

CITY COUNCIL MEETING  
February 3, 1975  
7 p. m.

COUNCIL CHAMBERS

1237th Meeting

The one thousand two hundred thirty-seventh meeting of the Council of the City of Milwaukie, Oregon, was held on the 3rd day of February, 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 |
| Donald Jones, Police Chief        |                               |

The invocation was given by the Reverend Bob Gowan, Church of Christ, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - January 20 and 27, 1975 Council meetings
- b) Memorandum from City Attorney re code of ethics and financial disclosure
- c) Council policies
- d) Memoranda re FLSA stay of enforcement
- e) Thank you letter from family of Cecil Nickles
- f) Thank you letter from Warn Industries re fire prevention presentation
- g) Letter to CRAG re LEAA grant

It was MOVED by Burgess, seconded by Swan, that the Consent Calendar be accepted, with the exception of items a, b, c, d and g. MOTION CARRIED.

- b) Council has received memorandum from City Attorney, dated January 27, 1975, re Code of Ethics and Financial Disclosure Requirements. It was suggested this be included on the agenda for the Council orientation session.
- c) Council has received copies of Council policies established by previous councils. It was suggested that a work session be set to deal with the various items. Councilwoman Burgess suggested that Council might wish to entertain a higher reimbursement for mileage for city business.
- d) Council has received copies of reports from the National League of Cities and International City Management Association re the Supreme Court stay of FLSA amendments.
- e) Council has received thank-you letter from the family of Cecil Nickles for the floral arrangement sent to Mr. Nickles' funeral.
- f) Council has received letter of appreciation from Warn Industries for Al Jones' fire prevention presentation.
- g) Council has received copies of grant application to LEAA for proposed burglary prevention system, as well as pertinent correspondence.

It was noted that the January 20 minutes should be corrected, on page 3, in the paragraph concerning Ordinance 1303, to show the roll-call vote, "AYES: Swan, Burgess, Hutchison and Hupp. "

It was MOVED by Burgess, SECONDED by Swan, to accept the Consent Calendar, with the inclusion of items a, b, c, d and g. MOTION CARRIED and so ordered.

AUDIENCE PARTICIPATION

- 1. Ginger Roth, 806 SE 40th, questioned the practice of sweeping and washing unpaved,

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uncurbed streets, and half-filling every other chuckhole.

2. Jack Roth, 806 SE 40th, questioned the city's procedure in filling chuckholes. It was suggested they put their complaints in writing, and Council would consider them. It was also suggested people might go directly to the City Manager with complaints.

STREET VACATION - MOORES STREET - ORDINANCE NUMBER 1304

Public hearing was declared open at 7:30 p. m. Notices published and posted as required. Staff report was given by City Manager. No one appeared to speak either in favor of or against granting the street vacation, and there were no written remonstrances. Public hearing was declared closed.

It was MOVED by Hutchison, SECONDED by Burgess, that Ordinance Number 1304 (AN ORDINANCE VACATING A PORTION OF MOORES STREET, A PUBLIC STREET WITHIN THE CITY OF MILWAUKIE, OREGON) be read the first time. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Hutchison, that Ordinance 1304 be read the second time. MOTION CARRIED and so ordered. Ordinance 1304 was put on its passage with the following roll-call vote: AYES: Englund, Swan, Burgess, Hutchison and Hupp. NOES: None. Ordinance 1304 passed the Council and was so declared by the Mayor.

(Meeting recessed at 7:50 p. m. , reconvened at 8 p. m. with all present.)

PUBLIC HEARING - FRANKO OIL COMPANY APPEAL

Franko Oil Company applied to Planning Commission for conditional use approval to reopen a defunct service station on McLoughlin Boulevard. The application was denied by the Planning Commission, and Franko Oil Company appealed the denial to the City Council. Public hearing was declared open at 8 p. m. Notices published and mailed as required. Staff report was given by City Manager. Police Chief gave a presentation on traffic issues. Speaking in favor of the conditional use application:

Jim Goodwin, attorney for applicant  
Bill Cookson, Secretary of Franko Oil Company  
John Carlson, property counselor  
Raymond Bagley, attorney for applicant

Speaking in opposition:

J. Earl Jones

Questions asked:

Jack Roth, 806 SE 40th

Public hearing was declared closed.

It was MOVED by Burgess that the City Council deny the application for the following reasons:

1) Traffic problems would be generated in an area that already has a high accident rate;  
2) There is no need for another service station within this area; 3) Use of this land is not in compliance with the city's comprehensive plan as a Willamette greenway strip and recreational open space, as the adopted comprehensive plan designates the site for open space and scenic preservation. The MOTION FAILED for lack of a second.

It was MOVED by Swan for the issuance of the permit to operate with some conditions:

1) traffic could be handled; 2) that we write an agreement where no windfall profits could be reaped by condemnation later on to facilitate the Greenway; 3) for revocation of the permit should the traffic accident rate at the intersection for any reason rise over 10% what it has been the last three years. After discussion, the MOTION was WITHDRAWN.

It was MOVED by Englund, SECONDED by Burgess, for denial of the application on the

basis of the health and welfare--traffic safety. MOTION CARRIED and so ordered.

(Meeting recessed at 10:35 p. m. , reconvened at 10:45 p. m. )

CORRESPONDENCE

1. Council has received memorandum from Councilwoman Burgess, dated January 28, re committee appointments. City Manager informed Council calls had been made to Mr. Hanners and Mr. Hein on the Traffic Safety Commission and Mr. Landis on the Planning Commission. Mr. Hanners was ambivalent, Mr. Hein would rather not serve again, and Mr. Landis will accept reappointment to the Planning Commission.

APPOINTMENTS

Staff was asked to write John Foster and ask if he would accept appointment to Board of Appeals.

Mark Landis was reappointed to the Planning Commission.

Jerry Hutchison was appointed as alternate representative to CRAG.

CORRESPONDENCE

1. Council has received memorandum from Councilwoman Burgess, dated January 24, indicating she will no longer be able to represent the city on the Clackamas County Coalition of Social Services. It was MOVED by Burgess, SECONDED by Swan, to table appointment of representative to Coalition of Social Services. MOTION CARRIED and so ordered.

2. City has received letter from attorney for Milwaukie Lutheran Church, dated January 24, re their drainage problem. Some people in the area have not been willing to give easements for storm drains, and the Public Works Director has been directed to get an estimate of the cost of easements.

3. Department of Land Conservation and Development has sent copies of the statewide land use goals and guidelines. Staff will analyze and report back the impact on the city.

4. Council has received copies of the CRAG comprehensive plan discussion draft.

5. Council has received notice from League of Oregon Cities of newly-elected officials workshop in Beaverton February 21.

6. Councilwoman Burgess has received letter from C. E Smith

DOWNTOWN L. I. D. - ORDINANCE NUMBER 1295

Council has received copy of decree in the case of Mullan vs. Graf. It was MOVED by Burgess, SECONDED by Swan, that Ordinance 1295 be declared null and void. MOTION CARRIED and so ordered.

LETTERS RE COST OF SUNDAY ELECTIONS - RESOLUTIONS 4-1975 and 5-1975

Council has received letter from County Elections Supervisor re election cost of Sunday election. It was MOVED by Swan, SECONDED by Hutchison, to hold the election on Sunday. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Englund, that Sunday, April 6, from 8 a. m. to 8 p. m. be set as the election date for charter amendment and street and storm sewer bond issue. MOTION CARRIED and so ordered.

It was MOVED by Burgess, SECONDED by Hutchison, that Resolution 4-1975 (A RESOLUTION AMENDING RESOLUTION NUMBER 34-1974, A RESOLUTION SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, AMENDMENTS TO THE CITY CHARTER) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess,

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SECONDED by Hutchison, that Resolution 4-1975 be adopted. MOTION CARRIED and so ordered.

It was MOVED by Burgess, SECONDED by Swan, that Resolution 5-1975 be read. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Swan, that Resolution 5-1975 be adopted. MOTION CARRIED and so ordered.

#### CIVIL SERVICE ORDINANCE

The ordinance will be brought back to the Council at the next meeting, now that the election date has been established.

#### INFORMATION RE COMMITTEES AND COMMISSIONS

Council has received a brief statement of purpose, membership requirements, and attendance records of city committees and commissions.

#### OTHER BUSINESS

1. Mayor Hupp asked that the suspense calendar be brought back to Council, with the addition of an item on Council policy in connection with eliminating non-serving members of committees.
2. Councilman Englund has developed a sewer rate charge matrix. It was MOVED by Englund, SECONDED by Hutchison, that at the Council orientation session Council discuss the sewer rate situation and adopt some rules and regulations for government of Council and its members. MOTION CARRIED and so ordered.
3. Council has received copy of League of Oregon Cities memorandum re priority issues for cities.
4. City Attorney has received an opinion that indicates that while city is not outside its legal rights to do so, we may have jeopardized the marketability of bonds by limiting the maximum per thousand tax rate to \$2.75. Staff will check with banks to see how this might affect the marketability of the bonds.
5. The next Council meeting will be February 18.
6. Mayor Hupp passed out proposals he wishes discussed at the work session February 24.

#### PAYMENT OF BILLS

It was MOVED by Burgess, SECONDED by Swan, that the bills listed for February 4, 1975 payment be approved for payment. MOTION CARRIED and so ordered. Councilman Englund did not vote on the motion.

The meeting adjourned at 12:40 p. m.

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Bill Hupp, Mayor

ATTEST:

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Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA  
February 3, 1975

COUNCIL CHAMBERS

1237th Meeting

- 1. CALL TO ORDER
- 2. INVOCATION The Reverend C. Keith Mills, Oak Grove Methodist Church
- 3. PLEDGE OF ALLEGIANCE
- 4. CONSENT CALENDAR
  - a) Approval of minutes - January 20 and 27, 1975 meetings
  - b) Memorandum from City Attorney re code of ethics and financial disclosure
  - c) Council policies
  - d) Memoranda re FLSA stay of enforcement
  - e) Thank you letter from family of Cecil Nickles
  - f) Thank you letter from Warn Industries re fire prevention presentation
- 5. AUDIENCE PARTICIPATION

7:30 p. m. 6. PUBLIC HEARING - Street Vacation - Moores Street - Ordinance No. \_\_\_\_\_

8 p. m. 7. PUBLIC HEARING - Franko Oil Company appeal

- 8. CORRESPONDENCE
  - a) Memorandum from Councilwoman Burgess re committee appointments
  - b) Memorandum from Councilwoman Burgess re Coalition of Social Services
  - c) Letter from attorney for Milwaukie Lutheran Church re drainage
- 9. OLD BUSINESS
  - a) Court order re downtown L. I. D - Ordinance re downtown L. I. D.
  - b) Letters re cost of Sunday elections - Resolutions re elections
  - c) Civil Service ordinance
  - d) Information re committees and commissions
  - e) Appointments to committees and commissions

10. CONSIDERATION

11. OTHER BUSINESS

12. PAYMENT OF BILLS

13. ADJOURNMENT