CITY COUNCIL MEETING
May 6 1974
7 p m

COUNCIL CHAMBERS 1219th Meeting

The one thousand two hundred nineteenth meeting of the Council of the City of Milwaukie Oregon was held on the 6th day of May 1974 The meeting was called to order by Mayor Donald W Graf with the following councilpersons present

Bill E Hupp
Robert G Stochosky
Joy Burgess
William M Keller
Mayor Donald W Graf

Also present

Harold L Schilling City Manager
J Wayne Daigle Dir of P W
Donald Jones Police Chief
Rod Sandoz City Planner (entered meeting at 7 18 p m)
Myer Avedovech City Attorney (entered meeting at 7 18 p m)
Dorothy E Farrell secretary

The Pledge of Allegiance was recited by those present

CONSENT CALENDAR

a) Notice of PUC hearing Northwest Natural Gas rate increase
b) Councilman Hupp s letter re refuse franchise
c) Councilman Hupp s letter re parade
d) Copy of letter from Judge Hammond re Lines case
e) Copy of Police Chief s memo re CRISS system
f) Approval of minutes April 15 and April 29 1974

It was MOVED by Stochosky SECONDED by Burgess that the Consent Calendar be accepted with the exception of item e MOTION CARRIED and so ordered

Council has received copy of Notice of Hearing before the Public Utility Commissioner of Northwest Natural Gas Company s rate increase request

Council has received letter from Councilman Hupp dated April 17 1974 questioning whether the city has an ordinance which properly protects the city in the area of garbage collection

Council has received letter from Councilman Hupp dated April 29 1974 thanking the city for its cooperation in connection with the Ed Bolander birthday parade on April 27

Council has received copy of letter to Robert A Bennett attorney for Marvin Lines from Judge P K Hammond dated April 25 1974 re Mr Bennett s motion in the case of Lines vs City of Milwaukie

There was additional discussion of Police Chief s memo to City Manager dated April 17 1974 re withdrawal from CRISS system and entry onto LEDS system effective 7/1/74 and Police Chief s and City Manager s letter to CRISS Project Director dated April 30 1974 stating the city will withdraw from CRISS effective 7/1/74 Mayor Graf stated since there were no objections from the Council Council would accept the recommendation of the City Manager and Police Chief

AUDIENCE PARTICIPATION

1 Mayor presented certificate to Paul H Roeger Engineering Technician for his completion of the Oregon Chapter American Public Works A sociation training seminar titled APWA Construction Inspector Training Program

2 Mayor Graf read a proclamation proclaiming the week of May 12 1974 as Buddy

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Poppy Week and Carmel Faughender 1974 Poppy Girl presented a poppy to Mayor Graf and recited a poem

3 Walt Fitch Milwaukie Rotary Club invited Council to the dedication of a memorial to Tim DeShields at Milwaukie High School 1 p m May 28 Tim DeShields was a foreign exchange student sponsored by Milwaukie Rotary who was killed in an auto accident in Brazil

CORRESPONDENCE

1 Council has received le ter from James Hunt 1916 Washington dated April 24 1974 concerning design review

2 Council has received letter from Department of Human Resources Health Division dated April 15 1974 stating Milwaukie s water system meets the bacteriological standards of the Health Division Public Works Director Wayne Daigle read a report from County Health Department dated April 30 1915 which was requested by the Milwaukie Mayor a that time and which showed the contrast between the water sy tem then and now

3 Councilwoman Burgess received letter from W P Walker 3706 Harrison Street dated May 3 1974 asking questions about the tax base The letter will be answered by the City Manager

4 Mayor Graf received letter from Jameson D Selleck 821 Twin Pines Circle Ashland Oregon asking support for a proposal to put the U S Army in charge of transporting and guarding all nuclear material Council asked that copies of the letter be made and furnished to them

ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT IN CORE AREA OF DOWNTOWN MILWAUKIE

In response to a question by the Mayo City Attorney stated the reading of the ordinance would include the two items of the boundaries and the exclusions without their being read In response to another quest on City Attorney stated engineering costs are included in the total cost set ou in the ordinance

It was MOVED by Burgess SECONDED by Keller that (AN ORDINANCE CREATING A LOCAL IMPROVEMENT DISTRICT IN THE CORE AREA OF DOWNTOWN MILWAUKIE FOR THE IMPROVEMENT OF STREETS SIDEWALKS CURBS DRAINAGE WATER UNDERGROUNDING OF POWER TELEPHONE AND RELATED SYSTEMS STREET LIGHTING STREET LANDSCAPING OFF-STREET PARKING FACILITY AND INTERSECTION DESIGN FOR BETTER CONTROL OF VEHICULAR AND PEDESTRIAN TRAFFIC) be read the first time MOTION CARRIED and so ordered Councilman Hupp wished his vote recorded as no

It was MOVED by Keller SECONDED by Burgess that the above ordinance be read the second time by title only It was reque ted that the seven exclusions on Exhibit B be pointed out on the map a id when this was done it was discovered that two properties the Council had directed be excluded had not been listed in Exhibit B

(Meeting recessed at 8 10 p m reconvened at 8 20 p m with all present)

The following items 8 and 9 were read as being included in Exhibit B Exclusions from Assessment

8 The east one-half (1/2) of Block 14 PLAT OF MILWAUKIE

9 Lot 4 Block 3 LEWELLING PARK

MOTION CARRIED and so ordered Councilman Hupp wished his vote recorded as no

ORDINANCE NO 1293, AMENDING ORDINANCE 1292 - ZC-74-2

It was MOVED by Stochosky SECONDED by Keller that Ordinance Number 1293 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1292 PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE CLACKAMAS COUNTY OREGON FROM R 7 ZONE TO R 7 (PD) ZONE AND AMENDING ORDINANCE NUMBER 1183 AS AMENDED) be read the first time MOTION CARRIED and so ordered It was MOVED by Stochosky SECONDED by Keller that Ordinance 1293 be read the second time by title only MOTION CARRIED and so ordered Ordinance 1293 was put on its passage with the following roll call vote AYES Hupp Stochosky Burgess Keller and Graf NOES None Ordinance 1293 passed the Council and was so declared by the Mayor

STAFF REPORT RE CITY CREW AT 10055 SE 45TH

On April 15 Martin Bodtke 10055 SE 45th stated to the Council that city employees with backhoe came and looked at the dry well near his property but left without doing anything Council has received a report from Public Works Director dated May 1 1974 explaining the incident

CONSIDERATION OF BUSINESS LICENSE APPLICATION JOHN SETZ

John Setz 11335 SE Beckman Road applied for business license to repair automobiles in garage at his residence which is zoned R 7 single family residential City Manager ruled that repairing automobiles did not fall within the home occupation provisions of the zoning ordinance Mr Setz appealed the decision to the Planning Commission and on April 23 the Planning Commission voted to uphold the City Manager s interpretation Mr Setz wrote a letter to Mayor and Council dated April 26 stating he was appealing the decision of the Planning Commission City Planner told the Council he had spoken to Mr Setz and Mr Setz indicated he did not desire to formally appeal as that would have required payment of a fee and a formal public hearing City Manager indicated staff is asking the request for business license be denied and deposit returned

It was MOVED by Hupp SECONDED by Stochosky that City Council grant John Setz the business license he has paid for for the purpose of operating this very minor tune-up and brake adjustment service by appointment without signs and without noise at his location as is given in our agenda under item a under consideration

With the permission of the seconder of the motion Mr Hupp amended his motion to include that we take the action that I have stated with the provision that it would be withdrawn if there were anyone within the entire area that would object it would be conditional upon the lack of objection since the very map of the location and the distances between people and the full approval of everyone within 200 feet have given written approval to me it seems like this would be not a precedent for everyone in the city but for this particular area where there was no remonstrance and no objection I would make that addition to my motion that it be granted until such time as it was a problem in this particular instance due to these particular circumstances and I think it is the Council s prerogative to do so

It was pointed out that if the motion passes Mr Setz still could not operate the business because he still would be in violation of the zoning ordinance

Mayor Graf stated that based on the above opinion of the city attorney he declared the motion and second to be out of order and not acceptable

City Manager stated the Council could refer the matter back to the Planning Commission for reconsideration or could initiate an amendment to the home occupation provision of the zoning ordinance

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IT WAS MOVED by Keller SECONDED by Burgess that the business license application of John Setz be denied and the fee returned MOTION CARRIED and so ordered

REQUEST FOR RATE INCREASE MILWAUKIE SANITARY SERVICE

Manager has received letter from Dale M Harlan dated April 26 1974 asking to be put on the agenda for May 6 to discuss proposal for rate increase under Milwaukie refuse collection agreement Mr Harlan was unable to be present but asked to be scheduled for the next Council meeting Councilman Stochosky asked for information as to what then-Councilman Harlan s position was with regard to the garbage contractors at the time the proposed ordinance was tabled in 1969

AWARD OF BID FOR WATER PROPERTY ON MAPLE STREET

City owned property originally purchased for water department on Maple Street has been advertised for sale and bids received from F M Tarbell Co Realtors and Howard R Cleary as set out on the memorandum attached to these minutes It was MOVED by Hupp SECONDED by Burgess to accept Howard R Cleary s bid of $15 105 cash payable within 30 days MOTION CARRIED and so ordered

EXECUTIVE SESSION COLLECTIVE BARGAINING

The meeting recessed at 9 15 to executive session for collective bargaining discussion under ORS 192 660 Section 2 paragraph (2) subsection (a) and reconvened in regular session at 10 40 p m

PROPOSED FORMATION OF COMMITTEE TO PROMOTE LIGHT RAIL SYSTEM

Councilwoman Burgess has requested that the Council consider formation of a city committee to promote the light rail transit system currently under consideration It was decided to put the matter on the agenda the first meeting in June

ORDINANCE NUMBER 1294 BUILDING CODE AMENDMENTS

It was MOVED by Stochosky SECONDED by Hupp that Ordinance Number 1294 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1290 TO ADOPT THE STATE OF OREGON STRUCTURAL SPECIALTY CODE AND FIRE AND LIFE SAFETY CODE 1973 EDITION AND STATE OF OREGON MECHANICAL SPECIALTY CODE AND MECHANICAL FIRE AND LIFE SAFETY CODE 1973 EDITION AND THEIR SUPPLEMENTS AND DECLARING AN EMERGENCY) be read the first time MOTION CARRIED and so ordered It was MOVED by Burgess SECONDED by Stochosky that Ordinance 1294 be read the second time by title only MOTION CARRIED and so ordered Ordinance 1294 was put on its passage with the following roll call vote AYES Hupp Stochosky Burgess Keller and Graf NOES None Ordinance 1294 passed the Council and was so declared by the Mayor

BIDS ON SPRINKLER SYSTEM

Bids were asked for sprinkler system for City Hall and bids were received as set out in the memorandum attached to these minutes It was MOVED by Keller SECONDED by Burgess that the bid be awarded to the low bidder Cosco Fire Protection Co in the amoun of $10 001 to be added to the revenue sharing budget for the next fiscal year After discussion of the method of payment it was MOVED by Hupp SECONDED by Stochosky to table this matter until the next meeting and direct staff to come up with a payment plan MOTION CARRIED and so ordered

City of Milwaukie
M E M O R A N D U M

May 6 1974

TO City Manager

FROM Director of Public Works

SUBJECT Property Sale Lots 20 and 21 Block C Milwaukie Park
Bid Proposals

The subject property was offered for sale and so advertised in the Milwaukie Review in two consecutive publications The following responses were received on May 3 1974

1 F M Tarbell Co Realtors Bid $12 501 00
Subject to development plans approved or no later than 90 days from date of acceptance by seller

Bid	$12 501 00
Note	2 000 00
Delivery of Deed	$10 501 00

2 Howard R Cleary
(a) Cash $15 105 00

(b) 50% down 50% within 1 year @ 9% interest on unpaid balance $15 600 00

(c) 25% down 3 semi annual payments @ 9% on unpaid balance $16 100 00

Recommendation Award to Howard R Cleary on Bid A payable within 90 days

JWD/mb

City of Milwaukie
M E M O R A N D U M

May 6 1974

TO City Manager

FROM Director of Public Works

SUBJECT Sprinkler System Bid Summary
City Hall

The following tabulation of bids received May 3 1974 are herein pre sented for consideration

Name	Time of Bid Hold	Amount
Cosco Fire Protection Co Kirkland Washington	30 days	$10 001 00
Fire Prevention Systems Inc Portland Oregon		10 451 00
National Automatic Sprinkler Co of Ore Portland Oregon	15 days	10 985 00

All bids subject to approval of State Fire Marshal and Oregon Insurance Service

JWD

JWD/mb

OTHER BUSINESS

Mrs Ann Hupp has suggested that Council send a letter to World Fair officials in Spokane in recognition of Oregon Day May 14 1974 at the fair It was MOVED by Keller SECONDED by Stochosky that staff be directed to draft the letter MOTION CARRIED and so ordered

2 City Manager brought Council up to date on status of long-term disability insurance contract that was negotiated with two of the employee units Standard Insurance will furnish the coverage and the cost will be about $300 a month

3 In the case of Baker vs City of Milwaukie Mrs Baker's counsel has filed a petition for review with the Oregon Supreme Court

4 City Manager told the Council Ruth Friesen Finance Director will be leaving the city s employ May 17 and he will make a temporary appointment pending a civil service examination

5 City Manager told the Council as of July 1 the city will transfer from the current Blue Cross plan to a plan provided under the umbrella of the League of Oregon Cities

PAYMENT OF BILLS

It was MOVED by Keller SECONDED by Hupp that the bills listed for May 7 1974 payment be approved for payment MOTION CARRIED and so ordered

The meeting adjourned at 11 30 p m

Donald W. Graf

Donald W Graf Mayor

ATTEST

Dorothy E Farrell

Dorothy E Farrell Secretary

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CITY OF MILWAUKIE
BILLS PAYABLE ON MAY 7 1974

	VENDOR	TOTAL	DEPT	AMOUNT
1	Alder Street Clock Shop Inc	30 00	1 5	30 00
2	All States Leasing Co	45 32	1 2	45 32
3	Arro Metal Fabricators	76 20	4	76 20
4	Myer Avedovech	1387 50	1 1	1387 50
5	Baker & Taylor Co	143 08	1-6	143 08
6	Berg Evans Chain Co	6 10	20	6 10
7	Bound to Stay Bound Books	14 3	1-6	14 23
8	Bureau of Business Research	4 00	1-6	4 00
9	Burroughs Corporation	367 04	1 2	367 04
10	Central Fire Dispatching	1514 95	1-4	1514 95
11	Chevron Asphalt	131 40	4	313 40
12	Clackamas County	313 00	1 1	100 00
			1 5	213 00
13	Consolidated Supply Co	300 00	30	300 00
14	Division of Continuing Education	60 00	1-2	60 00
15	James Donkle M D	109 00	1 1	59 00
			1-5	50 00
16	Electromatic Association Inc	20 00	1 5	20 00
17	Eugene Overall/Blue Seal	62 65	1 5	17 16
			1 4	32 81
			106	12 68
18	Ruth Firesen	40 90	1 2	40 90
19	Gaylord Bros Inc	90 95	1 6	90 95
20	G I Joes Inc	13 37	1 5	13 37
21	Gladstone Lincoln Mercury	1 00	1-5	1 00
22	Ruth Green	65 85	1 6	65 85
23	Charlie Helwig Inc	71 92	1 2	23 64
			1 4	29 24
			1 5	11 82
			1 8	94
			1 9	2 00
			1-10	4 28
24	Hennessy Kehoe Inc Ins	50 00	1 4	50 00
25	Industrial Specialties Co	57 40	4-	57 40
26	International Associations of Police Chiefs Inc	35 00	1-5	35 00
27	International Business MachineCorp	115 00	1-5	115 00
28	International Conference of Building Officials	124 50	1 10	124 50
29	International Institute of Municipal Clerks	30 00	1 2	30 00
30	Albert Jones	23 98	1 4	23 98
31	Jurors	249 65	1 8	249 65
32	Larry & Chuck's Heating Service	45 64	1 3	45 64
33	LaVelle Landfill	8 10	4	8 10
34	Legislative Counsel Committee	86 50	1-1	86 50
35	The Chas H Lilly Co	49 00	1-7	49 00
36	Main Street Cleaners	207 65	1-4	61 95
			1-5	145 70
37	Milwaukie Glass Co	50 00	4	50 00
38	Milwaukie Plumbing Co	107 56	1 3	107 56
39	Minnesota Minning & Mfg Co	46 25	4	46 25
40	Municipal Finance Officers Association	4 95	1 2	4 95
41	Multigraphics	33 40	1 2	33 40
42	Multnomah County	462 52	1 2	43 09
			1-4	22 50
			1 8	32 10
			1 9	22 50
			1 10	16 05
			4	326 28

BILLS PAYABLE ON MAY 7 1974 Continued

	VENDOR	TOTAL	DEPT	AMOUNT
43	Northwest Extruded Curbs Inc	85 60	1 5	85 60
44	Northwest Natural Gas	203 18	1 6	120 89
			4-	63 04
			30	19 25
45	Nudelman Bros	164 75	1 4	152 75
			1 5	12 00
46	Myles O Donnell & Co	384 80	1 3	384 80
47	Oregon City Laundry	73 28	1 4	73 28
48	Oregon Firemen Instructors Association	3 00	1 4	3 00
49	PM Printing	22 95	1-2	22 95
50	Pacific Building Materials	210 94	4	158 74
			30	52 20
51	Pacific Northwest Bell	1446 97	1 1	480/91
			1-4	457 14
			1 5	411 81
			1 6	83 71
			1 10	9 00
			30	4 40
52	Pacific Water Works Supply Co Inc	72 38	30	72 38
53	Penmwalt Corp	185 00	20-	185 00
54	Pitney Bowes	139 00	1-2	139 00
55	City of Portland	1536 90	4-	1536 90
56	Portland General Electric	6453 09	1-1	3748 02
			1-3	140 49
			1-4	54 29
			1 6	243 75
			1-7	5 66
			4-	111 42
			20	836 06
			30-	1313 40
57	Publishers Central Bureau	13 09	1-6	13 09
58	Radio Shack	23 90	1-4	23 90
59	The Review	103 66	1-1	85 39
			1-9	18 27
60	Beverly Ann Ridley	393 60	1-5	393 60
61	Rose City Label	28 60	1-4	28 60
62	Rub A Dub	47 75	1 5	47 75
63	Service Oil Co	80 35	1-3	80 35
64	Suspense Fund	3 00	1-1	3 00
65	Shell Oil Co	5 08	1-4	5 08
66	Southern Pacific Transportation Co	100 00	12	100 00
67	Starks	19 25	1 6	19 25
68	State of Oregon - Dept of Motor Vehicles	40 00	1-8	40 00
69	Stevens Thompson & Runyan	14 698 50	30-	4 64
			5-	14 578 47
			12-	115 39
70	Frank B Strange, PhD	60 00	1-1	60 00
71	Subpoenas	15 00	1-8	15 00
72	Bernard L Tiland	282 00	1-1	282 00
73	Traffic Safety Supply Co	259 82	4-	259 82
74	Water Dept	4 70	1-4	4 70
75	Water Fund	1009 65	1-4	82 65
			1-5	665 19
			1 7	8 40
			1-10	24 15
			4-	169 71
			20	59 55

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BILLS PAYABLE ON MAY 7 1974 Continued

VENDOR		TOTAL	DEPT	AMOUNT
76	Waterworks Supplies Co	509 36	30	509 36
77	Steve Welch	108 00	20	108 00
78	West Chemical Products Inc	23 80	1-3	23 80
79	Richard White	44 13	104	44 13
80	Xerox	80 19	1 5	80 19
81	Lind Fagenstrom Corp	29 960 43	5	29 960 43
82	Lord Bros Contractors	39 896 60	5-	39 896 60
83	Marshall Associated Contractors	294 959 79	5-	294 959 79
		$400 407 65		

1 1	GENERAL	6,292 32
1 2	ADMINISTRATION & FINANCE	810 29
1 3	CITY HALL	799 80
1 4	FIRE	2 664 95
1-5	POLICE	2 331 03
1 6	LIBRARY	811 48
1 7	PARKS & GROUNDS	63 06
1-8	MUNICIPAL COURT	337 69
1 9	PLANNING	42 77
1 10	PUBLIC WORKS	177 98
4	STREET	2 995 26
20-	SEWER	1 194 71
30	WATER	2,275 63
5	SEWER IMPROVEMENT	379 395 29
12	REVENUE SHARING	215 39