

MILWAUKIE  
CITY COUNCIL MEETING  
November 2, 1982  
7 p.m.

IV  
① a

COUNCIL CHAMBERS

1419th Meeting

The one thousand four hundred and nineteenth meeting of the Milwaukie City Council was held on November 2, 1982 with the following councilors present:

Mayor Joy Burgess	Don Graf
Mel Paulson	Roger Hall
Wallace Bischoff	

Also present:

Hugh Brown, City Manager	Topaz Faulkner, Comm. Serv. Director
Greg Eades, City Attorney	Gordon Erickson, Finance Director
Ron Schanaker, Police Chief	Steve Hall, Public Wks. Director
Dick Bailey, Fire Chief	Laurie Perkin, Secretary

The invocation was given by Mayor Burgess and the pledge of allegiance was recited. Mayor Burgess announced that the Roberts Rules of Order would be followed during the course of the meeting and that no slanderous remarks would be permitted. She announced also that following the regular meeting an executive session would be held to discuss labor negotiations under ORS 192.660 (1) (d).

AUDIENCE PARTICIPATION

James Backenstos, 3626 SE Harrison, suggested that the Budget Committee be involved in the procedure of paying bills and that he had received threatening phone calls recently. Hall said he did not think it appropriate that the Budget Committee be involved in the paying of the bills. Graf suggested that the committee might like to have copies of the bills but that this was clearly the responsibility of the Council. Mayor Burgess said that any threatening phone calls should be reported to the City Manager or the Chief of Police.

LEGISLATION

It was MOVED by Graf, SECONDED by Paulson that the bills listed for November 2, 1982 be approved for payment. LID procedure was discussed. Faulkner discussed the new computer system at the Library. MOTION to approve payment of bills carried unanimously. It was the consensus of the Council that Community Services Director provide more information about the computer system at the Library.

Agreement with Southgate Animal Clinic for Animal Control

City Manager has prepared memo dated October 29, 1982 explaining proposed agreement with the Southgate Animal Clinic. The current year's savings would be \$10,800 and the annual savings is estimated at \$17,000. Chief Schanaker addressed the Council. He said that the relationship between the city and Southgate Animal Clinic dates from 1978, that they have always had a good working relationship. He stated that the savings that were quoted did not take into consideration the revenues received, that the savings was based on salary only. Burgess said she felt the Council did not have enough facts on the matter. She asked about random patrol and citizen complaints. Schanaker

said the need would have to be assessed after implementation of the program. Mayor Burgess objected to being submitted to the pressure of making a decision at this time. There was extended discussion on the contract, the fee schedule and revenues generated. City Manager said that since most of the revenues came from licensing he did not expect any change in revenues. Chief Schanaker has prepared memo dated October 29, 1982, addressing questions regarding Southgate Animal Clinic. He discussed other clients experience with the clinic, the relationship of the city with the clinic and problems with the Department of Environmental Quality. The following people spoke in opposition to the elimination of the Animal Control Officer position:

Bill Hupp, 2626 SE Washington  
Arnold Callan, 12012 SE Wood  
Vicki Hodges, 11607 SE 48th  
Darrell Bettleyoun, 11607 SE 48th  
James Backenstos, 3626 SE Harrison  
Jane Quigley, 12171 SE 38th  
Paul Hager, 2746 SE Washington

The following topics were discussed: animal control provided by county prior to 1978, possible legal problems for the city if the position is eliminated, possibility of a legal problem with property owners adjacent to Southgate Animal Clinic, importance of good public relations, revenues received through licensing and parking citations, etc., citizen complaints. Burgess said she objected to entering into a contract with Southgate at this time because of community support for the Animal Control Officer position, the uncertainty of the fate of ballot measure #3, and insufficient information on the matter. It was MOVED by Burgess, SECONDED by Paulson, to table the issue until January 1983, and which time the Budget Committee could study the matter and make a recommendation to the Council. MOTION CARRIED with the following vote: AYES: Burgess, Hall, Paulson. NO: Graf, Bischoff. Bischoff commented that he did not favor the motion because he wanted to hear comments from Southgate Animal Clinic representative.

#### Traffic Signal Maintenance

City Attorney has prepared memo dated November 1, 1982 in response to a question raised by Hill Hupp at the October 19 Council meeting regarding double taxation. Research indicated that funding for signal maintenance comes not from property taxes but from service agreements like the one proposed, therefore does not constitute double taxation. Graf asked if the city had any protection under this agreement in the case of damage. Eades said that the city did not, that the County would not provide service without the agreement as written. There was further discussion on routine maintenance costs, insurance, and what constitutes double taxation. It was MOVED by Hall, SECONDED by Bischoff, to approve agreement for traffic signal maintenance with Clackamas County. MOTION CARRIED unanimously

IV  
3aIntergovernmental Agreement

This agreement is in connection with the downtown rehabilitation program instituted through the Community Services Department. Approval of the agreement will authorize the first payments to be made to grant recipients. The following correction was made in the agreement in regard to downtown boundaries.

On page 1, paragraph A, "22nd Street" should read "21st Street". It was MOVED by Graf, SECONDED by Paulson, to authorize signing of the agreement. MOTION CARRIED unanimously.

St. Vacation - Intersection of SE International Way-Freeman Way

On September 21, 1982 Council adopted Ordinance 1530 vacating a portion of the intersection of SE International Way and SE Freeman Way. The ordinance was found to be in error by the County Surveyor. Council was requested to adopt a new ordinance with correct legal description, which would repeal previous ordinance. It was MOVED by Graf, SECONDED by Paulson, to read Ordinance 1532 the first time by title only. MOTION CARRIED unanimously. It was MOVED by Paulson, SECONDED by Graf, to read the ordinance the second time by title only. MOTION CARRIED unanimously. It was MOVED by Hall, SECONDED by Paulson, to adopt Ordinance 1532 (AN ORDINANCE OF THE CITY OF MILWAUKIE VACATING A PORTION OF THE INTERSECTION OF SE INTERNATIONAL WAY AND SE FREEMAN WAY AND REPEALING ORDINANCE NUMBER 1530) MOTION CARRIED with the following roll call vote: AYES: Paulson, Bischoff, Burgess, Graf, Hall. NOES: none.

## CONSENT AGENDA

Approval of minutes - 10/19/82

Request from Salvation Army to place christmas Kettles in City. It was MOVED by Paulson, SECONDED by Graf, to approve the consent agenda. MOTION CARRIED unanimously.

It was MOVED by Graf, SECONDED by Bischoff, to excuse Burgess and Paulson from the October 19 meeting. MOTION CARRIED unanimously.

## OTHER BUSINESS

City Attorney and Police Chief have submitted a relaxation ordinance obtained from Multnomah County for the Council's review. There were minor changes made to fit the needs of the city. Schanaker said the intent is to impose additional requirements to those already required by the state. There was discussion on the wording on page 3, section 4 A. It was decided that the sentence reading "This exemption does not apply to...." should more appropriately read, "This ordinance does not apply to....". It was decided that the Council would review the ordinance and address any questions to the City Attorney before the next Council meeting, at which time the ordinance will be formally considered.

Manager evaluation

City Manager has prepared memo dated October 29, 1982 regarding performance evaluation and has requested the time prior to the next Council meeting on November 16 be used for this purpose. He has requested that Council adopt guidelines to be used in the evaluation and has suggested that the position profile developed by the Council for the position recruitment be used as the criteria. It was MOVED by Bischoff, SECONDED by Paulson, to adopt the criteria as stated. MOTION CARRIED

TV  
a

④

unanimously. It was agreed to meet in executive session prior to the next Council meeting at 6 p.m. on November 16. Bischoff suggested that Council think of specific examples to use in the evaluation process.

Meeting on Solid Waste Disposal

It was decided to set up a meeting for discussion of garbage rates, recycling, etc. for either November 18 or November 30 from 7 to 9 p.m. Staff was directed to set up the meeting and to include representatives from Metro.

Hall suggested that the matter of double taxation which is an issue which comes up frequently be looked into by the City Attorney. City Manager suggested writing to the county and try to set up a meeting to discuss this issue. Eades said he would contact other cities.

Burgess asked if anything had been done about the matter of illegal signs on city property. The City Manager said that this was an enforcement problem and he would be addressing the issue in memo form to the Budget Committee. Hall commented on Public Works Director's memo dated October 20, 1982 regarding Sewer Division Rate Structure. It is noted that the unit cost for sewage processing will be reduced from current cost of \$474.24 to \$455.54 per million gallons of sewage treated. This price will be retroactive to July 1, 1982 and there will be no need for a sewer rate increase. Burgess suggested sending this information to the Key Communicators.

Community Services Director has received a letter from the Department of Transportation regarding the opening of the slide gate on Kellogg Lake November 1. There was discussion on impact on the Willamette River and problems with silting.

City Manager submitted his conclusions regarding allegations made by Vicki Hodges at the October 19, 1982 Council meeting. His conclusion stated that Chief Schanaker had handled himself appropriately and he did not plan to pursue the matter further.

The meeting was adjourned at 9:20 to go into executive session under ORS 192.660 (1) (a) to discuss labor negotiations.

The executive session adjourned at 9:40 p.m.

\_\_\_\_\_  
Joy Burgess, Mayor

\_\_\_\_\_  
Laurie Perkin, Secretary