Oregon City, Oregon February 4, 1976

#### REGULAR MEETING

The regular meeting of the City Commission was held on the above date in the Commission Chambers at 8:00~p.m.

Roll call showed the following present:

Glenn D. Parrott, Mayor Dean Nichols, Commissioner James A. McKnight, Commissioner Alfred Simonson, General Manager John A. Buol, Recorder-Treasurer John C. Anicker, Jr., Attorney

The minutes of the previous meeting, copies of which had been mailed to each Commissioner, were approved.

Continued discussion was held on the request of School District No. 62 to temporarily close Jackson Street between 11th and 12th Streets. Mr. Dale Potts, Principal of Oregon City Senior High School, was present and gave the Commission information on the closure by presenting a copy of the school paper, The Elevator, with a letter written to the Editor suggesting the closure and a survey taken on Jackson Street of vehicle movement and a petition signed by sixty residents in the area on the closure of Jackson Street. A letter from Youth Adventures, Inc. was also presented by Mr. Potts regarding an accident that occurred in the area involving one of their staff members. Sgt. Orzy of the Oregon City Police Department gave a report on the number of accidents in this area and stated that the only accident on record is the most recent one which occurred last fall and he stated that the individual was not in the crosswalk at the time of the accident. Sgt. Orzy went on record as opposing the closure of the street and suggested over-sizing the crosswalk and placing proper signs in the area.

A memo was read from City Engineer W. C. Parrish, Police Chief Robert Chester and Traffic Sergeant Stanley Orzy recommending that, after consultation with the City Attorney and finding that the City has no authority in ordering the closure of any street except for city purposes or for public safety, it is their feeling that this request does not meet these requirements.

Terry Lindquist, Assistant Superintendent of Schools, spoke on the problem and stated that the School Board is considering hiring a Campus Supervisor and also suggested speed bumps on Jackson Street.

Police Chief Bob Chester spoke of the traffic problem, the loitering of students and the passing of drugs and all the problems involved with the requested closure of Jackson Street.

Ron Koppang, member of the Oregon City School Board, discussed the closure of Jackson Street.

After a lengthy discussion, it was moved by McKnight, seconded by Nichols, to deny the request of Oregon City School District No. 62 on the closure of Jackson Street between 11th and 12th.

Ayes: McKnight, Nichols, Parrott. Nays: None.

It was moved by McKnight, seconded by Nichols, to authorize the Manager to prepare a resolution for an oversized crosswalk between 11th and 12th Streets with oversized signs.

Ayes: McKnight, Nichols, Parrott. Nays: None.

The Manager informed the Commission that he has had a request from a Rozanne Kellar for a stop sign to be located at 12th and Jackson. The Police Chief stated he had discussed this problem with Ms. Kellar but she was talking about a stop sign in the area of 12th and Taylor. After discussion, it was moved by Nichols, seconded by McKnight, to continue this request to February 11th.

Ayes: McKnight, Nichols, Parrott. Nays: None.

A petition was presented for a zone change for Lots 1 and 2, Block 38, Plat of Oregon City, from Dr. Joseph A. Intile, R-4-Multi-family to C-1 Commercial. It was moved by Nichols, seconded by McKnight, to refer the petition to the Planning Commission for public hearing.

Ayes: McKnight, Nichols, Parrott. Nays: None.

A petition was presented to vacate the alley in Block 16 by Myrl McKee of McKee Pontiac. Mr. McKee was present to discuss his request and his plans to develop a new building on this block. After discussion, the Commission set the public hearing for March 11, 1976. It was moved by Nichols, seconded by McKnight, to adopt Resolution No. 76-6, authorize the City Recorder to mark "Filed" on the petition and to refer to the Planning Commission for recommendation.

\*(Resolution 76-6 copied on page 163) See Correction page 163. Ayes: McKnight, Nichols, Parrott. Nays: None.

The Commission was presented an application for a Conditional Use Permit for a planned residential development to be located on Central Point Road by Darrel L. Wallace and James Hurt. It was moved by McKnight, seconded by Nichols, to refer the application to the Planning Commission for a recommendation.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

This was the time scheduled for the public hearing to consider an application for a Community Development Block Grant for a senior center. James Baily, City Planner, explained the proposed application and stated that the application will ask for a building of 10,000 square feet, costing an estimated \$320,000, and that the building be located in the City Complex area. A letter was read from Bertha K. Mitchell and John W. Roloff of the Senior Citizens Center Steering Committee and Executive Board, supporting the pre-application for the senior center. Mrs. Hannah Johnson, Mr. Ken Mitchell and Mrs. Al Neumann and Myrabelle Mahan all spoke in favor of the senior center. Lynn Todd, Director of the senior center, spoke in favor of it and explained the proposed pre-application. It was moved by McKnight, seconded by Nichols, to have the City Manager make a pre-application for a block grant for a 10,000 square foot building estimated to cost \$320,000, and to be located on Block 62 for a senior center.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

A letter was read from Ruth Price, 455E Mountain View Street, requesting permission to operate a concession stand in Clackamette Park. Mrs. Price set forth in her letter a list of conditions for the concessionaire in the park. Mr. and Mrs. Price were present to discuss their request and Mr. Price stated that he has this type of operation in the City of Portland parks. After discussion, it was moved by McKnight, seconded by Nichols, to call for bids for a concessionaire for Clackamette Park with a minimum bid of \$30.00 and the City Recorder to issue a permit with the five conditions similar to those listed in Mrs. Price's letter, and the concessionaire to provide the City with liability insurance in the amount of \$300,000, with an option to renew and other guidelines suggested by the City Manager.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

The Commission was presented with a copy of the draft of goals of the Citizens Involvement Committee for the Comprehensive Plan. James Baily, City Planner, presented the three items adopted by the Committee, chaired by Howard Klemsen. After discussion, it was moved by Nichols, seconded by McKnight, to adopt the three goals suggested by the Citizens Involvement Committee for the Comprehensive Plan and to prepare the necessary papers for an extension of time with the Land ... Conservation and Development Commission.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

This was the time scheduled for the public hearing on the Supplemental Budget No. 2 for Federal Revenue Sharing, Park and Library Fund and the "701" Comprehensive Planning Assistance Fund. There being no written or oral protests, it was moved by Nichols, seconded by McKnight, to adopt Resolution No. 76-3.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

### RESOLUTION NO. 76-3

WHEREAS, Oregon City has or will receive during the 1975-76 budget year the sum of \$590,702.00 unappropriated funds from the Federal Revenue Sharing Trust Fund, the sum of \$54,750.00 new revenues in the Park & Library Trust Fund, and the sum of \$6,000 "701"Comprehensive Planning Assistance Grant, and

WHEREAS, pursuant to ORS 294.480 Oregon City has prepared a supplemental budget of expenditures as follows:

Federal Revenue Sharing Trust Fund \$24,225.00 (leaving an unappropriated ending fund balance of \$566,477.00)

Park and Library Fund 54,750.00 (1701) Comprehensive Planning Assistance Fund 6,000.00

and has given due notice thereof in accordance with said section and a public hearing held this date, and no objections being filed and following such hearing,

NOW THEREFORE BE IT RESOLVED, that the City Commission of Oregon City does hereby make additional appropriations as follows:

# FEDERAL REVENUE SHARING TRUST FUND

POLICE DEPARTMENT: Total Capital Outlay	\$ 6,325.00
LIBRARY DEPARTMENT: Total Capital Outlay	2,800.00
RECREATION DEPARTMENT: Total Capital Outlay	5,250.00
SWIMMING POOL DEPARTMENT: Total Capital Outlay	2,350.00
STREET DEPARTMENT: Total Capital Outlay	6,500.00
PLANNING DEPARTMENT: Total Capital Outlay	1,000.00
TOTAL BUDGETED:	\$24,225.00
PARK & LIBRARY FUND	
PARK PROPERTY PURCHASES Partial Payment	\$25,000.00
PARK IMPROVEMENTS - Hillendale	29,750.00
TOTAL BUDGETED:	\$54,750.00
"701" COMPREHENSIVE PLANNING ASSISTANCE FUND	
Total Personal Services Total Material & Services	\$ 5,250.00 750.00
TOTAL BUDGETED:	\$ 6,000.00

and hereby makes additional expenditures as authorized by such appropriations.

Adopted, signed and approved this 4th day of February, 1976.

Comprising the City Commission of Oregon City, Oregon.

GLENN D. PARROTT, D.C. (S)
Mayor-Commissioner
DEAN NICHOLS (S)
Commissioner
JAMES A. McKNIGHT (S)
Commissioner

It was moved by Nichols, seconded by McKnight, to adopt proposed Resolution No. 76-4.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

# RESOLUTION NO. 76-4

WHEREAS, by Section 13, Chapter 2, Title 10, of the 1963 City Code, the City Manager subject to the approval of the City Commission by resolution may designate stop streets, crosswalks, safety zones, traffic lanes, areas in which no parking shall be permitted and areas in which the time of parking is to be limited, install additional parking meters as required, and direct the placing and maintenance of such traffic signs, markers and signals as may be reasonable and necessary to carry the above powers into effect and also for the regulation and safety of traffic; and

WHEREAS, after careful study it has been determined that the following areas require traffic regulation;

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that:

Parking be prohibited on both sides of Third Street between East Street and Linn Avenue.

BE IT FURTHER RESOLVED by the City Commission of Oregon City that the City Manager be and he is hereby authorized and directed as follows:

To install necessary signs, markers and painted areas to carry the powers enumerated above into effect.

Adopted, signed and approved this 4th day of February, 1976.

Comprising the City Commission of Oregon City, Oregon.

GLENN D. PARROTT, D.C. (S)

Mayor-Commissioner

DEAN NICHOLS (S)

Commissioner

JAMES A. McKNIGHT (S)

Commissioner

The Commission was presented with proposed Resolution No. 76-5 to authorize an application for FAUS Funds for the traffic light at 10th and Main Street. It was moved by Nichols, seconded by McKnight, to adopt Resolution No. 76-5.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

### RESOLUTION NO. 76-5

WHEREAS, pursuant to Resolution 76-2, a mechanical traffic control signal was authorized at the intersection of 10th Street and McLoughlin Boulevard (99E), and

WHEREAS, it appears that it is necessary for the orderly and expeditious movement of traffic to install a mechanical traffic control signal at the intersection of 10th Street and Main Street to be coordinated in its operation with said first mentioned signal, and

WHEREAS, funds are available for the installation of said Main Street signal on a matching basis from Federal Aid Urban System, 78%; State of Oregon Transportation Commission, 11%; and the City of Oregon City, 11%; and

WHEREAS, said funding has been approved by Columbia Region Association of Governments,

NOW THEREFORE BE IT RESOLVED by the City Commission of Oregon City that said installation and funding are hereby authorized and the Mayor and City Recorder are hereby authorized to execute documents and agreements necessary for the implementation thereof.

Adopted, signed and approved this 4th day of February, 1976.

Comprising the City Commission of Oregon City, Oregon.

Mayor-Commissioner
DEAN NICHOLS (S)
Commissioner
JAMES A. McKNIGHT (S)
Commissioner

The Commission was presented with proposed Ordinance No. 1842. The City Attorney explained that there is no change in the ordinance. It is only clarification of the zoning ordinance on Professional Office District Zone. It was moved by Nichols, seconded by McKnight, that proposed Ordinance No. 1842 be read the first time and ordered published.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

## ORDINANCE NO. 1842

AN ORDINANCE AMENDING TITLE XI: ZONING, CHAPTER 8A: "R-4-0" PROFESSIONAL OFFICE DISTRICT, SECTION 3: CONDITIONAL USES, OF THE 1963 CITY CODE, AND DECLARING AN EMERGENCY.

OREGON CITY DOES ORDAIN AS FOLLOWS:

Section 1. That Title XI: ZONING, Chapter 8A: "R-4-0" PROFESSIONAL OFFICE DISTRICT, Section 3: CONDITIONAL USES, of the 1963 City Code, be and the same is hereby amended to read as follows:

11-8A-3: CONDITIONAL USES: The following uses may be approved by the Planning Commission following procedure as set forth in Section 11-3-5, including public hearing and notice, reasonable conditions on approval, and payment of the conditional use application fee.

- (A) Offices not included in Section 11-8A-1(D) above, excluding retail services.
- (B) Governmental services not included in SEction 11-8A-1(F) above, also public and regulated utilities, provided outdoor storage and service areas shall be enclosed by sight-obscuring screening not less than six feet (6') in height.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of Oregon City in this: That it is necessary to provide for accurate cross-referencing in the City Code, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read first time and ordered published at a regular meeting of the Commission held on the 4th day of February, 1976, and to come up for second reading and final passage at a regular meeting of the City Commission to be held on the 3rd day of March, 1976, at the hour of 8:00 p.m.

JOHN A. BUOL. City Recorder

The Commission was read the recommendation from the Planning Commission on the proposed Ordinance No. 1843, revising the sub-division regulations and their adoption of the regulations. It was moved by Nichols, seconded by McKnight, that proposed Ordinance No. 1843 be read the first time and ordered published.

Ayes: McKnight, Nichols, Parrott.

Nays: None.

### ORDINANCE NO. 1843

AN ORDINANCE AMENDING TITLE IX: PUBLIC WAYS AND PROPERTY, CHAPTER 10; SUBDIVISION REGULATIONS, OF THE 1963 CITY CODE, BY ADDING SECTION 8: VARIANCES, AND DECLARING AN EMERGENCY.

OREGON CITY DOES ORDAIN AS FOLLOWS:

Section 1. That Title IX: PUBLIC WAYS AND PROPERTY, Chapter 10: SUBDIVISION REGULATIONS, of the 1963 City Code, be and the same is hereby amended by adding Section 8: VARIANCES, as follows:

9-10-8: VARIANCES:

- (A) VARIANCE APPLICATION: When necessary, the Planning Commission may authorize variances to requirements of this chapter. Application for a variance shall be made by a petition of the land divider, stating fully the grounds of the application and the facts relied upon by the petitioner. The petition shall be filed with the preliminary plan.
- (B) GROUNDS FOR VARIANCE: A variance may be granted only in the event that all of the following circumstances exist:
  - 1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property have no control.
  - 2. Extraordinary hardship in the use of the property would result from strict compliance with these regulations.
  - 3. The variance would not be materially detrimental to the public health, safety or welfare, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
  - 4. The variance requested is the minimum variance which would alleviate the hardship.

Correction

(C) PLANNING COMMISSION ACTION ON VARIANCES: In granting or denying a variance, the Planning Commission shall make a written record of its findings and the facts in connection therewith, and shall describe the variance granted and the conditions designated. The City shall keep the findings on file as a matter of public record.

Section 2. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of Oregon City in this: That it is necessary to provide orderly procedures for granting of variances in some of the subdivision regulations, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage by the Commission and approval by the Mayor.

Read first time and ordered published at a regular meeting of the Commission held on the 4th day of February, 1976, and to come up for second reading and final passage at a regular meeting of the City Commission to be held on the 3rd day of March, 1976, at the hour of 8:00 p.m.

JOHN A. BUOL, City Recorder

The City Manager read a request from the Planning Commission that the City Attorney be present at all Planning Commission meetings. Carl Roley, member of the Planning Commission, spoke on having the attorney present. The Manager stated that this is an administrative matter and he would have to discuss this with the City Attorney. This was continued for further study.

Proposed Ordinance No. 1844 Grane ordinance amending Title VI, Police Regulations, Chapter I, General Offenses of the 1963 City Code by repealing Section 24: Loitering, was read the second time and on motion by Nichols, seconded by McKnight, placed on its final passage and Citiappearing from the certificate of Kathy/Smith Principal Clerk of the Enterprise-Courier, that the same has been properly published as required by Charter, the Ordinance was passed.

Ayes: McKnight, Nichols, Parrott. Nays: None.

An Ordinance amending Title VI: Police Regulations, Chapter I: General Offenses, of the 1963 City Code, by repealing Section 24: Loitering.

Oregon City does ordain as follows:

That Title VI: POLICE REGULATIONS, Chapter 1: GENERAL OFFENSES, of the 1963 City Code, be and the same is hereby amended by repealing Section 24: LOITERING.

Read first time and ordered published at a regular meeting of the Commission held on the 7th day of January, 1976, and to come up for second reading and final passage at a regular meeting of the City Commission to be held on the 4th day of February, 1976, at the hour of 8:00 p.m.

JOHN A. BUOL, City Recorder

A letter was read from Mrs. Cynthia McGuiness, representing the Oregon City Pre-School, requesting a loading zone in front of the school on 6th Street near the Congregational Church. It was moved by McKnight, seconded by Nichols, to continue this request to the February 11 meeting to allow the Police Department to make a recommendation.

Ayes: McKnight, Nichols, Parrott. Nays: None.

The Commission was presented with the gasoline and fuel oil bids for the year 1976, as follows:

Regular Gasoline:	Atlantic Richfield Leo Miner Shell Union Oil	.4125 .452 .441
Unleaded Gasoline:	Atlantic Richfield Leo Miner Shell Union Oil	.4325 .469 .451
Furnace Diesel:	McCall Oil Leo Miner Shell Stein Oil Sunset Fuel	.399 .352 .389 .3815
Motor Diesel:	McCall Oil Leo Miner Shell Stein Oil	.399 .352 .389

The Manager informed the Commission that the low bidder on the Furnace Diesel PS200 and Motor Diesel is Leo Miner Shell Distributor of Portland but his price is subject to change with the change in price by Shell Oil Company. The Manager stated that the bid of Stein Oil Company is a firm price and would be in effect for the entire year of 1976. After discussion, it was moved by McKnight, seconded by Nichols, to accept the low bid for regular and unleaded gasoline from Atlantic Richfield Company.

Ayes: McKnight, Nichols, Parrott. Nays: None.

It was moved by Nichols, seconded by McKnight, to accept the low bid of Leo Miner Shell Distributor for furnace diesel PS200 and motor diesel, subject to the price posted by Shell Oil Company.

Ayes: 'McKnight, Nichols, Parrott. Nays: None.

The Commission was presented with the following bids on the sale of the Fire Department's one-ton chassis with Boyertown body, previously used as a salvage and rescue unit. The Manager stated that the high bidder was Gunnar Ek, Battleground, Washington, in the amount of \$4,311.00. It was moved by Nichols, seconded by McKnight, to accept the high bid of Gunnar Ek in the amount of \$4,311.00.

Ayes: McKnight, Nichols, Parrott. Nays: None.

It was moved by Nichols, seconded by McKnight, to authorize the renewal of the following liquor licenses:

Pinewood Restaurant McAnulty & Barry Chuck's Tavern

Howell's The Wheel W. B. Mart

Ayes: McKnight, Nichols, Parrott. Nays: None.

Continued discussion was held on the condemnation proceedings on property at 1610 and 1610 1/2 Tenth Street. The Manager stated that the Fire Chief has reported that progress is being made and recommends continuation of the proceedings. It was moved by Nichols, seconded by McKnight, to continue condemnation proceedings on property at 1610 and 1610 1/2 Tenth Street (Bolkan-Hein) to the April 15 meeting of the Commission.

Ayes: McKnight, Nichols, Parrott. Nays: None.

The Manager read a letter written to Mr. Ray Pudwill by John C. Anicker, Jr., City Attorney, on the condition\_of his wood frame dwelling at 404 Pleasant Avenue. The Manager stated that progress is being made on this building with the action of the City Attorney.

The City Attorney reported that the City now has the deeds and title insurance policies for the Harkey Estate property (Nutt), to be known as Singer Creek Park. A letter was read from Gary Scott notifying the City that the project has been approved by the Bureau of Outdoor Recreation and suggesting the City bill the Oregon State Highway Division for 50% of the costs of the acquisition of this property.

Continued discussion was held on the 7th Street - 9th Street one-way couplet. The Commission was read a letter prepared by the consultant, A. Reed Gibby, P.E., addressed to the Oregon State Highway Division on the 7th - 9th Street one-way couplet. The Commission held discussion on the one-way couplet and members of the Committee for the Preservation of Oregon City asked questions regarding it. The Commission requested copies of the letter prepared by Mr. Gibby. The Commission also was given copies of a report prepared by CRAG on the Oregon City Bypass. These items were continued to the February 11 meeting of the Commission.

The Manager stated that School District No. 62 has requested cost figures for the rental of the municipal swimming pool and the instruction fee for the 1976-77 budget year. The Manager suggested a 7 1/2% increase which would amount to \$12,515 for rental and \$9,559 for instruction. It was moved by Nichols, seconded by McKnight, to adopt the proposed charges for the rental and instruction at the pool.

Ayes: McKnight, Nichols, Parrott. Nays: None.

The Commission was presented with the insurance renewal on the Cemetery rental house in the amount of \$123.00. It was moved by Nichols, seconded by McKnight, to authorize payment to Thomas-Hahn Insurance in the amount of \$123.00.

On roll call: McKnight, Aye; Nichols, Aye; Parrott, Aye.

The Commission was informed that Mr. Guy Barnett, member of the Library Board, has resigned and that Librarian Marybeth Arbuckle has suggested Dr. John Schilke as a member. The Mayor, with the approval of the Commission, appointed Dr. John Schilke to replace Guy Barnett on the Library Board with the term to expire on December 31, 1977.

Ayes: McKnight, Nichols, Parrott. Nays: None.

The Commission was presented with a statement from Gary Reddaway, Architect on the Civic Center Project, in the amount of \$600.00, and a statement for design on the Fire Department drill tower in the amount of \$630.50. It was moved by McKnight, seconded by Nichols, to authorize payment to Gary Reddaway in the amount of \$1,230.50.

On roll call: McKnight, Aye; Nichols, Aye; Parrott, Aye.

Mayor Parrott stated that he has had a request to slow the speed of traffic on Molalla Avenue and a request from a citizen to improve the street in Waterboard Park.

A representative of the V.F.W. was present and requested that the City increase the funds contributed to the V.F.W. for Memorial Day services at Mountain View Cemetery and on the Clackamas River. This was continued for further study.

There being no further business, the meeting adjourned to Thursday, February 12, 1976, at 8:00 p.m.

JOHN CLEVEL

\*RESOLUTION NO. 76-6 (See page 157 for motion)

WHEREAS, it is the intention of the City Commission of Oregon City, Oregon, as the governing body of said incorporated City, that proceedings shall be undertaken for the vacation of that certain alleyway in said City hereinafter described, pursuant to ORS 271.080 to and including ORS 271.230 and Sections 9-11-1 and 2 of the City Code of Oregon City, Oregon,

NOW THEREFORE, BE IT RESOLVED that proceedings be and hereby are initiated by said City Commission for the vacation of the alleyway hereinafter described. The City Recorder is directed to cause notice to be given as provided by law for such vacations. That 8:00 o'clock p.m. on Thursday, the 11th day of March, 1976, in the Commission meeting room in the City Hall in Oregon City, Oregon be and hereby is fixed as the time and place for hearing of any and all objections or claims concerning the vacation of said alleyway.

The alleyway contemplated for vacation is more particularly described as follows:

All that certain alleyway in Block 16, Oregon City, in the County of Clackamas and State of Oregon, running between Main and Center Streets in said City.

DATED and adopted by the City Commission of Oregon City this 4 day of February, 1976.

GLENN D. PARROTT, D.C. (S)
Mayor-Commissioner
DEAN NICHOLS (S)
Commissioner
JAMES A. McKNIGHT (S)
Commissioner

Comprising the City Commission of Oregon City, Oregon.