

MILWAUKIE
CITY COUNCIL MEETING
August 6, 1979
7 p.m.

COUNCIL CHAMBERS1342nd Meeting

The one thousand three hundred forty-second meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 6th day of August, 1979, with the following councilpersons present:

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Donald Oblander, City Mgr. Pro Tem	Cyrus Nims, Planning Director
Steven Hall, P.W. Director	Dorothy E. Farrell, Sec'y

The invocation was given by the Reverend David Weinert, Harmony Memorial Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of Minutes - July 14, 16 and 26, 1979 meetings
- b) Payment of Bills
- c) Memo re audit of EDA water project
- d) Memo re Manager recruitment
- e) Memo re bicycles on Lake Road
- f) Memo re water service to Community Center
- g) Application for appointment to Budget Committee
- h) Letter re weed abatement
- i) Progress payment - Storm Drain Construction Inspection
- j) Final payment - Ardenwald storm sewers
- k) Progress report - Community Center
- l) Memo from Public Works Director re well pumping capacity
- m) Progress payment - Community Center

It was MOVED by Paulson, SECONDED by Ewald, to adopt the Consent Calendar. Ewald asked that items b, e and i be removed for discussion; Nickel asked for item a, Paulson for item e, and Burgess for item g.

- a) Nickel asked for a correction in the July 14 minutes, page 1, next to last paragraph, to show that she did not abstain, but voted "yes."
- b) Ewald asked questions about various bills.
- c) Manager Pro Tem and Public Works Director recommend entering into agreement with the firm of Branch, Richards, Anderson & Co. to perform final audit of LPW-EDA Grant #07-51-23551, water project.
- d) Staff has sent out news release on City Manager recruitment process.
- e) In response to request from Paulson, Deputy City Attorney has written legal opinion on whether use of highway by a bicyclist is a citable offense when there is an adjacent bike lane. It was MOVED by Ewald that the matter be referred to the Traffic Safety Commission for a determination that the bicycle lanes are safe as stated in the Deputy City Attorney's memo, with the possibility of the City Council adopting an ordinance. There was NO SECOND to the motion, but it was Council consensus that the referral be made. Mayor asked that in the referral a reference be included that the bike paths need cleaning to make them safe for bicycles. Paulson cited instances of bicyclists that impeded traffic on

Lake Road.

- f) Public Works Director has written memo, dated July 24, concerning water service to Community Center.
- g) James Backenstos, 3626 SE Harrison, has applied for appointment to the Budget Committee. Burgess asked that the city solicit applications and set a time for interviews.
- h) Bob Brewer, 4400 SE Howe Lane, in letter dated July 14, has thanked city for action taken to clear blackberries and weeds from vacant property behind his house.
- i) Manager recommends approval of progress payment to Kramer, Chin & Mayo, Inc., on storm drain construction inspection, in the amount of \$390. Ewald asked if the repaving is satisfactory, and was told by Public Works Director that the work done is excellent.
- j) Public Works Director recommends final payment and acceptance on Ardenwald storm drainage project, in the amount of \$26,371.34, to Marshall Associated Contractors.
- k) Community Development Director has written report, dated August 2, on progress on Senior Multi/purpose Community Center.
- l) Public Works Director has written memo, dated August 2, concerning well capacity analysis of Stanley water facility.
- m) Architect recommends payment of \$86,795, progress payment on Milwaukie Senior/Multi-purpose Community Center, to Glynbrook Construction, Inc.

On the motion to adopt, MOTION CARRIED unanimously.

AUDIENCE PARTICIPATION

Ron Moran, Firefighter Bargaining Agent, said he appeared as spokesman for 22 men of the Fire Department to present a vote of "no confidence" in the Fire Chief. It was Council consensus to consider the matter at an Executive Session.

CORRESPONDENCE

1. Jack Rosenberg, First State Bank, has written letter, dated July 31, resigning from Downtown Study Committee and from Housing and Community Development Review Committee. It was MOVED by Burgess, SECONDED by Nickel, to accept the resignations and send a letter of appreciation and certificate. MOTION CARRIED unanimously.
2. Mr. and Mrs. R. Westphal, 11300 SE Beckman Road, have written letter, dated August 2, requesting permission to dwell in a 28 foot travel trailer for four months until their new home on adjoining property is completed, following a house fire. Staff recommends that if Council approves the request, there be three conditions: that the trailer have permanent water supply, permanent sewer hook-up and permanent power hook-up. It was MOVED by Manuel, SECONDED by Nickel, to authorize the Westphals to continue to live in the trailer for up to four months while their new dwelling is being built. Questions to be referred to the City Attorney are: would the neighbors have grounds to complain; does City Council have the authority to hold any conflicting ordinance in abeyance? Staff was asked to monitor to see that the new house is actually being built.
3. It was Council consensus that a letter be sent to the Public Works Director, thanking all Public Works crew and complimenting them on their extraordinary efforts during the crisis caused by a break

in water line at Main and Milport. Public Works Director has recommended, and City Manager has approved, recognition to those employees by the city hosting them at a meal.

PUBLIC HEARING - WILLAMETTE GREENWAY BOUNDARY

Public hearing was declared open at 7:40 p.m. Staff report was given by Planning Director.

Speaking in favor of including Kellogg Lake in Willamette Greenway:

Rebecca Sweetland, 12006 SE McLoughlin, representing Kellogg Lake Friends

Sally Rolloff, 14104 SE Parmenter Drive

Gene Lambird, 12006 SE McLoughlin

Gloria Geister, 11202 Lavona Court, Clackamas, representing Milwaukie Presbyterian Church

Thomas M. Chambers, 12414 SE Oatfield, representing Citizens for Kellogg Wetlands

Mildred Kerr, 2506 Lake Road

Paul Gleason, 7638 SW 36th

Jessica Williamson, 14212 SE River Road, Oak Grove, representing Oak Lodge Community Council

Kirk T. Beiningen, 15080 SE Laurie Avenue, Oak Grove

Speaking against including Kellogg Lake in Willamette Greenway:

George Van Bergen, 2336 SE Washington

Dale Harlan, 2244 Lake Road

Raising questions, making comments:

Richard Weiss, Rt. 1, Box 1080, Estacada

Donna Leitz, 3306 Lake Road

Bill Hupp, 2626 SE Washington

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

Public hearing was closed at 9:25 p.m. A decision will be made at the next meeting. Any additional material will be included in the agenda packet.

REQUEST TO KIWANIS FOR FUNDING FOR KIOSK AND BANNER

Manager pointed out that on two different occasions the Council has directed staff to contact Kiwanis for funds they have available for community projects; once for a kiosk for the south end of town, and later for a "get out the vote" banner. It was Council consensus to concentrate on the kiosk, since that was the first request.

ORDINANCE NUMBER 1430 - SWIMMING POOL REGULATIONS

It was MOVED by Ewald, SECONDED by Burgess, to read Ordinance Number 1430 (AN ORDINANCE REGULATING THE INSTALLATION AND MAINTENANCE OF SWIMMING POOLS, PROVIDING FOR FENCING AND OTHER PROTECTIVE MEASURES: PROVIDING A PENALTY FOR VIOLATION AND AN EFFECTIVE DATE FOR THIS ORDINANCE) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to adopt Ordinance 1430. Ordinance 1430 was put on its passage with the following roll-call vote: AYES: Paulson; Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1430 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1431 - ZC-79-3

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1431 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY R-10 ZONE TO CITY OF MILWAUKIE R-7 ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to adopt Ordinance 1431. Ordinance 1431 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1431 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1432 - ZC-79-4

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1432 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM CLACKAMAS COUNTY R-7 ZONE TO CITY OF MILWAUKIE R-7 ZONE, AND AMENDING ORDINANCE NUMBER 1316 AS AMENDED) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Burgess, to adopt Ordinance 1432. Ordinance 1432 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1432 passed the Council and was so declared by the Mayor.

PROPOSAL FROM STRAAM RE SP PROPERTY DRAINAGE STUDY

Public Works Director has written memo, dated August 2, concerning proposal from STRAAM Engineers for a storm drainage study of the area bounded by Harmony Road, SE 82nd Avenue, Milwaukie Expressway and Lake Road, estimated not to exceed \$15,000. Staff was asked to send a letter to Southern Pacific, asking if they would contribute \$10,000 toward the study, and also to contact adjoining property owners to see if they would be interested.

MEMO RE UPGRADING COSTS - STREET AND STORM SEWER PROJECTS

Public Works Director has written memo, dated August 1, concerning estimate upgrade on street and storm drainage improvement. Time constraints make it impossible for staff to upgrade the street portion of the 1975 study, and it was Council consensus that staff seek proposals from outside engineering firms to do that work.

OTHER BUSINESS

1. Council asked for a report on issue raised by Kathleen Johnson at the July 16, 1979 meeting. Manager said staff is still working on a report, and Council asked for at least a preliminary report by the next meeting.
2. Leo Bauman, Willamette Savings & Loan Association, for Milwaukie Festival Daze Association, has written letter, dated August 1, requesting the use of Main Street between Harrison and Jackson between 7 p.m. and 1 a.m. August 18 for Fireman's Muster Disco Dance. It was Council consensus that the City Manager work out any problems.

APPOINTMENT TO LIBRARY BOARD

It was MOVED by Burgess, SECONDED by Nickel, to approve appointment of Jack H. Weemhoff, 10298 SE 32nd Avenue, to Library Board of Trustees. MOTION CARRIED unanimously. Thank you letter will be sent to Robert Wagner.

PUBLIC HEARING DATE - STREET VACATION PETITIONS FOR PORTIONS OF 31ST, MEEK, MOSS and LEWELLYN

It was MOVED by Manuel, SECONDED by Nickel, that public hearing on street vacation petitions be set for September 17. MOTION CARRIED unanimously.

RESOLUTION NUMBER 35-1979 - CANVASSING VOTE

It was MOVED by Manuel, SECONDED by Nickel, to read Resolution Number 35-1979 (A RESOLUTION CANVASSING THE VOTE AT A SPECIAL CITY ELECTION HELD ON JULY 31, 1979) by title only. MOTION CARRIED unanimously. It was MOVED by Manuel, SECONDED by Ewald, to adopt Resolution 35-1979. MOTION CARRIED unanimously.

OFFER BY PAULSON TO PREPARE NEIGHBORHOOD COUNCIL REPORT

Manager Pro Tem reported that at a meeting with the Neighborhood Council Executive Board, Mr. Paulson agreed to prepare the annual report of Council voting records on Neighborhood Council requested items. Paulson said he did not personally volunteer to prepare the report.

MEMO RE INCREASED EXPENDITURES

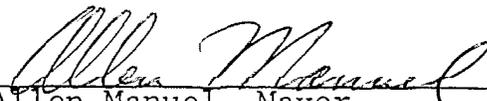
City Manager Pro Tem has written memoranda, dated August 1 and August 3, concerning Increased Expenditures and Budget Outlook for 1980-81. Manager Pro Tem said city has just received letter from Clackamas County Service District #1 increasing unit charge for operating Kellogg Treatment Plant; also rear end went out on Fire Engine 54. Ewald asked for itemized list of repair costs for Engine 54. A meeting on budget will be held Monday, August 13.

SEPTEMBER MEETING DATE

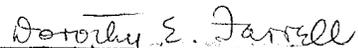
The first September Council meeting will be held Tuesday, September 4.

It was MOVED by Nickel, SECONDED by Ewald, to extend the meeting by 15 minutes. MOTION FAILED to pass with the following roll-call vote: AYES: Burgess and Ewald. NOES: Paulson, Nickel and Manuel.

The meeting adjourned at 11:05 p.m. to go into Executive Session under ORS 192.660 (1)(b) to discuss charges against an employee.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary