

CITY COUNCIL MEETING
May 24, 1971
8:00 p.m.

COUNCIL CHAMBERS

1150th Meeting

The one thousand one hundred fiftieth meeting of the Council of the City of Milwaukie, Oregon, was held on the 24th day of May, 1971. The meeting was called to order by Mayor Donald W. Graf, with the following councilmen present:

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| Robert G. Stochosky | Charles T. Martin |
| Edgar D. Fuller | Mayor Donald W. Graf |
| Bill E. Hupp (entered meeting at 8:30 p.m.) | |

Also present:

- | | |
|------------------------------------|-----------------------------------|
| Paul F. Helton, City Manager | Richard White, Fire Chief |
| Max Thompson, Ass't City Manager | Robert L. Mills, City Attorney |
| J. Wayne Daigle, Dir. Public Works | Ruth E. Friesen, Recorder |
| John Eldridge, Police Captain | Michelle Eaton, Secretary pro tem |

The invocation was given by the Reverend Lawrence J. Saalfeld, St. John the Baptist Church.

CONSIDERATION OF BIDS ON BOND SALE

Bids for the bond sale were opened and announced by Mayor Donald Graf. The effective interest rates on \$127,211.08 are as follows:

Bid of Atkinson and Company, Portland, Oregon, wherein the net interest cost to the City on said bond issue would be the sum of \$35,292.52, which would project an effective interest rate of 4.95534%.

Bid of the First State Bank of Oregon, Milwaukie, Oregon, wherein the net interest cost to the City on said bond issue would be the sum of \$35,208.00, which would project an effective interest rate of 4.94356%.

Bid of First National Bank of Oregon, Portland, Oregon, wherein the net interest cost to the City on said bond issue would be the sum of \$34,694.98, which would project an effective interest rate of 4.8714%.

Bid of United States National Bank of Oregon, Portland, Oregon, wherein the net interest cost to the City on said bond issue would be the sum of \$32,874.05, which would project an effective interest rate of 4.6157%.

IT WAS MOVED by Stochosky, seconded by Martin, that the bonds be awarded to the indicated low bidder, U. S. National Bank, subject to approval of specifications. MOTION CARRIED and so ordered.

CONSENT CALENDAR

- a) Approval of Minutes - May 10, 1971, and May 17, 1971, meetings
- b) Final payment - Frank Coluccio Construction Company - Water system improvements

The Mayor announced that item b, Final payment to Frank Coluccio Construction Company, would be considered separately.

IT WAS MOVED by Martin, seconded by Fuller, that the Consent Calendar be approved, with the exception of item b. MOTION CARRIED and so ordered.

DDC335

The City Manager announced Coluccio Construction Company had agreed to send the City a letter as of May 25 acknowledging liability of indebtedness to Harder Plumbing. The City Manager recommended paying the retention contingent upon receipt of that letter. IT WAS MOVED by Fuller, seconded by Martin, to make the final payment to Coluccio Construction Company based upon receipt of the letter. MOTION CARRIED and so ordered.

AUDIENCE PARTICIPATION

Joe Bernard expressed his concern that the City Council, or the City Manager and his staff, has purchased several pieces of property around the City in the past few months, and is now in the process of considering the purchase of several other pieces of property. He feels that money should be spent on street repair instead of building remodeling and property purchase. Mr. Bernard also feels that the space problem is being multiplied by continually adding to the personnel, as proposed in the serial levy being considered.

CORRESPONDENCE

Letter was read by the City Manager from Environmental Action asking for City consideration of the problems of ecology, specifically the summer youth program for cleaning Johnson Creek. It was noted that this program was through School District No. 1. Their objection is based on the polluted condition of Johnson Creek which the youth are cleaning. IT WAS MOVED by Stochosky, seconded by Fuller, to acknowledge receipt of the letter. MOTION CARRIED and so ordered.

POLICY DETERMINATIONS, SEWER USER AND ASSESSMENT CHARGE

The City Manager read a memo to the Council regarding policy determinations in which he recommended forming, as soon as possible, a five to seven man citizens' committee to work with the staff regarding sewer user charges to amortize the 40 per cent City share of the Kellogg Treatment Plant, and to study how to justly determine pro-rate costs for service connections to new Sewer Improvement Districts tying into the treatment plant. It was suggested that Mr. Stochosky be appointed an ex-officio member of the committee. IT WAS MOVED by Fuller, seconded by Martin, to authorize the Mayor to appoint a seven member committee and that Mr. Stochosky be asked to serve as an ex-officio member, the committee to report back within six months. MOTION CARRIED and so ordered. IT WAS MOVED by Martin, seconded by Hupp, that the Council set a deadline of the next regular meeting of the City Council to decide on all the names submitted by the staff for the seven man committee. MOTION CARRIED and so ordered.

ORDINANCE NO. 1245 - SERIAL LEVY

IT WAS MOVED by Hupp, seconded by Martin, for the first reading of Ordinance 1245, (AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF MILWAUKIE; SUBMITTING TO THE VOTERS OF THE CITY OF MILWAUKIE THE QUESTION OF AUTHORIZING THE CITY COUNCIL TO EMPLOY ADDITIONAL FIREFIGHTERS AND POLICEMEN; TO PURCHASE FIREFIGHTING, RESCUE AND FIRST AID EQUIPMENT; TO SUPPLEMENT EQUIPMENT RESERVES FOR THE FIRE AND POLICE DEPARTMENTS; AND TO PROVIDE ADDITIONAL 3% PAY INCREASE FOR FIRE AND POLICE PERSONNEL; AND TO LEVY A TAX TO PAY FOR SAID PURPOSES; PROVIDING A BALLOT TITLE UNDER WHICH SAID PROPOSAL SHALL BE SUBMITTED; PROVIDING FOR NOTICE OF ELECTION, THE CONDUCT OF SAIDELECTION AND OTHER MATTERS PERTAINING THERETO, AND DECLARING AN

EMERGENCY). MOTION CARRIED and so ordered. IT WAS MOVED by Hupp, seconded by Martin, for the second reading of the ordinance by title only. MOTION CARRIED and so ordered. Mr. Stochosky registered his opposition to the ordinance because a similar ordinance was recently defeated by an approximately three to one vote and there are several other tax issues coming before the voters at this time.

Speaking for: John Eldridge, Police Captain
Richard White, Fire Chief

Speaking against: Joe Bernard
Pat Harris, 4211 Mason Lane
(See addendum to minutes)

Ordinance 1245 was put on its passage with the following roll-call vote: AYES: Hupp, Stochosky, Fuller, Martin and Graf. NOES: None. Ordinance 1245 passed the Council, and was so declared by the Mayor.

APPOINTMENT TO BUILDING CODE APPEALS BOARD

The Mayor appointed Robert Turk, 12006 Redwood, to the Building Code Board of Appeals, as recommended by the City Manager, with no objection from the Council.

MASON LANE LOCAL IMPROVEMENT DISTRICT

The City Manager read his recommendation to charge back on a front foot basis to the properties condemned their proportionate share for the costs incurred in condemnation, but not those properties given freely, with the City picking up the balance. He also recommended the initiation, by petition, of the formation of a Local Improvement District to solve the problem regarding the street on Mason Lane. Mr. Daigle showed a map of the area and explained the problem resulting from one or two owners refusing to give right-of-way.

Speaking for: Donna Sumpter, 4205 Mason Lane
Paul Meermeier, 4216 Mason Lane
Pat Harris, 4211 Mason Lane

IT WAS MOVED by Stochosky, seconded by Hupp, that the Council instruct the staff to research the legal descriptions and locate the proposed street alignment of Mason Lane, that an approximate cost of condemnation be determined and that this information be presented to the Council one month hence. Mr. Mills suggested that the property owners petition for formation of an L.I.D. and Mr. Stochosky included this in the motion. MOTION CARRIED and so ordered.

(The meeting was recessed at 10:05 p.m. and reconvened at 10:15 p.m. with all present.)

OTHER BUSINESS

1. The Mayor presented a communication from the League of Oregon Cities regarding legislation that may be acted upon shortly.

The first item was HB 1979, a bill authorizing a \$5 or \$10 local option vehicle license fee increase for cities and counties. Two amendments have been proposed--the first eliminates rental trailers from the law, and the second provides that cities or counties may expend up to one per cent of highway funds for bicycle

trails, an issue not related to the intent of the bill. IT WAS MOVED by Hupp, seconded by Stochosky, that the Council go on record as strongly opposing the amendment to HB 1979. MOTION CARRIED and so ordered.

The next item concerned retirement cost increase. The Ways and Means Committee, working with State employees on salary and fringe benefit increases, has decided to reduce salary and fringe benefit increases and improve retirement benefits. The result is to increase the employers' contribution to PERS, although the State can delay some of the increase. They are also considering additional benefits for police and firemen. IT WAS MOVED by Hupp, seconded by Stochosky, to send a letter or telegram to the legislature expressing opposition to increasing cost to City. MOTION CARRIED and so ordered.

The third item was HB 1044, collective bargaining bill. No action was taken.

The Statewide Building Code bill, HB 1048, is designed to create a uniform statewide building code. Amended HB 1048, as approved by the House, provides for an 11 member building code commission, including nine private industry and design profession representatives and two public members. The Mayor explained that the composition of this committee was primarily professional people who are involved in the building industry. The League supports the position that this committee should be mostly elected officials, people not affiliated with the building trade per se, but would be advised by the professionals. The League's position was not supported by the House. The Mayor recommended not supporting this as it is now stated. IT WAS MOVED by Stochosky, seconded by Hupp, that the City go on record as supporting HB 1048 as presented and so notify our representatives. MOTION FAILED to pass.

SB 706, regarding state payment for fire protection to cities on state owned facilities was discussed. No action was taken.

HB 1457, the League-proposed revision of the triple-two-thirds annexation law, was the sixth item considered. The League proposes to state the law as the majority of the people, owning a majority of property that represents a majority of the monetary value of the property, instead of the triple-two-thirds. IT WAS MOVED by Martin, seconded by Hupp, that the Council support the annexation bill, HB 1457. MOTION CARRIED and so ordered.

2. The City Manager read a memorandum from the Director of Public Works regarding a petition for street improvement for 31st Street from Roswell to Van Waters and requesting that a hearing date be set for June 28 for creation of a local improvement district. IT WAS MOVED by Stochosky, seconded by Hupp, that a resolution be prepared proposing a local improvement district and setting a hearing date ten days after passage of the resolution. MOTION CARRIED and so ordered.

3. The City Manager brought up the subject of the Miller house. He explained that the money for this house is in the police budget, for either lease option or contract arrangement, if the Council so desires. He also explained different financial arrangements and price. There was discussion concerning the effect of the passage of the proposed serial levy. Mr. Stochosky mentioned his concern about the recent property acquisitions of the City, and a discussion about this subject followed. There was also discussion about the possibility of expanding City Hall, the use of portables, and the possible ramifications of decentralization of the police department. It was suggested that for the future the Council set a policy regarding property acquisitions.

Speaking for: John Eldridge, Police Captain
Al Gadberry, Patrolman

IT WAS MOVED by Hupp, seconded by Stochosky, that the Council approve the purchase of the Miller property on a contract basis as the Manager recommended. AYES: Hupp, Fuller, Martin. NOES: Stochosky. MOTION CARRIED and so ordered.

4. The City Manager requested that he be allowed to take four days off from June 1 through June 4. IT WAS MOVED by Fuller, seconded by Martin, that he be so allowed. MOTION CARRIED and so ordered.

PAYMENT OF BILLS

IT WAS MOVED by Martin, seconded by Stochosky, that the bills listed for May 25, 1971, payment be approved for payment. MOTION CARRIED and so ordered.

The meeting adjourned at 11:55 p.m.

Donald W. Graf

Donald W. Graf, Mayor

ATTEST:

Michelle Eaton

Michelle Eaton, Secretary pro tem

DDC335

ADDENDUM TO MAY 24, 1971 CITY COUNCIL MINUTES

At the request of Councilman Stochosky, the following statement made by him at the May 24, 1971 Council meeting is included in the minutes of that meeting:

ORDINANCE NO. 1245 - SERIAL LEVY

"Again I wish to state that I oppose the ordinance, and these are the reasons for my opposition: This ordinance, not the same but another similar to it, was recently defeated by approximately a 3 to 1 vote. Now we are going to bring this up again, and it is going to follow the following money elections: on the 25th of May the Clackamas Community College budget and bond election will come before the voters; on June 8 the resubmittal of the Milwaukie School District budgets will come before the voters. As you all know, the Milwaukie School District budget was--election for funds beyond the budget were very small indeed; however, they suffered a resounding defeat. I hardly think on June 10 when this proposed serial levy comes before the voters they will be in any humor to raise their property taxes. As I observed a few prior meetings to this, there is one rather heavily populated district in East Milwaukie that has shown a great deal of interest in the operations of this city and in advising the Council; however, in that district, that is very definitely politically oriented, our levy went down to defeat approximately 2 1/2 to 1, and I question whether or not this will be improved. In my opinion you are spending money for an election on an issue that has little or no chance of being approved. Should this proposal be approved, we then must face the question of what do we do three years hence. The obvious and acknowledged answer to this is that we must pass a new tax base for the City of Milwaukie. This can only be done during a general election year so you must, either in 1972 or 1974, place this issue before the electorate. I think placing this levy before the voters for the second time will have an adverse effect upon their acceptance of an increase in tax base in the coming general election in 1972 and it could quite possibly affect their thinking in 1974. For these reasons I state my opposition to ordinance No. 1245 and if we call for roll call vote, leave mine until the last."

CITY COUNCIL AGENDA

May 24, 1971

8 p. m.

COUNCIL CHAMBERS1150th Meeting

1. CALL TO ORDER
2. INVOCATION - The Reverend Lawrence J. Saalfeld, St. John the Baptist Church
3. CONSIDERATION OF BIDS ON BOND SALE

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.

4. CONSENT CALENDAR
 - a) Approval of Minutes - May 10, 1971 and May 17, 1971 meetings
 - b) Final payment - Frank Coluccio Construction Co. - Water system improvements
5. AUDIENCE PARTICIPATION
6. CORRESPONDENCE
 - a) Letter from Environmental Action
7. CONSIDERATION
 - a) Ordinance No. _____ - Serial Levy
 - b) Policy determinations
 - 1) Sewer user and assessment charge
 - 2) Appointment to Building Appeals Board
 - 3) Mason Lane L. I. D.
8. OTHER BUSINESS
9. PAYMENT OF BILLS
10. ADJOURNMENT