

MILWAUKIE  
CITY COUNCIL MEETING  
April 7, 1980  
7 p.m.

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COUNCIL CHAMBERS

1357th Meeting

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

Mel Paulson	Robert Ewald
Anne Nickel	Mayor Allen Manuel
Joy Burgess	

Also present:

Kenneth S. Whorton, City Mgr.	Greg Eades, City Attorney
Donald Oblander, Finance Direct.	Dorothy E. Farrell, Sec'y
Steven Hall, P.W. Director	Ronald Schanaker, Police Chief

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

LENGTH OF COUNCIL MEETINGS

Ewald proposed Council meetings end at 10 p.m. instead of 11 p.m., with the exception that when there is a public hearing, the meetings will end at 10:30 p.m.

PUBLIC HEARING - ORDINANCE NUMBER 1455 - RENAMING STREETS

Public hearing was declared open at 7:05 p.m. Notice published as required. There has been no correspondence either for or against the proposed changes. No one appeared to speak at the public hearing. Public hearing was declared closed at 7:12 p.m.

It was MOVED by Burgess, SECONDED by Nickel, to read Ordinance Number 1455 (AN ORDINANCE OF THE CITY OF MILWAUKIE RENAMING STREETS IN KELLOGG VIEW HEIGHTS SUBDIVISION) 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 1455. Ordinance 1455 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1455 passed the Council and was so declared by the Mayor.

PAYMENT OF BILLS

It was MOVED by Nickel, SECONDED by Burgess, that the bills listed for April 7, 1980 payment be approved for payment. MOTION CARRIED unanimously.

PROCLAMATIONS

The Mayor read the following proclamations:

- 1) proclaiming the month of May, 1980, as Older Americans Month and May 20, 1980 Older Americans Day,
- 2) proclaiming the week of May 11 through May 17, 1980 to be National Transportation Week.

PURCHASE OF PLAQUE FOR THE MILWAUKIE CENTER

Senior Citizen Advisory Council has written memo, dated March 18, recommendation purchase and placement of plaque in the Milwaukie Center. It was MOVED by Ewald, SECONDED by Burgess, that a plaque with the wording "Milwaukie Senior Multi-purpose Community

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Center," and the names of the current Mayor and City Council, be purchased, and that the Council, from the City Council budget, contribute up to \$200 toward purchase of the plaque. Art Renner of the Senior Citizen Advisory Council suggested the names of everyone connected with obtaining funds for the Center be listed on a scroll. It was MOVED by Burgess, SECONDED by Ewald, to amend the main motion to state that the amount be set at the cost of the plaque. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess and Ewald. NOES: Manuel. On the main motion, MOTION CARRIED unanimously.

LETTER FROM COOPERS & LYBRAND RE AUDIT FEE

Coopers & Lybrand, certified public accountants, have written letter, dated March 13, 1980, concerning audit fee. It was MOVED by Burgess, SECONDED by Paulson, that the City Council continue to retain Coopers & Lybrand for the 1980-81 fiscal year, and that the Council accept the terms as stated in their letter dated March 13, 1980. MOTION CARRIED unanimously.

MEMO FROM FINANCE DIRECTOR RE UTILITY RATES

Finance Director has written memo, dated March 21, 1980, concerning utility rates. It was Council consensus to advertise and hold a public hearing on increases in utility rates at the next Council meeting.

RESOLUTION NUMBER 20-1980 - AUTHORIZING SIGNATURES ON CHECKS

It was MOVED by Nickel, SECONDED by Ewald, to read Resolution Number 20-1980 (A RESOLUTION OF THE COUNCIL OF THE CITY OF MILWAUKIE REPEALING RESOLUTION NUMBER 45-1979 AND AUTHORIZING SIGNATURES ON CITY OF MILWAUKIE CHECKS) by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Nickel, to adopt Resolution 20-1980. MOTION CARRIED unanimously.

RELEASE OF EASEMENT - SPRING CREEK APARTMENTS

City Attorney has written memo, dated April 4, 1980, concerning release of easement. When the city acquired the property where the Police Department is now, there was included an 18-foot access strip running through property of Spring Creek Apartments. This easement was not discovered until the apartments were in the process of being sold. The new owners request the city to release its right to this easement; in exchange they will grant the city a four-year lease for parking spaces for \$1 a year, instead of the \$56 a month now being paid. It was MOVED by Manuel, SECONDED by Ewald, that the City Council agree to the lease arrangements specified in the memo, as well as a long-term cancellation clause, and authorize the Mayor to sign the document. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1456 - ZC-80-2 (4305 Johnson Cr. Blvd.)

It was MOVED by Ewald, SECONDED by Nickel, to read Ordinance Number 1456 (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY FROM CLACKAMAS COUNTY R-10 TO CITY R-7, AND AMENDING ORDINANCE NUMBER 1438) the first time by title only. MOTION CARRIED

unanimously. It was MOVED by Ewald, SECONDED by Nickel, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Nickel, to adopt Ordinance 1456. Ordinance 1456 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1456 passed the Council and was so declared by the Mayor.

ORDINANCE AMENDING ZONING ORDINANCE

It was Council consensus to delay consideration of this ordinance until the Comprehensive Plan is approved by LCDC.

ORDINANCE NUMBER 1457 - PARKING ON ADAMS STREET

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1457 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NUMBER 1043 PROVIDING FOR IMPROVEMENTS ON ADAMS STREET) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to adopt Ordinance 1457. Ordinance 1457 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1457 passed the Council and was so declared by the Mayor.

(Meeting recessed at 8:15 p.m., reconvened at 8:22 p.m. with all present.)

REPORT ON VACANCIES ON COMMITTEES - APPOINTMENTS TO VACANCIES

Staff has reported on committee vacancies.

It was MOVED by Burgess, SECONDED by Nickel, that Art Johnson, Doris Olsen and Nicholas Knapp be appointed to the three vacancies on the Senior Citizen Advisory Commission. MOTION CARRIED unanimously. It was Council consensus that the City Council direct the Senior Citizen Advisory Commission to appoint their alternates as they desire.

DISCUSSION OF NORTH CLACKAMAS-MILWAUKIE CONSOLIDATION STUDY

Manager has written memo, dated April 3, concerning the consolidation study. It was MOVED by Burgess, SECONDED by Paulson, that the City Council direct the City Manager to cease from any further involvement whatsoever in the consolidation effort, because the feasibility study has been completed. MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Burgess. NOES: Nickel, Manuel and Ewald.

It was MOVED by Nickel, SECONDED by Ewald, to direct the City Manager to stay involved at the same level, with the idea of bringing the consolidation to a vote of the people. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Manuel and Ewald. NOES: Paulson and Burgess.

DISCUSSION OF MILWAUKIE AUTOMOTIVE PROPERTY

Manager asked what, if anything, Council would like staff to do concerning the Milwaukie Automotive property, since the bond election for purchase of the property failed. It was Council consensus that the issue is dead.

RESOLUTION NUMBER 21-1980 - CANVASSING VOTE AT SPECIAL ELECTION

It was MOVED by Burgess, SECONDED by Paulson, to read Resolution Number 21-1980 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CANVASSING THE VOTE AT A SPECIAL ELECTION HELD MARCH 25, 1980) by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Burgess, to adopt Resolution 21-1980. MOTION CARRIED unanimously.

DATE FOR BUDGET COMMITTEE MEETING

There will be a Budget Committee meeting following the public hearing before the City Council on the budget, on Thursday, April 17.

ORDINANCE NUMBER 1458 - REPEALING ORDINANCE 520 REGULATING CARD-ROOMS

It was MOVED by Ewald, SECONDED by Nickel, to read Ordinance Number 1458 (AN ORDINANCE OF THE CITY OF MILWAUKIE REPEALING ORDINANCE NUMBER 520 RELATING TO THE REGULATION OF CARDROOMS) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Nickel, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Ewald, SECONDED by Paulson, to adopt Ordinance 1458. Ordinance 1458 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Manuel, Burgess and Ewald. NOES: None. Ordinance 1458 passed the Council and was so declared by the Mayor.

MEMORANDUM REGARDING COMPREHENSIVE PLAN REVIEW

Public Works Director has written memo, dated April 3, concerning LCDC review of the city's Comprehensive Plan. It was MOVED by Burgess, SECONDED by Ewald, that the Council accept the methodology as presented in the memo, and that Council direct staff to follow through with the presentation and the recommendation as stated in the memo. MOTION CARRIED unanimously.

CONSENT AGENDA

- a) Approval of minutes - March 14 and 17, 1980 meetings
  - b) Memo from City Attorney on Sign Ordinance
  - c) Liquor license applications
    - 1) Laws Monroe St. Market, 5010 SE Monroe - PS
    - 2) Milwaukie Thriftway, 11222 SE Main - PS
  - d) City Attorney's memo re tort liability
  - e) Letter from Oregon City to MSD
  - f) Memo from SCAC to Council re traffic safety
  - g) LCDC Draft Post Acknowledgement Policy
  - h) LCDC report on request for Comp. Plan acknowledgement
  - i) Progress payment - The Milwaukie Center
- Nickel requested discussion of item d, and Ewald requested item f.
- b) City Attorney has written memo, dated March 19, concerning the city sign ordinance, Ordinance 1310, and whether the city can compel removal of non-conforming signs without compensation.
  - c) Police Chief finds no reason to deny issuance of liquor licenses to Laws Monroe Street Market and Milwaukie Thriftway.
  - d) City Attorney has written memo, dated March 28, 1980, concerning tort liability. Nickel asked if Council is adequately insured.

e) Oregon City has written letter, dated March 26, to Metropolitan Service District, supporting Milwaukie's position urging Metro to investigate purchase of Portland Traction Company right-of-way for future light rail transit.

f) Senior Citizen Advisory Council has written memo, dated March 24, concerning traffic safety at Harrison and Expressway. Manager has forwarded the memo to the Traffic Safety Commission. Ewald said this matter has been considered by the Traffic Safety Commission previously.

g) Department of Land Conservation and Development has sent memo, dated March 21, concerning draft post-acknowledgement policy.

h) Department of Land Conservation and Development has sent memo, dated March 27, enclosing report on Milwaukie's request for acknowledgement of compliance with statewide planning goals.

i) Architect has certified payment of \$20,724 to contractor for Milwaukie Senior/Multipurpose Community Center.

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

#### OTHER BUSINESS

1. It was MOVED by Burgess, SECONDED by Nickel, to authorize the Manager to sign easement to allow R. A. Samuels to locate spur rail siding in a portion of Brod Avenue right-of-way. MOTION CARRIED unanimously.

2. Manager and Public Works Director recommend payment of progress pay estimate No. 5, in the amount of \$167,555.43, to Bonstan Construction Co. for International Way L.I.D. It was MOVED by Nickel, SECONDED by Ewald, to authorize the payment. MOTION CARRIED unanimously.

3. It was Council consensus to delay executive session on personnel matters to the next Council meeting.

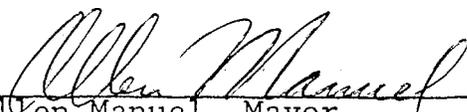
4. Burgess asked for a report on drainage study on Southern Pacific property southeast of city.

5. Manager reported on progress on waterfront development.

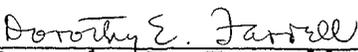
6. Staff was asked to study the feasibility of installing headphones in Council chambers for hard-of-hearing persons.

7. It was MOVED by Ewald, SECONDED by Paulson, that the resolution on length of Council meetings be re-written to specify adjournment at 10 p.m. unless there are public hearings, in which case the meeting would adjourn at 10:30. MOTION CARRIED unanimously.

The meeting adjourned at 9:40 p.m.

  
Allen Manuel, Mayor

ATTEST:

  
Dorothy E. Farrell, Secretary