

CITY COUNCIL MEETING
August 31, 1976
7 p.m.

COUNCIL CHAMBERS

Special Meeting

A special meeting of the City Council of Milwaukie, Oregon was held on the 31st day of August, 1976. The following council persons were present:

C. Merv Englund
Charles Swan
Joy Burgess

Jerry Hutchison
Mayor Bill Hupp

Also present:

Harold L. Schilling, City Manager; Myer Avedovech, City Attorney/Secretary Pro-tem; Don Oblander, Finance Director; J. Wayne Daigle, Director of Public Works.

WORK SESSION-REFUSE COLLECTION FRANCHISE FEE

At approximately 7:05 p.m., a new memorandum was passed out by Mr. Dale Harlan, attorney for the refuse franchisees. The Council took the time to read the memorandum before officially starting the meeting at 7:22 p.m.

A short staff report was given by the City Manager, who indicated that the memorandum submitted this evening by Mr. Harlan was unbelievable as the manager had thought that most of these issues had been clarified in a meeting held the previous Friday.

Mr. Harlan made a presentation on behalf of the franchisees. The presentation consisted of a history going back some twenty years, to the recent meeting with Don Oblander and Harold Schilling on the 27th of August. Mr. Harlan's presentation included discussion on the need to upgrade the garbage system back in the early days when he sat on Council; discussion on water and sewer services in the city; waterfront sewer treatment plant; and the work release center. Mr. Harlan indicated that this was a levy without regard to ability to pay and that with city fees and the metropolitan service district fees, the rates would go sky high. Mr. Harlan indicated that he felt the city had made threats to the franchisees by indicating that there were other methods such as freezing rates chargeable by the franchisees and doing away with an exclusive franchise. Mr. Harlan then went back to 1968 when the city funds were insufficient to meet salaries and First State Bank and others had to guarantee the city payroll.

There was a question and answer period between the members of the Council, staff, Mr. Harlan, and the franchisees. The main theme of the questions and answers between the Council and the franchisees was whether or not a franchise had a fair-market value and how it would appreciate as the term of the franchise decreased. Mr. Harlan then said that a franchise is no good unless there is active enforcement by the city of the franchise. He went back again into history to a number of years ago and indicated the city had not followed through on prosecution of any violations of the franchise. He implied that this would be the case now, but when asked, indicated that they had not made any requests of the city to enforce the franchise.

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General conversation and questions and answers continued on a number of alternatives presented by Don Oblander in his memorandum with basically questions and answers from the Council to the franchisees until 8:16 p.m. The conversation ended with the Mayor indicating that no action shall be taken this evening and he wanted to thank Mr. Harlan and the franchisees for appearing and answering the questions. No further action was taken nor any requested action by the City Council.

(Meeting recessed at 8:16 p.m., reconvened at 8:23 with all present.)

INTERVIEWS OF PARK AND RECREATION COMMISSION APPLICANTS

Roll call was taken of those present; Virginia Coyne and Clair Kuppenbender were not present and it was understood that Mr. Kuppenbender had withdrawn his name from consideration. The Council then chose to interview each applicant singly in the presence of the group.

The Council interviewed in the following order: Frank Mello, George Van Bergen, Fred Kondo, Eloise Hobson, Betty Stephens, Virginia Stabenow, Betty Haglan, David Graf, and Bob Hay. Interviews ended at 9:24 p.m. It should be noted that Virginia and Glen Van Schoiack were applicants but left at 8:45 p.m. because they were unwilling to submit to the interview process in an open-group meeting with the audience; and for the length of time it was taking, they were paying a baby sitter and wished not to continue. They indicated they would be willing to meet with the Council individually to be interviewed for consideration, but felt uncomfortable in submitting to the process the Council had chosen.

It was the consensus of the City Council to name the members of the Parks and Recreation Commission at their regular meeting on September 20, 1976.

(Meeting recessed at 9:25 p.m., and reconvened at 9:27 p.m., with all present.)

RESOLUTION NUMBER 32-1976 UNIFORM ZIP CODE

It was MOVED by Burgess, SECONDED by Hutchison, to read Resolution Number 32-1976 (A RESOLUTION EXPRESSING THE CONCERN AND SUPPORT OF THE CITY COUNCIL FOR THE ESTABLISHMENT OF A UNIFORM ZIP CODE FOR THE CITY OF MILWAUKIE, AND RECOGNIZING THE NEIGHBORHOOD COUNCILS FOR THEIR INITIATIVE AND LEADERSHIP IN THIS EFFORT.) MOTION CARRIED unanimously by those present. It was MOVED by Burgess, SECONDED by Hutchison, to adopt Resolution Number 32-1976. MOTION CARRIED unanimously by those present.

OTHER BUSINESS

1. Manager reported the information and correspondence on the odor at the treatment plant and the Council directed the Manager to obtain information from the County as to the exact status of the plant as to whether or not it has been accepted and paid for, and indicated that the City would not be agreeable to pay any additional cost for the rectification of the odor problem at the plant.

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- 2. It was MOVED by Hutchison, SECONDED by Burgess to appoint Harry Thom to the Business License Review Committee in place of Steve Butterfield, who submitted his resignation. MOTION CARRIED unanimously by those present.
- 3. The Council was presented with the Business License Review Committee minutes of their meeting of 8/30/76.
- 4. The Council was informed and given copies of the lawsuit involving the State of Oregon ex rel The Employment Relation Board vs. The City involving the issue of the police investigator, and were informed that Mr. Bruce Bischof would be the primary attorney.
- 5. A letter from Mr. George Van Bergen regarding the use of the parking lot across from City Hall was received.
- 6. Letter from Mr. Bruce Bischof was received indicating that chief factfinders in the Police and Fire had been selected, those being Mr. Arnold Peterschmidt for the Police factfinding, and Timothy Williams for the Firefighters' factfinding.
- 7. The Council set a public hearing to consider the appeal from the Planning Commission on the denial of conditional use of Franko Oil for a service station at Harrison and 99E, for October 4th, 1976, at 8:00 pm.
- 8. It was MOVED by Englund, SECONDED by Hutchison, to authorize the Mayor to sign the acceptance of the Grant with the Land Conservation Development Commission in the sum of \$41,000. MOTION CARRIED unanimously by those present.
- 9. It was MOVED by Burgess, SECONDED by Swan, to accept the bid of \$19,664.68 for the remodeling of the sidewalks around City Hall. A great deal of discussion followed and MOTION CARRIED with the following roll-call vote: AYES. Swan, Hupp, Burgess, Hutchison. NOES. Englund.
- 10. Manager reported as to the negotiations for the parking lot use across from City Hall indicating that he had met with both Oregon Mutual Savings Bank representatives, and the First State Bank representatives on the 27th of August, and that the final and best offer that both parties would make would be made in sealed bid and delivered to the City Council. City Council would open the bids after receipt of both.
- 11. Burgess expressed concern about the amount of dirt out in the roadway on 22nd Avenue and asked that it be checked into and also the guard rail disrepair by the Manor. It was MOVED by Burgess, SECONDED by Swan, to obtain the best price available and repair as soon as possible. MOTION CARRIED unanimously by those present.
- 12. Swan asked what could be done about moving the center line on Lake Road between 23rd and 34th to allow parking on one side and more free travel. It was the consensus to ask the Public Works Director to "hustle up some cost" by September 20, 1976, and then the City Manager would go to the School District and indicate that they are the basic problem and would they please fix the matter in the near future.

PAYMENT OF BILLS

It was MOVED by Hutchison, SECONDED by Swan, that the bills listed for August 31, 1976 payment be approved for payment. MOTION CARRIED unanimously by those present.

The meeting adjourned at 10:42 p.m.

ATTEST:



Bill Hupp, Mayor

CITY COUNCIL AGENDA
August 31, 1976
7 p.m.

COUNCIL CHAMBERS

SPECIAL MEETING

1. CALL TO ORDER

7 p.m. 2. WORK SESSION on refuse collection franchise fee

8 p.m. 3. INTERVIEW of those interested in appointment to city's Parks
and Recreation Commission

4. CONSIDERATION

- a) Resolution No. _____ - Re uniform zip code
b) Resolution No. _____ - Amending Comprehensive Plan

5. OTHER BUSINESS

6. PAYMENT OF BILLS

7. ADJOURNMENT