

MILWAUKIE
CITY COUNCIL MEETING
November 19, 1979
7 p.m.

COUNCIL CHAMBERS1349th Meeting

The one thousand three hundred forty-ninth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 19th day of November, 1979, with the following councilpersons present:

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel

Absent: Joy Burgess (excused)

Also present:

Kenneth S. Whorton, City Mgr.	Cyrus Nims, Planning Direct.
Donald Oblander, Finance Direct.	Dorothy E. Farrell, Sec'y
Steven Hall, Public Works Direct.	

The invocation was given by the Reverend Jim Moiso, Milwaukie Presbyterian Church, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - October 8 and 25 special; October 8, 10, 15, November 5 executive sessions; November 5 regular meeting
- b) Payment of Bills
- c) Memo from Finance Director re property taxes
- d) Memo from Finance Director re Financing Oregon Cities
- e) Progress payment - Weil Contracting - Water Tank
- f) Clarification of rule re adjournment

It was MOVED by Nickel, SECONDED by Ewald, to approve the Consent Calendar. Ewald requested item c be removed for discussion, and Paulson requested items d and f.

c) Finance Director has written memo, dated November 7, 1979, concerning property taxes. Ewald suggested a press release be prepared on the subject matter in the memo.

d) Finance Director has written memo, dated August 17, 1979, concerning report on financing the operations of Oregon cities. Paulson commented on sessions he attended at League of Oregon Cities Convention on the subject.

e) Public Works Director recommends approval of Progress Payment No. 7 on LPW-EDA 07-51-23551, 3-million gallon water reservoir, to Weil Contracting Service Inc., in the amount of \$22,652.38.

f) Community Development Director has written memo, dated November 15, concerning legal clarification of whether Council Resolution prevails over Roberts Rules of Order in percentage of vote required to extend length of meeting. Paulson did not recall the Council having requested staff to get opinion from City Attorney. On the motion, MOTION CARRIED unanimously by those present.

AUDIENCE PARTICIPATION

1. Bill Hupp, 2626 SE Washington Street, reported on waterfront development. Staff will write letter to Port of Portland asking for a work session attended by Port of Portland representatives, City Council, Parks Commission, Parks Director, and any other interested persons.
2. Jim Backenstos, 3626 SE Harrison, said the Clackamas County Labor Council has endorsed the above project.
3. Ronald Heydel, 12202 SE Guilford Drive, described a drainage

problem at his residence. Public Works Director said there are storm drain problems in the area; the storm drains tie into existing system owned by Rowe Junior High School, which doesn't have the capacity, sometimes, to handle all the water. Public Works Director suggested to Mr. Heydel he write a letter to the city making a claim for the collapsed wall resulting from drainage problems. Ewald suggested the city write a letter to the school district in an effort to back Mr. Heydel in his efforts to get the school district to help alleviate drainage problems in the area.

PUBLIC HEARING - DESIGNATION OF BICYCLE PATHS

Public Works Director explained complaints had been received that bicyclists were traveling on Lake Road rather than on the bike path adjacent to Lake Road. The matter was referred to the Traffic Safety Commission; Traffic Safety Commission requested Council hold a public hearing to determine whether bicycle paths are suitable for safe use of bicycles at a reasonable rate of speed. This determination is necessary before the city can cite persons for riding bicycles on streets when there is a bike path available. Public hearing was declared open at 7:55 p.m.

Clair Kuppenbender, 10746 SE 28th, discussed liability of city and liability of the cyclist.

Jim Backenstos, 3626 SE Harrison, discussed liability of city and liability of the cyclist.

John Cottrell, 14582 SE Kingston, stated he would not want the city to cite cyclists for riding on the street, as sometimes the paths are too littered for riding.

(Public hearing was declared closed at 8 p.m.)

It was Council consensus that the matter be again placed on the agenda after the new City Attorney is hired; that the City Attorney be asked for a legal opinion on city liability and whether there are laws having to do with hazardous bicycle riding now in effect.

LETTER FROM PORT OF PORTLAND RE PROPOSED BOATING FACILITY

Port of Portland has sent letter, dated November 13, concerning proposed Milwaukie recreational boating facility.

RESIGNATION FROM CIVIL SERVICE COMMISSION

Joe Bernard, 2036 SE Washington, Chairman of Civil Service Commission, resigned from Commission effective January 1, 1980, giving as his reason the fact the Civil Service Commission has to spend too much time in hearings on employee grievances.

CABLE TELEVISION ORDINANCES

Council has received letter from Cox Cable Communications, Inc., dated November 19, 1979, concerning proposed cable television franchise ordinances. Nickel requested the Council be provided copy of Beaverton's cable TV ordinance. Representatives of various cable TV companies spoke to the Council concerning franchises. Manager will put together questionnaire to get information from various companies; he will also get opinion from City Attorney as to whether or not an enabling ordinance is necessary in addition to a franchise ordinance.

LEASE PURCHASE AGREEMENT - MILWAUKIE AUTOMOTIVE

Manager said this item is on the agenda in case members of Council have any suggestions as to wording of the proposed agreement. Ewald questioned wording making agreement binding on city's heirs and assigns. Ewald asked for itemized list of total cost to city, including purchase price, improvements, taxes, insurance.

SUBDIVISION AND SIGN ORDINANCES

On page 17 of the proposed subdivision ordinance, Section 7.04, the first word should be "Flag."

It was MOVED by Nickel, SECONDED by Paulson, that (AN ORDINANCE WHICH REGULATES THE CONSTRUCTION, ERECTION, MAINTENANCE, ELECTRIFICATION, ILLUMINATION, TYPE, SIZE, NUMBER AND LOCATION ON SIGNS IN AREAS OUTSIDE THE PUBLIC RIGHT OF WAY) be read the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be on the next agenda for second reading.

Wilsey & Ham have written memo, dated November 19, concerning change to addendum for the subdivision ordinance.

It was MOVED by Paulson, SECONDED by Nickel, to read (AN ORDINANCE WHICH REGULATES THE SUBDIVISION AND PARTITIONING OF LAND AND PROVIDES CERTAIN STANDARDS) the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be on the next agenda for second reading.

Mayor asked for a report on where city stands on bringing all signs in the city into conformance with the sign ordinances; and whether the city's ordinance been validated by the last Legislature.

RESOLUTION NUMBER 54-1979 - AMENDMENTS TO COMPREHENSIVE PLAN

It was MOVED by Nickel, SECONDED by Paulson, to read Resolution Number 54-1979 (A RESOLUTION FOR INITIATING CERTAIN AMENDMENTS TO THE MILWAUKIE COMPREHENSIVE PLAN) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 54-1979. MOTION CARRIED unanimously by those present.

RESOLUTION NUMBER 55-1979 - AMENDMENTS TO COMPREHENSIVE PLAN

Wilsey & Ham has written memos, dated November 19, concerning Metro suggestions for zoning ordinance amendment, and Metro suggestions for comprehensive plan amendment. It was MOVED by Nickel, SECONDED by Paulson, to read Resolution Number 55-1979 (A RESOLUTION FOR INITIATING CERTAIN AMENDMENTS TO THE MILWAUKIE COMPREHENSIVE PLAN) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 55-1979. MOTION CARRIED unanimously by those present.

DUAL INTEREST AGREEMENT WITH CLACKAMAS COUNTY

Planning Director has written memo, dated November 15, concerning Dual Interest Area Agreement with Clackamas County. It was MOVED by Nickel, SECONDED by Ewald, to accept the changes proposed by staff and the county in the agreement. MOTION CARRIED unanimously by those present.

MEMO FROM PUBLIC WORKS DIRECTOR RE NUISANCE ABATEMENT

Public Works Director has written memo, dated November 15, 1979, concerning nuisance abatement. It was Council consensus to authorize placing the matter described in the memo be placed on the court agenda for abatement of the nuisance.

COMMUNITY DEVELOPMENT BLOCK GRANT 1980 PROJECTS

Community Development Director has written memo, dated November 16, 1979, concerning 1980 Urban County Community Development Block Grant funding alternatives for City Council adoption.

It was MOVED by Nickel, SECONDED by Paulson, to accept the first and second year funding request as stated in the memo, with the understanding that "general abatement" will be included under year two. MOTION CARRIED unanimously by those present.

It was MOVED by Nickel, SECONDED by Paulson, to request items a and b on the second page of the memo as requests from contingency fund for year two. MOTION CARRIED unanimously by those present.

NORTH CLACKAMAS JUNIOR BASEBALL FUNDING REQUEST

Parks and Recreation Superintendent has written memo, dated November 14, 1979, concerning North Clackamas Junior Baseball funding request. Public Works Director approves the request.

It was MOVED by Nickel, SECONDED by Manuel, to approve expenditure of \$300 for sponsorship of a boys and girls team. MOTION CARRIED unanimously by those present.

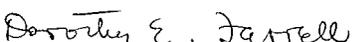
OTHER BUSINESS

1. Manager reported that three members of Budget Committee whose terms expire in February have indicated they would be willing to be reappointed.
2. It was Council consensus to write a letter to the Clackamas County District Attorney expressing appreciation for his report on the Kathi Johnson/Adams Street matter.
3. Ewald asked that staff develop a form to summarize ordinances which are presented for Council consideration.
4. Nickel suggested Manager start a file of needed Charter changes.
5. It was Council consensus that Manager write a letter of appreciation to Fire Chief Boulanger, after his effective resignation date.
6. It was Council consensus that the Manager prepare a final report on the allegations of Fire Department personnel against Fire Chief Boulanger.
7. Staff was asked to solicit applications for Budget Committee appointment, and to contact previous applicants to see if they are still interested in appointment.

The meeting adjourned at 10:45 p.m.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Secretary