CITY COUNCIL MEETING
June 2, 1975
7 p. m.

COUNCIL CHAMBERS 1245th Meeting

The one thousand two hundred forty-fifth meeting of the Council of the City of Milwaukie, Oregon, was held on the 2nd day of June, 1975, with the following councilpersons present:

C. Mervin Englund
Charles E. Swan
Joy Burgess
Jerry N. Hutchison
Mayor Bill E. Hupp

Also present:

Harold L Schilling, City Manager
J. Wayne Daigle, Dir. of P.W.
Myer Avedovech, City Attorney
Dorothy E Farrell, Secretary

The invocation was given by the Reverend M. A. McGavin, ECNA Harmony Memorial Church, and the pledge of allegiance was recited.

DDJ309

CONSENT CALENDAR

a) Approval of minutes - May 19 and May 28, 1975 meetings
b) Notice of PUC informational meeting re rate increase
c) Letter from Clackamas County Water District re rate increase
d) Letter from Clackamas County Communications re Emergency Operations
e) Letter from Human Resources Department re Hollyberry Subdivision
f) Wall Street Journal article re New York City
g) Letter from Oregon Association of Police Chiefs re appointment of Chief Jones
h) Letter from KPR Co. re Hollyberry Subdivision
i) Partial payment - Fieldcrest-Mason Lane sewer L. I. D.

Councilwoman Burgess requested items d, g, h and i be removed from the consent calendar for discussion, and Councilman Hutchison requested item c be removed for discussion.

b) Public Utility Commissioner has sent notice of information public meeting to discuss PGE's request for a 25% increase in revenues, at 1 p. m. and 7 p. m. June 12 in the Lloyd Center auditorium

c) Council has received letter from Clackamas Water District, dated May 20, 1975, concerning water sale agreement. Manager stated staff is analyzing the rate base to see if the cost experience will justify the raise in rates, and will bring a recommendation to Council.

d) Council has received copy of letter from Director of Clackamas County Communications and Emergency Services, dated May 20, concerning the Milwaukie Emergency Operations Plan. Milwaukie is the only city in the county having such a plan. The letter was read for public information.

e) Council has received copy of letter from Health Division, State Department of Human Resources, dated May 21, 1975, re Hollyberry Subdivision water supply.

f) Council has received copy of Wall Street Journal article from May 20 edition, concerning New York City's budget problems.

g) Council has received copy of letter from Oregon Association, Chiefs of Police, dated May 16, advising that Chief Don Jones has been selected to serve as Chairman of the Education and Training Committee. Councilwoman Burgess congratulated Chief Jones.

h) Council has received letter from Milton Palm, 4208 Lake Road, concerning Hollyberry Subdivision runoff water. Councilwoman Burgess asked if staff had looked into this-- Council received memorandum from City Engineer, City Attorney and Planning Director, delivered this evening, reporting on the situation.

i) Council has received memorandum from Public Works Director, dated May 28, recommending partial payment No. 5 in the amount of $12,120.73 to Esta, Inc., for

Fieldcrest-Mason Lane sanitary sewers. Councilwoman Burgess asked if the work has been checked out, and was advised there is retainage in the amount of $6800 against final completion.
It was MOVED by Burgess, SECONDED by Hutchison, to accept all items on the consent calendar. MOTION CARRIED and so ordered.

CORRESPONDENCE
1. Council has received letter from Chris McDonald, inviting all city to dedication of the Milwaukie Historical Society museum at 1 p. m. June 7.
2. Councilwoman Burgess has received agenda for CRAG general assembly meeting at 7:30 p. m. June 7, at which time the budget will be voted on for CRAG, and pointed out that the city's special meeting to consider the city budget will be that same evening. A telegram will be sent to CRAG stating Milwaukie supports the 42¢ per capita assessment for the CRAG budget.

(Meeting recessed at 7:25 p. m., reconvened at 7:30 p. m. with all present.)

PUBLIC HEARING - GROWTH POLICY ORDINANCE
Public hearing was declared open--notice was published. At the May 19 meeting the Council considered two ordinances that would deal with potential conflicts in the city's comprehensive plan and zoning map. One ordinance was adopted, establishing a moratorium on development of properties that appear to be in conflict with the city's zoning ordinance, as shown on the comprehensive plan. The other proposed ordinance dealt with public lands and facilities shown in the comprehensive plan. Council directed staff at the May 19 meeting to draft an alternative ordinance dealing with public lands and facilities. Before the Council at the June 2 meeting were three proposals--"Policy A," (AN ORDINANCE ESTABLISHING A GROWTH POLICY FOR PUBLIC LANDS AND FACILITIES AS AN ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF MILWAUKIE, OREGON) (this is the proposed ordinance discussed at the May 19 meeting), "Policy B," (AN ORDINANCE CLARIFYING THE POLICY OF THE CITY WITH RESPECT TO PUBLIC LANDS, FACILITIES AND OPEN SPACES, AS SHOWN ON THE COMPREHENSIVE PLAN MAP), and "Policy C," (AN INTERIM ORDINANCE DECLARING A MORATORIUM ON PRIVATELY OWNED PROPERTY DESIGNATED OPEN SPACE OR SCENIC PRESERVATION, OR PUBLIC OR SEMI-PUBLIC FACILITY IN THE COMPREHENSIVE PLAN).

Jerry Mesander, Chairman of the Planning Commission, stated the three policies were handed out to the Planning Commission at their meeting on May 22, and a telephone survey was taken later. Two Planning Commission members favored Plan A, one favored Plan B, one favored Plan C, one was undecided, and one was out of town.

Jean Baker, 2607 Monroe, spoke in favor of Policy C.
Pierre Bruneau, 5566 Logus, spoke in opposition to Policy B.
Questions were asked by:
Tom Sears, 6204 NE Halsey
Pierre Bruneau, 5566 Logus
Public hearing was declared closed.
(Meeting recessed at 8:50 p. m., reconvened at 9 p. m. with all present)

It was MOVED by Englund, SECONDED by Swan, that AN ORDINANCE ESTABLISHING A GROWTH POLICY FOR PUBLIC LANDS AND FACILITIES AS AN ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF MILWAUKIE, OREGON be read the first

time. MOTION CARRIED and so ordered. It was MOVED by Englund, SECONDED by Swan, that the ordinance be read the second time. MOTION CARRIED, but not unanimously, so the ordinance will be on the next Council agenda.

MEMORANDUM RE DALE MORRISON COMPLAINT

Council has received a memorandum from Public Works Director re street complaint of Mr. D. B. Morrison, 5231 SE Park Street. Councilwoman Burgess asked staff to look into the liability of the contractor. It was pointed out if the budget passes, one of the planned programs is dressing the edges of pavement in such areas.

LANDSCAPING AT SEWAGE TREATMENT PLANT

Manager reported he had not yet met with Mr. Abraham at Service District No. 1 regarding the landscaping at the sewage treatment plant. Mr. Abraham is to be in touch with the city, and staff will keep the Council informed.

DDJ309

ASSESSMENT FOR DOWNTOWN SIDEWALK IMPROVEMENT

Council has received memorandum from Manager, dated May 29, 1975, regarding sidewalk improvements on the east one-half of Block 15, Milwaukie, and a memorandum from Public Works Director spelling out the assessment for said improvements. It was MOVED by Burgess, SECONDED by Englund, that there be one public hearing on acceptance of completion and assessment for sidewalk improvements on the east half of Block 15, Milwaukie, to be set on Monday, June 16, at 7:30 p. m. MOTION CARRIED and so ordered, with Hupp voting "no."

RESOLUTION CALLING FOR ELECTION ON CHARTER AMENDMENTS

Councilman Hutchison has requested the matter of housekeeping changes in the city's charter be brought before the Council for consideration for inclusion with the upcoming budget election. It was decided this will be considered at the June 5 meeting.

RESOLUTION NUMBER 17-1975 - TRANSFER OF FUNDS

It was MOVED by Swan, SECONDED by Hutchison, that Resolution Number 17-1975 (A RESOLUTION AUTHORIZING THE TRANSFER OF FUNDS TO REAPPORTION THE 1974-75 BUDGET) be read. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Swan, that Resolution 17-1975 be adopted. MOTION CARRIED and so ordered.

ORDINANCE NUMBER 1312 - AMENDING ORDINANCE 1311 - MORATORIUM ON DEVELOPMENT

It was MOVED by Hutchison, SECONDED by Swan, that Ordinance Number 1311 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1311, ESTABLISHING A MORATORIUM ON DEVELOPMENT) be read the first time. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance 1312 be read the second time. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance 1312 be adopted. MOTION CARRIED and so ordered. Ordinance 1312 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison, Hupp. NOES: None.

OTHER BUSINESS

1. Council has received copy of memorandum from City Attorney, dated May 30, to City Manager, regarding proposed park at Work Release Center.

2. Council has received copy of memorandum from City Attorney to City Manager, dated May 30, 1975, concerning proposed legislation concerning the impact of Baker vs. Milwaukie.
3. Council has received copy of letter of agreement with developers of Spring Creek Apartments for parking spaces for Police Department. It was suggested the Safeway store be approached about the availability of parking in their lot. It was MOVED by Burgess, SECONDED by Englund, that staff follow through and complete legal agreement for the payment of $8 per space per month to Archer and McLeod for seven spaces in the Spring Creek Apartment parking lot, retroactive to July, 1974. MOTION CARRIED and so ordered.
4. A special meeting was scheduled June 23 for payment of year end bills.
5. The Brandt drainage problem is apparently being resolved by the building of a berm and removing the visqueen. A letter of understanding will be written.
6. Manager gave progress report on Mello matter--Mr. Mello appeared in court, pleaded "not guilty" to zoning violation, and the court appointed an attorney to defend him.
7. Manager gave a status report on the Furnberg Park project.
8. Court of Appeals decision in case of Beaverton vs. IAFF exempts home rule cities from the controls of the state law on collective bargaining. A bill in Legislature would specifically identify collective bargaining as a state-wide concern. It was the consensus of Council that a letter be sent opposing such a bill.
9. Manager gave a progress report on the Lutheran Church drainage problem. Apparently the church would not pursue the lawsuit further if the city would commit to resolve the drainage problem. It was the consensus of the Council that some way be found to resolve the problem, and that the Council be kept informed.
10. Manager has received letter from Chairman of the Clackamas County Library Board, saying Clackamas County is reducing by 50% the amount of contribution proposed for cooperative library services, and there was discussion of pursuing all avenues available to receive just payment from the county.
11. At the June 23 meeting there will be a work session with the architect to discuss City Hall renovation.

PAYMENT OF BILLS

It was MOVED by Burgess, SECONDED by Swan, that the bills listed for June 3, 1975 payment be approved for payment. MOTION CARRIED and so ordered.

The meeting adjourned at 11:05 p. m.

Bill Hupp

Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell

Dorothy E. Farrell, Secretary

CITY OF MILWAUKIE

BILLS PAYABLE ON JUNE 2nd, 1975

	VENDOR	TOTAL	DEPT.	AMOUNT
	ABCO Power Equipment	$252.14	4-	84.04
			20-	84.05
			30-	84.05
2.	Act 1 Uniform Service	27.57	1-3	7.42
			1-4	12.05
			1-5	1.70
			1-6	6.40
3.	American Brush Company	32.76	4-	32.76
4.	American Business Machines	63.78	1-2	39.00
			5-	24.78
5.	American Rubber Manufacturing	3699.50	1-4	3699.50
6.	Julie August	60.00	1-8	60.00
7.	Baker and Taylor	269.03	1-6	269.03
8.	Burroughs	8371.92	1-2	6.90
			20-	4182.51
			30-	4182.51
9.	Cascade Microfilm	14.00	1-9	14.00
10.	Clackamas County Dr.	561.00	1-5	561.00
11.	Columbia Equipment Inc.	108.16	4-	108.16
12.	Contemporary Marketing Inc.	52.95	1-2	52.95
13.	Coopers & Lybrand	165.00	1-1	165.00
14.	Flexible Pipe Tool Company	1028.60	20-	1028.60
15.	Galbreath and Sons	493.00	5-	493.00
16.	General Learning Corporation	6.60	1-6	6.60
	Graham's Book and Stationery	9.33	1-6	4.94
			1-10	4.39
	Hamilton's Home Furnishings	1355.75	1-5	1355.75
19.	John Herbst Jr. & Associates	95.98	1-7	95.98
20.	Hertzberg's Inc.	13.30	1-6	13.30
21.	Jury Fees	210.00	1-8	210.00
22.	K Rex Communications	4.00	1-12	4.00
23.	Lanson/Tremaine	263.60	1-6	263.60
24.	Layton Sales and Supply Company	54.33	4-	54.33
25.	Milwaukie Fire Protection District #56	4498.29	1-4	4498.29
26.	Milwaukie Hardware	116.89	1-6	.89
			1-7	116.00
27.	Milwaukie High School	10.00	1-10	10.00
28.	Northwest Law Enforcement	496.90	1-5	496.90
29.	Nudelman Brothers	18.90	1-4	18.90
30.	Office of State Fire Marshall	40.00	1-4	40.00
31.	City of Portland	416.88	1-3	51.01
			1-4	158.43
			1-5	5.83
			4-	157.05
			20-	11.85
			30-	32.71
32.	Prentice-Hall Inc.	194.76	1-6	194.76
33.	Revenue Sharing Advisory Service	35.00	1-2	35.00
34.	Review	697.30	1-1	697.30
	Paul H. Roeger	200.00	1-10	200.00
	SAIF	15.00	1-2	15.00
	State of Oregon	15.00	1-8	15.00
38.	Stevens, Thompson, and Runyan	2,242.65	1-9	13.50
			5-	2,213.19
			30-	15.96

CCH626

56B

CITY OF MILWAUKIE

BILLS PAYABLE ON JUNE 2nd, 1975 (continued)

	VENDOR	TOTAL	DEPT.	AMOUNT
39.	Dr. Ed Stillings	6.00	1-9	6.00
40.	Stoffel Seals Corporation	214.65	1-4	214.65
41.	Subpoena Fees	25.00	1-8	25.00
42.	Tri County Office Machines	43.75	1-4	43.75
43.	Waterworks Supplies	1498.86	30-	1498.86
44.	West Chemical Products	22.50	1-3	22.50
45.	Western Fire Equipment	318.61	1-4	318.61
46.	Wichita Water District	3427.20	30-	3427.20
47.	Wilco Fire Equipment Co.	51.75	1-4	51.75
48.	H.W. Wilson Co.	10.50	1-6	10.50
49.	Xerox	89.15	1-5	89.15
50.	Esta, Inc.	12,120.73	5-	12,120.73
51.	Sanitary Sewer	105.65	5-	105.65
52.	Hannan Brothers Construction	37,366.51	5-	37,366.51
		TOTAL		$81,510.73

1-1	General	$862.30
1-2	Administration & Finance	148.85
1-3	City Hall	80.93
1-4	Fire	9012.18
1-5	Police	2554.08
1-6	Library	770.02
1-7	Parks and Grounds	211.98
1-8	Municipal Court	310.00
1-9	Planning	33.50
1-10	Public Works	214.39
1-12	Legal	4.00
4-	Street	436.34
5-	Sewer Improvement	52,323.86
20-	Sewer	5307.01
30-	Water	9241.29