

MILWAUKIE  
CITY COUNCIL MEETING  
May 19, 1981  
7 p.m.

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COUNCIL CHAMBERS

1384th Meeting

The one thousand three hundred eighty-fourth meeting of the Council of the City of Milwaukie, Oregon, was held at 7 p.m. on May 19, 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.	Ronald Schanaker, Police Chief
Steven Hall, P.W. Director	Greg Eades, City Attorney
Gordon Erickson, Finance Dir.	Dorothy E. Farrell, Sec'y
Richard Bailey, Fire Chief	

The invocation was given by Mel Paulson, and the Pledge of Allegiance was recited.

AUDIENCE PARTICIPATION

1. Ronald Moran, Milwaukie Fire Lieutenant, said he was speaking as representative for Fire Department employees. Moran disputed statements in City Attorney's memorandum, dated May 13, 1981, on exclusion of witnesses from Civil Service Commission meeting.
2. Bill Hupp, 2626 SE Washington, said he had comments on the Civil Service Commission hearing on appeal by Grant Fulmore. Council was advised by the City Attorney not to listen to any comments about the substance of the hearing, as there is the possibility it will come to the Council on appeal.
3. Bob Ewald, 4925 SE Rainbow Lane, asked for a copy of the City Attorney's memorandum mentioned in No. 1 above.
4. James Backenstos, 3626 SE Harrison, disputed statements in fact sheet on city budget election.

PUBLIC HEARING - INCREASE IN WATER RATES - RESOLUTION NO. 8-1981

Finance Director has written memorandum, dated May 12, 1981, concerning public hearing setting water and sewer rates. Staff report was given by Finance Director and Public Works Director.

Correspondence against:

Marlene Brandt, 9903 SE 49th

Speaking against:

Henry Ingall, 3800 SE Filbert

Bill Hupp, 2626 SE Washington

Bob Ewald, 4925 SE Rainbow Lane, asked for a lesser increase

Giving information:

Al Liane, 4809 SE Monroc

Public hearing was closed at 7:52 p.m.

It was MOVED by Nickel, SECONDED by Graf, to read Resolution Number 8-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON SETTING FEES FOR WATER SERVICES PROVIDED BY THE CITY UNDER ORDINANCE NUMBERS 1418 AND 1424 REPEALING RESOLUTION 23-1980) by title only. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Graf and Hall. NOES: Burgess. It was MOVED by Nickel, SECONDED by Graf, to adopt Resolution 8-1981. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Graf and Hall. NOES: Burgess.

FLAG DAY PROCLAMATION

Mayor read proclamation urging residents to attend Flag Day USA pageant on June 11.

PUBLIC HEARING - INCREASE IN SEWER RATES - RESOLUTION NO. 9-1981

Public hearing was declared open at 7:55 p.m.

Finance Director has written memorandum, dated May 12, 1981, concerning public hearing setting water and sewer rates. Staff report was given by Finance Director and Public Works Director.

(Meeting recessed at 8:35 p.m., reconvened at 8:43 p.m. with all present.)

Correspondence against:

Marlene Brandt, 9903 SE 49th

Speaking in favor:

Pauline Reiser, 11194 SE 34th

Public hearing was closed at 8:45 p.m.

It was MOVED by Graf, SECONDED by Nickel, to adopt Resolution Number 9-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON ESTABLISHING RATES FOR SEWER USE AND REPEALING RESOLUTION NUMBER 23-1980). MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Graf and Hall. NOES: Burgess.

TRI-MET BUS STOPS

Ken Hamilton, Hamilton's Home Furnishings, 1018 SE Main, has sent letter, dated May 11, asking the city to reconsider giving Tri-Met permission to make a bus stop in front of his store display windows. Public Works Director explained that Tri-Met is placing additional routes through Milwaukie; there have been problems with the present stop at Main and Jackson across from City Hall because of conflict between buses and fire trucks, which was confirmed by Fire Chief. Mike Kyte, Tri-Met, said Tri-Met board has approved option A, which is also recommended by city staff. It was MOVED by Graf, SECONDED by Nickel, to concur with the recommendation of staff for option A. MOTION CARRIED unanimously.

PAYMENT OF BILLS

It was MOVED by Nickel, SECONDED by Paulson, that the bills listed for May 19, 1981 payment be approved for payment. MOTION CARRIED unanimously.

ORDINANCE NUMBER 1493 - VACATION OF SE 47TH STREET (SECOND READING)

It was MOVED by Graf, SECONDED by Nickel, to read Ordinance Number 1493 (AN ORDINANCE OF THE CITY OF MILWAUKIE VACATING A PORTION OF SE 47TH STREET) the second time by title only. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Burgess, Graf and Hall. NOES: Paulson. It was MOVED by Nickel, SECONDED by Graf, to adopt Ordinance 1493. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Burgess, Graf and Hall. NOES: Paulson. Ordinance 1493 passed the Council and was so declared by the Mayor.

ANNEXATION OF ASSEMBLY OF GOD CHURCH PROPERTY AND NORTH CLACKAMAS PARK

City Attorney has written memorandum, dated May 15, asking for postponement of consideration of this matter to the next meeting.

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ORDINANCE ESTABLISHING CENTER ADVISORY BOARD

It was MOVED by Nickel, SECONDED by Graf, to read (AN ORDINANCE OF THE CITY OF MILWAUKIE ESTABLISHING THE MILWAUKIE CENTER ADVISORY BOARD) the first time by title only. MOTION CARRIED with the following roll-call vote: AYES: Nickel, Graf and Hall. NOES: Paulson and Burgess. The ordinance will be on the next agenda for second reading.

ORDINANCE NUMBER 1494 - ADOPTING INDUSTRIAL COST RECOVERY PROCEDURES

It was MOVED by Nickel, SECONDED by Hall, to read Ordinance Number 1494 (AN ORDINANCE REPEALING ORDINANCE NO. 1409 ADOPTING INDUSTRIAL COST RECOVERY PROCEDURES) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1494. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1494 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1495 - INTENTION TO RECEIVE STATE REVENUE SHARING

It was MOVED by Nickel, SECONDED by Hall, to read Ordinance Number 1495 (AN ORDINANCE OF THE CITY OF MILWAUKIE DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1495. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1495 passed the Council and was so declared by the Mayor.

RESOLUTION NUMBER 10-1981 - CREATING EQUIPMENT REPAIR FUND

It was MOVED by Graf, SECONDED by Nickel, to adopt Resolution Number 10-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CREATING AN EQUIPMENT REPAIR FUND). MOTION CARRIED unanimously.

ORDINANCE NUMBER 1496 AND RESOLUTION NUMBER 11-1981 - CHANGE IN WATER CONNECTION POLICY

It was MOVED by Graf, SECONDED by Nickel, to read Ordinance Number 1496 (AN ORDINANCE OF THE CITY OF MILWAUKIE AMENDING ORDINANCE NO. 1418 PRESCRIBING RULES AND REGULATIONS FOR THE CONDUCT AND MANAGEMENT OF THE MUNICIPAL WATER SYSTEM) the first time by title only. MOTION CARRIED unanimously. It was MOVED by Graf, SECONDED by Nickel, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Nickel, SECONDED by Hall, to adopt Ordinance 1496. MOTION CARRIED with the following roll-call vote: AYES: Paulson, Nickel, Burgess, Graf and Hall. NOES: None. Ordinance 1496 passed the Council and was so declared by the Mayor.

It was MOVED by Graf, SECONDED by Nickel, to adopt Resolution Number 11-1981 (A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE SETTING FEES FOR WATER SERVICES PROVIDED BY THE CITY UNDER ORDINANCE NUMBER 1496 AND REPEALING RESOLUTION 39-1980). MOTION CARRIED unanimously.

MEMORANDUM FROM CITY ATTORNEY ON PLANNING COMMISSION APPEALS

City Attorney has written memorandum, dated May 4, 1981, concerning requested amendments eliminating Council rehearing of Planning Commission appeals. After discussion, it was Council consensus that the procedure be rewritten.

CONSENT AGENDA

a) Approval of Minutes - May 5 and 7, 1981 Council meetings  
It was MOVED by Paulson, SECONDED by Nickel, to adopt the Consent Agenda. MOTION CARRIED unanimously.

INFORMATION ITEMS

- a) Memorandum from City Attorney on Exclusion of Witnesses from Civil Service Commission Meeting
- b) Traffic Safety Commission Minutes - 4/13/81
- c) Civil Service Commission Minutes - 4/14/81
- d) Planning Commission Minutes - 4/14/81
- e) Library Board Minutes - 4/22/81

OTHER BUSINESS

1. City Attorney said he has tentatively settled case of City of Milwaukie v. Peerless Insurance Co., et al, involving a city contract with a developer where the city sued the bonding company because the developer failed to provide improvements as required by the city. Original amount of claim was \$5921.85. It was MOVED by Graf, SECONDED by Nickel, to accept the proposed settlement of \$2800. MOTION CARRIED unanimously.
2. There will be a special meeting of the Council and Budget Committee at 2 p.m. Friday, May 22.
3. It was MOVED by Nickel, SECONDED by Hall, that the city administer and enforce Building Specialty Codes, and so notify the state. MOTION CARRIED unanimously.
4. It was MOVED by Nickel, SECONDED by Graf, to send letter to the Federal House Appropriations Interior Subcommittee, urging their support for complete funding of the Land and Water Conservation Fund for fiscal year 1982. MOTION CARRIED unanimously.
5. Mayor has received petition from residents on SE 32nd between Roswell and VanWater, concerning their request for repair of the street and strict enforcement of the speed limit. Public Works Director has written letter, dated May 18, concerning the street, and Police Chief has met with the residents.
6. Mayor has received letter, dated May 11, 1981, concerning meeting on proposed serial levy for services for county seniors.
7. Manager said he proposes to hire an attorney to represent the city if appeal of Civil Service Commission decision regarding termination of Grant Fulmore comes before the City Council.
8. There will be a special meeting of the Council at 7 p.m. on June 30, 1981, to adopt the 1981-82 budget and for Council evaluation of City Attorney and City Manager.
9. It was Council consensus to excuse Councilor Nickel from attendance at the June 16 Council meeting.

The meeting was adjourned, to be continued at 2 p.m. May 22. Council went into executive session under ORS 192.660 (1)(e) to discuss real property transaction.

The meeting adjourned at 10:45 p.m.

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Dorothy E. Farrell, Secretary

ATTEST:

Joy Burgess, Mayor

