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CITY COUNCIL MEETING

April 27, 1970

7:30 p. m.

COUNCIL CHAMBERS

1124th Meeting

The one thousand one hundred twenty-fourth meeting of the Council of the City of Milwaukie, Oregon was held on the 27th day of April, 1970. The meeting was called to order by Mayor Donald W. Graf, with the following councilmen present:

Bill E. Hupp

Russell H. Bonner

David S. Strauss

Mayor Donald W. Graf

Edgar D. Fuller

Also present:

Paul F. Helton, City Manager

John Bassett, City Attorney

Max C. Thompson, Ass't City Mgr.

Dorothy E. Farrell, Sec'y

J. Wayne Daigle, Dir. P. W.

The invocation was given by City Manager Paul F. Helton.

It was moved by Fuller, seconded by Strauss, that the minutes of the April 13, 1970 meeting be approved as written. Motion carried and so ordered.

PRESENTATION OF CERTIFICATES

Certificates were presented to Dale Ottenbacher, Verne Mornance and Henry Bisio, Public Works Department, for completion of a one-week waterworks short course and training program sponsored by American Waterworks Association, State Board of Health, and Oregon State University.

CORRESPONDENCE

1. Letter from Mr. and Mrs. Fred Popp and family was read, thanking the Council for the Council memorial resolution for Chief Warrant Officer David Fred Popp.
2. Letter dated April 15, 1970, from Attorney General, was read, notifying the city that the state is commencing suit against Standard Oil alleging violation of antitrust laws in the sale of asphalt, and inviting the city to participate. It was moved by Hupp, seconded by Bonner, that the city, on recommendation of the City Manager, enter this litigation. Motion carried and so ordered.

PUBLIC HEARING - WAVERLY COURT EXTENSION L. I. D. - ORDINANCE NO. 1220

Public hearing was declared open at 8:30 p. m. Notices published and posted as required. It was announced the property owner will be paying the full amount of the cost. No one appeared to speak either for or against the proposed street improvement, and there were no written remonstrances. Hearing was declared closed. It was moved by Strauss, seconded by Hupp, that Ordinance Number 1220 (AN ORDINANCE PROVIDING FOR STREET IMPROVEMENT OF WAVERLY COURT EXTENSION BETWEEN ITS TERMINI NORTHEASTERLY APPROXIMATELY 860 FEET BY THE CONSTRUCTION OF AN ADEQUATE STREET AND ALL OTHER THINGS APPURTENANT TO STREET CONSTRUCTION, AND A 10-INCH WATER MAIN IN SAID STREET EXTENSION, AND A BOOSTER PUMP STATION FOR WATER AT THE INTERSECTION OF LAVA DRIVE

AND WAVERLY COURT) be read the first time. Motion carried and so ordered. After reading it was moved by Hupp, seconded by Bonner that Ordinance 1220 be read the second time by title only. Motion carried and so ordered. After reading, Ordinance 1220 was put on its passage with the following roll-call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance No. 1220 passed the Council, and was so declared by the Mayor.

ORDINANCE NO. 1219 (SECOND READING) - SELLWOOD STREET VACATION

It was moved by Hupp, seconded by Strauss, that Ordinance No. 1219 (AN ORDINANCE VACATING A PORTION OF SELLWOOD STREET, A PUBLIC STREET WITHIN THE CITY OF MILWAUKIE, OREGON) be read the second time. Motion carried and so ordered. After reading, Ordinance 1219 was put on its passage with the following roll-call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance No. 1219 passed the Council, and was so declared by the Mayor.

It was announced the Council will consider a policy for selling vacated streets, and will discuss this at a work session.

SEWER RATE ON WORK RELEASE SITE - RESOLUTION NO. 15-1970

It was moved by Strauss, seconded by Fuller, that Resolution Number 15-1970 (A RESOLUTION ESTABLISHING MONTHLY SEWER SERVICE FEES FOR THE MILWAUKIE WORK RELEASE CENTER OF THE STATE CORRECTIONS DIVISION) be read. Motion carried and so ordered. After reading it was moved by Strauss, seconded by Fuller, that Resolution 15-1970 be adopted. Motion carried and so ordered.

ORDINANCE NUMBER 1221 - SIDEWALK ORDINANCE

It was moved by Hupp, seconded by Fuller, that Ordinance Number 1221 (AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND REPAIR OF SIDEWALKS IN THE CITY OF MILWAUKIE, OREGON; FIXING LIABILITY FOR THE EXPENSE OF SUCH REPAIR; AND PROVIDING THE PROCEDURE TO BE FOLLOWED FOR SUCH RECONSTRUCTION AND REPAIR ACCOMPLISHED BY THE CITY OF MILWAUKIE) be read the first time. Motion carried and so ordered. After reading it was moved by Strauss, seconded by Fuller, that Ordinance 1221 be read the second time by title only. Motion carried and so ordered. After reading Ordinance 1221 was put on its passage with the following roll-call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance Number 1221 passed the Council and was so declared by the Mayor.

CHALET L'ABBE - QUESTION OF STATUS RE COMPLIANCE WITH AGREEMENT

The City Attorney announced that the Chalet L'Abbe has been granted a "DB" liquor license by the Oregon State Liquor Commission, and that it is his opinion that the agreement entered into by the Council and the owners of the Chalet L'Abbe, dated October 13, 1969, is a binding agreement. The City Attorney also stated his legal opinion is that state courts have held that municipalities cannot do indirectly what they cannot do directly, and when a business has been granted a "hard liquor" license the courts have held that municipalities through zoning ordinances could not regulate the

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sale of hard liquor.

(Meeting recessed at 9:40 p. m. , reconvened at 9:50 p. m. with all present)

Attorneys representing the South Milwaukie Community Association and the Chalet L'Abbe addressed the Council concerning the operation of the Chalet L'Abbe.

(Meeting recessed at 10:15 p. m. , reconvened at 10:30 p. m. with all present)

PROCLAMATIONS

The Mayor read proclamations declaring the week beginning May 1 as Youth Week, declaring May 9, 1970 as Fire Service Recognition Day, and the month of May, 1970 as Senior Citizens' Month.

PROPOSED CRIME PREVENTION AND ARSON PREVENTION PROGRAM

The City Manager explained a proposal for crime prevention and arson prevention, which involves having each citizen fill out a card showing the address, name and telephone number of his neighbors, for use in reporting fires or burglaries. It was moved by Hupp, seconded by Fuller, that the Council backs the proposed crime prevention and arson prevention program. Motion carried and so ordered.

FINAL PAYMENT, BECKMAN ROAD L.I.D. ; PARTIAL PAYMENT, LEONE ACRES L.I.D. ; PAYMENT ON SEWER REVISION, WAVERLY HEIGHTS

It was moved by Strauss, seconded by Bonner, that the following items be paid:

- | | |
|---|------------|
| 1. Final payment on Beckman Road Sanitary Sewers
to Don Thornton | \$1,475.12 |
| 2. Partial payment on Leone Acres Sanitary Sewers
to Don Thornton | 12,719.92 |
| 3. Sewer Revision; Waverly Heights Sanitary Sewers in
Cambridge Lane to Don Thornton | 3,431.50 |

Motion carried and so ordered.

REPORT RE ENVIRONMENTAL QUALITY COMMISSION MEETING ON APRIL 24

This matter was postponed until a work session is held on April 28.

WITHDRAWAL FROM WICHITA WATER DISTRICT - RESOLUTION NO. 16-1970

It was moved by Hupp, seconded by Strauss, that Resolution Number 16-1970 (A RESOLUTION DECLARING INTENT TO WITHDRAW FROM WICHITA WATER DISTRICT THAT PART OF SAID DISTRICT HERETOFORE ANNEXED TO AND INCORPORATED WITHIN THE BOUNDARIES OF THE CITY OF MILWAUKIE, OREGON) be read. Motion carried and so ordered. After reading it was moved by Fuller, seconded by Bonner that Resolution 16-1970 be adopted. Motion carried and so ordered.

WITHDRAWAL FROM FURNBERG PARK LIGHTING DISTRICT - RESOLUTION NO. 17-1970

It was moved by Strauss, seconded by Fuller, that Resolution Number 17-1970 (A RESOLUTION DECLARING INTENT TO WITHDRAW FROM FURNBERG PARK LIGHTING DISTRICT THAT PART OF SAID DISTRICT HERETOFORE ANNEXED TO AND INCORPORATED WITHIN THE BOUNDARIES OF THE CITY OF MILWAUKIE) be read. Motion carried and so ordered. After reading it was moved by Bonner, seconded by Fuller that Resolution 17-1970 be adopted. Motion carried and so ordered.

LIBRARY FUNDING REQUEST TO COUNTY - RESOLUTION NO. 18-1970

It was moved by Fuller, seconded by Strauss, that Resolution Number 18-1970 (A RESOLUTION REQUESTING CLACKAMAS COUNTY COMMISSIONERS TO FAVORABLY CONSIDER AN INCREASE IN BUDGET ALLOCATIONS FOR SUPPORT OF CITY LIBRARIES) be read. Motion carried and so ordered. After reading it was moved by Strauss, seconded by Hupp, that Resolution No. 18-1970 be adopted. Motion carried and so ordered.

CITY ATTORNEY'S RECOMMENDATION ON BILL FOR ATTORNEY'S FEES FOR INVESTIGATION OF FIRE DEPARTMENT

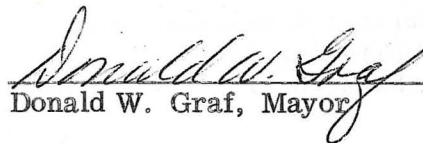
The City Attorney stated in his opinion the city is liable for the payment of bill for attorney's fees from Stephen Walker. It was moved by Strauss, seconded by Fuller, that based on the facts of the case, the Council authorize payment of attorney's fees as presented by Fire Chief Wesley Baker for legal representation at the hearings on the Fire Department. Motion carried and so ordered, by the following vote: AYES: Strauss, Fuller, Bonner and Graf. NOES: Hupp.

(Meeting recessed at 12 midnight, reconvened at 12:15 with all present.)

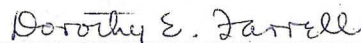
PAYMENT OF BILLS

It was moved by Strauss, seconded by Fuller, that the bills listed for April 28, 1970 payment be approved, and that warrants be drawn for payment of same. Motion carried and so ordered.

The meeting adjourned at 12:30 p. m.


Donald W. Graf, Mayor

ATTEST:


Dorothy E. Farrell, Secretary

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CITY COUNCIL AGENDA

April 27, 1970

7:30 p. m.

COUNCIL CHAMBERS

1124th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Ralph Holcomb, Concord Christian Church
3. APPROVAL OF MINUTES - April 13, 1970
4. AUDIENCE PARTICIPATION
 - a) Presentation of certificates to Dale Ottenbacher, Verne Mormance and Henry Bisio
5. CORRESPONDENCE
 - a) Letter from Mr. and Mrs. Fred Popp re memorial resolution
 - b) Letter from Attorney General re asphalt litigation
6. PUBLIC HEARING - Waverly Court Extension L.I. D. - Ordinance No. _____
7. OLD BUSINESS
 - a) Ordinance No. 1219 (second reading) - Sellwood St. vacation (see 4/13 agenda)
 - b) Resolution No. _____, sewer rate on work release site (see 4/13 minutes)
 - c) Ordinance No. _____, Sidewalk ordinance
8. CONSIDERATION
 - a) Chalet L'Abbe - question of status re compliance with agreement
 - b) Proclamation re Elks National Youth Week
 - c) Proclamation re Fire Service Recognition Day
 - d) Proposed crime prevention and arson prevention program
 - e) Final payment - Beckman Road L. I. D.
 - f) Partial payment - Leone Acres L. I. D.
 - g) Payment on sewer revision - Waverly Heights
 - h) Report re Environmental Quality Commission meeting on April 24
 - i) Resolution No. _____ - Withdrawal from Wichita Water District
 - j) Resolution No. _____ - Withdrawal from Furnberg Lighting District
 - k) Resolution No. _____ - Library funding request to county
9. OTHER BUSINESS
10. PAYMENT OF BILLS
11. ADJOURNMENT

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