

MILWAUKIE  
CITY COUNCIL MEETING  
March 3, 1981  
7 p.m.

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COUNCIL CHAMBERS

1379th MEETING

The one thousand three hundred seventy-ninth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on March 3, 1981, with the following councilors present:

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

Also present:

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

The invocation was given by Steven Hall, and the Pledge of Allegiance was recited.

AUDIENCE PARTICIPATION

1. Letty Barrett and Pierre Brunelle, representing Oregon Fair Share, asked Council support of House Bill 2864, to change the Metro remonstrance process for forming Local Improvement Districts, and Senate Bill 427, establishing "lifeline" utility rates.

It was MOVED by Paulson, SECONDED by Burgess, to reaffirm the Council's support of lifeline rates, and that a letter be sent endorsing Senate Bill 427. MOTION CARRIED unanimously.

It was MOVED by Burgess, SECONDED by Paulson, that the City Council endorse House Bill 2864, and so notify the proper committee of the Legislature. MOTION CARRIED unanimously.

2. James Backenstos, 3626 SE Harrison, said he has been working closely with the RAFT Committee on Johnson Creek, and it is a frustrating experience trying to obtain water samples to be tested by the Health Division.

3. Robert Ewald, 4925 SE Rainbow Lane, presented a letter to the City Council, concerning Municipal Judge salary, prisoner board rates, and reinstating the position of Planning Director.

PAYMENT OF BILLS

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

RESIGNATION FROM PARKS AND RECREATION COMMISSION

Virginia Stabenow has resigned from the Parks and Recreation Commission. It was MOVED by Burgess that Robert Lipscomb and Mildred Kerr be appointed to the Parks and Recreation Commission. MOTION FAILED to pass with the following roll-call vote: AYES: Paulson and Burgess. Other councilors indicated they had not interviewed the applicants, and it was Council consensus that interviews be scheduled starting at 6:30 p.m. before the next Council meeting.

ATTENDANCE AT NEXT COUNCIL MEETING

It was Council consensus to excuse Councilor Nickel from the next Council meeting.

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③PETITION CONCERNING TRUCK PARKING ON HARRISON STREET

A petition signed by eight persons was submitted on February 9, 1981, asking the city to prevent overnight parking of trucks on the 4200 and 4300 blocks of SE Harrison Street. "No Overnight Truck Parking" signs have been placed on both sides of Harrison between 42nd and 44th.

LETTER FROM THE MILWAUKIE CENTER PROGRAM COMMITTEE ON CENTER BUILDING EXPANSION NEEDS

The Milwaukie Center Program Committee has sent letter, dated February 10, concerning Center building expansion needs. It was Council consensus that the committee be notified the Council has received and accepted the report.

REPORT ON SLOGAN CONTEST

A contest was held at Milwaukie High School to find a slogan for display on city vehicles. The Senior Class submitted five entries. A letter of appreciation and the \$25 prize will be sent to the Senior Class at Milwaukie High School.

ORDINANCE NUMBER 1481 - DECLARING ASSESSMENTS FOR INTERNATIONAL WAY, EDISON STREET, AND 36TH AVENUE LOCAL IMPROVEMENT DISTRICTS (SECOND READING)

It was MOVED by Nickel, SECONDED by Paulson, to read Ordinance Number 1481 (AN ORDINANCE OF THE CITY OF MILWAUKIE DECLARING THE ASSESSMENTS FOR STREET IMPROVEMENT PROJECTS) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Paulson, to adopt Ordinance 1481, as amended by revising the assessments to give credit to those with pre-existing curbs and driveways. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1481 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1482 - RESIDENCE OF SCAC MEMBERS - SECOND READING

It was MOVED by Graf, SECONDED by Hall, to read Ordinance Number 1482 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NO. 1451 ESTABLISHING A SENIOR CITIZENS ADVISORY COMMISSION) the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1482. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1482 passed the Council and was so declared by the Mayor.

AMENDMENT TO ORDINANCE 1098, ELIMINATING LOCAL LICENSING OF SEWER CONTRACTORS

There was discussion on the proposed ordinance, as to whether the state license covers only construction on residential structures. It was MOVED by Graf, SECONDED by Nickel, that the matter be tabled until further information is obtained. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1483 - TERMS OF OFFICE OF ADVISORY COMMITTEE MEMBERS

It was MOVED by Graf, SECONDED by Nickel, to read Ordinance Number 1483 (AN ORDINANCE OF THE CITY OF MILWAUKIE PROVIDING FOR EXPIRATION OF TERMS OF OFFICE FOR MEMBERS OF CITY COMMISSIONS)

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the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1483. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1483 passed the Council and was so declared by the Mayor.

#### ORDINANCE AMENDING COUNCIL RULES

It was MOVED by Graf, SECONDED by Nickel, to read (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NO. 1480 ADOPTING COUNCIL RULES) the first time by title only.

It was MOVED by Burgess, SECONDED by Paulson, to amend Section 1, which amends Section 9(c)(7) of Ordinance 1480, to provide for an interval of at least one term prior to reappointment. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess and Hall. NOES: Nickel and Graf.

On the MOTION to read the ordinance the first time, MOTION CARRIED unanimously.

It was MOVED by Paulson, SECONDED by Graf, to read the ordinance the second time by title only. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Burgess, Graf and Hall. NOES: Nickel.

The ordinance will be on the agenda for the next Council meeting.

(Meeting recessed at 8:45 p.m., reconvened at 8:50 p.m. with all present.)

#### RESOLUTION NUMBER 2-1981 - 40TH AND WISTER ST. L.I.D.

It was MOVED by Nickel, SECONDED by Graf, to read Resolution Number 2-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE DECLARING THE INTENTION TO IMPROVE S.E. 40TH AVENUE AND S.E. WISTER STREET) by title only. MOTION CARRIED unanimously. It was MOVED by Paulson, SECONDED by Nickel, to pass Resolution 2-1981. MOTION CARRIED unanimously.

#### RIVERFRONT MASTER PLAN AND KELLOGG LAKE MASTER PLAN

It was MOVED by Nickel, SECONDED by Hall, to authorize the City Manager to sign the agreement with The ORB Organization Architects P.C. for a Waterfront Master Plan, with the changes recommended by the City Manager. MOTION CARRIED unanimously.

It was Council consensus to let the consultant know the city is interested in a master plan for Kellogg Lake, but to wait until the riverfront plan is completed, and the budget process is finished, before making a decision.

#### CLACKAMAS COUNTY JAIL RATES

County Commissioners have sent proposed agreement for daily rate increase to \$26.60 for lodging prisoners in the county jail for fiscal year 1981-82. Manager has written memorandum, dated February 26, on the subject. A working committee of City Managers and Police Chiefs is developing answers to various questions, and conveying the city's concerns to the County Commissioners. It was MOVED by Nickel, SECONDED by Graf, to table the matter until the committee has finished its work. MOTION CARRIED unanimously.

#### REPORT ON CABLE TV

City Attorney reported that the Metropolitan Area Communications

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has changed its rules, and the city can terminate its participation up to the time a franchise is awarded; therefore, the city can continue with MACC and still award its own individual franchise, if desired. City Attorney recommends the city continue with MACC and make a decision later about whether to participate in a joint franchise; and to continue with the task force formed to investigate the city's needs in a cable system. It was MOVED by Graf, SECONDED by Hall, that the Council concur with the City Attorney's request to remain involved in the MACC, and to read (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, AUTHORIZING THE CITY TO CONTINUE PARTICIPATION IN THE METROPOLITAN AREA COMMUNICATIONS COMMISSION) by title only. MOTION CARRIED with the following roll-call vote: AYES: Burgess, Hall and Graf. NOES: Nickel and Paulson. It was MOVED by Graf, SECONDED by Hall, to adopt the resolution. MOTION FAILED TO PASS with the following roll-call vote: AYES: Graf and Hall. NOES: Paulson, Nickel and Burgess.

#### 1981 CENSUS

City Attorney has written memorandum, dated February 23, 1981, concerning 1981 census. In January, City Council directed a suit against the Census Bureau for an adjustment in the city population count. City Attorney now recommends no further action, for various reasons. It was MOVED by Nickel, SECONDED by Hall, to direct the City Attorney to drop any legal proceedings against the Census Bureau. MOTION CARRIED unanimously.

#### APPOINTMENTS TO CONSOLIDATION CHARTER COMMITTEE

It was MOVED by Nickel, SECONDED by Graf, to appoint Robert Ewald and Allen Manuel as alternates to the Consolidation Charter Committee.

It was MOVED by Burgess to amend the motion to specify that Ewald be appointed as alternate, and Manuel for sub-alternate. After discussion, Burgess withdrew the motion.

It was MOVED by Nickel, SECONDED by Graf, to amend the motion to specify that Manuel be alternate to Roger Hall, and Ewald be alternate for Shirley Brown. MOTION CARRIED unanimously.

On the main motion, MOTION CARRIED unanimously.

#### CONSENT AGENDA

- a) Approval of Minutes - February 17, 1981 meeting
- b) City Attorney Performance Evaluation
- c) Liquor License Applications

- 1) Joe's Warehouse Restaurant, 12300 SE Mallard, Dispenser Class A

- 2) Pal's Shanty, 11056 SE Main Street, Dispenser Class A

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

- b) City Attorney has written memorandum, dated February 24, 1981, concerning City Attorney performance evaluation.
- c) Police Chief finds no reason to deny issuance of the requested liquor licenses.

INFORMATION ITEMS

- a) Letter from Rep. Cohen on Transportation Projects, addressed to Mayor Burgess, dated February 12, 1981.
- b) Letter from Rep. Wyden on community development funds and transportation projects, addressed to Mayor Burgess, dated February 10, 1981.
- c) Letter from Metro on Backyard Debris, addressed to Mayor Burgess, dated February 18, 1981.
- d) Dual Interest Cooperation Agreement - Planning Director has written memorandum, dated February 24, 1981, concerning City/County comprehensive plan compatibility.
- e) Planning Commission Minutes - 2/10/81
- f) Senior Citizen Advisory Commission Minutes - 1/23/81
- g) Civil Service Commission Minutes - 2/10/81
- h) Letter from Ivancie on Backyard Burning, addressed to Fellow Metropolitan Area Elected Official, dated February 25, 1981.
- i) Omark Industries, in letter dated February 25, 1981, has sent \$150 as contribution to The Milwaukie Center open house expense.
- j) Manager has sent memorandum, dated February 25, 1981, concerning location of March 10 Budget Committee meeting.

It was MOVED by Graf, SECONDED by Hall, to extend the meeting for 10 minutes. MOTION CARRIED with the following roll-call vote:  
AYES: Burgess, Graf and Hall. NOES: Paulson and Nickel.

OTHER BUSINESS

1. Mayor said the meeting with Mayor Ivancie on backyard burning will be very important, and she will decide whether to attend that meeting or Milwaukie's scheduled budget meeting March 9.
2. Mayor said Lloyd Anderson, Port of Portland, has requested her to meet with him Friday, March 6.
3. City Attorney asked for clarification of Council's intent on Cable TV. It was Council consensus that no company be allowed to submit a proposal yet, and that the task force continue developing a request for proposals.
4. There was Council consensus that the Manager write a letter to the Intergovernmental Affairs Committee, opposing House Bill 2521, which would remove the present right of cities to veto incorporations within three miles of the city limits.

The meeting adjourned at 10:06 p.m.

Dorothy E. Farrell, Secretary

Approved by:

Joy Burgess, Mayor