

CITY COUNCIL MEETING

June 3, 1974

7 p. m.

COUNCIL CHAMBERS1221st Meeting

The one thousand two hundred twenty-first meeting of the Council of the City of Milwaukie, Oregon was held on the 3rd day of June, 1974. The meeting was called to order by Mayor Donald W. Graf, with the following councilpersons present:

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

Also present:

Harold L. Schilling	Richard White, Fire Chief
J. Wayne Daigle, Dir. of P.W.	Myer Avedovech, City Attorney
Rod Sandoz, City Planner	Dorothy E. Farrell, Secretary

The Pledge of Allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - May 20, 1974 meeting
- b) Report on Fire Department Plectron system
- c) Report on Furnberg Park funding
- d) Writ of Review - downtown L. I. D.
- e) PUC order for investigation into need for air service

It was MOVED by Stochosky, SECONDED by Burgess, that the consent calendar be accepted, with the exception of items a, c and e. MOTION CARRIED and so ordered.

b) Council has received memorandum from Fire Chief, dated May 24, 1974, describing the Plectron system, and a demonstration was given.

d) Council has received copy of Writ of Review and Notice of Stay on the downtown L. I. D.

a) Councilman Hupp requested that the May 20 minutes, page 3, under "OTHER BUSINESS" item 3, include the sentence: "Councilman Hupp countered that he was entitled to his own opinion."

c) Council has received memorandum from City Manager, dated May 30, 1974, that staff is working on the research into Furnberg Park funding. Councilman Hupp said he would bring in a copy of a breakdown of all money expended on Furnberg Park, which was prepared by the former City Manager.

e) Council has received copy of notice from Public Utility Commissioner that the Commissioner is ordering an investigation into the need for air service west of the Cascade Mountains. Councilman Hupp questioned what the city's liability might be. Mayor Graf stated Council would consider all the items adopted with the comments made.

AUDIENCE PARTICIPATION

Jerry Mesander, representing Brod & McClung-Pace Co., presented a letter from the company expressing the desire to purchase a 90 x 130 foot corner of the sewage plant property on McBrod Avenue and River Road, as well as approximately 5 x 200 feet paralleling the existing property line, at such time as the sewage plant is no longer in use. They would be interested in the rest of the property at a future time.

CORRESPONDENCE

1. Mayor has received letter from Metropolitan Service District, dated May 21, 1974, asking the city to pass a resolution approving the Solid Waste Management Plan adopted

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by the District. Staff was asked to analyze the request and report back to the Council at the earliest possible time.

2. Mayor has received letter from Milwaukie East Clackamas County Area League of Women Voters, dated May 31, 1974, asking that a line item for social services, even if it is only for one dollar, be included in the budget, and the Coalition of Social Services is in the process of cataloging all social services in Clackamas County preparatory to being able to pinpoint the county's needs.

REQUEST BY A. S. FISCHER TO CUT TREES IN STREET RIGHT-OF-WAY

A. S. Fischer, 8000 SW West Slope Drive, Portland, has requested permission to remove trees on Fifth Street between Seventh Avenue and Ninth Avenue, and that any salvage recovered become his property. Council has received memorandum from Public Works Director, dated May 30, 1974, recommending the request be granted, and memorandum from City Attorney, dated May 30, recommending that if the city approves the request, a contract and hold harmless agreement should be signed by Mr. Fischer. Councilwoman Burgess expressed concern of residents in the area that the tile in the creek bed might not contain the water when the creek bed is filled, as stated in Mr. Fischer's letter, but was assured that the tile is adequate.

It was **MOVED** by Keller, **SECONDED** by Stochosky, that permission be granted subject to the conditions set forth by the City Attorney. **MOTION CARRIED** and so ordered. Councilwoman Burgess wished her vote recorded as "no."

MEMO FROM CITY ATTORNEY RE REFUSE COLLECTION FRANCHISE

City has received letter from Dale Harlan, attorney for solid waste collectors operating in the city, requesting a rate increase. Council has received a memorandum from City Attorney, dated May 30, 1974, re refuse collection franchise--transfer to SCA Services, Inc., from Alexander & Alexander, stating the agreement for a 20-year franchise in 1959 was null and void because it violated the provisions of Ordinance No. 633, and no written permission was given by the Council for a transfer by Alexander to SCA. Councilman Hupp said he would like to have a staff recommendation. Mr. Harlan said he was sure the Council would wish to work something out that would be fair.

REPORT ON BROOKSIDE APARTMENTS

Council has received memorandum from City Planner, dated May 24, 1974, re Johnson Creek (Brookside) Planned Development. Staff was asked to keep an eye on the construction, and neighboring residents were asked to let Council know if there were any more problems.

DISCUSSION RE LIGHT RAIL SYSTEM

This matter was discussed at the May 6 Council meeting, and it was decided to put it on the agenda again the first meeting in June. It was **MOVED** by Burgess, **SECONDED** by Hupp, that the Mayor be authorized to sign a newly-prepared resolution specifying continuing support for the light-rail system. **MOTION CARRIED** and so ordered. Councilman Hupp asked that the resolution come back before the Council, or be read to Council, before being signed.

(Meeting recessed at 8:35 p. m. , reconvened at 8:50 p. m. with all present.)

City Planner told the Council he had received from Tri Met their citizen participation

program, and Tri Met is requesting the city furnish them with a list of 10 or 12 names of people who would be interested in serving on a committee to work with Tri Met on the park and ride concept.

REPORT ON MONROE STREET PUMPING STATION

Council has received memoranda from Public Works Director dated May 22 and May 30 and copy of letter from City Manager to Robert D. Herndon, attorney, dated May 28, all concerning the Monroe Street pumping station. Public Works Director explained the present design of the hatch and an alternate design requested by the owners of the grocery store adjacent to the pumping station, at an additional cost of about \$4,100. It was MOVED by Stochosky, SECONDED by Burgess, that Council direct the city not to construct an aboveground structure above the pumping station, that it be level with the surface, with the electrical panel either adjacent to the stop sign, or if an easement can be obtained, adjacent to the grocery store. It was MOVED by Keller, SECONDED by Burgess, that the motion be amended to state that the instructions be based on the staff locating or determining or considering a place for maximum safety for the power panel. On the amendment, MOTION CARRIED and so ordered. On the main motion, now amended, MOTION CARRIED and so ordered.

RESOLUTION NUMBER 9-1974 - CANVASSING VOTE AT MAY 28, 1974 ELECTION

It was MOVED by Hupp, SECONDED by Stochosky, that Resolution Number 9-1974 (A RESOLUTION CANVASSING THE VOTE AT ELECTION HELD ON MAY 28, 1974) be read. MOTION CARRIED and so ordered. It was MOVED by Burgess, SECONDED by Stochosky, that Resolution 9-1974 be adopted. MOTION CARRIED and so ordered.

LIQUOR LICENSE APPLICATION - CHALET L'ABBE

The Chalet L'Abbe has filed an application for an amendment to its liquor license, adding two other persons' names in partnership with Mrs. Aebi. City Attorney pointed out there is some question as to whether or not there is a contract entered in 1969 between the Chalet L'Abbe and the city about a transfer of ownership, but that at this time the Council is only considering the additional two names to be added to the liquor license, and not a transfer of ownership. It was MOVED by Hupp, SECONDED by Stochosky, that Council grant its approval for the addition of the names of Rudolph Baeumel and Horst Zwicker (Satyr Corporation) to the liquor license for Chalet L'Abbe (Dispensers Class "A") presently in the name of Jewell Aebi. MOTION CARRIED and so ordered. Councilwoman Burgess wished her vote recorded as "no."

RESOLUTION CALLING FOR SPECIAL ELECTION - RESOLUTION NUMBER 10-1974

City Manager explained that using the figures from the proposed tax base as recommended by the tax base study committee, the total tax requirements are \$1,164,211, taxes not expected to be collected \$162,990, total tax to be levied \$1,327,201. \$749,882 would be within the 6%, and \$577,319 would be the figure to be requested in an election to exceed the 6% limitation. Councilman Stochosky stated he would like to propose keeping the additional personnel in the Planning Department, Administration/Finance, street repair and Park Department, but hold the line in the Police and Fire Departments, and have the Library go back on a full-time basis.

It was MOVED by Burgess, SECONDED by Keller, that (A RESOLUTION PROVIDING FOR THE CALLING OF A SPECIAL CITY ELECTION. . .) be read, with the figure to be \$577,319. It was MOVED by Keller, SECONDED by Stochosky, that the motion for the reading be amended by substituting the figure \$502,319 for the figure \$577,319, reducing six people from the proposed increase in the Police and Fire Departments, at approximately

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\$12,500 annually each. On the amendment, MOTION CARRIED and so ordered. Mayor Graf and Councilwoman Burgess wished their votes recorded as "no." On the main motion, MOTION CARRIED and so ordered. Mayor Graf and Councilwoman Burgess wished their votes recorded as "no." It was MOVED by Stochosky, SECONDED by Keller, that Resolution Number 10-1974 (A RESOLUTION PROVIDING FOR THE CALLING OF A SPECIAL CITY ELECTION IN THE CITY OF MILWAUKIE, OREGON, ON THE 18TH DAY OF JUNE, 1974, FOR THE PURPOSE OF SUBMITTING TO THE LEGAL VOTERS OF THE CITY OF MILWAUKIE, OREGON, THE QUESTION OF AUTHORIZING AND DIRECTING THE CITY COUNCIL OF SAID CITY TO INCLUDE IN THE BUDGET AND LEVY THE SUM OF \$502,319 FOR THE FISCAL YEAR 1974-75 FOR GENERAL CITY PURPOSES, WHICH AMOUNT EXCEEDS THE CONSTITUTIONAL SIX PERCENT LIMITATION ON TAXATION SET FORTH IN SECTION 11, ARTICLE XI OF THE CONSTITUTION OF OREGON, AND WHICH AMOUNT IS IN ADDITION TO ALL OTHER TAXES LEVIED) be adopted. MOTION CARRIED and so ordered.

OTHER BUSINESS

1. Mayor Graf read a proclamation stating that Milwaukie Festival Daze Button Sales are officially open.
2. Clackamas County Coalition of Social Services has sent notice of meeting at 7 a. m. Thursday, June 6, at the Legal Aid Board Room, 607 Main Street, Oregon City.
3. Public Works Director has asked the Council to set an informational meeting on Fieldcrest sanitary sewer L. I. D. on June 17.
4. Dale Harlan has requested a work session with the Council to go over rate increase request by refuse collectors. It was decided to postpone this until the problem with the franchise is settled.

PAYMENT OF BILLS

It was MOVED by Keller, SECONDED by Stochosky, that the bills listed for June 4, 1974 payment be approved for payment. MOTION CARRIED and so ordered.

Meeting adjourned at 11:45 p. m.

Donald W. Graf

 Donald W. Graf, Mayor

ATTEST:

Dorothy E. Farrell

 Dorothy E. Farrell, Secretary

CITY COUNCIL AGENDA

June 3, 1974

7 p. m.

COUNCIL CHAMBERS1221st Meeting

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. CONSENT CALENDAR

- a) Approval of minutes - May 20 and May 23, 1974 meetings
- b) Report on Fire Department Electron system
- c) Report on Furnberg Park funding
- d) Writ of Review - downtown L. I. D.
- e) PUC order for investigation into need for air service

5. AUDIENCE PARTICIPATION

6. CORRESPONDENCE

- a) Letter from Metropolitan Service District re solid waste management plan

7. OLD BUSINESS

- a) Request by Al Fisher to cut trees in street right-of-way
- b) Memo from city attorney re refuse collection franchise
- c) Report on Brookside Apartments
- d) Discussion re light rail system

8. CONSIDERATION

- a) Report on Monroe Street pumping station
- b) Resolution No. _____ - canvass of vote
- c) Liquor license application - Chalet L'Abbe
- d) Resolution No. _____ - calling for special election

9. OTHER BUSINESS

10. PAYMENT OF BILLS

11. ADJOURNMENT