

CITY COUNCIL MEETING

May 21, 1973
8 p. m.

COUNCIL CHAMBERS

1196th Meeting

The one thousand one hundred ninety-sixth meeting of the Council of the City of Milwaukie, Oregon, was held on the 21st day of May, 1973. The meeting was called to order by Mayor Donald W. Graf, with the following council persons present:

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

Also present:

- | | |
|------------------------------|-------------------------------|
| Paul F. Helton, City Manager | Ruth Green, Librarian |
| J. Wayne Daigle, Dir. P.W. | Myer Avedovech, City Attorney |
| Rod Sandoz, City Planner | Dorothy E. Farrell, Secretary |

CONSENT CALENDAR

- a) Approval of minutes - May 7 and May 14, 1973 meetings
- b) Copies of memoranda from Patrolman Myers and Police Chief re citation incident
- c) Copy of letter from Manager to Mrs. Edward Neubauer re various problems
- d) Memorandum from Manager re Milwaukie Sanitary Service
- e) Final payment to Cascade Ditching on water main construction - 31st & Harrison
- f) Letter from Mrs. Dennis Kuppenbender re Captain Bushman, and memorandum from Fire Chief
- g) Liquor license renewal - Pietro's Inc. (change of name)
- h) Letter from Highway Division re Federal Aid Urban System

It was moved by Stochosky, seconded by Burgess, that the consent calendar be approved. Motion carried and so ordered. Memorandum from Patrolman Myers to Police Chief, dated April 27, 1973, and memorandum from Police Chief to City Manager, dated May 7, are in response to letter from Mrs. Charlene Cassinelli concerning a traffic citation. Letter from City Manager to Mrs. Edward Neubauer, dated May 15, 1973, is in response to letter from Mrs. Neubauer to City Council, dated May 14, with five recommendations. Memorandum from City Manager to Council, dated May 17, 1973, plus attached letter from Terry W. Baker, attorney representing Harold Alexander, is in answer to Mr. Hupp's question concerning rumors concerning garbage franchise. Final payment to Cascade Ditching is in the amount of \$1271.87 for water main construction at 31st and Harrison. Letter to Council from Mrs. Dennis Kuppenbender, dated May 14, 1973, and copy of Fire Chief's reply, dated May 16, concern her request that her father, Henry Bushman, be allowed to keep his badge and tie clip upon retirement. A memorandum from Police Department states there is no record of violations for Pietro's, Inc., 600 Main Street, and the department has no objection to renewal of RMBA liquor license. Letter from State Highway Division urges urbanized areas to submit additional Urban System projects for consideration.

AUDIENCE PARTICIPATION

Mrs. James Ferguson, 3115 Lake Road, representing Milwaukie Garden Club, urged Council to do all it can to protect and preserve the remaining beauty spots of the city.

CORRESPONDENCE

1. Letter has been received from Mrs. Dennis Kuppenbender, dated May 18, 1973, addressed to Fire Chief, with copies to City Council, thanking Chief White for his letter concerning future presentation to her father, Henry Bushman, of badge and tie clip.
2. Council has received letter from James L. Savage of Coopers & Lybrand, dated May 18, 1973, concerning Council engaging the firm as city auditors.
3. Mayor has received letter from Representative Roger Martin in response to Mayor's letter of April 27, 1973, concerning article in The Oregonian of April 27, under the title "Open Meeting Law Passed by House. "

RESOLUTION RE DOWNTOWN IMPROVEMENT L. I. D.

It was moved by Stochosky, seconded by Burgess, that A RESOLUTION DECLARING THE INTENTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO IMPROVE THE CORE AREA OF THE CITY OF MILWAUKIE be read. Motion carried and so ordered. After discussion of the requirements of Ordinance Number 1278 concerning hearing date and deadline for filing written remonstrances, it was moved by Hupp, seconded by Burgess, that the resolution be tabled until later in the meeting. Motion carried and so ordered.

PUBLIC HEARING - APPEAL OF AMERICAN LEGION AGAINST EXPANSION OF GARAGE AND REMODELING OF SERVICE STATION AT 2036 WASHINGTON STREET

Public hearing was declared open at 9:05 p. m. Notices mailed as required. At its meeting of April 24, 1973, the Milwaukie Planning Commission voted to approve the request of Joseph M. Bernard Jr. to facilitate the expansion of existing automobile repair garage and the remodeling of existing service station in C-C, Central Commercial zone at 2036 Washington Street (C-73-8). Harvey A. Goeman, representing Post 180 American Legion, appealed the decision of the Planning Commission.

Speaking in favor of the appeal:

- Don Eva, 122 SW Salmon, Portland, attorney for American Legion
- Harvey Goeman, 14950 SE Webster

Speaking against the appeal:

- George Van Bergen, 2120 Monroe, attorney for Mr. and Mrs. Bernard

Public hearing was declared closed at 9:35 p. m.

Councilman Hupp stated he disqualified himself as a participant in the hearing, because of his membership in the Legion post. It was moved by Keller, seconded by Stochosky, that Council affirm the Planning Commission approval of C-73-8. Motion carried and so ordered.

(Meeting recessed at 9:45 p. m. , reconvened at 10 p. m. with all present.)

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HOWE'S APPLIANCE BUSINESS LICENSE

There have been complaints of appliances stored on the sidewalk at Howe's Appliances, 1001 Main Street, and the business license has not been approved as yet, pending a Council decision on policy guideline. Mr. Howe assured the Council he no longer stored appliances on the sidewalk. It was moved by Hupp, seconded by Keller, that Council approve issuance of the business license, and ask Mr. Howe to do all he can to keep his premises looking better. It was moved by Burgess that if staff twice had to ask Mr. Howe to remove appliances from the sidewalk, after the issuance of the license, that the matter be brought before the Council again. There was no second to the amendment motion. On the main motion, motion carried and so ordered.

RECOMMENDATION FROM PLANNING COMMISSION ON ZC-72-8

After holding a public hearing on April 24, 1973, the Planning Commission voted to recommend denial of Mr. and Mrs. Al Salazar's request for zone change from R-10 to A-3 on property on the northeast corner of Leilani Lane and Lake Road. It was moved by Stochosky, seconded by Hupp, that Council concur with the Planning Commission recommendation and deny the zone change request. Motion carried and so ordered.

RECOMMENDATION FROM PLANNING COMMISSION RE ZC-73-4 - ORDINANCE NUMBER 1279

After holding a public hearing on April 24, 1973, the Planning Commission voted to recommend approval of a change of zone initiated by the Commission from C-L to C-C on property on the east side of McLoughlin between Scott and Harrison Streets. It was moved by Hupp, seconded by Stochosky, that Council concur with Planning Commission recommendation, and that Ordinance Number 1279 (AN ORDINANCE PROVIDING FOR REZONING OF CERTAIN PROPERTY IN THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, FROM C-L ZONE TO C-C ZONE, AND AMENDING ORDINANCE NUMBER 1183, AS AMENDED) be read the first time. Motion carried and so ordered. It was moved by Stochosky, seconded by Keller, that Ordinance 1279 be read the second time by title only. Motion carried and so ordered. Ordinance 1279 was put on its passage with the following roll-call vote: AYES: Hupp, Stochosky, Burgess, Keller and Graf, NOES: None. Ordinance 1279 passed the Council and was so declared by the Mayor.

OTHER BUSINESS

1. There will be a meeting of the Charter Review Committee at 7:30 p. m. Wednesday, May 23, 1973, at City Hall.
2. It was moved by Keller, seconded by Burgess, that Council accept the auditing contract with Coopers & Lybrand, for one year, for not to exceed \$7200. Motion carried and so ordered.
3. There will be a meeting of the Street and Storm Sewer Study Committee in the basement of City Hall at 7:30 p. m. May 30, 1973.

4. There will be a meeting of the Neighborhood Representatives Committee at 7:30 p. m. July 9, 1973.

BIDS ON SEWER CONSTRUCTION - MASON LANE

It was moved by Stochosky, seconded by Keller, that the recommendation of the Public Works Director be accepted, and that Council award the contract for sewer construction on that portion of Mason Lane that will be involved in future street construction to the low bidder, Ivan McBee, Cesspool Contractors, in the amount of \$6,492. Motion carried and so ordered.

PAYMENT OF BILLS

It was moved by Keller, seconded by Burgess, that the bills listed for May 22, 1973 payment be approved for payment. Motion carried and so ordered.

The meeting adjourned at 11:20 p. m.

Donald W. Graf
Mayor Donald W. Graf

ATTEST:

Dorothy E. Farrell
Dorothy E. Farrell, Secretary

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CITY COUNCIL AGENDA
May 21, 1973
8 p. m.

COUNCIL CHAMBERS

1196th Meeting

1. CALL TO ORDER
2. INVOCATION
3. CONSENT CALENDAR
 - a) Approval of minutes - May 7 and May 14, 1973 meetings
 - b) Copies of memoranda from Patrolman Myers and Police Chief re citation incident
 - c) Copy of letter from Manager to Mrs. Edward Neubauer re various problems
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 - e) Final payment to Cascade Ditching on water main construction - 31st & Harrison
 - f) Letter from Mrs. Dennis Kuppenbender re Captain Bushman, and memorandum from Fire Chief
 - g) Liquor license renewal - Pietro's Inc. (change of name)
 - h) Letter from Highway Division re Federal Aid Urban System
4. AUDIENCE PARTICIPATION
- 8:30 p. m. 5. PUBLIC HEARING - Appeal of American Legion against expansion of garage and remodeling of service station at 2036 Washington Street
6. CORRESPONDENCE
7. OLD BUSINESS
 - a) Resolution No. _____ - Downtown L. I. D.
8. CONSIDERATION
 - a) Recommendation from Planning Commission re ZC-72-8
 - b) Recommendation from Planning Commission re ZC-73-4 - Ordinance No. _____
 - c) Howe's Appliances business license
9. OTHER BUSINESS
10. PAYMENT OF BILLS
11. ADJOURNMENT

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