

CITY COUNCIL MEETING

June 16, 1975

7:00 p. m.

COUNCIL CHAMBERS

1246th Meeting

The one thousand two hundred forty-sixth meeting of the Council of the City of Milwaukie, Oregon, was held on the 16th day of June, 1975, with the following councilpersons present:

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

Also present:

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

The invocation was given by the Reverend Robert O. Jackson, First Church of the Nazarene, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - June 2 and June 5 Council meetings
- b) Lawsuit - Moran vs. Milwaukie
- c) Letter re Baker vs. Milwaukie
- d) Article from Wall Street Journal re New York City budget problems
- e) Commendation letter for Police Department
- f) PUC notice of Northwest Natural Gas rate increase information meeting
- g) CRAG meeting schedule
- h) Letter from Hatfield re 701 funds
- i) Letter from DEQ re STP
- j) Commendation letter for Fire Department
- k) Letter from Highway Division re Expressway
- l) Memo from attorney re "Baker" legislation
- m) Telegram re Senate Bill 514

Councilwoman Burgess requested that items a, b, e and j be removed for discussion, Councilman Hutchison requested items g and k, and Mayor Hupp requested item c.

- a) Councilwoman Burgess requested that her "no" vote be recorded on the motions on Ordinance establishing a growth policy for public lands and facilities, at the top of page 3 of the minutes of the June 2 meeting.
- b) Council has received copies of class action for breach of contract, Ronald Moran vs. City of Milwaukie. Councilwoman Burgess asked why Councilman Englund was not listed in Exhibit C, and was reminded he had not yet been appointed to the Council.
- c) Council has received letter dated June 6 from Black, Helterline, Beck & Rappleyea, attorneys for Jeanett Baker, demanding removal of apartment units at Spring Creek Apartments. Mayor Hupp questioned the deadline.
- d) Council has received copy of article from Wall Street Journal May 28 issue, regarding New York City's finances.
- e) Council has received copy of letter to Police Department from Mr. and Mrs. Lester L. Boring, dated June 2, commending the department. Councilwoman Burgess read the letter.
- f) Council has received notice of Public Information Meeting at 7 p. m. June 19 on Northwest Natural Gas request for rate increase.
- g) Council has received copy of letter from CRAG, dated May 29, outlining meeting schedule. Councilman Hutchison asked at what figure the CRAG budget was adopted. The budget was adopted at 40¢ per capita.

Mayor Hupp introduced Ed Burke, CRAG ombudsman, who said Larry Rice, Executive Director of CRAG, would be glad to meet with Council or Council and Planning Commission and discuss any concerns.

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- h) Council has received copy of letter from Senator Hatfield, dated May 29, regarding 701 Planning Assistance funds.
- i) Council has received memorandum from Department of Environmental Quality, dated June 2, 1975, stating results of survey are satisfactory on the Sewage Treatment Plant.
- j) Councilwoman Burgess read letter of commendation from United States Coast Guard Auxiliary, dated May 20, to Fire Chief and Fire Department.
- k) Council has received copy of letter from State Highway Division, dated May 27, concerning Highway 224. Milwaukie Expressway. Councilman Hutchison asked about date of meeting with the Regional Engineer, Ed Hardt. This letter refers to complaints about lack of pedestrian facilities on the expressway.
- l) City Attorney has given a report on the progress of legislation designed to take care of city problems created by the case of Baker vs. Milwaukie.
- m) Council received copy of telegram sent at their direction to members of the Legislature concerning Senate Bill 514.
- It was MOVED by Burgess, SECONDED by Hutchison, to accept all items on the consent calendar. MOTION CARRIED and so ordered.

#### AUDIENCE PARTICIPATION

1. Paul Helton, member of Milwaukie Festival Daze board, introduced Jeanette Kearney, first runnerup in the Miss Milwaukie contest, and her chaperon, Mrs. Gene Purdy. Miss Kearney sold Festival buttons to those present.
2. Jean Baker, 2607 Monroe, speaking for herself, as a member of the 1000 Friends of Oregon, and T. I. M. E., spoke to the Council regarding the "growth policy" ordinance and her opposition to it.

(Meeting recessed at 8:05 p. m. , reconvened at 8:15 p. m. with all present. )

#### PUBLIC HEARING - DOWNTOWN SIDEWALK ASSESSMENT - ORDINANCE NUMBER 1313

Public hearing was declared open. Notices posted and mailed as required. The Public Works Director gave a staff report. There was no correspondence either for or against the completion or assessment.

Asking questions:

Eugene Norton, 10707 SE Sherman<sup>1</sup>

No one appeared to speak either for or against the completion or assessment.

Public hearing was declared closed.

It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance Number 1313 (AN ORDINANCE DECLARING THE ASSESSMENT FOR SIDEWALK AND RELATED IMPROVEMENTS ON EAST ONE-HALF OF BLOCK 15, MILWAUKIE) be read the first time.

MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1313 be read the second time. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1313 be adopted. Ordinance 1313 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1313 passed the Council and was so declared by the Mayor.

#### AUDIENCE PARTICIPATION

Larry Williams, Executive Director of the Oregon Environmental Council, asked to address the Council on the growth policy ordinance, and was asked to wait until the matter comes up regularly on the agenda.

APPOINTMENT TO LIBRARY BOARD

Council has received letter from Ledding Library Board, dated June 5, 1975, recommending appointment of the Reverend Lawrence Saalfeld to fill the vacancy created by the expiration of Dave Strauss's term. Mayor appointed the Reverend Lawrence Saalfeld to a five-year term on the Library Board.

ORDINANCE NUMBER 1314 - ESTABLISHING GROWTH POLICY

Larry Williams, Oregon Environmental Council, reiterated the feelings of Mrs. Baker, who spoke earlier in the meeting.

It was MOVED by Swan, SECONDED by Englund, that Ordinance Number 1314 (AN ORDINANCE ESTABLISHING A GROWTH POLICY FOR PUBLIC LANDS AND FACILITIES AS AN ELEMENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF MILWAUKIE) be read the second time. MOTION CARRIED and so ordered. Councilwoman Burgess wished her vote recorded as "no." Ordinance 1314 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Hutchison and Hupp. NOES: Burgess. Ordinance 1314 passed the Council and was so declared by the Mayor.

POLICE RESERVE INSURANCE

Council has received copy of memo from Police Chief, dated June 9, 1975, regarding insurance for police reserves.

PROPOSED NOISE ORDINANCE

Council has received copies of Portland's proposed noise ordinance, and a memo from the Police Chief concerning that ordinance. A survey was discussed, that would show the noise levels at different locations at different times of day, and the Manager will find out the cost of getting an audiometer. Council has also received copies of Milwaukie's present ordinance, and DEQ's noise control regulations. The Manager suggested more examples of noise control ordinances be obtained.

MEMO RE DWYER HOSPITAL

Council has received copy of memo from Executive Secretary, dated June 11, re letter from administrator of Dwyer Hospital, dated May 9.

ASSESSMENT REVIEW COMMITTEE - RESOLUTION NUMBER 21-1975

It was MOVED by Swan, SECONDED by Hutchison, that Resolution Number 21-1975 (A RESOLUTION AUTHORIZING THE CREATION OF AN ASSESSMENT REVIEW COMMITTEE FOR ASSESSMENT DISTRICT UNDER ORDINANCE 1278; AND ESTABLISHING THE DUTIES AND RESPONSIBILITIES AND MEMBERSHIP OF THE COMMITTEE) be read. MOTION CARRIED and so ordered. It was MOVED by Swan, SECONDED by Englund, that Resolution 21-1975 be adopted. MOTION CARRIED and so ordered.

ORDINANCE NUMBER 1315 - AMENDING MOTORCYCLE ORDINANCE

Council has received letter from Milwaukie Festival Daze requesting an amendment to the city's motorcycle ordinance to allow a quarter-midget racing event during the festival. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance Number 1315 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1307, RELATING TO THE REGULATION OF OPERATING MOTORCYCLES AND MOTOR-DRIVEN VEHICLES, AND DECLARING AN EMERGENCY) be read the first time. An amendment was added at the end of Section 1, as follows: "... except that the Council shall prescribe such requirements as are necessary to protect the public good." MOTION CARRIED and so ordered. It was MOVED by

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Hutchison, SECONDED by Englund, that Ordinance 1315 be read the second time. MOTION CARRIED and so ordered. Ordinance 1315 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1315 passed the Council and was so declared by the Mayor.

It was MOVED by Swan, SECONDED by Hutchison, to allow the Portland Quarter-midget Racing Association to hold a race at either the Quad Theater or Hanna Enterprises, between 9 a. m. and 8 p. m. on July 20. MOTION CARRIED and so ordered.

RESOLUTION NUMBER 22-1975 - COLE ADDITION L. I. D.

Council has received copy of memorandum from Public Works Director, dated June 10, 1975, concerning sanitary sewers - replat of Cole Addition.

It was MOVED by Hutchison, SECONDED by Swan, that Resolution Number 22-1975 (A RESOLUTION DECLARING THE INTENTION OF THE CITY OF MILWAUKIE, OREGON, TO CONSTRUCT SANITARY SEWER IMPROVEMENTS IN THE REPLAT OF COLE ADDITION AREA OF THE CITY OF MILWAUKIE) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Swan, that Resolution 22-1975 be adopted. MOTION CARRIED and so ordered.

OTHER BUSINESS

1. A work session and special meeting will be held June 23, to pay last-minute bills, discuss City Hall renovation with the architect, and to canvass the vote at June 22 election.
2. Manager reported on discussions with County Service District regarding trees at the Sewage Treatment Plant.
3. Manager reported on progress in discussion of sewage problem in Tarrybrooks area.
4. Manager reported on progress of Scottsdale trip.
5. Manager discussed a new suspense calendar process.
6. Manager reported on the situation regarding county funding to city libraries.
7. Manager reported on bargaining.
8. Council has received copy of memorandum from Councilman Englund re Byron Foreman, who has resigned from the Planning Commission.
9. Council has received copy of memorandum from City Attorney, dated June 16, regarding proposed initiative petition from T. I. M. E.
10. Councilwoman Burgess has received letter from CRAG notifying city of new liaison person.
11. Councilwoman Burgess has received letter from CRAG, dated June 5, with schedule for adoption of land use framework plan. Cy Nims, Planning Director, was appointed as Milwaukie representative to the Community Development Technical Advisory Committee.
12. Councilman Swan requested staff write a job description for a committee to examine and possibly overhaul current assessment procedures and policies.
13. Manager reported on progress at Furnberg Park.
14. Staff was asked to make a recommendation on water and sewer rates to Historical Society Museum.
15. Councilwoman Burgess asked that the newly planted flowers in the downtown area be kept watered.
16. City Attorney was asked for general formats for holding different types of hearings.
17. Manager was asked to find out why Councilmembers are not listed as members of Chamber of Commerce.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Swan, that the bills listed for June 17, 1975 payment be approved for payment. MOTION CARRIED and so ordered.

The meeting adjourned at 12:15 a. m.

Bill Hupp  
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Secretary

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## CITY OF MILWAUKIE

BILLS PAYABLE ON JUNE 16th, 1975

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
1. A&L Distributing	252.00	1-2	252.00
2. Act 1 Uniform Service	26.00	1-3	6.70
		1-4	11.20
		1-5	1.70
		1-6	6.40
3. Andy Lee Printer	135.57	1-5	135.57
4. Myer Avedovech	1412.98	1-12	1412.98
5. Baker & Taylor	223.95	1-6	223.95
6. Bernard's Garage	366.35	1-4	2.00
		1-5	258.39
		4-	105.96
7. Don Black Inc.	544.00	1-4	544.00
8. Books For Libraries	118.97	1-6	118.97
9. Challenger Electronics	4845.00	7-	4845.00
10. Chevron Asphalt	258.00	4-	258.00
11. Clackamas County Dr.	291.50	1-5	291.50
12. Clackamas County Intermediate Education District	446.50	1-4	446.50
13. Clackamas County Service District #1	4163.30	20-	4163.30
14. DEMCO	55.50	1-6	55.50
15. Dick's Concrete Service	77.40	7-	77.40
16. James Donkle, M.D. P.C.	153.00	1-4	39.50
		1-14	113.50
17. Doubleday & Co., Inc.	93.08	1-6	93.08
18. Facts on File Inc.	5.95	1-6	5.95
19. General Spray Service	165.00	1-7	165.00
20. Handyman	8.99	1-5	8.99
21. Hazeltine Leasing Co.	100.00	1-5	100.00
22. Health Care Equipment	42.38	1-5	42.38
23. Hertzberg's Inc.	59.15	1-6	59.15
24. Horton Electric	19.00	4-	19.00
25. Hunter's Video Sonic	133.10	1-6	133.10
26. Indiana University Press	20.37	1-6	20.37
27. Inn at Otter Crest	16.00	30-	16.00
28. IBM Corporation	1331.64	1-3	393.00
		1-9	308.64
		1-14	630.00
29. International City Management Association	29.75	1-2	29.75
30. Jury Fees	195.00	1-8	195.00
31. K&K Color Lab.	7.34	1-5	7.34
32. Kirkus Service Inc.	33.00	1-6	33.00
33. Landeen Medical Gas	18.00	1-4	18.00
34. Lanson/Tremaine	213.11	1-6	213.11
35. Larry & Chuck's Heating Service	136.01	1-4	136.01
36. Linn Benton College	15.25	30-	15.25
37. Liquid Air Inc.	221.00	1-4	221.00
38. MacMillan Publishing Co.	148.65	1-6	148.65
39. Main Street Cleaners	200.99	1-4	48.44
		1-5	152.55
40. Mannings Radio and Television	23.50	1-12	23.50
41. Edwin A. Mickel, M.D.	12.00	1-5	12.00
42. Milwaukie Auto Parts	18.92	1-4	18.92
43. Milwaukie Automotive Service	128.93	1-5	128.93
44. Mobile Repair	150.74	1-4	150.74
45. Motorola Inc.	1468.00	1-4	1468.00
46. North Cleckamas County Chamber of Commerce	210.00	1-2	210.00

CITY OF MILWAUKIE  
BILLS PAYABLE ON JUNE 16th, 1975 (continued)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
47. Northwest Law Enforcement	78.74	1-4	78.74
48. Northwest Natural Gas	26.87	1-6	72.59
		4-	38.52
		30-	15.76
49. Nudelman Brothers	113.00	1-4	113.00
50. Oak Lodge Sanitary District	1290.95	30-	1290.95
51. Don Oblander	32.29	1-2	32.29
52. Myles O'Donnell & Company	710.95	1-3	423.25
		1-5	287.70
53. Oregon City Laundry	57.46	1-4	57.46
54. Oregon Section - ICMA	15.00	1-2	15.00
55. Oregonian - Oregon Journal	14.00	1-2	14.00
56. Pacific Building Materials	22.07	30-	22.07
57. Pacific Northwest Bell	2319.42	1-3	537.82
		1-4	580.23
		1-5	441.07
		1-6	79.40
		1-10	9.00
		4-	74.96
		7-	580.37
		20-	12.17
		30-	4.40
58. Pacific Waterworks Supplies	31.90	30-	31.90
59. Pennwalt Corporation	145.00	20-	145.00
60. Herschell Plummer - Building Plan Review	1315.60	7-	1315.60
61. City of Portland	1285.00	4-	1285.00
62. PGE	4606.30	1-1	4036.51
		1-3	178.53
		1-4	41.70
		1-5	73.02
		1-6	151.25
		1-7	3.85
		4-	121.44
63. Postmaster	20.00	1-4	20.00
64. Review	66.85	1-1	66.85
65. Shell Oil Company	52.88	1-5	52.88
66. Joe Shobe, Sheriff Clackamas County	20.00	1-5	20.00
67. Smith Masonry Construction	36.00	1-7	36.00
68. Southern Pacific Transportation Company	100.00	6-	100.00
69. State Court Administrator	35.00	1-12	35.00
70. State of Oregon	35.00	1-8	35.00
71. J. M. Stennet	17.03	1-4	17.03
72. Stevens Thompson & Runyan	3345.95	1-9	24.36
		1-10	3.48
		5-	3318.11
73. Street	764.01	1-4	133.44
		1-10	13.87
		20-	314.82
		30-	301.88
74. Subpoena Fees	40.00	1-8	40.00
75. Superior Systems	57.00	1-6	57.00
76. Tire Sales & Service	22.00	1-4	22.00
77. Traffic Safety Supply	772.80	4-	772.80
78. Tri-County Office Machine	89.50	1-5	89.50
79. Tri-County Training Officers	10.00	1-4	10.00
80. Union Oil Company of California	128.00	4-	128.00

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CITY OF MILWAUKIE  
 BILLS PAYABLE ON JUNE 16th, 1975 (continued)

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
81. Water	1882.19	1-2	19.41
		1-4	231.33
		1-5	1197.33
		1-7	31.91
		1-10	34.26
		4-	331.99
		20-	35.96
82. Waterworks Supplies Company	60.51	30-	60.51
83. Dick West Chevron	8.80	4-	8.80
84. Western Drug Label	340.00	1-2	340.00
85. Western Fire Equipment	33.49	1-4	33.49
86. Wichita Water District	88.20	30-	88.20
87. Wilco Fire Equipment Company	257.57	1-3	184.90
		1-4	72.67
88. Willamette Hi-Grade	137.43	4-	137.43
89. Julie August	61.25	1-8	61.25
90. John Basset	75.00	1-8	75.00

TOTAL 39,315.88

1-1 GENERAL	4,103.36
1-2 ADMINISTRATION & FINANCE	912.45
1-3 CITY HALL	1,724.20
1-4 FIRE	4,515.40
1-5 POLICE	3,300.85
1-6 LIBRARY	1,471.47
1-7 PARKS AND GROUNDS	276.76
1-8 MUNICIPAL COURT	366.25
1-9 PLANNING	333.00
1-10 PUBLIC WORKS	60.61
1-12 LEGAL	1,471.48
1-14 CIVIL SERVICE	743.50
4- STREET	3,281.90
5- SEWER IMPROVEMENT	3,318.11
6- STREET IMPROVEMENT	100.00
7- SUSPENSE	6,818.37
20- SEWER	4,671.25
30- WATER	1,846.92