

CITY COUNCIL MEETING

July 7, 1975

7 p.m.

COUNCIL CHAMBERS

1247th Meeting

The one thousand two hundred forty-seventh meeting of the Council of the City of Milwaukie, Oregon, was held on the 7th day of July, 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      Dorothy E. Farrell, Secretary

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

The invocation was given by the Reverend Richard Huneger, St. Johns Catholic Church, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - June 16, 23 and 30 meetings.
- b) Thank you letter from Heselton and Police Chief's response
- c) Letter from DEQ re STP
- d) Letter from Chamber of Commerce re membership
- e) Article from Daily Journal of Commerce re building permits
- f) Letter from Packwood re 701 funds
- g) Letter from Rep. Martin re House Bill 3262
- h) LGPI Personnel Bulletin - re California City
- i) LMRS Newsletter re bargaining
- j) Listing of votes at special elections
- k) Letter from Local Government and Urban Affairs Legislative Committee re CRAG
- l) Copy of Portland's adopted noise regulations
- m) Article from Engineering News re bargaining
- n) Memo re assessment policies committee
- o) Memo from Planning Department re inoperative service stations
- p) Memo re Mayor's questions on bills
- q) Article from Willamette Week re crime statistics

Councilwoman Burgess requested items h and l be removed from the Consent Calendar for discussion, Hutchison requested item p, and Englund requested a, g and p.

a) Councilman Englund wished his intent clarified in the last sentence of the third paragraph of the June 30 minutes. He stated he does not suggest city employees park along any streets when we have off-street parking requirements, and that his intent was as long as we have two city parking lots full, paying for parking spaces is a logical approach.

b) Council has received copy of letter from Mrs. Cyril L. Heselton, dated June 15, thanking officers for assistance, and the Police Chief's response, dated June 17.

c) Council has received copy of memo from Department of Environmental Quality, dated June 17, indicating the results of survey samplings at the Sewage Treatment Plant are satisfactory.

d) Council has received copy of letter from Chamber of Commerce, dated June 19, regarding listings in the Chamber Directory, as well as copies of pages from the directory.

e) Council has received copy of article from Daily Journal of Commerce on building permits.

f) Council has received copy of letter from Senator Packwood, dated June 16, regarding 701 planning assistance funding.

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- g) Council has received copy of letter from Representative Martin re House Bill 3262. Councilman Englund questioned Representative Martin's statement that the city supported the bill, and was told that the Manager had written expressing support before the Council discussed the bill and decided not to support it, but expressed the desire that if the bill (tax on telephone service) passed, that the funds should go to cities.
- h) Council has received copy of Local Government Personnel Institute Personnel Bulletin, dated June 18, referring to "California City (Placentia) firefighters on 40-hour week," and Councilwoman Burgess requested that this matter be placed on the suspense calendar for study by the Council at a work session.
- i) Council has received copy of Labor Management Relations Service newsletter, May, 1975, with articles concerning labor relations.
- j) Council has received copy of comparison of votes at Sunday vs. non-Sunday elections.
- k) Council has received copy of letter from House Committee on Local Government and Urban Affairs, dated June 5, concerning CRAG.
- l) Council has received copy of ordinance recently adopted by City of Portland, prohibiting certain noises. This is a portion of the proposed Portland noise ordinance, which was furnished the Council on June 16. Councilwoman Burgess requested this item be put on the suspense calendar, for discussion at a work session.
- m) Council has received copy of article from Engineering News Record, June 26, 1975, titled "Moderation, excesses mark '75 bargaining."
- n) Council has received copy of memorandum from Manager to Public Works Director re resolution for assessment policy and procedures review committee, and Public Works Director's response.
- o) Council has received copy of memo from Assistant Planner to Manager, dated July 1, re abandoned service station ordinances.
- p) Council has received copies of memoranda in answer to Mayor's questions regarding payment of bills. Questions were raised as to the amount of data furnished, and the Manager stated the data was furnished in answer to the implication that the city was buying equipment that wasn't budgeted.
- q) Council has received copy of article titled "Researcher says FBI's crime statistics misleading at best," from June 30 Willamette Week.

It was MOVED by Hutchison, SECONDED by Burgess, that the entire consent calendar be adopted. MOTION CARRIED and so ordered.

#### AUDIENCE PARTICIPATION

Helmut Tapia, secretary of Committee of 18 Spanish-speaking Nationalities of Oregon State, spoke to the Council and asked that the committee be notified of any staff positions open so they may compete, and offered any assistance to the city they could furnish. Future notices of civil service examinations will be sent to the group.

#### CORRESPONDENCE

1. Council has received copies of letters from Larry J. Brandt and Robert B. Marquette, indicating interest in being appointed to the Planning Commission. It was decided the Planning Commission be provided the names above, as well as names of those previously indicating interest in appointment, and that the Commission be asked to make recommendations to the Council, and then the Council set a

date to interview the candidates.

2. Letter has been received from Mrs. Kathleen Orlando, T.I.M.E. Committee (Those Interested in Milwaukie's Environment) asking that Council obtain an appraisal of Crystal Lake property as the first step toward acquiring federal or state funding. Manager was asked to ascertain the cost of an appraisal, find out what the present owner would sell for, and the assessed valuation, or a previous appraised value.

INFORMATIONAL MEETING ON COLE ADDITION SEWER L.I.D.

Public Works Director discussed sewer problems on Mary Court, and that the City of Portland has been asked to participate in cost of L.I.D. in Cole Addition.

Asking questions:

Neil Thomas, 3425 Mary Court  
 Roy Irwin, 8551 - 34th  
 Ralph Johnson - 3426 Kathryn Court  
 Walter Noack - 8555 - 36th  
 Jack Michael - 8609 - 34th

Speaking in favor:

Neil Thomas, 3425 Mary Court  
 Jack Michael, 8609 - 34th  
 Darrel Clore, 3428 Mary Court  
 Ralph Johnson, 3426 Kathryn Court

Manager was asked to research the question raised by Mr. Noack, when he stated that when the sewer was originally put down 36th Street, Portland did not participate, and now Portland residents will be hooking up.

Informational meeting was closed, and it was MOVED by Hutchison, SECONDED by Burgess, to schedule the remonstrance hearing on July 21. MOTION CARRIED and so ordered.

(Meeting recessed at 8:55 p.m., reconvened at 9 p.m.)

CITY HALL REFURBISHING

Jim Routson, architect, discussed with Council plans for City Hall refurbishing. Mr. Routson was asked to prepare a contract for his services.

WATER AND SEWER CHARGES FOR HISTORICAL SOCIETY MUSEUM

Council has received copy of memorandum from Public Works Director, dated June 26, recommending no charge for the water and sewer service to Milwaukie Historical Society museum. Mayor asked that the minutes show that he had requested this action. It was MOVED by Hutchison, SECONDED by Burgess, that the Milwaukie Historical Society not be charged for water and sewer service to the Museum. MOTION CARRIED and so ordered.

INFORMATION ON SENIOR CITIZEN COUNCILS

Council has received informational material on senior citizen councils. A recommended resolution will be prepared for Council consideration.

LETTER FROM CLACKAMAS PUBLIC WORKS RE TARRYBROOKS SEWAGE PROBLEM

Letter has been received, dated June 19, from Harold Wilson, Soil Scientist, Clackamas County Public Works Department, in response to

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complaint re alleged sewage on property adjacent to Tarrybrooks Subdivision. The letter states the surface drainage is not sewage.

MEMORANDUM FROM ATTORNEY RE CONFLICT OF INTEREST

Council has received copy of memorandum from City Attorney, dated July 1, regarding conflict of interest legislation.

ORDINANCE NUMBER 1316 - CODIFIED ZONING ORDINANCE

It was MOVED by Englund, SECONDED by Hutchison, that Ordinance Number 1316 (AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE, AND ALSO REPEALING ORDINANCE NO. 1183 AND ALL AMENDMENTS THERETO) be read the first time by title only. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Englund, for the second reading by title only. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Ordinance 1316. Ordinance 1316 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1316 passed the Council and was so declared by the Mayor.

ZC-75-2

Planning Commission has recommended approval of ZC-75-2, a change of zone from M-L, Limited Manufacturing, to R-7, Single Family Residential, on a portion of property at 4105 SE Johnson Creek Blvd. owned by Peter and Malve Schmidt. Staff report was given by Tim Holder.

Speaking in opposition to zone change:

Peter Schmidt

It was MOVED by Swan, SECONDED by Hutchison, to table the zone change ordinance until July 21. MOTION CARRIED and so ordered. It was suggested members of the Planning Commission be invited to the July 21 meeting.

MEMO RE KELLOGG SEWAGE TREATMENT PLANT

Council has received copy of memorandum from City Manager, dated July 2, concerning complaints of odor escapement from Kellogg Sewage Treatment Plant.

SIDEWALK IMPROVEMENTS - DOWNTOWN MILWAUKIE

Council has received copy of memorandum from Planning Director, dated July 2, concerning sidewalk improvements - Downtown Milwaukie. The matter will be discussed at a work session July 28. Staff was asked to write to the proper Portland authorities to ask about the possibility of Milwaukie acquiring street lights that Portland is taking down from Grand and Union Avenues.

(Meeting recessed at 11:50 p.m., reconvened at 12 midnight)

DEFERRED ASSESSMENT PROGRAM

Council has received information, memoranda from staff, and a proposed ordinance providing for deferred assessments for low income property owners. It was decided to defer action until the results are in from a questionnaire sent out by Public Works.

REPORT ON MILEAGE REIMBURSEMENT

Council has received memorandum from Manager, dated July 2, with a recommendation to increase the private automobile use allowance.

It was MOVED by Burgess, SECONDED by Hutchison, that the Council accept the City Manager's recommendation to adopt as city policy a mileage reimbursement rate of 15¢ per mile up to 250 miles per month, and 10¢ per mile thereafter, on a monthly basis. MOTION CARRIED and so ordered.

DATE FOR PUBLIC HEARING - FIELDCREST-MASON LANE SEWER L.I.D.

Public hearing on completion of Fieldcrest-Mason Lane sewer project is scheduled for 8 p.m. July 21.

PORTLAND TRACTION COMPANY EASEMENT - RESOLUTION NUMBER 24-1975

Council has received memorandum from Public Works Director, dated June 30, concerning Portland Traction Company easement required to complete interceptor sewer. It was MOVED by Hutchison, SECONDED by Burgess, to read Resolution Number 24-1975 (A RESOLUTION AUTHORIZING SIGNATURE OF AGREEMENT FOR PIPELINE CROSSING) by title only. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, to adopt Resolution 24-1975. MOTION CARRIED and so ordered.

DISCUSSION DRAFT OF TRANSPORTATION IMPROVEMENT PROGRAM

Discussion draft of Transportation Improvement Program has been received from CRAG. The draft will be kept at the Milwaukie Library.

RESOLUTION NUMBER 25-1975 - SETTING FEES FOR SIGN PERMITS

It was MOVED by Hutchison, SECONDED by Burgess, that Resolution Number 25-1975 (A RESOLUTION AMENDING RESOLUTION NUMBER 65-1968 AND ESTABLISHING FEES FOR SIGN PERMITS) be read, by title only, with the following change: delete the words "100 square feet or less \$5, over 100 square feet..." making the fee \$10 for all signs. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Resolution 25-1975. MOTION CARRIED and so ordered. Mayor Hupp wished his vote recorded as "no."

TRAFFIC CONTROL AT QUAD THEATER

Council has received copy of memorandum from Police Chief, dated July 7, concerning traffic control at intersection of McLoughlin and Milport, near Quad Theater.

FESTIVAL REQUEST FOR BANNER IN PUBLIC RIGHT-OF-WAY

Councilwoman Burgess asked permission from Council for the Festival banner that is already hanging over the street at Main and Monroe. It was MOVED by Hutchison, SECONDED by Englund, to give permission and that the sign be taken down no later than July 22. MOTION CARRIED and so ordered.

ZC-75-1 - ORDINANCE NUMBER 1317

Planning Commission has recommended approval of ZC-75-1, a zone change from A-3, Apartment Residential, to C-L, Limited Commercial, on the easterly 87.65 feet of property at the northeast corner of 32nd and Wake owned by Michael and Joanne Lisac. It was MOVED by Englund, SECONDED by Swan, that Ordinance Number 1317 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM A-3 ZONE TO C-L ZONE, AND AMENDING ORDINANCE NUMBER 1183, AS AMENDED) be read the first time by title only. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Englund, that Ordinance 1317 be read the second time by title only. MOTION CARRIED and so ordered. It was MOVED by

Burgess, SECONDED by Englund, that Ordinance 1317 be passed. Ordinance 1317 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison, Hupp. NOES: None. Ordinance 1317 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1318 - AMENDING ORDINANCE 1021, RELATING TO TRAFFIC

It was MOVED by Hutchison, SECONDED by Swan, that Ordinance Number 1318 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1021, RELATING TO TRAFFIC CONTROL, AND DECLARING AN EMERGENCY) be read the first time by title only. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance 1318 be read the second time by title only. MOTION CARRIED and so ordered. It was MOVED by Hutchison, SECONDED by Swan, that Ordinance 1318 be adopted. Ordinance 1318 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison, Hupp. NOES: None. Ordinance 1318 passed the Council and was so declared by the Mayor.

OTHER BUSINESS

1. Councilwoman Burgess requested research on whether Tri-Met buses could park on both sides of Monroe between McLoughlin and Main Street.
2. Councilman Hutchison asked about the emergency operations plan. As soon as copies are available it will be brought to Council for approval.
3. Councilman Hutchison asked for a time frame for Neighborhood Councils.
4. Mayor Hupp asked that property proposed for zone change be identified other than by legal description. That is presently being done.
5. Mayor Hupp asked if report is ready on cost of fringe benefits in the police contract. This is being worked on.
6. Councilman Swan wishes to make a time study on a typical meeting, and asked for a typed transcript of this entire meeting.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Burgess, that the bills listed for July 8, 1975 payment be approved for payment. MOTION CARRIED and so ordered.

EXECUTIVE SESSION

The meeting adjourned at 1:55 a.m. and went into executive session to consider personnel matters, under ORS 192.660 (1) (b). Meeting adjourned at 3:15 a.m.

Bill Hupp  
Bill Hupp, Mayor

ATTEST:

Dorothy E. Farrell  
Dorothy E. Farrell, Secretary