

CITY COUNCIL MEETING  
February 28, 1977  
7 p.m.

COUNCIL CHAMBERS

1284th Meeting

The one thousand two hundred eighty-fourth meeting of the Council of the City of Milwaukie, Oregon, was held on the 28th day of February, 1977, with the following councilpersons present:

Charles E. Swan

Jerry N. Hutchison

Joy Burgess

Mayor Bill E. Hupp

Absent:

Allen Manuel (excused)

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 Councilwoman Joy Burgess, and the Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Letter from Fish and Wildlife re Terminal Ice
- b) Letter re Millspaugh v. Olson's 5 & 10
- c) Letter re business license ordinance - Phillips
- d) Liquor license renewals
  - (1) Lisac's Market, Inc.
  - (2) 7-11 Store
  - (3) Plaid Pantry Market
  - (4) Albertson's Food Center
  - (5) American Legion Post
  - (6) Mac's Pit and Ski Room

e) Franko Oil - motion

f) Approval of minutes - February 7 and 10, 1977 Council meetings  
It was MOVED by Hutchison, SECONDED by Swan, to approve the Consent Calendar, with the exception of items a, b and c, requested to be removed for discussion by Councilwoman Burgess. MOTION CARRIED unanimously by those present.

a) Department of Fish and Wildlife, State of Oregon, has written letter, dated February 8, concerning proposed expansion of Terminal Ice and Cold Storage Company. Councilwoman Burgess asked the status of Terminal Ice's plans at this time and it was stated it will be considered by the Planning Commission in April.

b) Frederick D. Canning, Attorney, has written the city, dated February 8, regarding Millspaugh v. Olson's 5 and 10, Inc. Mrs. Burgess asked to be kept advised on this case.

c) Letter has been received from Mrs. John Phillips, dated February 14, with attached petition signed by four other persons, protesting provisions of the city's newly-adopted business license ordinances. Mrs. Burgess asked that they be notified their concerns will be addressed by the Business License Committee, whose recommendations will come to the Council.

- d) Liquor license renewals have been requested for the following:
- (1) Lisac's Market, Inc. - Package Store
  - (2) Seven-eleven Store - Package Store
  - (3) Plaid Pantry Market - Package Store
  - (4) Albertson's Food Center - Package Store
  - (5) American Legion Post - DBB
  - (6) Mac's Pit - DA

The Police Department has no objections to the renewals being granted.

e) Council has received copy of city's Motion to Strike in the case of Borosek v. City of Milwaukie (Franko Oil).

f) Approval of minutes - February 7 and February 10, 1977. It was MOVED by Hutchison, SECONDED by Burgess, to approve the minutes as presented. MOTION CARRIED unanimously by those present, and so ordered.

AUDIENCE PARTICIPATION

Dave Strauss, representing Milwaukie Festival Daze Board of Directors, asked for Council permission to place carnival rides in city streets during the Festival, as well as in the city parking lot on Main Street. It was Council consensus that Mr. Strauss discuss the street closure matter with city staff and bring a final recommendation to Council at the next regular meeting.

NEIGHBORHOOD COUNCIL REPORTS

Wally Bischoff, Neighborhood Council #4, presented a memorandum from NC 4, dated February 23, with four recommendations. He also passed out recommendations for review from February 10 meeting, including sketches of three intersections. It was Council consensus to refer the traffic-related suggestions to the Traffic Safety Commission for a recommendation, and that Mr. Bischoff be invited to the next Traffic Safety Commission meeting.

AMENDMENTS TO ZONING ORDINANCE

Council previously requested Planning Commission to consider revisions to variance procedures to make them less restrictive. Planning Commission has recommended amendments. Manager proposed changes in the Planning Commission recommendation, worked out in consultation with the Planning Director. It was MOVED by Burgess, SECONDED by Swan, for first reading of Ordinance No. (AN ORDINANCE AMENDING ORDINANCE NUMBER 1316, AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN MILWAUKIE, OREGON, AND ESTABLISHING ZONES FOR THAT PURPOSE) by title only. It was MOVED by Hupp, SECONDED by Hutchison, to amend the original motion to substitute the wording of the handout just received for the wording that appears in the proposed ordinance. On the amending motion, MOTION CARRIED unanimously by those present, and so ordered. On the main motion, MOTION CARRIED unanimously by those present. It was MOVED by Hutchison, SECONDED by Hupp, to put this ordinance on the agenda for second reading at the next regular meeting. MOTION CARRIED unanimously by those present, and so ordered.

PARKS AND RECREATION COMMISSION REQUESTS

Parks and Recreation Commission has written memo to Council, dated February 24, with requests for Council action on various policy matters. It was suggested the memo be sent back to the Parks Commission as they may want to change or modify the recommendations in view of the impending transfer of ownership of North Clackamas Park. An effort will be made to get CETA funds for hiring a Caretaker for the park. Manager was asked to get a Caretaker hired as soon as possible.

005309

SUMMARY OF AUTOMOBILE TRANSACTIONS

Finance Director has summarized automobile transactions in a memo dated February 23, 1977. It was MOVED by Burgess, SECONDED by Swan, to authorize purchase of 1974 Toyota for \$3000, to be charged to Operating Contingencies until a supplemental budget can transfer the amount to a capital outlay line item. MOTION CARRIED unanimously by those present, and so ordered.

RESOLUTION NUMBER 8-1977 - SUSPENSE FUND CLOSURE

It was MOVED by Swan, SECONDED by Hutchison, to read Resolution Number 8-1977 (A RESOLUTION AUTHORIZING THE CLOSURE OF THE CITY'S SUSPENSE FUND AND THE TRANSFER OF ALL ASSETS AND LIABILITIES TO THE GENERAL FUND) by title only. MOTION CARRIED unanimously by those present and so ordered. It was MOVED by Hutchison, SECONDED by Swan, to adopt Resolution 8-1977. MOTION CARRIED unanimously by those present, and so ordered.

BIKEWAY FUNDING

Letter has been received from State Highway Division, dated February 17, concerning bikeway funding by the state, in the maximum amount of \$37,600, for the city's proposed King-Harrison-Monroe bikeway project.

ORDINANCE NUMBER - SIGN ORDINANCE AMENDMENT

It was MOVED by Hupp, SECONDED by Hutchison, to read Ordinance Number \_\_\_\_\_ (AN ORDINANCE AMENDING ORDINANCE NUMBER 1310, AN ORDINANCE REGULATING THE CONSTRUCTION, ERECTION, MAINTENANCE, ELECTRIFICATION, ILLUMINATION, TYPE, SIZE, NUMBER AND LOCATION OF SIGNS IN AREAS OUTSIDE THE PUBLIC RIGHT OF WAY IN THE CITY OF MILWAUKIE, OREGON) the first time by title only. MOTION CARRIED unanimously by those present, and so ordered. It was MOVED by Hutchison, SECONDED by Burgess, that the ordinance be read the second time at the next Council meeting. MOTION CARRIED unanimously by those present, and so ordered.

APPEAL OF CONDITIONAL USE APPLICATION FOR APARTMENTS AT LINWOOD AND HARMONY

An appeal is being filed by Robert Randall Company against the Planning Commission denial of conditional use application C-77-3 for apartments at Linwood and Harmony Road. It was Council consensus to hear the appeal at the March 7 meeting, that both sides be notified they should choose one spokesman, and that no new testimony will be taken.

OTHER BUSINESS

1. It was MOVED by Swan, SECONDED by Hutchison, that the Mayor be authorized to handle legal details of transfer of North Clackamas Park from the county to the city of Milwaukie. MOTION CARRIED unanimously by those present, and so ordered.
2. Mayor asked that new employees be asked to come to a Council meeting to meet Councilmembers.
3. Council has received an analysis of employment costs, prepared by the Finance Department.
4. Manager showed Council the annual required EEOC 4 report which must be prepared by city staff.
5. Mrs. Burgess asked that staff prepare a proposed ordinance

requiring all future developers to set aside a percentage of the developed land for parks or open area. It was MOVED by Burgess, SECONDED by Hutchison, that this request be formally made. MOTION CARRIED unanimously by those present, and so ordered.

6. Councilman Hutchison requested that staff prepare a response to the letter from Chief Harry Carpenter, addressed to each individual Councilmember, enclosing " A Study for the Merger and Consolidation of the Portland Metropolitan Fire Services," suggesting this would be a proper item for discussion by the previously-appointed Fire Service Study Committee.


PAYMENT OF BILLS

It was MOVED by Swan, SECONDED by Hutchison, that the bills listed for February 28 payment be approved for payment, with the exception of item 55. MOTION CARRIED unanimously by those present and so ordered.

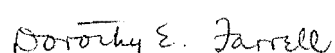
The meeting adjourned at 9:18 p.m.

EXECUTIVE SESSION

By unanimous consent, an executive session was held under ORS 192.660 (2)(a) to discuss a real property transaction.

  
\_\_\_\_\_  
Bill Hupp, Mayor

ATTEST:

  
\_\_\_\_\_  
Dorothy E. Farrell, Secretary

DDJ309

CITY COUNCIL MEETING  
February 28, 1977  
7:00 p.m.

Council Chambers

1284th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Edna M. Brock, Crystal Lake Gospel Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Letter from Fish and Wildlife re Terminal Ice
  - b) Letter re Millspaugh v. Olson's 5 & 10
  - c) Letter re business license ordinance - Phillips
  - d) Liquor license renewals
    - (1) Lisac's Market, Inc.
    - (2) 7-11 Store
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    - (4) Albertsons' Food Center
    - (5) American Legion Post
    - (6) Mac's Pit and Ski Room
  - e) Franko Oil - motion
5. AUDIENCE PARTICIPATION
  - a) Dave Strauss - for Milwaukie Festival Daze
6. NEIGHBORHOOD COUNCIL REPORTS
  - a) Neighborhood Council #4 report
7. CORRESPONDENCE
8. OLD BUSINESS
  - a) Ordinance No. \_\_\_\_\_ - Amendments to Zoning Ordinance
9. CONSIDERATION
  - a) Parks & Recreation Commission requests
  - b) Car transaction
  - c) Resolution No. \_\_\_\_\_ - Suspense fund closure
  - d) Bike path funding
  - e) Ordinance No. \_\_\_\_\_ - Sign ordinance amendment
  - f) Appeal of Conditional Use application for apartments at Linwood and Harmony
10. OTHER BUSINESS
11. PAYMENT OF BILLS
12. ADJOURNMENT