

MILWAUKIE
CITY COUNCIL MEETING
January 20, 1981
7 p.m.

COUNCIL CHAMBERS1376th Meeting

The one thousand three hundred seventy-sixth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on January 20, 1981, with the following councilors present:

Mel Paulson	Roger Hall
Anne Nickel	Mayor Joy Burgess
Donald W. Graf	

Also present:

Kenneth S. Whorton, City Mgr.	Richard Bailey, Fire Chief
Steven Hall, P.W. Director	Greg Eades, City Attorney
Gordon Erickson, Finance Dir.	Dorothy E. Farrell, Sec'y

The invocation was given by Pastor Jerry Urback, Grace Community Congregational Church, and the Pledge of Allegiance was recited.

AUDIENCE PARTICIPATION

1. Rick Gustafson, Executive Officer of Metropolitan Service District, and Jack Deines, Metro Representative from District 5, described the benefit to Milwaukie of the dues paid to Metropolitan Service District, and the services provided by the District.

FUNDING FOR METROPOLITAN SERVICE DISTRICT

It was MOVED by Graf, SECONDED by Nickel, that the city put in the next budget the necessary amount, approximately \$9000, for the city's share of funding for Metropolitan Service District. Graf withdrew the motion, and it was MOVED by Graf, SECONDED by Nickel, that the city support the Metropolitan Service District by placing in the next budget an amount equal to 50¢ per person, according to the city population. MOTION CARRIED unanimously.

It was MOVED by Nickel, SECONDED by Graf, that the city write a letter to the State Legislature, recommending extension of the dues assessment for Metro. MOTION CARRIED unanimously.

AUDIENCE PARTICIPATION

1. Bob Ewald, 4925 SE Rainbow Lane, asked questions about the functioning of Metro.
2. Jim Backenstos, 3626 SE Harrison, asked about recycling points in the city.

LETTER FROM LOAVES AND FISHES REGARDING NEGOTIATIONS

Chairman of Loaves and Fishes Steering Committee has written letter, dated January 14, 1981, regarding negotiations between Loaves and Fishes and the city for fiscal year 1981-82. Manager requested negotiations be delayed until the budget is completed. Council discussion was held on the propriety of a councilmember being present during negotiations; it was the consensus of Council that it would be inappropriate.

PAYMENT OF BILLS

It was MOVED by Nickel, SECONDED by Paulson, that the bills listed

for January 20, 1981 payment be approved for payment. MOTION CARRIED unanimously.

RESOLUTION NUMBER 1-1981 - LOAN OF MONEY BETWEEN FUNDS

Finance Director asked that the interest rate in the proposed resolution be changed from 7 3/4% to 12%. It was MOVED by Nickel, SECONDED by Hall, to read Resolution Number 1-1981 (A RESOLUTION TO LOAN MONEY BETWEEN FUNDS) by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Resolution 1-1981. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1480 - ADOPTING CITY COUNCIL RULES

It was Council consensus to change the proposed ordinance as follows:

Section 1 B, second line, change "guidelines" to "guidance."

Section 9 C 8, delete "may" and insert "must."

It was MOVED by Hall, SECONDED by Nickel, to change Section 4 F as follows: in the first sentence, delete "...nor refuse to obey the orders of the presiding officer or the rules of the Council."

Insert a period after the word "proceedings." MOTION CARRIED with the following roll-call vote: AYES: Nickel, Burgess, Graf and Hall. NOES: Paulson.

It was MOVED by Nickel, SECONDED by Hall, to change Section 5 A as follows: in the second sentence, delete "...unless allowed to abstain by the Council or..." Delete third sentence, reading: "Application to be excused from voting must be made before the votes are called for." Insert in its place: "If a member abstains the reasons for the abstention shall be entered in the record." In the last sentence, delete "...requests an abstention..." and insert "abstains." MOTION CARRIED with the following roll-call vote: AYES: Nickel, Graf and Hall. NOES: Paulson and Burgess.

It was MOVED by Nickel, SECONDED by Hall, to read Ordinance Number 1480 (AN ORDINANCE OF THE CITY OF MILWAUKIE ADOPTING CITY COUNCIL RULES) the first time by title only, as amended. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to read Ordinance 1480 the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1480. Ordinance 1480 was put on its passage with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1480 passed the Council, and was so declared by the Mayor.

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

PROCLAMATIONS

Mayor read the following:

1. Proclamation naming February, 1981, as American Music Month.
2. Proclamation naming January 21 through 25, 1981, as Auto Show Week.

DATES FOR MEETING ON RIVERFRONT GUIDELINES AND TOUR OF CITY FACILITIES

There will be a special meeting at 7 p.m. February 5, 1981, to

discuss riverfront guidelines, and the City Council will tour city facilities starting at 2 p.m. February 13. The Budget Committee will be invited to tour city facilities with the Council, and interested advisory commissions will be invited to the meeting on the riverfront.

CHANGE OF COUNCIL SEATING ARRANGEMENTS

Mayor announced she is assigning councilors to the seats they now occupy at the dais.

DESIGNATION OF CENTRAL BUSINESS AREA

General Services Administration has requested the city to designate central business area, and areas outside the CBA which would benefit from location of Federal space. Planning Commission has considered the matter and has written memorandum with attached map designating the central business area. It was MOVED by Nickel, SECONDED by Hall, to use the designation of central business area as shown on the map as recommended by the Planning Commission. It was MOVED by Nickel, SECONDED by Burgess, that the boundaries be amended to follow the comprehensive plan designation of downtown, including the riverfront. On the amending motion, MOTION CARRIED unanimously. On the main motion, MOTION CARRIED unanimously.

VERBAL REPORT ON CABLE TV

City Attorney recommended the city drop out of the Metropolitan Area Communications Commission, which is preparing for a joint cable TV franchise, and proceed unilaterally to work toward a franchise. It was MOVED by Burgess, SECONDED by Nickel, that the city opt out from the Cable TV Commission and draft our own franchise agreement and go out for bid. MOTION CARRIED unanimously. City Attorney is putting together a task force including representatives from local schools, the hospital, and businesses. It was Council consensus to add a representative of social service agencies.

REPORT ON MUNICIPAL COURT PROSECUTION

City Attorney has written memorandum, dated January 13, 1981, concerning Municipal Court prosecution. Last Fall Council approved budget transfers to fund a full-time prosecutor and part-time secretary; City Attorney has found it would be more efficient to fund a full-time secretary and a part-time attorney. Effective February 1, the Prosecutor's secretary will be full-time, and the Prosecutor's existing contract will be continued (part-time).

VACANCY ON CITIZENS ADVISORY COMMITTEE TO CDBG PROGRAM

The alternate representing the Milwaukie area on the Citizens Advisory Committee to the Community Development Block Grant Program has resigned. There is a meeting January 21 at which the city should be represented; the regular representative is out of town. It was Council consensus that until Council can recruit someone, a staff person represent the city.

1981 FEE SCHEDULE FOR NORTH CLACKAMAS PARK

Parks and Recreation Commission has recommended 1981 fee schedule for North Clackamas Park. It was MOVED by Graf, SECONDED by Nickel, to adopt the fee schedule suggested by the Parks and

Recreation Commission. MOTION CARRIED unanimously.

NAME FOR GROUNDS AT WATER RESERVOIR

Parks and Recreation Commission recommends the name Stanley Park for the park site at the Stanley-Harlow water reservoir. This name, submitted by Mrs. Tompkins 5th grade class at Linwood School, was chosen from names submitted by students at Linwood School. It was MOVED by Graf, SECONDED by Nickel, that the city adopt the name Stanley Park. MOTION CARRIED unanimously.

LIBRARY FURNACE REPAIR

Library Director has written memorandum, dated January 13, 1981, concerning repairs to library furnace. The Library budget won't support the cost; Manager recommends an amount not to exceed \$1200 be taken from contingency fund. It was MOVED by Burgess, SECONDED by Nickel, to authorize expenditure of up to \$1200 out of the contingency fund for this needed repair. MOTION CARRIED unanimously.

DEQ BAN ON BACKYARD BURNING

Manager has written memorandum, dated January 19, 1981, concerning Environmental Quality Commission ban on backyard burning effective December 31, 1980. This action caught most municipalities by surprise since the DEQ Director just wrote letter indicating no change from the policy of allowing backyard burning until methods are developed for collection and disposal. It was Council consensus that a letter be written to the Environmental Quality Commission protesting changing the rules in the middle of the budget year.

CONSENT AGENDA

- a) Approval of Minutes - January 6, 1981 Meeting
- b) Liquor License Approvals
 - 1) Red's Coach Inn, 10477 SE Main Street, Dispenser Class A
 - 2) Vic's Tavern, 10901 SE McLoughlin, Retail Malt Beverage
 - 3) King Road U-Mark-It, 4300 SE King Rd., Package Store
 - 4) Safeway Store #349, 10554 SE Main St., Package Store
 - 5) Milwaukie Thriftway, 11222 SE Main St., Package Store

It was MOVED by Graf, SECONDED by Nickel, to accept the Consent Agenda.

- b) Police Chief finds no reason to deny issuance of the above requested liquor licenses.

On the motion to accept, MOTION CARRIED unanimously.

INFORMATION ITEMS

- a) Department of Revenue Local Budget Workshops
- b) League of Oregon Cities Workshops
- c) Report on Litigation
- d) Library Board Minutes - 12/17/80
- e) Civil Service Comm. Minutes - 12/9/80
- f) Tri-Met Tentative Scheduling
- a) Department of Revenue is holding local budget workshops; Clackamas County's will be held at 10 a.m. February 4 in the ESD Boardroom, Marian Hall, Marylhurst.
- b) League of Oregon Cities is holding its biennial workshops for newly-elected officials and a half-day training session on good

budgeting practices. The metro area meeting will be held at Tualatin Council Chambers, City Hall, Saturday, January 31.

c) City Attorney has written memorandum, dated January 13, 1981, concerning current litigation.

f) Public Works Director has written memorandum, dated January 12, 1981, concerning tentative scheduling of Tri-Met service.

OTHER BUSINESS

1. Thursday evening the Boundary Commission is holding a public hearing on the consolidation question. Boundary Commission staff report on recommended changes in boundaries of the proposed consolidation is available in the Manager's office for review.

2. It was MOVED by Hall, SECONDED by Nickel, that Don Graf be reappointed as the city representative to the Clackamas County Community Action Agency. MOTION CARRIED unanimously.

3. Land Conservation and Development Commission will consider Milwaukie's acknowledgment request on Comprehensive Plan on Thursday, January 29, 1981, at the State Capitol in Salem.

Meeting adjourned at 10 p.m. to go into executive session under ORS 192.660 (1)(e), to consider real property transaction.

Meeting reconvened in regular session at 10:05 p.m.

It was MOVED by Graf, SECONDED by Nickel, to follow staff recommendation in handling property matter at Lake Road and Oatfield. MOTION CARRIED unanimously.

The meeting adjourned at 10:06 p.m.


Joy Burgess, Mayor

ATTEST:


Dorothy E. Farrell, Secretary