

**CELEBRATE!**

**PARTICIPATE!**

**MILWAUKIE '87!**

**CITY OF MILWAUKIE  
CITY COUNCIL MINUTES  
APRIL 7, 1987**

The one thousand five hundred and twenty-fifth meeting of the Milwaukee City Council was called to order at 7:05 p.m. on April 7, 1987, with the following Councilors present:

Roger A. Hall  
Mayor  
Craig Lomnicki

William Fitzgerald  
Chere' Sandusky  
Mike Richmond

Also present:

Hugh H. Brown,  
City Manager  
Greg Eades,  
City Attorney  
Sandra Miller,  
Assistant to the  
City Manager  
Jerri Widner,  
Finance Director

Steve Hall,  
Public Works Director  
William Adams,  
Community Development Director  
Anne Nickel,  
Community Development Coordin.  
Ron Goodpaster,  
Police Chief  
Pat DuVal,  
Executive Secretary

**OATH OF OFFICE** - Robert J. Morgan, Municipal Court Judge administered the oath of office to Craig J. Lomnicki as Councilor.

**PUBLIC HEARING**

**Consideration of Murphy Plywood Variance Request Regarding Noise Standards** - Mayor Hall opened the public hearing at 7:12 p.m. City Manager Hugh Brown told Council the City considers the noise situation a pending violation of the city ordinance, but recommends a variance until July 31 to complete remedial actions. Police Chief Ron Goodpaster presented the staff report in which he told Council his department had supervised noise surveys in the area at as many times of the day as possible, and the information had been relayed to Geoff Findlay, Plant Manager at Murphy Plywood. He reported that although equipment had been installed, the company was still not in compliance with standards. After subsequent meetings with Findlay and the engineering firm of VanGulik/Oliver, another problem area was isolated and more equipment was on order.

Geoff Findlay, Plant Manager of Murphy, agreed the problem existed and steps suggested by the consulting engineer had been followed. The variance requested of Council at this meeting was based on the leadtime involved for the receipt of parts.

Kerrie Standlee of VanGulik/Oliver, reported he had first contacted Murphy Co. in May, 1986, to inspect a cyclone for noise suppression, and a preliminary plan was developed. He stated at this time Murphy was cautioned to proceed slowly so that excess money would not be spent on a process which had not yet been researched in this state. Mr. Standlee said he had first become aware of

the neighborhood problems in February, 1987, and began working at that time with the Police Department. Equipment modifications were now underway and more parts were on order from the manufacturer. **Councilmember Fitzgerald** asked if the engineer felt confident the noise problem would be solved, and **Standlee** replied affirmatively but could not guarantee it.

**Councilmember Lomnicki** expressed concern that Murphy Co. had not met the DEQ timeline for corrections. **Findlay** replied the sand filter, installed to improve the air quality, was a relatively new piece of equipment and had generated another source of noise.

**Councilmember Fitzgerald** asked how much Murphy had spent on the remedial actions to date, and **Findlay** replied approximately \$30,000 in the past three months.

**Testimony in Favor.** None.

**Testimony in Opposition.** **Mary King**, 33rd & Harvey, stated she had first spoken with Mr. Findlay in March, 1986. She said although an extension should be granted, Council should be sure that requirements are met.

**Richard Holm**, 4026 SE Washington, told Council said the noise radiated as far as Hector Campbell School and 43/Logus. Mr. Holm said he had first contacted Mr. Findlay August, 1986, and was told Murphy Co. had hired an acoustical engineer. With the same problem, Holm was directed by Council at its January, 1987, meeting to contact Police Chief Goodpaster. Since that time, both the Police Department and Mr. Standlee had taken readings at various times of day at his residence. Mr. Holm stated the noise was a disturbing influence on his family and his neighbors. He stated that he had spoken with other agencies and Murphy was considered less than compliant. Mr. Holm said he felt an extension was not in order because it was an effort to circumvent the municipal code.

**Gerald Wilson** of DEQ noise control told Council the city had a very good ordinance. **Councilmember Richmond** asked if DEQ had taken a position in this consideration, and **Wilson** replied that Murphy was considered to be out of compliance and that a 30-day time limit would apply. **Mayor Hall** asked if fining Murphy would speed up the process, and **Wilson** replied that it probably would not. **Councilmember Richmond** asked if Murphy had made an effort to comply, and **Wilson** said it looked as if efforts were at last being made in an already lengthy compliance schedule.

**Councilmember Sandusky** asked if measures other than monetary could be taken, such as a certain piece of equipment being shut down for an 8-hour period at night. **City Attorney Eades** responded that the ordinance permitted the City to seek an injunction against use of the noise-producing equipment.

**Patty Dryden**, 4026 SE Washington, replied the noise cannot be ignored and was very disturbing for the children. **Mr. Holm** suggested fining might be an incentive to get the compliance in line. **Fades** explained an injunction for shutdown could be sought or a \$200/day fine could be imposed.

**Rebuttal.** **Kerrie Standlee** said that two problems needed to be considered: the cyclone and the sand filter, which had not been completely addressed at this time. He stated that construction characteristics were causing the problems and work was being done with the manufacturer to modify the existing equipment.

The public hearing was closed at 8:25 p.m.

It was moved by **Councilmember Richmond** and seconded by **Councilmember Fitzgerald** to grant a variance until July 31, 1987, at which time an enforcement action would be taken by the City against Murphy Plywood. **Councilmember Lomnicki** added that a maximum fine should be sought at the time. The motion passed 5 - 0.

#### Annexation by City Council Resolution (AN-87-02)

The public hearing was opened at 8:40 p.m. No ex parte contacts or conflicts of interest were declared.

**Anne Nickel**, Community Development Coordinator, presented the staff report explaining the provisions for City Council Resolution annexation had been met, with all property owners involved having signed petitions to annex and three other property owners asked to be included. The City of Milwaukie currently provides sewer and water to this area, and urban services can be readily and efficiently delivered without increased costs to the City. Ms. Nickel stated the request complies with the Comp Plan, Resolution No. 5-1985, and the Urban Services Policy and therefore recommended Council approval of the annexation request and forward it to the Boundary Commission.

**Testimony in Favor or Opposition.** None.

The public hearing was closed at 8:47 p.m.

It was moved by **Councilmember Lomnicki** and seconded by **Councilmember Richmond** to adopt the resolution and forward the annexation request to the boundary commission. The motion carried unanimously.

#### **RESOLUTION NO. 15-1987:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE  
APPROVING A REQUEST FOR ANNEXATION TO THE CITY OF MILWAUKIE.  
(AN-87-02).

**OTHER BUSINESS**

**Resolution Setting Levy Election and Adopting Ballot Title -**

**Councilmember Richmond** suggested substituting the word "This" for "If approved" in the ballot title. It was moved by **Councilmember Richmond** and seconded by **Councilmember Sandusky** to adopt the resolution setting levy election and adopting the ballot title with the change of wording. The motion passed 4 - 1, with **Councilmember Fitzgerald** voting against.

**RESOLUTION NO. 16-1987:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
CALLING AN ELECTION FOR THE 1987-88 OPERATING LEVY.

**Amendment of Milwaukie Municipal Code for Deposits on Temporary Water Meters - Ordinance**

**Steve Hall**, Public Works Director presented the staff report in which he explained to Council that the Homebuilders Association questioned the legality of a deposit as a "de facto performance bond." **Hall** said staff had reviewed the process and found the suggested changes acceptable and recommended approval of amendments to the Milwaukie Municipal Code and fee resolution. **Charlie Hales** of the Homebuilders Association urged a change of the City Code.

It was moved by **Councilmember Sandusky** and seconded by **Councilmember Richmond** to read the ordinance for the first time by title only. Motion passed 5 - 0. The ordinance was read the first time. It was moved by **Councilmember Sandusky** and seconded by **Councilmember Richmond** to read the ordinance a second time by title only. The motion passed 5 - 0. The ordinance was read the second time. It was moved by **Councilmember Richmond** and seconded by **Councilmember Sandusky** to adopt the ordinance. The motion passed 5 - 0.

**ORDINANCE NO. 1625:**

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 13.04 OF THE MILWAUKIE MUNICIPAL CODE FOR DEPOSITS ON TEMPORARY WATER METERS.

**Amendment of Conditions for Temporary Water Services Provided in Municipal Code and Amending Resolution No. 11-1981 - Resolution.**

It was moved by **Councilmember Richmond** and seconded by **Councilmember Sandusky** to adopt the resolution amending conditions for temporary water services. The motion passed 5 - 0.

**RESOLUTION NO. 17-1987:**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE AMENDING CONDITIONS FOR TEMPORARY WATER SERVICES PROVIDED IN THE MILWAUKIE MUNICIPAL CODE, CHAPTER 13.04 AND AMENDING RESOLUTION 11-1981.

**Dredging of Kellogg Lake - Sandra Miller**, Assistant to the City Manager, reported to Council that after talking to the engineering firm of CHM2 Hill, it is feasible the City could show a profit, but several studies would have to

be completed before the dredging could take place. It was also suggested the City seek funds from other governmental agencies. It was moved by **Mayor Hall** and seconded by **Councilmember Sandusky** to direct staff to prepare an RFP for engineering services. **Councilmember Fitzgerald** said the City should not pay the cost of the project. The motion passed 5 - 0.

Announcements

**Councilmember Lomnicki** announced the Ardenwald Neighborhood Meeting of April 17 at which time Andy Cotugno of Metro would be discussing the East/West Traffic Study.

A City Council executive session is to be held April 16 at 8:30 a.m. in the Council Chambers to discuss labor negotiations.

**CONSENT AGENDA**

It was moved by **Councilmember Sandusky** and seconded by **Councilmember Richmond** to approve the Consent Agenda (City Council minutes of March 17, 1987). The motion passed 5 - 0.

The meeting was adjourned at 9:25 p.m.

Pat DuVal  
Pat DuVal, Executive Secretary

