

MILWAUKIE  
CITY COUNCIL MEETING  
March 17, 1981  
7 p.m.

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COUNCIL CHAMBERS

1380th MEETING

At 6:45 p.m., prior to the regular Council meeting at 7 p.m., the City Council met to interview a candidate for appointment to the Parks and Recreation Commission, Mildred Kerr. The following councilpersons were present: Paulson, Burgess, Graf and Hall. Absent: Nickel. Also present: Dorothy E. Farrell, Secretary. It was noted that the following applicants cannot be present for an interview but wish to be considered for appointment:

Gene Lambird  
David Larson

The one thousand three hundred eightieth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on March 17, 1981, with the following councilors present:

Mel Paulson  
Donald W. Graf  
Roger Hall  
Mayor Joy Burgess

Absent: Anne Nickel (excused)

Also present:

Kenneth S. Whorton, City Mgr.  
Steven Hall, P.W. Director  
Gordon Erickson  
Topaz Faulkner, Planning Dir.  
Greg Eades, City Attorney  
Dorothy E. Farrell, Sec'y

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

AUDIENCE PARTICIPATION

1. Fred Liddell, 3416 SE Kathryn Court, on Public Relations Team, Pacific Northwest Bell, described the team's fund-raising efforts for purchase of emergency vehicle for Fire Department.
2. Doris Smith, 12203 SE 19th, asked for Council approval of liquor license application for Ship A Shore Restaurant, 11100 SE McLoughlin, even though the application had not yet gone through the regular process of investigation by Police Department. It was MOVED by Burgess, SECONDED by Paulson, that the City Council approve the granting of the liquor license to Glen R. and Doris L. Smith for Ship A Shore Restaurant, with the condition that the other departments of the city still will have the opportunity to check into the restaurant. MOTION CARRIED unanimously by those present.
3. Jim Backenstos, 3626 SE Harrison, referred to appeal of Planning Commission denial of variance VR-80-30. At their November 18, 1980 meeting, the City Council upheld the Planning Commission denial of request by Alfred and Linda Liane, 4809 SE Monroe, for variance to construct a carport three feet from the south property line rather than the required 20 feet. It was brought out at the public hearing that the carport was partially constructed already. Mr. Backenstos said he would like to know what constitutes a carport, and when does it become a carport; that Mr. Liane had received a letter from the city saying the carport must be removed; he (Backenstos) had talked to neighbors who didn't think a roof would make much difference; he thought there should be some flexibility in the law; the city could make stipulations that if the property was sold, the carport would have to come down.

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Alfred Liane, 4809 SE Monroe, said the letter notifying him of the results of his appeal did not stipulate that the partially finished structure be taken down. Mr. Liane was asked to make an appointment to meet with the City Manager to discuss the matter.

4. Dan Hilderbrand, 12381 SE Guilford Drive, spoke concerning Planned Unit Development, named "Cedarcroft," in Clackamas County, off Oatfield Road, just below Guilford Drive, adjacent to the city limits. Clackamas County is hearing the request for the PUD, which is a higher density development than would be allowed inside the city limits. Public Works Director has told the county the development would have to annex to the city in order to be allowed to hook up to city water system; Planning Director has told Clackamas County the higher density development immediately adjacent to the city R-10 low density zone would have a negative impact on city residents. Mr. Hilderbrand said he had not had time to prepare a letter, but planned to write one with details; said he was here to establish a line of communication; and asked the Council for support to keep this piece of property from being annexed.

PUBLIC HEARING - APPEAL BY JOHN WEISEN FROM PLANNING COMMISSION  
APPROVAL OF CONDITIONAL USE APPLICATION (C-80-18) TO PLACE MOBILE  
HOME AT 11900 SE STANLEY AVENUE

John Weisen, 12143 SE Grove Loop, has appealed Planning Commission approval of conditional use application (C-80-18) to place mobile home on Linwood Alliance Church property at 11900 SE Stanley Avenue. Public hearing was declared open at 7:25 p.m. Staff report was given by Planning Director.

Donald W. Miner, Staff Attorney for Oregon Manufactured Housing Dealers Association, 3850 Portland Rd. NE, Salem, speaking in behalf of the Reverend James Thompson, 1140 N. Manzanita, Canby, applicant, said he feels the Council does not have jurisdiction to hear the appeal, since the appeal seems to concern the adequacy of the city's plan and zoning ordinances, rather than whether the conditional use meets the requirements of the plan and zoning ordinances. City Attorney said his interpretation of the zoning ordinance is that once the Council receives an appeal, a hearing is required.

No correspondence was received; copies of correspondence presented to Planning Commission is included in agenda packet.

Speaking in favor of applicant (The Reverend James Thompson):

Donald W. Miner, 3850 Portland Rd. NE, Salem

Pastor James Thompson, 1140 N. Manzanita, Canby, applicant,  
Pastor of Linwood Alliance Church

Gordon Allison, 10948 SE Valley View Terrace Drive, Clackamas

(Meeting recessed at 8:15 p.m., reconvened at 8:23 p.m. with all present.)

Speaking in opposition to the applicant, and in favor of the appeal:

Bonnie Faddis, 12151 SE Grove Loop

John Weisen, 12143 SE Grove Loop

Giving rebuttal for the applicant:

Donald W. Miner, 3850 Portland Rd. NE, Salem

The following exhibits were entered into the record:

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- 1) Plot Plan prepared for James Thompson, showing church property, placement of proposed structure, and adjacent homes facing on Grove Loop.
- 2) Letter, dated March 9, 1981, from Jack S. Jordan, Chief Appraiser, Clackamas County Assessor and Tax Collector's Office, concerning valuation of mobile homes.
- 3) Packet of material on ability to purchase a home, summary of exterior siding in vicinity of Linwood Alliance Church, comparison of the UBC and HUD safety and construction standards, comparison study of Federal Mobile Home Code and Oregon Building Code, facts about the Manufactured Housing Industry, and pamphlet titled "Manufacture Housing--It Makes Sense."

Public hearing was closed at 8:30 p.m.

City Attorney recommended if it is the Council's intent to uphold the Planning Commission decision and approve the request, he would like to prepare additional findings, since there has been additional testimony presented.

It was MOVED by Burgess that the City Council uphold the action of the Planning Commission, and request the City Attorney to work in collaboration with the applicant in developing findings of fact which will be submitted to the City Council at the next regular meeting for action.

After discussion, the MOTION was WITHDRAWN, and it was MOVED by Burgess, SECONDED by Hall, that the City Attorney be requested to work in collaboration with the applicant to draft findings for the next regular meeting in support of the Planning Commission decision. MOTION CARRIED unanimously by those present.

#### PAYMENT OF BILLS

It was MOVED by Graf, SECONDED by Hall, that the bills listed for March 17, 1981 payment be approved for payment. MOTION CARRIED unanimously by those present.

#### MEMORANDA FROM PARKS SUPERINTENDENT CONCERNING DEVELOPMENT GUIDELINES FOR KELLER/LEIGHTON PROPERTY, AND CITY ASSISTANCE TO NORTH CLACKAMAS JUNIOR BASEBALL ASSOCIATION

Parks and Recreation Commission has written memorandum, dated February 25, concerning North Clackamas Junior Baseball Association funding request, and memorandum dated February 26 concerning development guidelines for Keller property.

It was MOVED by Graf, SECONDED by Hall, to approve the guidelines recommended by the Parks and Recreation Commission for the future development of the city's Keller property on the Willamette River. MOTION CARRIED unanimously by those present.

It was MOVED by Graf, SECONDED by Hall, to approve the recommendation of the Parks and Recreation Commission that the city sponsor two teams in the North Clackamas Junior Baseball Association program, at \$175 per team, and sponsor a Youth Coaches Seminar, at a cost of \$250, with the participants being charged a \$2.50 registration fee to cover the cost; the money to come from the City Council budget. MOTION CARRIED unanimously by those present.

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ANNEXATION AND ZONE CHANGE (A-81-1, ZC-81-1) - RESOLUTION NUMBER 3-1981 - ORDINANCE (5770 SE KING ROAD)

Planning Commission has recommended approval of petition for annexation from Joseph Y. Aizawa for property at 5770 King Road, and zone change from Clackamas County R-10 to Milwaukie R-7 Residential, to take place if and when the property is annexed to the City of Milwaukie. It was MOVED by Paulson, SECONDED by Graf, to read Resolution Number 3-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE) by title only. MOTION CARRIED unanimously by those present. It was MOVED by Paulson, SECONDED by Graf, to adopt Resolution 3-1981. MOTION CARRIED unanimously by those present. It was MOVED by Graf, SECONDED by Paulson, to read (AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON REZONING 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 by those present. The ordinance will be on the agenda at the next Council meeting for second reading.

ORDINANCE NUMBER - EXPIRATION OF TERMS OF OFFICE ON COMMISSIONS

It was MOVED by Graf, SECONDED by Hall, to read (AN ORDINANCE OF THE CITY OF MILWAUKIE PROVIDING FOR EXPIRATION OF TERMS OF OFFICE FOR CITY COMMISSIONS AND REPEALING ORDINANCE NO. 1483) the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be on the agenda at the next Council meeting for second reading.

ORDINANCE NUMBER - AMENDING COUNCIL RULES

It was MOVED by Graf, SECONDED by Hall, to read (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NO. 1480 ADOPTING COUNCIL RULES) the second time by title only. It was suggested Section 3 be changed to read: "In the event a member is absent from a meeting, the Council shall determine whether the member's absence shall be excused." The MOTION to read was WITHDRAWN. It was MOVED by Graf, SECONDED by Hall, that the City Attorney be asked to bring the ordinance back at the next meeting, with the above change in Section 3. MOTION CARRIED unanimously by those present.

ORDINANCE NUMBER - AMENDMENT TO CROSS CONNECTION CONTROL ORDINANCE

It was MOVED by Paulson, SECONDED by Graf, that (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NO. 1267 PROVIDING FOR CROSS-CONNECTION CONTROL) be read the first time by title only. MOTION CARRIED unanimously by those present. The ordinance will be on the agenda at the next Council meeting for second reading.

VERBAL REPORT ON CABLE TV

City Attorney said March 3 Council minutes say "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." However, two members of the Council have indicated to him it was their intention the city should begin immediately

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accepting proposals from cable TV companies. City Attorney would like to be sure he knows Council's intention. It was MOVED by Paulson, SECONDED by Hall, to take the necessary steps to engage a professional consultant. MOTION CARRIED unanimously by those present.

AGREEMENT FOR EASEMENT - STORM SEWER LINE - SPRR CROSSING - 37TH STREET ADJACENT TO RAILROAD AVENUE

Public Works Director and City Attorney recommend approval of agreement with Southern Pacific Railroad for an easement to place a 36" storm line under the SPRR main line crossing at SE 37th Street adjacent to Railroad Avenue. The line will be constructed by the Lane Company in conjunction with the J.C. Penney Distribution Center; the costs incurred by SPRR (estimated \$800) will be borne by the developer.

It was MOVED by Graf, SECONDED by Hall, to accept the recommendation and authorize signature of the agreement. MOTION CARRIED unanimously by those present.

CITY/COUNTY PLANNING COOPERATION AGREEMENT

Council was given copies of memorandum from Planning Director to City Manager, dated March 17, concerning City/County Planning Cooperation Agreement. Planning Director asks for guidance from City Council on whether or not Council agrees with her recommendations on final wording of the agreement; she would like discussion at the next Council meeting.

CHARGES FOR CITY PRISONERS AT COUNTY JAIL

Manager reported verbally on progress of disagreement with Clackamas County over the county's proposed increase in charges for city prisoners lodged at county jail.

(Meeting recessed at 10 p.m., reconvened at 10:03 p.m. with all present.)

LETTER FROM WASHINGTON COUNTY ON FUNDING OF METRO

Washington County Commissioners have sent letter to City Council, dated March 12, 1981, concerning Washington County's wish to meet with local jurisdictions to discuss funding of Metro activities. Staff was asked to find out when the meeting will be held, and Council asked to have the subject on the next agenda for discussion.

MEMBERSHIP IN NATIONAL LEAGUE OF CITIES

League of Oregon Cities has encouraged Milwaukie to join National League of Cities. It was the unanimous consensus of the Council that staff prepare a letter to National League of Cities, saying the city cannot participate at this time because of budget problems, but would hope to budget this at a future time.

CONSENT AGENDA

- a) Approval of Minutes - February 26 and March 3, 1981 Meetings
- b) AAA Contract Applications

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6CONSENT AGENDA (Cont.)c) Liquor License Applications

- 1) Laws Monroe Street Market, 5010 SE Monroe - Package Store
- 2) Fernwood Inn, 2122 SE Sparrow - Dispenser Class A
- 3) 7-11 Store #14508, 10435 SE 42nd - Package Store

It was MOVED by Graf, SECONDED by Paulson, to approve the Consent Agenda. MOTION CARRIED unanimously by those present.

b) Center Director asks for Council approval for two proposals to be submitted to the Clackamas County Area Agency on Aging for funding for 1981-82: \$12,000 for Human Services Coordination and Outreach, and \$4700 for Milwaukie Senior Shuttle Service .

c) Police Chief finds no reason to deny issuance of the liquor licenses listed above.

INFORMATION ITEMS

a) Council has received letters with suggested city slogans from Margaret Sayres, 16527 SE Sun, and Nena Keane, 3401 SE Risley.

c) City Attorney has written memorandum, dated March 11, 1981, reporting on current city litigation.

OTHER BUSINESS

1. Hall suggested Council consider changing the format of public hearings to eliminate the necessity of a de novo hearing and allow only new material to be presented orally. City Attorney was asked to write an opinion on the matter.

2. Burgess questioned time spent by City Attorney and City Manager assisting Charter Commission for proposed consolidated city, whether secretarial help had been approved, and who is approving printing and postage. City Attorney said Council had given authority for Manager and Attorney to assist the Commission as time allowed, and less than \$100 of the \$400 budgeted for printing and postage has been spent.

The meeting adjourned at 10:32 p.m.

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Dorothy E. Farrell, Secretary

Approved by:

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Joy Burgess, Mayor