Nickel, SECONDED by Paulson, to direct a letter to MSD stating Milwaukie's preference is that MSD make decisions, rather than the State Department of Environmental Quality, but that any decision by MSD be based on criteria established by all participating governmental units. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Ewald. NOES: Manuel. Suggestions were made that the letter include urging formation of local government advisory committee, and that MSD would be bound to prove that the siting of a landfill will not injure the health, safety and welfare of a community now and in the future.

SALAZAR APPEAL ON ZC-78-10

It was MOVED by Manuel, SECONDED by Nickel, that in the Council motion concerning denial of the Salazar appeal on ZC-78-10, Council includes the findings of fact as presented in Planning Commission reports and minutes, and the testimony presented at the City Council hearing. MOTION CARRIED unanimously.

CORRESPONDENCE

James L. Savage, Coopers & Lybrand, has written letter, dated February 14, 1979, concerning the city's 1978-79 audit. It was MOVED by Manuel, SECONDED by Paulson, to send a letter to Coopers & Lybrand agreeing to continue the current audit procedure for the forthcoming year. MOTION CARRIED unanimously.

Concerning the letter from Mrs. Polier, discussed on page 2 of these minutes, it was decided staff should send her a letter, thanking Mrs. Polier and saying Council will allow time for experience under the ordinance, and will review the ordinance at the appropriate time. It was also suggested the letter mention there are avenues available if there is trespass on private property. Staff was asked to let Council if there are other complaints, including those to the Police Department.

Mrs. Burgess read letter to Mayor from George Van Bergen, of which she had received a copy. It was Council consensus that letters be written to applicants for Council vacancy, thanking them for their interest and involvement.

APPOINTMENTS TO FIRE CODE STUDY COMMITTEE

Staff has submitted names for possible appointment to the various categories on the Fire Code Study Committee.

It was MOVED by Nickel, SECONDED by Burgess, to accept John Hacker, B. J. Cummings Company, as the representative from industrial or commercial construction business. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Burgess and Ewald. ABSTAIN: Paulson and Manuel.

It was MOVED by Burgess, SECONDED by Nickel, to appoint Raymond Bartel as the architect representative. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Nickel, that Mel Brink, Portland Fire Department, be appointed to represent fire service outside the city. MOTION CARRIED unanimously.
It was MOVED by Burgess, SECONDED by Ewald, that Jack Spencer, Farmers Insurance, be appointed to represent the insurance industry. MOTION CARRIED unanimously.
Mrs. Nickel asked that the name of Dave Stoutenberg, of McNaughton's, be added to the list of representatives from local business community.
It was MOVED by Burgess, SECONDED by Ewald, that Charles Nickelson, Omark Industries, be appointed as the representative from the local business community. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Ewald. NOES: Nickel. ABSTAIN: Manuel.
Mrs. Burgess asked that Bill Hupp and Joe Bernard be added to the list of local citizens, and Ewald added Lyle King.
It was MOVED by Manuel, SECONDED by Burgess, to appoint Bill Hupp as one of the local citizens on the committee. MOTION CARRIED unanimously.
It was MOVED by Burgess, SECONDED by Paulson, to appoint Joe Bernard as a local citizen representative. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel and Burgess. NOES: Ewald and Manuel.

APPOINTMENTS TO CIVIL SERVICE COMMISSION
It was MOVED by Paulson, SECONDED by Nickel, that the candidates for appointment to the Civil Service Commission be interviewed. MOTION CARRIED unanimously. Interviews will be held at 7 p.m. Monday, March 12, and no new applicants will be accepted after March 2.

MEMO RE SENIOR HOUSING
Planning Director has written memo, dated February 7, concerning changes to city regulations to permit senior housing.

REPORT ON WADCO CREDIT UNION
Finance Director has written report, dated February 12, on Wadco Credit Union. It was MOVED by Nickel, SECONDED by Burgess, to write a letter of support for Wadco's requested charter change to become a community credit union. MOTION CARRIED unanimously.

CONTRACT FOR PHASE III COMPREHENSIVE PLANNING WORK; PLANNING APPLICATION, PHASE IV, COMPREHENSIVE PLAN; CONSULTANT CONTRACT FOR IMPLEMENTATION STUDIES, COMPREHENSIVE PLAN
Planning Director has written memos, dated February 15, concerning the above. It was MOVED by Manuel, SECONDED by Burgess, to authorize signing of the contract for Phase III comprehensive planning work. MOTION CARRIED unanimously.
It was MOVED by Manuel, SECONDED by Paulson, to authorize application for Phase IV of Comprehensive Plan to LCDC in the amount of $13,200. MOTION CARRIED unanimously.
It was MOVED by Manuel, SECONDED by Ewald, to accept the work program outline by Wilsey & Ham, and authorize preparation of contract for implementation studies, Comprehensive Plan, based on the work program. MOTION CARRIED unanimously. Mrs. Nickel asked that the minutes reflect that this is the first time this

kind of item has come to the City Council before being reviewed by the Comprehensive Planning Steering Committee. It was explained the speed-up process in completing the comprehensive plan did not allow time for the Steering Committee to review this item.

LETTER FROM CLACKAMAS COUNTY SENIOR CITIZENS COUNCIL, INC.
Clackamas County Senior Citizens Council, Inc., has sent letter, dated February 9, concerning housing project for the deaf and senior citizens. The letter was referred to the Planning Commission and the Milwaukie Senior Citizen Advisory Council.

ANNEXATION PETITION - 9310 SE 55th AVENUE
Richard Farance, 19222 Kapteyns Street, West Linn, has petitioned for annexation of property on the east side of 55th Avenue, about 280 feet north of Firwood Street (9310 SE 55th Avenue). It was MOVED by Manuel, SECONDED by Nickel, to refer the annexation petition to the Planning Commission. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1421 - AMENDING ALARM ORDINANCE
Manager noted changes on page 3 of the proposed ordinance, as follows: Section 8 (a) (ii) should be changed to "each false alarm over five." Section 8 (b) (ii) should be changed to "each false alarm over five." Section 8 (c) (i) should be changed to "each false alarm over five." Section 8 (e) (ii) should be changed to "each false alarm request over five."
It was MOVED by Nickel, SECONDED by Burgess, for first reading of Ordinance Number 1421 (AN ORDINANCE AMENDING ORDINANCE NO. 1347 RELATING TO ALARM SYSTEMS AND ALL OTHER MATTERS PERTAINING THERETO) as amended, by title only. It was decided to change Section 6, subsection (v), in the last line, to read: "..to that effect and may issue an order revoking the user's permit." MOTION CARRIED unanimously. It was MOVED by Manuel, SECONDED by Nickel, for second reading by title only. MOTION CARRIED unanimously. It was MOVED by Manuel, SECONDED by Nickel, to adopt Ordinance 1421, as amended. Ordinance 1421 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1421 passed the Council and was so declared by the Mayor.

COUNCIL REPORTS
1. Mayor reported on progress of Urban County funding. Mrs. Burgess asked for Council consensus that she strongly lobby for funding in the amount of $241,000, in a meeting with Commissioner Schumacher. Paulson, Nickel and Ewald agreed with this approach. Manuel stated if Milwaukie does any lobbying, it should be for the County Commissioners to agree with the recommendation of the Policy Advisory Board that Milwaukie receive $156,000, rather than the recommendation of the Citizens Advisory Committee for $126,000. Manuel also asked that Mrs. Burgess not imply to the Commissioners that she has his support for her lobbying for $241,000.

OTHER BUSINESS

1. It was Council consensus to have a dinner with outgoing Council members.
2. Council orientation with department heads and city auditor will be at 7 p.m. March 1.
3. Powellson/Pollack multi-family project on Kellogg Lake is being revised.
4. Council has received copies of draft Areawide Housing Opportunity Plan for Portland Metropolitan Area, done by Metropolitan Service District. The matter will be on the next Council agenda.
5. Mayor said at the meeting last week on the budget, he made a proposal that prior to the first full Budget Committee meeting the Council set up five subcommittees of the Budget Committee. Each subcommittee would consist of one Councilperson and one Budget Committee member, plus five citizens, and would analyze one of five areas of the budget prior to the full Budget Committee meetings. No action was taken.

PAYMENT OF BILLS

It was MOVED by Burgess, SECONDED by Nickel, that the bills listed for February 20, 1979 payment be approved for payment. MOTION CARRIED unanimously.

The meeting adjourned at 11:30 p.m., to go into Executive Session.

EXECUTIVE SESSION

The Council met in executive session under ORS 192.660 (1)(a) to discuss labor negotiations.

Allen Manuel

Allen Manuel, Mayor

ATTEST:

Dorothy E. Farrell

Dorothy E. Farrell, Secretary