

CITY COUNCIL MEETING

December 16, 1974

7 p. m.

COUNCIL CHAMBERS

1234th Meeting

The one thousand two hundred thirty-fourth meeting of the Council of the City of Milwaukie, Oregon, was held on the 16th day of December, 1974. The meeting was called to order by Mayor Donald W. Graf, with the following councilpersons present:

- |                     |                      |
|---------------------|----------------------|
| Bill E. Hupp        | William M. Keller    |
| Robert G. Stochosky | Mayor Donald W. Graf |
| Joy Burgess         |                      |

Also present:

- |                                   |                               |
|-----------------------------------|-------------------------------|
| Harold L. Schilling, City Manager | Myer Avedovech, City Attorney |
| J. Wayne Daigle, Dir. of P. W.    | Dorothy E. Farrell, Secretary |
| Elke Gribskov, Finance Director   |                               |

The invocation was given by Dr. Leonard Ludwig, Milwaukie Lutheran Church, and the pledge of allegiance was recited.

CONSENT CALENDAR

- a) Letter from Clackamas County Emergency Services
- b) Letter from Pennwalt re chlorine price
- c) Copies of articles from Canby Herald
- d) Tri-Met report
- e) Approval of minutes - December 2, December 3 and December 9, 1974 meetings

It was MOVED by Stochosky, SECONDED by Keller, that the consent calendar be accepted, with the exception of item c. MOTION CARRIED and so ordered.

- a) City has received letter from Richard K. Bass, Director of Communications and Emergency Services, County of Clackamas, dated December 3, 1974, expressing appreciation for the city's cooperation during the recent Bonneville Power Administration extortionist threat.
- b) Public Works Director has received letter from Pennwalt Corporation, dated December 2, 1974, notifying him of price increase for chlorine.
- d) Letter has been received from Tri-Met, dated December 9, enclosing the first issue of Tri-Met newsletter.
- c) Councilwoman Burgess requested that copies of a news story and editorial appearing in the Canby Herald be included in the agenda. The story and editorial describe a proposal for a trial garden in a city park, and Mrs. Burgess suggested it is something that might be adopted in Milwaukie.

AUDIT PRESENTATION - COOPERS & LYBRAND

James L. Savage, of Coopers & Lybrand, presented the audit report and management letter, and answered questions from the Council.

RESOLUTION NUMBER 34-1974 - CHARTER REVISION

It was MOVED by Keller, SECONDED by Stochosky, that Resolution Number 34-1974 (A RESOLUTION SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, AMENDMENTS TO THE CITY CHARTER, PROVIDING FOR THE BALLOT TITLE UNDER WHICH SAID AMENDMENTS SHALL APPEAR, AND CALLING AND PROVIDING FOR ELECTION AT WHICH SAID CHARTER AMENDMENTS ARE TO BE SUBMITTED TO THE LEGAL VOTERS OF MILWAUKIE, OREGON) be read. MOTION CARRIED and so ordered.

It was MOVED by Burgess that the election date be changed from March 11 to Sunday, March 9, and if there is any legal difficulty the date would revert to March 11. MOTION FAILED for lack of a second.

It was MOVED by Keller, SECONDED by Stochosky, that Resolution 34-1974 be adopted. MOTION CARRIED and so ordered.

(Meeting recessed at 9:05 p. m. , reconvened at 9:15 p. m. with all present.)

RESOLUTION NUMBER 35-1974 - STREET AND STORM SEWER BONDS

It was MOVED by Keller, SECONDED by Stochosky, that Resolution Number 35-1974 (A RESOLUTION SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, THE QUESTION OF AUTHORIZATION TO ISSUE GENERAL OBLIGATION BONDS OF SAID CITY IN A SUM NOT TO EXCEED \$7.5 MILLION, TO BE PAID BY AN AD VALOREM TAX ON ALL TAXABLE PROPERTY WITHIN THE CITY, FOR THE CONSTRUCTION OF CERTAIN MAJOR STREET IMPROVEMENTS AND A BACKBONE STORM SEWER SYSTEM WITHIN SAID CITY, AND PROVIDING THE ELECTION PROCEDURE THEREFOR) be read. MOTION CARRIED and so ordered.

It was MOVED by Stochosky, SECONDED by Burgess, that Resolution 35-1974 be adopted. MOTION CARRIED and so ordered.

ORDINANCE NUMBER 1302 - GAMBELL ZONE CHANGE

Council has made some suggestions to the Planning Commission for consideration when the Planning Commission reviews the buffer area plans on the Gambell zone change area. After further discussion, it was decided the recommendations should be as follows:

1. That a 35-foot setback be maintained along the west side of the property abutting the 28th Street properties, to be maintained as landscaped area;
2. That the structures built facing 28th Street properties be endviews; that no balconies or patio door openings be permitted to be included in such endviews, and that fenestration of such endviews be held to an absolute minimum except as otherwise may be required by Uniform Building Code;
3. That adequate screening, landscaping and fencing be provided to insure the preservation of the neighborhood characteristics of the 28th Street properties;
4. That the Planning Commission consider some height restrictions on buildings to maintain privacy for the 28th Street properties;
5. That no access be provided from the Gambell property to 28th Street;
6. That no more than one-third of the property on the west side be taken up by building faces.

It was MOVED by Burgess, SECONDED by Keller, that Ordinance Number 1302, (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM R-7 ZONE TO A-2 ZONE, AND AMENDING ORDINANCE NUMBER 1183, AS AMENDED) be read the first time. MOTION CARRIED and so ordered. Councilman Hupp abstained from voting. It was MOVED by Keller, SECONDED by Burgess, that Ordinance 1302 be read the second time by title only. MOTION CARRIED and so ordered. Ordinance Number 1302 was put on its passage with the following roll-call vote: AYES: Stochosky, Burgess, Keller and Graf. NOES: None. Councilman Hupp abstained from voting.

CHARTER REVISION

It was MOVED by Keller, SECONDED by Burgess, that staff be instructed to prepare at their earliest convenience and submit to the Council a form of ordinance to incorporate

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into ordinance form the present provisions of our civil service as contained in the charter, naturally adjusted for the proposed charter amendments, with the proposed ordinance to be effective the same day on which the new charter would be effective. MOTION CARRIED and so ordered.

RESOLUTION NUMBER 36-1974 - MOORES STREET VACATION

It was MOVED by Stochosky, SECONDED by Keller, that Resolution Number 36-1974 (A RESOLUTION PROVIDING FOR A HEARING ON THE QUESTION OF STREET VACATION ON THAT PORTION OF MOORES AVENUE LYING BETWEEN NORTH STREET AND THE SOUTHERN PACIFIC RAILROAD RIGHT-OF-WAY) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Keller, that Resolution 36-1974 be adopted. MOTION CARRIED and so ordered.

MEMORANDUM ON TIMELINESS OF AUDIT

Council has received memorandum from City Manager, dated December 12, concerning the timeliness of the 1973-74 audit. The memorandum was accepted by the Council.

APPEAL FROM DECISION OF PLANNING COMMISSION - C-74-11 - FRANKO OIL

Franko Oil Co. Employees Profit Sharing Trust has appealed the decision to deny the application for conditional use application C-74-11, made by the Planning Commission on November 26, 1974. It was MOVED by Stochosky, SECONDED by Burgess, that the public hearing be set for 8 p. m. February 3, 1975.

ANNEXATION REQUEST

American Condominium Homes, Inc. is requesting annexation to the city of 1.26 acre at the end of Lava Drive. No action is required at this time, and forms must be filled out to meet Boundary Review Commission requirements.

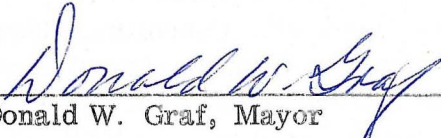
OTHER BUSINESS

1. Councilwoman Burgess asked the status of the Caretaker position, and also pointed out that there is unexpended money in the Parks and Grounds portion of the budget, and there are needs for development and beautification in the city.
2. Councilman Keller pointed out that Council had received a grievance from Officer Maple. There was discussion and since the employee has been advised that he did not meet the time requirements in the grievance procedure, it was decided to take no action.


PAYMENT OF BILLS

It was MOVED by Stochosky, SECONDED by Burgess, that the bills listed for December 17, 1974 payment be approved for payment. MOTION CARRIED and so ordered.

The meeting adjourned at 11 p. m.

  
Donald W. Graf, Mayor

ATTEST:

  
Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA  
December 16, 1974  
7 p. m.

COUNCIL CHAMBERS

1234th Meeting

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1. CALL TO ORDER
2. INVOCATION - Dr. Leonard Ludwig, Milwaukie Lutheran Church
3. PLEDGE OF ALLEGIANCE
4. CONSENT CALENDAR
  - a) Letter from Clackamas County Emergency Services
  - b) Letter from Pennwalt re chlorine price
  - c) Copies of articles from Canby Herald
  - d) Tri-Met Report
  - e) Approval of minutes - December 2, December 3 and December 9, 1974 meetings
5. AUDIENCE PARTICIPATION
  - a) Audit presentation - Coopers & Lybrand
6. CORRESPONDENCE
7. OLD BUSINESS
  - a) Resolution No. \_\_\_\_\_ - Charter revision
  - b) Resolution No. \_\_\_\_\_ - Street and storm sewer bonds
  - c) Ordinance No. \_\_\_\_\_ - Gambell zone change
  - d) Resolution No. \_\_\_\_\_ - Moores Street vacation
  - e) Memo on timeliness of audit
8. CONSIDERATION
  - a) Appeal - Franko Oil
  - b) Annexation request
9. OTHER BUSINESS
10. PAYMENT OF BILLS
11. ADJOURNMENT