

## CITY COUNCIL MEETING

November 20, 1972

8 p. m.

COUNCIL CHAMBERS1184th Meeting

The one thousand one hundred eighty-fourth meeting of the Council of the City of Milwaukie, Oregon, was held on the 20th day of November, 1972. The meeting was called to order by Mayor Donald W. Graf, with the following councilmen present:

Bill E. Hupp	Charles T. Martin
Robert G. Stochosky	Mayor Donald W. Graf
Edgar D. Fuller	

Also present:

Paul F. Helton, City Manager	Rod Sandoz, Planning Assistant
J. Wayne Daigle, Dir. P.W.	Myer Avedovech, City Attorney
Richard White, Fire Chief	Dorothy E. Farrell, Secretary
Donald Jones, Police Chief	

The invocation was given by the Reverend T. Buzzard, Milwaukie Emmanuel United Methodist Church.

CONSENT CALENDAR

- a) Approval of minutes - November 6, 1972 meeting
- b) Letter from Department of Environmental Quality re Sewage Treatment Plant

It was moved by Martin, seconded by Fuller, that the consent calendar be approved. Motion carried and so ordered.

Letter from Department of Environmental Quality, dated November 7, 1972, states the Sewage Treatment Plant meets their objectives.

CORRESPONDENCE

1. Memorandum from Civil Service Commission to City Council, dated November 15, 1972, asked that careful consideration be given to procedural matters in regard to wage negotiations, and that a formal system and rules in writing be established. It was moved by Fuller, seconded by Martin, that the Council acknowledge receipt of the memorandum. Motion carried and so ordered.

2. Memorandum was read from Civil Service Commission to City Council, dated November 15, 1972, requesting that there be a review of the Civil Service section of the Charter for possible changes. A memorandum will be sent to the Commission stating a Charter Review Committee will be set up soon, and inviting the Commission to submit their recommendations for committee membership, and suggestions for changes in the charter.

3. Letter was read from Cypress Cable TV of Oregon, Inc., dated November 10, 1972, announcing merger between Cypress Communications Corporation and Warner Communications.

RESIGNATION OF COUNCILMAN MARTIN

Letter was read from Charles T. Martin, dated November 20, 1972, resigning as City Councilman, for the reason that a recent promotion at George-Pacific to Advertising and Sales Promotion Manager will take much more of his time, and necessitate more travel. The letter stated the resignation would be effective December 1, but Councilman Martin agreed to serve until a replacement is appointed.

CITY ATTORNEY'S OPINION RE JOHNSON CREEK BOULEVARD

Memorandum was read from City Attorney, dated November 16, 1972, concerning agreements between the city and Clackamas County regarding control of Johnson Creek Boulevard. The City Attorney stated he is still investigating the effect of such agreements upon law enforcement on that street. The matter will be tabled until the next meeting.

INFORMATION ON GROSS RECEIPTS TAX

Council has received memorandum from City Manager giving information on gross receipts tax.

PUBLIC HEARING ON INCREASE IN BUSINESS LICENSE FEES

It was moved by Stochosky, seconded by Hupp, that a public hearing be held at 8:30 p. m. December 4, 1972, on suggested increase in business license fees. Motion carried and so ordered.

RESOLUTION NUMBER 31-1972 - REVENUE SHARING BANK ACCOUNT

It was moved by Fuller, seconded by Martin, that Resolution Number 31-1972 (A RESOLUTION SELECTING DEPOSITARY AND AUTHORIZING SIGNATURES ON CITY OF MILWAUKIE CHECKS) be read. Motion carried and so ordered. It was moved by Fuller, seconded by Martin, that Resolution 31-1972 be adopted. Motion carried and so ordered.

RESOLUTION NUMBER 32-1972 - BUILDING PERMIT AND PLAN CHECKING FEES

It was moved by Stochosky, seconded by Fuller, that Resolution Number 32-1972 (A RESOLUTION AMENDING RESOLUTION NUMBER 65-1968, AND ESTABLISHING FEES FOR BUILDING PERMITS AND PLAN CHECKING) be read. Motion carried and so ordered. It was moved by Stochosky, seconded by Martin, that Resolution 32-1972 be adopted. Motion carried and so ordered.

RESOLUTION NUMBER 33-1972 - 27TH AVENUE STREET VACATION

It was moved by Stochosky, seconded by Martin, that Resolution Number 33-1972 (A RESOLUTION PROVIDING FOR A HEARING ON THE QUESTION OF STREET VACATION ON THAT PORTION OF 27TH AVENUE WHICH LIES EAST OF LOTS 6, 7, 8, 9 AND THE PORTION OF LOT 5 WHICH IS WITHIN THE CITY OF MILWAUKIE)

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be read. Motion carried and so ordered. It was moved by Stochosky, seconded by Fuller, that Resolution 33-1972 be adopted. Motion carried and so ordered.

RECOMMENDATION FROM PLANNING COMMISSION ON ZC-72-9

Memorandum was read from Planning Commission, dated October 27, 1972, recommending denial of Cinderella Homes' zone change request from M-L and R-7 to A-2 on property located on the north side of Johnson Creek Boulevard at its intersection with 41st Street. It was moved by Stochosky, seconded by Fuller, that the Council concur with the Planning Commission recommendation for denial of ZC-72-9. Motion carried and so ordered.

ORDINANCE NUMBER 1268 - ZC-72-11

Memorandum was read from Planning Commission, dated October 27, 1972, recommending approval of Southern Pacific Transportation Company's zone change request from A-2 to M-L on property located on the southwest corner of Monroe and 37th Streets and northeast of a vacated portion of Railroad Avenue forming a triangle. It was moved by Stochosky, seconded by Martin, that Council concur with the Planning Commission recommendation on ZC-72-11. It was moved by Fuller, seconded by Martin, that Ordinance Number 1268 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM A-2 ZONE TO M-L ZONE, AND AMENDING ORDINANCE NUMBER 1183, AS AMENDED) be read the first time. Motion carried and so ordered. It was moved by Fuller, seconded by Martin, that Ordinance 1268 be read the second time by title only. Motion carried and so ordered. Ordinance 1268 was put on its passage with the following roll-call vote: AYES: Graf, Hupp, Stochosky, Fuller and Martin. NOES: None. Ordinance 1268 passed the Council and was so declared by the Mayor.

RESOLUTION NUMBER 34-1972 - CANVASSING VOTE AT GENERAL ELECTION

It was moved by Fuller, seconded by Martin, that Resolution Number 34-1972 (A RESOLUTION CANVASSING THE VOTE AT ELECTION HELD ON NOVEMBER 7, 1972 ) be read. Motion carried and so ordered. It was moved by Fuller, seconded by Stochosky, that Resolution 34-1972 be adopted. Motion carried and so ordered.

OTHER BUSINESS

1. There will be a work session of the City Council at 7:30 p. m. December 11, 1972.
2. There will be a meeting of the Budget Committee at 7:30 p. m. December 14, 1972.
3. The January meetings of the Council will be held on January 8 and 22, 1973.
4. Council has established a policy of holding a press conference immediately after each Council meeting is adjourned.

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- 5. Mayor Graf asked the City Attorney for a legal opinion as to whether or not the city's minimum height requirement for patrolmen and firefighters is discriminatory.
- 6. In order to be eligible for federal funding on traffic safety programs, the city is required to establish a Traffic Safety Commission.
- 7. City staff has sent Clackamas Water District a written proposal as to a resolution of the problem of withdrawn areas as to bonding obligation and remuneration on past indebtedness from the date of withdrawal.
- 8. The City Attorney was asked to give the Council facts on estimated costs, to help them in making a decision on whether to appeal the Marvin Lines case.
- 9. The City Attorney informed the Council the Circuit Court had ruled in favor of the defendants in the case of Sherfy & Leong vs. City of Milwaukie.
- 10. The City Attorney was asked for an opinion as to whether the same procedure is necessary for the abandonment of an easement as for a street vacation.
- 11. It was moved by Hupp, seconded by Martin, that the Council authorize city staff to make a determination and issue a permit with a fee of \$1 for selling of Christmas trees by charitable organizations. Motion carried and so ordered.

PAYMENT OF BILLS

It was moved by Martin, seconded by Hupp, that the bills listed for November 21, 1972 payment be approved for payment. Motion carried and so ordered.

The meeting adjourned at 10:30 p. m.

*Donald W. Graf*  
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 Donald W. Graf, Mayor

ATTEST:

*Dorothy E. Farrell*  
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 Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA

November 20, 1972

8 p. m.

COUNCIL CHAMBERS

1184th Meeting

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1. CALL TO ORDER
2. INVOCATION - The Reverend T. Buzzard, Milwaukee Emmanuel United Methodist Church
3. CONSENT CALENDAR
  - a) Approval of minutes - November 6, 1972 meeting
  - b) Letter from Department of Environmental Quality re Sewage Treatment Plant
4. AUDIENCE PARTICIPATION
5. CORRESPONDENCE
  - a) Memorandum from Civil Service Commission re negotiations
  - b) Memorandum from Civil Service Commission re charter review
6. OLD BUSINESS
  - a) City Attorney's opinion re Johnson Creek Boulevard
  - b) Information on gross receipts tax
  - c) Resolution No. \_\_\_\_\_ - Business license fees (see 11/6/72 agenda)
  - d) Ordinance No. \_\_\_\_\_ - Business licenses (see 11/6/72 agenda)
7. CONSIDERATION
  - a) Resolution No. \_\_\_\_\_ - Revenue sharing bank account
  - b) Resolution No. \_\_\_\_\_ - Building permit and plan checking fees
  - c) Resolution No. \_\_\_\_\_ - 27th Avenue street vacation
  - d) Recommendation from Planning Commission on ZC-72-8
  - e) Recommendation from Planning Commission on ZC-72-11, Ord. No. \_\_\_\_\_
  - f) Resolution No. \_\_\_\_\_ - Canvassing vote at general election
8. OTHER BUSINESS
9. PAYMENT OF BILLS
10. ADJOURNMENT