

CITY COUNCIL MEETING

November 23, 1970

7:30 p. m.

COUNCIL CHAMBERS

1138th Meeting

The one thousand one hundred thirty-eighth meeting of the Council of the City of Milwaukie, Oregon was held on the 23rd day of November, 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 (entered the meeting at 10 p. m.) | |

Also present:

- | | |
|----------------------------------|-------------------------------|
| Paul F. Helton, City Manager | John Bassett, City Attorney |
| Max C. Thompson, Ass't City Mgr. | Walter Janssen, Finance Dir. |
| J. Wayne Daigle, Dir. P.W. | Dorothy E. Farrell, Secretary |

CONSENT CALENDAR

- a) Approval of minutes - November 9, 1970
- b) Abstract of votes officially received
- c) Memo from City Manager on striping on King Road, dated November 20, 1970
- d) Letter to Highway Department on truck traffic on Lake Road, dated Nov. 20, 1970
- e) Letter from Clackamas County re sewage treatment plant, and authorization for Mayor to sign contract with County. Letter dated November 19, 1970.
- f) Liquor licenses:

1) Lisac's Food Market	4) Day & Nite Food Service
2) Disco Mart	5) 7-Eleven Store
3) Chico's Pizza	6) Red's Coach Inn

The abstract of votes as approved by the Clackamas County Clerk is as follows:

MAYOR - total number of votes cast:	4230
Votes cast for Donald W. Graf:	4230
COUNCILMEN - total number of votes cast:	8029
Votes cast for Charles T. Martin:	2041
Votes cast for Robert G. Stochosky:	2040
Votes cast for Norman C. Battaglia:	1991
Votes cast for Joy B. Burgess:	1957

The contract mentioned under e) is between the City of Milwaukie and the County of Clackamas to treat sewage at the Clackamas County Service District No. 1 treatment plant.

It was moved by Hupp, seconded by Bonner, that the Consent Calendar be approved. Motion carried and so ordered.

CORRESPONDENCE

- 1. Letter was read from Frederick W. Schmidt, Harmony Sanitary Service, P.O. Box 2284, Milwaukie, dated November 23, 1970, asking Council permission for the sale of Harmony Sanitary Service to Harold G. Alexander, doing business as

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Alexander's Disposal Service Company, under the provisions of the franchise agreement. It was moved by Strauss, seconded by Hupp, that Council authorize signing of a letter giving approval to the transaction. Motion carried and so ordered.

2. Letter was read from Stevens, Thompson and Runyan, dated October 23, 1970, proposing they furnish planning and consulting services to the city starting December 1, 1970, at a cost not to exceed \$400 a month. It was stated the intention of the Council is that this program not go beyond June 30, 1971. It was moved by Bonner, seconded by Strauss, that the Mayor be authorized to sign a contract with Stevens, Thompson and Runyan for consulting and planning services. Motion carried and so ordered.

PUBLIC HEARING - NOTICE OF COMPLETION AND ASSESSMENT - 25TH STREET
L.I.D. - ORDINANCE NUMBER 1237

Public hearing was declared open. Notices published and posted as required. No one appeared to speak either for or against the completion notice or the assessment. Letter was read from American Condominium Homes, dated November 23, 1970, protesting the apportionment of the assessment. Hearing was declared closed at 8:15 p. m. It was moved by Hupp, seconded by Bonner, that Ordinance Number 1237 be read the first time. Motion carried and so ordered. Because Councilman Fuller had not yet entered the meeting, it was decided to postpone the motion for second reading until later in the meeting.

REPORT FROM POLICE DEPARTMENT RE CHALET L'ABBE AND VIC'S TAVERN

Reports from Police Department were read, dated November 18, 1970, re Vic's Tavern and Chalet L'Abbe. It was moved by Hupp, seconded by Bonner, that the liquor license renewal applications of the two establishments be approved by the City Council. Motion carried and so ordered.

22ND STREET AND MADISON STREET VACATIONS

Memorandum from the Planning Commission dated September 18, 1970, giving their recommendations on three stipulations to be met when the street vacations are considered, was read. It was moved by Hupp, seconded by Bonner, that the Council request the School District to agree to the three stipulations in writing, and Council will then agree to the vacation of the two streets. It was recommended the stipulation as to the realignment of 22nd and Willard Streets will take place when the School District purchases and develops the adjacent property. Motion carried and so ordered. The ordinances will be tabled until further communication from the School District is received.

REPORT FROM BUILDING DEPARTMENT AND CITY ATTORNEY ON LLEWELLYN
STREET USE

Reports were read from the Building Department dated November 20, 1970, and the City Attorney dated November 18, 1970, concerning the C. V. Shephard letter and his use of right-of-way in Llewellyn Street. It was moved by Bonner, seconded by Hupp, that the structures on the Llewellyn Street right-of-way be allowed to remain

as they are until May 31, 1971, and at that time they be torn down to be restored to the former condition. Motion carried and so ordered, with Councilman Strauss abstaining.

(Meeting recessed at 9:25 p. m. , reconvened at 9:50 p. m. with all present except Councilman Fuller, who entered the meeting at 10 p. m.)

RESOLUTION DECLARING VACANCY ON PLANNING COMMISSION - RESOLUTION NUMBER 31-1970

It was moved by Strauss, seconded by Bonner, that Resolution number 31-1970 (A RESOLUTION WHEREBY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARES THE POSITION OF MR. STAN NORRIS ON THE CITY PLANNING COMMISSION TO BE VACANT) be read, including the name of John Foster as the new appointee. Motion carried and so ordered. It was moved by Strauss, seconded by Hupp, that Resolution 31-1970 be adopted. Motion carried and so ordered.

MEMORANDUM FROM PLANNING COMMISSION ON BUILDING ENCROACHMENT

Memo from the Planning Commission was read, dated November 20, 1970, regarding building facings extending into the public right-of-way in the downtown commercial area. Staff will prepare an ordinance with recommendations and suggestions for the Council.

REPLACEMENT ON CRAG GENERAL ASSEMBLY

Councilman Edgar Fuller was appointed to take the place of David Strauss as the Milwaukie representative on the CRAG General Assembly at the expiration of Mr. Strauss' term of office on the Council at the last regular meeting in December, 1970.

CONSENT CALENDAR

It was moved by Fuller, seconded by Strauss, that the Consent Calendar be included in future Council agendas. Motion carried and so ordered.

ORDINANCE NUMBER 1237 - 25TH STREET L.I.D.

It was moved by Hupp, seconded by Strauss, that Ordinance Number 1237 (AN ORDINANCE DECLARING THE ASSESSMENT FOR THE IMPROVEMENT OF 25TH STREET BETWEEN WILLARD STREET SOUTHERLY APPROXIMATELY 220 FEET TO ITS SOUTHERN TERMINUS BY THE CONSTRUCTION OF AN ADEQUATE STREET AND ALL THINGS APPURTENANT TO STREET CONSTRUCTION, AND DECLARING AN EMERGENCY) be read the second time by title only. Motion carried and so ordered. After reading, Ordinance 1237 was put on its passage with the following roll-call vote: AYES: Hupp, Strauss, Fuller, Bonner and Graf. NOES: None. Ordinance 1237 passed the Council and was so declared by the Mayor.

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APPOINTMENT TO CIVIL SERVICE COMMISSION

It was moved by Hupp that Gordon Morterud be appointed to the Civil Service Commission. Motion failed for lack of a second. It was moved by Strauss that Barbara Watson be appointed to the Civil Service Commission. Motion failed for lack of a second. The matter will be brought up again at the next regular meeting.

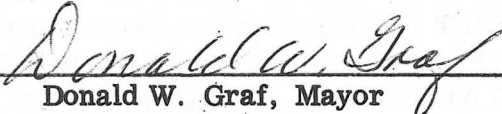
OTHER BUSINESS

1. There was discussion concerning King's Kustom Cabinets, which has been found to be in violation of zoning ordinance, building and fire code. It was moved by Bonner, seconded by Strauss, that Council not allow the business to open and continue business, based on the zoning and the fact that the building does not come up to building and fire code. Motion failed to pass.
2. It was moved by Strauss, seconded by Fuller, that Resolution Number 32-1970 (A RESOLUTION AGREEING TO ENTER INTO A TOPICS AGREEMENT FOR IMPROVEMENT OF HARRISON STREET AT 32ND AVENUE) be read. Motion carried and so ordered. After reading it was moved by Hupp, seconded by Fuller, that Resolution 32-1970 be adopted. Motion carried and so ordered.
3. Memorandum from the Public Works Director was read, dated November 23, 1970, concerning sewer connections in unassessed areas. A written statement was requested from the City Attorney at the next regular meeting as to whether or not sewer connection charges can be deferred. Councilman Fuller requested that in the future any matter having legal connotations should be investigated prior to being brought before the Council, and that more information and recommendations and reasons for the recommendation be given to the Council before a matter is brought up for consideration.
4. It was recommended that a change be made in the procedure for issuing business licenses so they could be cleared by the Building Inspector and Fire Department before being issued.

PAYMENT OF BILLS

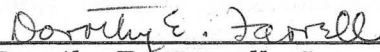
It was moved by Hupp, seconded by Bonner, that the bills listed for November 24, 1970 payment be approved for payment. Motion carried and so ordered.

The meeting adjourned at 12:30 p. m.



Donald W. Graf, Mayor

ATTEST:



Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA

November 23, 1970

7:30 p. m.

COUNCIL CHAMBERS

1138th Meeting

- 1. CALL TO ORDER
- 2. INVOCATION - The Reverend Dan G. Lawler, Happy Valley Conservative Baptist Church

NOTICE TO PUBLIC

All matters listed under CONSENT CALENDAR are considered by the Council to be routine and will all be enacted by one motion in the form listed below. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to adopt.

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 - 2) Disco Mart
 - 3) Chico's Pizza
 - 4) Day & Nite Food Service
 - 5) 7-Eleven Store

4. AUDIENCE PARTICIPATION

8 p. m. 5. PUBLIC HEARING - Notice of Completion and assessment - 25th St. L. I. D. Ordinance No. _____

6. CORRESPONDENCE

7. OLD BUSINESS

- a) Report from Police Department re Chalet L'Abbe and Vic's Tavern
- b) 22nd Street and Madison Street vacations - Ordinances No. _____ and _____
- c) Report from Building Department and City Attorney on Llewellyn Street use
- d) Resolution declaring vacancy on Planning Commission, No. _____
- e) Memo from Planning Commission on building encroachment

8. CONSIDERATION

- a) Replacement on CRAG General Assembly
- b) Consent calendar

9. OTHER BUSINESS

10. PAYMENT OF BILLS

11. ADJOURNMENT