

MILWAUKIE
CITY COUNCIL MEETING
October 15, 1979
7 p.m.

COUNCIL CHAMBERS

1347th Meeting

The one thousand three hundred forty-seventh meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 15th day of October, 1979, with the following councilpersons present:

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| Mel Paulson | Robert Ewald |
| Anne Nickel | Mayor Allen Manuel |
| Joy Burgess | |

Also present:

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| Paul Richards, City Mgr. Pro Tem | Dorothy E. Farrell, Sec'y |
| Steven Hall, P.W. Director | |

The invocation was given by Councilwoman Burgess, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of Minutes - September 17, 1979 meeting
- b) Payment of Bills
- c) Applications for Planning Commission
- d) Application for Center Advisory Board
- e) Memo from Paulson re Report on City Council voting records on NC issues
- f) Progress payment No. 1 - 36th Ave. L.I.D.
- g) Memo re LOC Pre-Convention Seminar
- h) Memo from County re Cash Flow
- i) Memo re Planning Commission vacancy
- j) Letter re Economic Development Seminar
- k) Letter from HUD re CDBG Compliance Review
- l) Letter from HUD re CDBG Closeout
- m) Letter from Clackamas Water District re Center
- n) Letter to newspapers re Executive Sessions
- o) Human Services Coordinator Activity Report
- p) Liquor license application - Dave Strauss Flowers
- q) Letters re Community Center sewer assessment

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

b) Ewald asked questions on the bills.

c) Wayne Logemann, Betty Fulmore, George Cathey, Virginia Winings, have applied for appointment to Planning Commission.

d) Ethel M. Zingg has applied for appointment to Center Advisory Board.

e) Councilman Paulson has written memo, dated October 9, to Neighborhood Council Steering Committee, re annual report on voting records of City Council members, re Neighborhood Council issues.

f) Public Works Director recommends payment of Progress Payment No. 1 to Willamette Western Construction Company, in the amount of \$68,882.94, for S.E. 36th Avenue Local Improvement District.

g) Oregon Municipal Finance Officers Association has sent letter, dated October 4, 1979, concerning preconvention seminar sponsored by League of Oregon Cities. Mrs. Burgess asked if anyone will attend; Mrs. Nickel said she plans to attend.

- h) Dick Danforth, County Department of Human Resources, Housing and Community Development, has written memo, dated October 3, concerning cash flow problems regarding Milwaukie.
- i) Planning Commission has sent memo, dated October 2, concerning Planning Commission vacancy. Mrs. Burgess suggested Council set a time for interviews of applicants.
- j) The City of Hillsboro and the American Association of Small Cities is sponsoring an "Economic Development Through Self-Reliance" Seminar. Mrs. Burgess asked if anyone on the Council plans to attend.
- k) Department of Housing and Urban Development has sent letter, dated October 3, concerning routine compliance review of Community Development Block Grant Program.
- l) Department of Housing and Urban Development has sent letter, dated October 4, concerning closeout of Community Development Block Grant B-75-DS-41-0012.
- m) Clackamas Water District has sent letter, dated October 10, concerning water service to Community Center.
- n) Manager Pro Tem has sent letter, dated October 11, to all news media, concerning clarification of executive sessions of the City Council and news media responsibilities regarding information obtained at such executive sessions.
- o) Human Services Coordinator has submitted activity report for September, 1979.
- p) Police Department finds no reason to deny issuance of liquor license to Dave Strauss Flowers & Gifts.
- q) Manager has sent copies of correspondence concerning sewer assessment fees for Community Center. Burgess asked for clarification; Manager explained the matter was not taken care of in July, and he is commencing draw-down process. Mayor asked questions about purchase of fire truck tires from Mike's Tire Service; staff will report back to Council. On the motion to adopt, MOTION CARRIED unanimously.

AUDIENCE PARTICIPATION

1. Bill Hupp said there will be a hearing October 18 before Port of Portland regarding recreational boating. He will be presenting letters of support for a Milwaukie project.
2. Eloise Hobson, Chairman of Parks and Recreation Commission, asked for clarification of Mr. Hupp's role in connection with Parks and Recreation Commission.
3. Appreciation certificates were presented to members of the city's Fire Code Study Committee.
4. Kathy Strickland and Karen Mura of Milwaukie Riding Club presented a check for \$500 for improvements to the equestrian area at North Clackamas Park.
5. Jane Rhodes, Metropolitan Service District and District 6 Councilwoman and Chairperson of Johnson Creek Task Force. It has been decided the problems of Johnson Creek will be dealt with on a basin-wide basis, and the first emphasis will be on storm water run-off. The committee has developed interim development guidelines for storm water run-off management in the Johnson Creek basin.

It was MOVED by Nickel, SECONDED by Burgess, to accept the interim guidelines for storm water run-off in Johnson Creek basin. MOTION CARRIED unanimously.

6. James Backenstos, 3626 SE Harrison, stated he feels Mayor Manuel has not shown leadership, has shown anti-labor and anti-taxpayer attitude, and has accused Mr. Backenstos unjustly of calling city employees third-rate citizens. Mr. Backenstos asked for an apology. Mayor read excerpts from July 3, 1979 Council meeting, including statements made by Mr. Backenstos, as well as statements by Mr. Backenstos when he was interviewed for Budget Committee. (Meeting recessed at 8:15 p.m., reconvened at 8:25 p.m. with all present.)

NEIGHBORHOOD COUNCIL REPORTS

Mrs. Burgess requested a report from those who attended Volunteer Program Management Workshop September 27 and 28.

CORRESPONDENCE

1. Dwyer Hospital has sent letter, dated October 3, concerning the hospital's certificate of need battle.
2. Mrs. Kathryn L. Elliott, 9739 SE 42nd, has written letter, dated October 11, concerning Neighborhood Councils. Staff was asked to respond to the letter.
3. John Spencer, Wilsey & Ham, has sent memo, dated October 10, concerning Comprehensive Plan and ordinance hearings. Council has received petition signed by 104 people in the area along SE 32nd requesting a zone change, as well as a letter from attorney Dale Harlan concerning the Comprehensive Plan. Staff has not received copy of these documents.
4. John D. Gray, Omark Industries, has written letter, dated October 10, concerning city's request he serve as chairman of a fund-raising committee for Community Center.
5. Planning Department has sent memo, dated October 11, concerning the Planning Commission vacancy. Donald Trotter, 2323 SE Harrison, Apt. 18, has applied for Planning Commission appointment.
6. Mrs. Burgess has received letter from League of Oregon Cities saying they have recommended her appointment to the LCDC Local Officials Advisory Committee.
7. Jean Baker, 2607 Monroe, has sent letter concerning Comprehensive Plan.

PUBLIC HEARING - POSSIBLE PURCHASE OF MILWAUKIE AUTOMOTIVE PROPERTY

Staff report was given by Steven Hall, Public Works Director. John H. Hammond, Jr., Acting City Attorney, has written memo, dated October 12, concerning proposed lease option agreement to purchase real property by the City of Milwaukie. The building on the site is planned for use as a Public Works shop facility. There was discussion of the need for an additional mechanic. Public hearing was declared open at 8:55 p.m.

Speaking in favor of acquiring the property:

Steven Hall, 3745 SE Drake

Tony Callan, 3915 SE Drake

Asking questions:

Bill Hupp, 2626 SE Washington

Concerning the adjoining property, which was purchased with gas

tax funds, staff was asked to research whether it would be possible to reimburse that fund with some other source to allow use of the land for general city purposes. Staff was asked to report on whether sufficient funds would be available over the period of the lease purchase agreement. Staff was asked to report on the impact on current budget structure of all departments when maintenance of equipment is contracted out. A lease purchase agreement will be prepared for Council consideration. Public hearing was declared closed.

MEMO RE LIBRARY SERIAL LEVY

Library Director has sent memo, dated September 25, concerning Library serial tax levy and the cost of automated circulation.

MEMO RE DONATED EQUIPMENT

Human Services Coordinator has sent memo, dated September 26, concerning donated equipment for Community Center. Mayor said it is necessary for Council to approve contract with Loaves and Fishes, and with agreement of the Council, tonight's meeting will be continued to October 18 for consideration of that item.

LETTER FROM CENTER ADVISORY COMMITTEE RE CAC POSITION

Center Advisory Committee has sent memo, dated October 10, concerning CAC position on Center. It was Council consensus that the Center gift shop will be under the direction of the Center Director.

It was MOVED by Ewald, SECONDED by Nickel, that the Center Advisory Committee stay in existence for 90 days after the Center opens. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Manuel, Burgess and Ewald. NOES: Paulson.

LETTER RE AAA PAYMENT

Department of Human Resources, Area Agency on Aging, has sent letter, dated August 31, concerning overpayment to Milwaukie in the amount of \$840. It was Council consensus that the city reimburse AAA.

LETTER RE AUDIT COSTS

Coopers & Lybrand has sent letter, dated September 28, concerning overruns of time with regard to audit of Community Development Block Grants. It was MOVED by Burgess, SECONDED by Ewald, that if the Manager can identify funds available in the amount of \$750 within this budget area, that this amount be paid to Coopers & Lybrand; if there is a problem with identifying the funds, it be brought back to Council for further discussion. MOTION CARRIED unanimously.

UNION PACIFIC RAILROAD FRANCHISE

Council has received copy of letter from Myer Avedovech, City Attorney, to UPRR, dated June 20, saying the city is willing to accept \$100 per year as a franchise fee for operating drill track in McBrod Avenue.

It was MOVED by Ewald, to read (AN ORDINANCE REPEALING ORDINANCE NO. 738; GRANTING PORTLAND TRACTION COMPANY, AN OREGON CORPORATION, ITS SUCCESSORS AND ASSIGNS, FOR A PERIOD OF TWENTY YEARS FROM AND

AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, THE RIGHT AND PRIVILEGE TO LAY ...A DRILL TRACK LINE OF RAILWAY...OVER, ALONG AND UPON...McBROD AVENUE...) the first time by title only. MOTION FAILED for lack of a second. Staff was asked to check back to see if a previous Council authorized the \$100 fee.

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING REPORT

Manager Pro Tem gave a verbal report on Community Development Block Grant funding.

APPOINTMENTS TO TAX BASE COMMITTEE, RESOLUTION ESTABLISHING COMMITTEE

A resolution has been prepared establishing a Tax Base Committee, but staff was asked to rewrite it, including more detail. The following persons were proposed as committeemembers:

John Laing
Dolores Juhala
Robert Petersen
Katie Orlando
Patricia Jaamtgard
Anna Payne
Bob Franz
David Graf
Irwin Adams

There was discussion of whether or not to include businessmen who operate within the city but do not reside in the city. Mrs. Nickel requested the minutes show that some councilpersons do not consider those businessmen to be citizens of Milwaukie.

It was MOVED by Manuel, SECONDED by Nickel, to allow up to two people on the Tax Base Committee to be non-residents of the city. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Manuel and Ewald. NOES: Burgess and Paulson.

It was MOVED by EWald, SECONDED by Nickel, that the above persons be appointed to the Tax Base Committee, as long as it is legal to include those living outside the city. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Manuel, Burgess and Ewald. NOES: Nickel. Mrs. Nickel stated she voted "no" because she thinks there should be more than one businessman.

REPORT ON STORM DRAIN COST

Public Works Director reported on STRAAM Engineers Inc. September, 1979 report on Storm Drainage Comprehensive Plan Update.

MEMO FROM TRAFFIC SAFETY COMMISSION RE RESIGNATION AND APPOINTMENT

Traffic Safety Commission has sent memo, dated October 8, concerning resignation of James Mura, and requesting replacement appointment.

It was MOVED by Burgess, SECONDED by Nickel, that Willard Cox be appointed to the Traffic Safety Commission. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Nickel, to accept the resignation of James Mura. MOTION CARRIED unanimously.

There was discussion of appointing a student to the Traffic Safety Commission. Staff was directed to send a letter to Kelly Fried at the high school on the subject.

Resolution Number 42-1979 - Interfund Loan

It was MOVED by Nickel, SECONDED by Burgess, to read Resolution Number 42-1979 (A RESOLUTION AUTHORIZING THE EQUIPMENT RESERVE FUND TO LOAN UP TO \$105,000 TO THE COMMUNITY DEVELOPMENT FUND TO PROVIDE THE NECESSARY CASH TO COVER A TEMPORARY DEFICIT) by title only. MOTION CARRIED unanimously. It was MOVED by Burgess, SECONDED by Paulson, to adopt Resolution 42-1979. MOTION CARRIED unanimously.

COMMUNITY CENTER DIRECTOR SALARY

It was MOVED by Nickel, SECONDED by Ewald, to accept staff recommendation that the Community Center Director's salary be established at \$1312 - 1595 per month.

(It was MOVED by Ewald, SECONDED by Burgess, to extend the meeting for five minutes. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Manuel, Burgess and Ewald. NOES: Nickel). MOTION CARRIED unanimously.

CABLE TV ORDINANCES

These ordinances will be considered at the next meeting.

DISCUSSION OF ROLE OF BILL HUPP VIS-A-VIS PARKS COMMISSION

There was discussion of defining role of Bill Hupp and Parks Commission. It was consensus that he is a special envoy, non-voting, to the Parks and Recreation Commission to deal with development of a marina on the waterfront, and that any reports from him to City Council should go simultaneously to the Parks Commission.

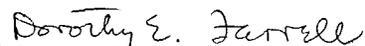
OTHER BUSINESS

Mrs. Burgess asked Manager Pro Tem to meet with Police Chief to see if city ordinances are sufficient to control noise pollution.

The meeting adjourned at 11:15 p.m., to continue to 7 p.m. Thursday October 18, 1979.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary