

MILWAUKIE  
CITY COUNCIL MEETING  
March 3, 1980  
7 p.m.

COUNCIL CHAMBERS

1355th Meeting

The one thousand three hundred fifty-fifth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on the 3rd day of March, 1980, with the following councilpersons present:

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Kenneth S. Whorton, City Mgr.	Gregory Eades, City Att'y
Donald Oblander, Finance Direct.	Dorothy E. Farrell, Sec'y
Steven Hall, P.W. Director	

The invocation was given by the Reverend Stephen Fountain, Oak Grove Assembly of God Church, and the Pledge of Allegiance was recited.

RESOLUTION NUMBER 15-1980 - FEES FOR SPECIAL BUILDING INSPECTION

It was MOVED by Burgess, SECONDED by Nickel, to read Resolution Number 15-1980 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AMENDING RESOLUTION NUMBER 65-1968, AND SETTING FEES FOR SPECIAL INSPECTIONS PERFORMED BY THE BUILDING INSPECTOR) by title only.

Grant Miller, 9484 SE 41st, representing Milwaukie Fair Share, and Jim Verhagen, 9425 SE 41st, spoke in favor of the resolution.

MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Nickel, to adopt Resolution 15-1980. MOTION CARRIED unanimously.

AUDIENCE PARTICIPATION

Eloise Hobson, 9416 SE Winsor Drive, Chairman of Parks and Recreation Commission, asked Council to reconsider Resolution 12-1980, limiting terms on Parks Commission to two two-year terms. It was MOVED by Burgess, SECONDED by Ewald, that an amendment be included in recently-passed resolution and ordinance limiting terms of office on advisory committees, allowing Council discretion to extend the term of office of a current member of an advisory committee.

It was MOVED by Nickel, SECONDED by Ewald, to amend the motion to include a recommendation from the commission chairman that the term be extended. MOTION FAILED with the following roll-call vote:

AYES: None. NOES: Paulson, Nickel, Manuel, Burgess and Ewald.

On the main motion, MOTION CARRIED unanimously.

PAYMENT OF BILLS

It was MOVED by Nickel, SECONDED by Paulson, that the bills listed for March 3, 1980 payment be approved for payment. After questions, MOTION CARRIED unanimously.

APPOINTMENT TO PLANNING COMMISSION

It was MOVED by Burgess, SECONDED by Ewald, that Leo Bauman be appointed to the Planning Commission. MOTION CARRIED with the

following roll-call vote: AYES: Paulson, Burgess and Ewald.  
NOES: Nickel and Manuel.

ORDINANCE NUMBER 1448 - ANIMAL CONTROL (2ND READING)

It was MOVED by Nickel, SECONDED by Ewald, to read Ordinance Number 1448 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NUMBER 1381 PROVIDING FOR ANIMAL CONTROL) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Ewald, to adopt Ordinance 1448. Ordinance 1448 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1448 passed the Council and was so declared by the Mayor.

DATE FOR WORK SESSION ON NEIGHBORHOOD COUNCILS

The date for work session on Neighborhood Councils has been changed from March 13 to March 14, 1980, at 7 p.m.

LETTER AND MEMORANDUM CONCERNING THE MILWAUKIE CENTER

Jonathan D. Hildner, Administrator of Clackamas County Department of Human Resources, has written letter, dated February 8, 1980, concerning The Milwaukie Center, focusing on three issues: who could use the center, how the center could be used, and who might occupy office space at the center. City Attorney has written memo, dated February 28, 1980, on the subject.

It was MOVED by Burgess, SECONDED by Paulson, that City Council support and approve the terms of Mr. Hildner as stated in his letter dated February 8, 1980 as the City Council directed policy for the operation of The Milwaukie Senior Multi-purpose Community Center.

It was MOVED by Paulson, SECONDED by Burgess, to allow members of the audience to speak. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Ewald. Manuel did not vote.

On the motion to support and approve the terms of the Hildner letter, MOTION FAILED with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Manuel and Ewald.

It was MOVED by Nickel, SECONDED by Ewald, to re-affirm the policy first stated in 1978 that use of the Center is predominately for seniors.

It was MOVED by Paulson, SECONDED by Burgess, to amend the motion to integrate into the policy paragraph 1 of the Hildner letter.

On the amendment, MOTION CARRIED unanimously.

On the main motion, MOTION CARRIED unanimously.

The following members of the audience spoke:

Blanche Manley, Treasurer of Loaves and Fishes

James Backenstos, 3626 SE Harrison Street

David Graf, Center Advisory Committee

(Meeting recessed at 8:40 p.m., reconvened at 8:50 p.m. with all present.)

MEMORANDA FROM PARKS AND RECREATION COMMISSION

I. Parks and Recreation Commission has written memo, dated

February 21, 1980, concerning horsemanship program at North Clackamas Park.

2. Parks and Recreation Commission has written memo, dated February 16, 1980, concerning North Clackamas Park field lighting project.

3. Parks and Recreation Commission has sent memo, dated February 20, 1980, concerning street trees along 17th Avenue.

4. Parks and Recreation Commission has sent memo, dated February 25, 1980, concerning Parks and Recreation office space at Community Center at NCP.

#### MEMO FROM CITY ATTORNEY RE MUNICIPAL COURT

City Attorney has written memo, dated February 21, 1980, concerning Municipal Court. It was MOVED by Burgess, SECONDED by Nickel, that City Council approve the amount of \$5500 to meet Municipal Court needs as requested by City Attorney and approved by City Manager. MOTION CARRIED unanimously.

#### ORDINANCE NUMBER 1449 - STATE REVENUE SHARING

It was MOVED by Nickel, SECONDED by Paulson, that Ordinance Number 1449 (AN ORDINANCE OF THE CITY OF MILWAUKIE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUE SHARING FUNDS) be read the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance 1449 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to adopt Ordinance 1449. Ordinance 1449 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1449 passed the Council and was so declared by the Mayor.

#### MEMORANDUM RE AUDIT COMMENTS

Finance Director has written memo, dated February 28, 1980, concerning interim recommendations in response to audit comments. It was MOVED by Ewald, SECONDED by Nickel, that the \$28,000 earmarked for updating city's engineering records and providing for accurate current listing of fixed assets (see 2/21/80 minutes) be "un-earmarked." MOTION CARRIED unanimously.

It was MOVED by Ewald, SECONDED by Nickel, that the Supervising Accountant salary, as proposed on February 21, 1980, be approved. MOTION CARRIED unanimously.

Finance Director said he didn't want to leave the impression that updating fixed asset records is not important; but that it would be premature to jump into it before having enough staff to carry out the project.

#### MEMO RE EX PARTE CONTACTS

City Attorney has written memo, dated February 28, 1980, concerning ex parte contacts.

#### ALTERNATIVES TO BACKYARD BURNING

Parks and Recreation Superintendent has written memo, dated February 28, 1980, concerning alternatives to backyard burning. Jack Deines of Deines Brothers Sanitary Service told Council his company is willing to cooperate with the city. Manager was asked to work with Mr. Deines in preparing a proposal for Council.

consideration.

#### REVIEW OF POLICE PROCEDURES

Police Chief has prepared proposed procedures on vehicle operation and firearms policy. City Manager and City Attorney have written memoranda, dated February 28 and February 27, 1980. Mayor asked for a report on what kind of individual protection City Councilmembers have against lawsuits. Burgess and Ewald have written comments on their copies of the proposed procedures. Copies will be made for other Councilmembers.

#### SET DATE FOR INTERVIEWS FOR TRAFFIC SAFETY COMMISSION

Council will interview candidates for appointment to Traffic Safety Commission starting at 6 p.m. Monday, March 17.

#### CONSENT AGENDA

- a) Approval of minutes - December 3, 1979, January 17 and 24, 1980 and February 21, 1980 Council meetings
- b) Payment of 36th Avenue L.I.D. retainage
- c) Application for Parks and Recreation Commission
- d) Liquor license applications
  - 1) Pal's Shanty, 11056 SE Main - DA
  - 2) Thriftway Market, 11222 SE Main - PS
  - 3) Pietro's Gold Coast Pizza Parlor, 10300 SE Main - RMB
  - 4) The Little Store, 2936 SE Washington - PS

It was MOVED by Paulson, SECONDED by Nickel, to adopt the Consent Agenda. MOTION CARRIED unanimously.

- b) Public Works Director and City Manager recommend payment of retainage on 36th Street Local Improvement District, in the amount of \$6413,99, to Willamette Western.
- c) J. Wayne Waits, 3008 SE Olsen Street, has applied for appointment to the Parks and Recreation Commission.
- d) Police Chief finds no reason to deny issuance of liquor licenses to Pal's Shanty, Thriftway Market, Pietro's Gold Coast Pizza Parlor and The Little Store.

#### RESOLUTION NUMBER 16-1980 - AMENDING PERSONNEL RULES

It was MOVED by Nickel, SECONDED by Ewald, to read Resolution Number 16-1980 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AMENDING THE CITY PERSONNEL RULES) by title only. MOTION CARRIED unanimously. It was MOVED by Paulson, SECONDED by Burgess, to adopt Resolution 16-1980. MOTION CARRIED unanimously.

#### OTHER BUSINESS

1. It was MOVED by Nickel, SECONDED by Paulson, to appoint Steven Hall, Public Works Director, to the Technical Advisory Committee for McLoughlin Boulevard project.
2. It was MOVED by Nickel, SECONDED by Ewald, to direct staff to request Fish and Wildlife Department to do a survey and inventory of fish and wildlife on the city's waterways. MOTION CARRIED unanimously.

The meeting adjourned at 10:45 p.m.

Allen Manuel  
Allen Manuel, Mayor

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Secretary