

CITY COUNCIL MEETING
September 28, 1970
7:30 p.m.

COUNCIL CHAMBERS

1134th Meeting

The one-thousand one-hundred thirty-fourth meeting of the Council of the City of Milwaukie, Oregon was held on the 28th day of September, 1970. The meeting was called to order by Mayor Donald W. Graf.

Councilmen present: Mayor Donald W. Graf Bill E. Hupp
 Russell H. Bonner David S. Strauss
 Edgar D. Fuller

Also present: Max Thompson, Assistant Manager
 Walt Janssen, Finance Director
 John Bassett, City Attorney
 J. Wayne Daigle, Director of Public Works
 Bette L. Bierer, Secretary pro tem

It was moved by Fuller, seconded by Hupp, to approve the minutes of September 14, 1970, as written. Motion carried and so ordered.

SECOND READING OF ORDINANCE TO FORM L.I.D. FOR STREET IMPROVEMENT OF ROSWELL

There were citizens present to submit written remonstrance to street improvements of Roswell Street between its easterly terminus and 41st Street who had not done so at the public hearing held on September 14. The Mayor, with no objection from any councilman, recessed the meeting at 7:55, and asked Mr. Daigle to tally the front footage involved. The meeting reconvened at 8:10 p.m. and Mr. Daigle reported the six additional written objections represented 603.33 feet of frontage. If the late remonstrance were to be considered, there would be a total objection of 60.5 percent.

It was moved by Strauss, seconded by Hupp, to dispense with the second reading and to deny the formation of the Local Improvement District for street improvement. Motion carried and so ordered.

RECOMMENDATION FROM PLANNING COMMISSION RE ZC-70-9 and ZC-70-10

It was moved by Fuller, seconded by Strauss, to move item 7-g from its place on the Agenda and to consider it next. Motion carried and so ordered. The recommendation from the Planning Commission for denial of the two zone changes was read. Mr. Hupp asked that the following opinions of the City Attorney be shown in Minutes. The City Attorney informed the Council that the reasons given by the Planning Commission for the denial of the requests for zone change were valid legal reasons for denial, but that the Council would be within their right to base a denial on other reasons than those given by the Planning Commission if it were their desire to do so. When asked by Strauss whether or not the Council would be required to make their decision based on land use only, Bassett replied no, that although the reasons which most influenced the decision of the Planning Commission were based on land use as stated in their memo of

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September 14, there were a number of considerations that influenced the Planning Commission decision, not all of which were included in the memo; and it would be the Council's prerogative to base acceptance or rejection of the zone change on the same reasons as the Planning Commission or on other reasons that the Council might have. Bassett referred to Section 1.020, City Ordinance 1183, which states the purpose of the zoning ordinance.

It was moved by Hupp, seconded by Bonner, to table to a meeting no later than the next regular meeting. AYES: Bonner, Hupp. NOES: Fuller, Strauss and Graf. Motion failed to pass.

It was moved by Fuller that the Council approve the requests for zone change as applied for in ZC-70-9 and ZC-70-10. There was no second and the motion failed.

It was moved by Strauss to deny the requests for zone change as applied for in ZC-70-9 and ZC-70-10. There was no second and the motion failed.

It was moved by Hupp to accept Planning Commission recommendation to deny ZC-70-10, Home Avenue site, and to overrule the Planning Commission recommendation on the Stanley Avenue site and approve ZC-70-9. There was no second and the motion failed.

Mayor declared a recess at 9:45 and reconvened the meeting at 10:05 p.m.

It was moved by Strauss, seconded by Hupp, that Planning Commission recommendation on ZC-70-9, Stanley Avenue site, be upheld and the Council deny the zone change. AYES: Strauss, Hupp and Bonner. NO: Fuller. Motion carried and so ordered.

It was moved by Fuller, seconded by Bonner, to approve ZC-70-10 to superimpose PD Planned Development zone on R-7 zone at the Home Avenue and Railroad Avenue site as shown on the plan submitted which indicates 1-1/2 parking spaces per unit, none of them covered, and 20 parking spaces for the community building, with the time of completion to be 18 months from the zone change, or 1 year from issuance of the building permit, whichever is less, and with the stipulation there be approval of the technical requirements of planned development, such as the bonding. Motion carried and so ordered.

Meeting was recessed at 10:45 and reconvened at 10:50 p.m.

BID AWARD

Mr. Daigle presented summary of quotations received to install 150 lineal feet of 20" steel casing in Myrtle Street and to install 44 lineal feet of 20" casing under Southern Pacific railroad at Home Avenue.

Utilities Boring Co.	\$ 6,950
Gonzales Road Boring, Inc.	10,293
L. Clark Pipe Line Co.	15,520

It was moved by Hupp, seconded by Fuller, to accept recommendation of Director of Public Works and award the bid to Utilities Boring Company. Motion carried and so ordered.

ORDINANCE NUMBER 1229, PROHIBITING TRESPASSING ON PERSONAL PROPERTY

It was moved by Hupp, seconded by Strauss, that Ordinance Number 1229 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1025, PROHIBITING TRESPASS UPON PERSONAL PROPERTY, AND DECLARING AN EMERGENCY) be read the first time. After reading, it was moved by Strauss, seconded by Hupp, that Ordinance 1229 be read for the second time by title only. Motion carried and so ordered. After reading, Ordinance 1229 was put on its passage with the following roll call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance Number 1229 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1230, PROHIBITING OPERATION OF A VEHICLE IN CARELESS MANNER

It was moved by Hupp, seconded by Fuller, that Ordinance 1230 (AN ORDINANCE AMENDING ORDINANCE NUMBER 1021, PROHIBITING OPERATION OF A VEHICLE IN A CARELESS MANNER, AND DECLARING AN EMERGENCY) be read the first time. After reading, it was moved by Strauss, seconded by Fuller, that Ordinance 1230 be read for the second time by title only. Motion carried and so ordered. After reading, Ordinance 1230 was put on its passage with the following roll call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance Number 1230 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1231, AMENDING ORDINANCE 1021 AND PROHIBITING PARKING

It was moved by Hupp, seconded by Strauss, that Ordinance 1231 (AN ORDINANCE AMENDING CITY ORDINANCE NUMBER 1021, AND DECLARING AN EMERGENCY) be read the first time. After reading, it was moved by Strauss, seconded by Bonner that Ordinance 1231 be read for the second time by title only. Motion carried and so ordered. After reading, Ordinance 1231 was put on its passage with the following roll call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance Number 1231 passed the Council and was so declared by the Mayor.

ORDINANCE NUMBER 1232, ADOPTING 1970 FIRE PREVENTION CODE

It was moved by Strauss, seconded by Hupp, that Ordinance 1232 (AN ORDINANCE AMENDING CITY ORDINANCE NUMBER 1021, AND DECLARING AN EMERGENCY) be read the first time. After reading, it was moved by Bonner, seconded by Fuller, that Ordinance 1232 be read for the second time by title only. Motion carried and so ordered. After reading, Ordinance 1232 was put on its passage with the following roll call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance Number 1232 passed the Council and was so declared by the Mayor.

RESOLUTION NUMBER 29-1970, VACATION OF 22nd STREET BTWN ADAMS AND MADISON

It was moved by Fuller, seconded by Bonner, to read Resolution 29-1970 (A RESOLUTION PROVIDING FOR A HEARING ON THE QUESTION OF STREET VACATION OF THAT PORTION OF 22nd STREET WHICH IS BETWEEN MADISON AND ADAMS STREETS). Motion

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carried and so ordered. After reading, it was moved by Strauss, seconded by Hupp, that Resolution 29-1970 be adopted. Motion carried and so ordered.

RESOLUTION 30-1970, VACATION OF MADISON STREET BTWN 21st & 23rd STREETS

It was moved by Fuller, seconded by Bonner, to read Resolution 30-1970 (A RESOLUTION PROVIDING FOR A HEARING ON THE QUESTION OF STREET VACATION OF THAT PORTION OF MADISON STREET WHICH LIES BETWEEN 21st and 23rd STREETS). Motion carried and so ordered. After reading, it was moved by Bonner, seconded by Fuller, that Resolution 30-1970 be adopted. Motion carried and so ordered.

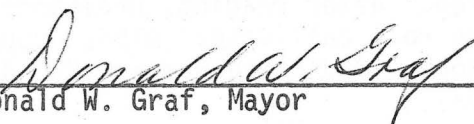
OTHER BUSINESS

- a. A report was requested from the City Manager on whether or not examination for Fire Chief could be set after Charter amendment election which, if approved, would remove position of Fire Chief from Civil Service status.
- b. Staff asked to report on Fire Department maneuvers which included burning two houses on 23rd Street on September 27, 1970.
- c. A report was requested from the City Manager regarding "No Parking" signs along King Road.
- d. Letter of September 25, 1970 from W. P. Doescher, 12914 S. E. Vernie Avenue, regarding drainage problems on S. E. Vernie Avenue, was read and referred to City Attorney for action.
- e. Staff asked to report whether or not the sign referred to in Ordinance 1231 will require a sign permit under Ordinance 1228, Building Code.

PAYMENT OF BILLS

It was moved by Hupp, seconded by Fuller, that bills listed for September 29, 1970 payment be approved for payment. Motion carried and so ordered.

The meeting adjourned at 12:30 a.m.



Donald W. Graf, Mayor

ATTEST:



Bette L. Bierer, Secretary pro tem

CITY COUNCIL AGENDA
September 28, 1970
7:30 p. m.

COUNCIL CHAMBERS

1134th Meeting

1. CALL TO ORDER
2. INVOCATION - Pastor Albert Young, Church of Christ
3. APPROVAL OF MINUTES - September 14, 1970
4. AUDIENCE PARTICIPATION
 - a) Mrs. Homer Rice, League of Women Voters
 - b) Carol Sue Burlison
5. CORRESPONDENCE
 - a) Letter from Department of Environmental Quality
6. OLD BUSINESS
 - a) Second reading - Ordinance 1229 - Roswell St. L.I. D.
 - b) Award bid on water line crossing boring - Omark
 - c) Award bid on sewer boring - Myrtle Street
7. CONSIDERATION
 - a) Ordinance No. _____ - Prohibiting trespassing on personal property
 - b) Ordinance No. _____ - Prohibiting operation of a vehicle in a careless manner
 - c) Ordinance No. _____ - Amending Ordinance 1021
 - d) Ordinance No. _____ - Amending Ordinance 1037
 - e) Resolution No. _____ - Street vacation - 22nd Avenue
 - f) Resolution No. _____ - Street vacation - Madison Street
 - g) Recommendation from Planning Commission re ZC 70-9 and ZC 70-10
8. OTHER BUSINESS
9. PAYMENT OF BILLS
10. ADJOURNMENT