

CITY COUNCIL MEETING

January 20, 1975

7 p. m.

COUNCIL CHAMBERS

1236th Meeting

The one thousand two hundred thirty-sixth meeting of the Council of the City of Milwaukie, Oregon, was held on the 20th day of January, 1975, with the following councilpersons present:

Charles E. Swan

Jerry N. Hutchison

Joy Burgess

Mayor Bill E. Hupp

Also present:

Harold L. Schilling, City Manager

Myer Avedovech, City Attorney

J. Wayne Daigle, Dir. of P. W.

Dorothy E. Farrell, Secretary

Richard White, Fire Chief

The invocation was given by the Reverend Evan Goley, Advent Christian Church, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - January 6 and January 14, 1975 Council meetings
  - b) Editorial re Small Communities
  - c) City Attorney's report on Institute on Planning, Zoning and Eminent Domain
  - d) Memo from LGPI re Fair Labor Standards Act
  - e) Letter from Holman Transfer thanking Fire Marshal
  - f) PERB complaints and responses
  - g) Letter of thanks for Fire Department Children's Christmas program
  - h) Completion of Schedule I - Sewer L. I. D. East Milwaukie & Island Station
  - i) Letter of appreciation from School District
  - j) Proclamation re Vocational Education Week
- b) Council has received copies of July 1973 editorial from Western City Magazine, titled "Small Communities: Know Thyself."
- c) City Attorney has reported on Institute on Planning, Zoning and Eminent Domain in Dallas, Texas, that he attended in November, 1974.
- d) LGPI has sent memo, dated January 6, 1975, re Supreme Court order enjoining the Department of Labor from applying the Fair Labor Standards Act to cities pending a decision on the Act's constitutionality.
- e) Council has received copy of letter from Holman Transfer Company, dated January 10, 1975, thanking Fire Marshal Al Jones for conducting a class on fire hazards for their employees.
- f) Council has received copies of complaints and responses re unfair labor practices, one filed by the city against Hal Abelsen, business representative of the Milwaukie police bargaining unit, and three filed by the police bargaining unit against the city.
- g) Fire Department has received letter from Peggy McDaniel thanking them for the children's Christmas party.
- h) Council has received memorandum from Public Works Director, dated January 16, 1975, recommending acceptance of Schedule I (Island Station portion) of sanitary sewer L. I. D. - East Milwaukie and Island Station.
- i) Council has received copy of letter from Linwood School Principal, dated January 10, 1975, thanking Officer John Toll, Milwaukie Police Department, for reporting a fire at the school.
- j) Mayor read proclamation naming February 10-14 as Vocational Education Week.

It was MOVED by Burgess, SECONDED by Hutchison, to accept the entire consent calendar. MOTION CARRIED and so ordered.

AUDIENCE PARTICIPATION

Jack Roth, 806 - 40th, spoke concerning Mayor Hupp's newspaper column and the Charter language concerning the Council.

CORRESPONDENCE

1. Councilwoman Burgess told the Council about a meeting of the Clackamas County Caucus of Cities held January 15, which she attended. Council received letters notifying them of this meeting.
2. Councilwoman Burgess said Council received letters from CRAG concerning a workshop pertaining to grant programs, on January 21.
3. Councilwoman Burgess received a letter from CRAG Transportation Director, soliciting requests for urban projects.
4. Councilwoman Burgess received a North Clackamas Citizens Committee neighborhood survey, which she was asked to pass on to the Manager.
5. Councilwoman Burgess received request from Milwaukie Loaves and Fishes that the city, at budget time, contribute at least \$3000 from revenue sharing funds to their program.

APPOINTMENT TO COUNCIL VACANCY

Mayor Hupp passed out ballots and asked Council to vote on their first, second, third and fourth choice of the four candidates for the council vacancy. The candidates were:

- Mervin Englund
- John Foster
- Eloise Hobson
- Marion Kirkpatrick

Mervin Englund was elected to the vacant position caused by the election of Bill Hupp as Mayor.

Manager was directed to write letters of appreciation to the three candidates who were not selected.

RESOLUTION NUMBER 3-1975 - RE ANNEXATION

It was MOVED by Burgess, SECONDED by Swan, that Resolution Number 3-1975 (A RESOLUTION FURTHERING ANNEXATION TO THE CITY OF MILWAUKIE OF CERTAIN TERRITORY) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Swan, that Resolution 3-1975 be adopted. MOTION CARRIED and so ordered.

ORDINANCE ADOPTING CIVIL SERVICE RULES AND REGULATIONS

It was MOVED by Burgess, SECONDED by Swan, that the Civil Service Commission consist of five members, the provision to be included in this ordinance. MOTION CARRIED and so ordered.

It was MOVED by Hutchison, SECONDED by Burgess, that both lines in Paragraph 5 indicate that three members constitute a quorum. MOTION CARRIED and so ordered.

It was MOVED by Burgess, SECONDED by Hutchison, that the ordinance be read the first time. MOTION CARRIED and so ordered.

(Meeting recessed at 8:35 pm., reconvened at 8:45 p. m. with all present.)

It was MOVED by Burgess, SECONDED by Hutchison, that the ordinance be read the second

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time at the next regular meeting of the Council. MOTION CARRIED and so ordered.

SECOND READING - ORDINANCE NUMBER 1303 - AMENDING ORDINANCE 1302

It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1303 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1302, AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM R-7 ZONE TO A-2 ZONE, AND AMENDING ORDINANCE NUMBER 1183, AS AMENDED) be read the second time. MOTION CARRIED and so ordered. Ordinance 1303 was put on its passage with the following roll-call vote: AYES: Swan, Burgess, Hutchison and Graf. NOES: None. Ordinance 1303 passed the Council and was so declared by the Mayor. *(HUPP (242 2/3/75 minutes))*

DOWNTOWN L. I. D. RULING AND DECISION

City Attorney explained that after a meeting with plaintiffs' attorney and the Circuit Court Judge, the Judge had decided to rule the downtown ordinance null and void. It was MOVED by Burgess that the ordinance creating the downtown local improvement district be declared null and void. The motion died for lack of a second. It was decided to request that the ordinance be on the agenda at the next meeting, and action would be taken at that time.

OPINION ON SUNDAY ELECTION

Council has received memorandum stating the city attorney has reviewed the question of holding an election on Sunday, and has found no prohibitions against this. Staff was requested to find out the approximate cost of an election held on Sunday, March 9.

REPORT ON DEFERRED SEWER ASSESSMENTS

A work session was scheduled for 7 p. m. January 27 to consider deferred sewer assessments for low income and/or senior citizens.

REPORT ON MILWAUKIE POSTOFFICE

Council has received memorandum, dated January 16, from City Manager, concerning the status of the Milwaukie postal service facility.

REPORT ON POSSIBILITY OF TRAFFIC LIGHT AT 32ND AND HARRISON

Council has received copy of letter from State Highway Division, dated October 31, 1974, with results of intersection study at 32nd and Harrison. Staff was asked for an estimate of the cost involved in acquiring property necessary for improvement of traffic flow.

REPORT ON MILWAUKIE PLYWOOD OPERATION

Council has received a copy of memorandum from Manager, dated January 16, giving results of conversation with DEQ representative regarding Milwaukie Plywood's compliance with DEQ standards.

COMMITTEE APPOINTMENTS

Mayor Hupp stated he would act as Council liaison to Civil Service Commission and Traffic Safety Commission.

Councilwoman Burgess was appointed as official CRAG representative.

(Meeting recessed at 10:15 p. m. , reconvened at 10:25 p. m. with all present.)

Staff was asked to furnish Council with a list of commissions and committees, number of members, terms of office, residency requirements, and a brief synopsis of their function. Staff was asked also to furnish an attendance record of members of boards and commissions. Staff was asked to phone two members of Traffic Safety Commission and one member of Planning Commission whose terms are expiring, and ask if they are interested in being reappointed.

MEMORANDUM RE "PEDDLER"

At the November 19 meeting, a citizen protested the use of the words "Peddler's License." Council has received memorandum from City Attorney and copies of definitions from the Librarian. It was MOVED by Hutchison, SECONDED by Swan, that Council accept the memoranda and table the subject. MOTION CARRIED and so ordered.

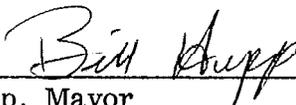
OTHER BUSINESS

1. Manager has been contacted by Del Smith, Clackamas County Manpower Program, and was informed the county is the recipient of \$359,000 in manpower funding under CETA. Milwaukie will be submitting an application for funding of a Caretaker position and a Code Enforcement Officer.
2. Manager asked if Council could set a date for orientation session.
3. Mayor proposed a water cooler for Council chambers.

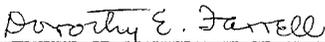
PAYMENT OF BILLS

It was MOVED by Burgess, SECONDED by Swan, that the bills listed for January 21, 1975 payment be approved for payment. MOTION CARRIED and so ordered.

Meeting adjourned at 11:30 p. m.

  
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 Bill Hupp, Mayor

ATTEST:

  
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 Dorothy E. Farrell, Secretary

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CITY OF MILWAUKIE  
BILLS PAYABLE ON JANUARY 21, 1975

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
1. American for Effective Law Enforcement Inc.	39.00	1-5	39.00
2. Atlas Electrical Contractors	22.55	1-5	22.55
3. The Baker & Taylor Co.	130.73	1-6	130.73
4. Ben Mar Auto Parts Inc.	2.92	4-	2.92
5. Bentleys Boat Top & Upholstery	35.00	1-5	35.00
6. Bernard's Garage	18.27	1-5	18.27
7. The Cake Co.	143.06	1-5	143.06
8. Clackamas County	401.50	1-5	401.50
9. Clackamas County Recorder	178.00	4-	16.00
		5-	162.00
10. Kent Collings	1500.00	1-	1500.00
11. Consolidated Supply Co.	223.72	30-	223.72
12. James B. Donkle, M.D. P.C.	128.00	1-14	128.00
13. Electromatic Assoc. Inc.	34.75	1-5	34.75
14. Eugene Overall/Blue Seal	55.03	1-3	13.88
		1-4	24.95
		1-5	3.40
		1-6	12.80
15. Dorothy Farrell	19.47	1-1	14.76
		1-2	1.83
		1-3	2.88
16. Feenaughty Machinery Co.	8.65	4-	8.65
17. Fred Meyer	75.88	1-5	75.88
18. General Learning Corp.	6.60	1-6	6.60
19. Gladstone Lincoln Mercury Inc.	2425.00	1-2	2425.00
20. Elke Gribskov	1221.85	1-1	1221.85
21. Ray Grimshaw Inc.	18.00	20-	18.00
22. Hazeltine Leasing Co.	100.00	1-5	100.00
23. Horton Electric	573.50	1-5	573.50
24. Charlie Helwig Inc.	255.72	1-1	19.12
		1-2	127.34
		1-4	33.56
		1-5	51.40
		1-8	16.00
		1-10	8.30
25. Jurors	145.00	1-8	145.00
26. K & K Color Lab.	31.83	1-5	31.83
27. Landeen Medical Gas & Equipment	18.00	1-4	18.00
28. Lavelle Landfill	21.06	4-	21.06
29. Lord Bros. Contractors	32,670.56	5-	32,670.56
30. Benjamin McCanna	510.25	5-	510.25
31. Main Street Cleaners	126.55	1-5	126.55
32. Milwaukie Auto Parts	20.69	1-4	3.43
		1-5	17.26
33. Milwaukie Glass Co.	21.99	1-4	21.99
34. Milwaukie Hardware	27.69	1-3	2.94
		1-4	15.00
		1-6	3.75
		20-	3.75
		30-	2.25
35. Milwaukie Lumber Co.	60.30	1-4	28.16
		1-5	24.19
		1-10	7.95
36. Mobil Oil Corporation	1958.10	30-	1958.10
37. Motorola Inc.	910.00	1-5	910.00

CITY OF MILWAUKIE  
BILLS PAYABLE ON JANUARY 21, 1975 - continued

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT</u>	<u>AMOUNT</u>
38. Multnomah County	235.32	1-2	206.82
		1-5	28.50
39. Northwest Natural Gas	306.58	1-6	183.32
		4-	112.94
		30-	30.32
40. Nudelman Bros.	412.70	1-5	412.70
41. Myles O'Donnell	710.95	1-3	423.25
		1-5	287.70
42. Oregon Association of Chiefs of Police	50.00	1-5	50.00
43. Oregon City Laundry	78.86	1-4	78.86
44. Oregon Fire Chiefs Association	45.00	1-4	45.00
45. P.C.O. Short Course	6.00	1-10	6.00
46. Pacific Coast Industrial Laundry	52.00	4-	52.00
47. Pacific Northwest Bell	2383.28	1-3	519.70
		1-4	825.56
		1-6	79.80
		1-10	9.00
		20-	24.45
		30-	35.77
		7-61	889.00
48. Pacific Waterworks Supply Co., Inc.	333.88	30-	333.88
49. Peerless Pacific Co.	133.00	30-	133.00
50. Pitney Bowes	6.04	1-2	6.04
51. Pixler Auto Parts	88.13	1-4	3.20
		1-5	22.51
		4-	39.94
		20-	22.48
52. Political Research Inc.	95.00	1-6	95.00
53. City of Portland	74.10	1-4	21.48
		1-5	33.88
		4-	10.70
		20-	4.02
		30-	4.02
54. Portland General Electric	7060.85	1-1	3964.65
		1-3	196.93
		1-4	58.26
		1-5	85.57
		1-6	169.45
		1-7	3.28
		4-	123.85
		20-	808.56
		30-	1650.30
55. Portland Road & Driveway	1335.18	4-	1107.18
		30-	228.00
56. Power Transmission Products Inc.	22.14	20-	22.14
57. Radio-Tonics	20.20	1-4	20.20
58. The Review	12.83	1-14	12.83
59. Harold L. Schilling	38.75	1-14	38.75
60. Shell Oil Co.	17.71	1-4	17.71
61. Singer Business Machines	68.00	1-10	68.00
62. Southern Pacific Transportation Co.	100.00	6-	100.00
63. State of Oregon -Dept. of Motor Vehicles	40.00	1-8	40.00
64. Street	76.16	1-4	7.92
		20-	50.16
		30-	18.08
65. Subpoena Fee	5.00	1-8	5.00

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CITY OF MILWAUKIE  
BILLS PAYABLE ON JANUARY 21, 1975 - continued

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
66. Town Concrete Pipe Inc.	790.25	4-	487.00
		20-	170.25
		30-	133.00
67. United Radio Supply Inc.	35.25	1-4	35.25
68. Water	1175.72	1-4	129.13
		1-5	774.41
		1-7	5.70
		1-10	36.52
		4-	133.61
		20-	96.35
69. Waterworks Supplies Co.	294.76	30-	294.76
70. West Chemical Products Inc.	22.50	1-3	22.50
71. Western Propane Inc.	39.50	20-	39.50
72. Richard White	6.11	1-4	6.11
73. Wichita Feed & Hardware Store	9.00	4-	4.05
		20-	2.25
		30-	2.70
74. Wilco Fire Equipment Co.	13.05	1-4	13.05
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\$60,333.02			

1-1	GENERAL	6,720.38
1-2	ADMINISTRATION & FINANCE	2,767.03
1-3	CITY HALL	1,182.08
1-4	FIRE	1,406.82
1-5	POLICE	4,303.41
1-6	LIBRARY	661.45
1-7	PARKS & GROUNDS	8.98
1-8	MUNICIPAL COURT	206.00
1-10	PUBLIC WORKS	135.77
4-	STREET	2,119.90
20-	SEWER	1,261.91
30-	WATER	5,047.90
5-	SEWER IMPROVEMENT	33,342.81
6-	STREET IMPROVEMENT	100.00
7-61	SUSPENSE FUND	889.00
1-14	CIVIL SERVICE	179.58