

5.14  
CITY COUNCIL MINUTES

December 2, 1974

7 p. m.

COUNCIL CHAMBERS

1233rd Meeting

The one thousand two hundred thirty-third meeting of the Council of the City of Milwaukie, Oregon, was held on the 2nd day of December, 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, City Manager

Myer Avedovech, City Attorney

J. Wayne Daigle, Dir. of P. W.

Dorothy E. Farrell, Secretary

The pledge of allegiance was recited.

CONSENT CALENDAR

- a) Approval of minutes - November 19, 1974 council meeting
- b) Coalition of Social Services minutes and meeting notice
- c) Agreement with Eric Carlson for personnel services
- d) Letter from DEQ re STP

It was **MOVED** by Stochosky, **SECONDED** by Keller, that the consent calendar be accepted, with the exception of item (c). **MOTION CARRIED** and so ordered.

b) Council has received copy of Coalition of Social Services minutes of October 22, 1974 meeting, and notice of meeting on December 5, 1974, at 7:30 a. m.

d) Letter from Department of Environmental Quality, dated November 22, 1974, states results of survey samplings at the Milwaukie Sewage Treatment Plant are satisfactory.

AGREEMENT WITH ERIC CARLSON FOR PERSONNEL SERVICES

There was discussion of the difficulty in getting timely personnel services from the city of Portland, although Milwaukie recently signed a contract with Portland for those services. Eric Carlson, chief examiner for several counties in the area, has agreed to furnish personnel services to the city, and has prepared a contract for such services, for signature by the city. It was **MOVED** by Keller, **SECONDED** by Burgess, that Council approve the contract for personnel services with Eric Carlson. **MOTION CARRIED** and so ordered.

701 PLANNING APPROPRIATIONS

President Ford proposes the deferral of half the appropriation for 701 planning funding, for which Milwaukie has made application. CRAG has suggested that cities wire their congressmen requesting that a resolution be passed disapproving the deferral. It was **MOVED** by Burgess, **SECONDED** by Hupp, that the Council direct the Manager to prepare a wire to our congressmen, requesting that there be no deferral of part of the appropriation for 701 planning programs. **MOTION CARRIED** and so ordered.

APPOINTMENT TO BUDGET COMMITTEE FOR CRAG

Councilman Keller reported he had been asked to serve on the CRAG budget committee, but as he will be retiring from the Council he would be ineligible. The hope was expressed that Milwaukie could be represented on this committee.

APPOINTMENT TO CRAG CHARTER RULES REVIEW COMMITTEE

Mayor Graf reported that Councilwoman Burgess has been appointed as representative from Clackamas County cities to the Charter Rules Review Committee for CRAG.

CHARTER REVISION

Council has received memorandum from City Manager, dated November 29, on the proposed charter revision, as well as a copy of the Charter showing the old Charter and any changes proposed by the Charter Revision Committee, and a recommendation from the Civil Service Commission.

It was MOVED by Stochosky, SECONDED by Keller, to set up as a separate issue before the voters the question of increasing the Council to seven members, and that a special election be required to elect two additional councilmen, one to the end of 1976 and one to the end of 1978, this election to be held within 120 days after passage of the charter amendment. MOTION CARRIED and so ordered. Councilman Hupp wished his vote recorded as "no."

Concerning Section 7, page 3, it was MOVED by Keller, SECONDED by Stochosky, to ask staff to draft language to allow for a choice by Council of appointment of a municipal judge or to go to state court. MOTION CARRIED and so ordered.

Concerning Section 9, page 4, it was MOVED by Stochosky, SECONDED by Keller, that a period be placed after the word "employees," and everything following be deleted. MOTION CARRIED and so ordered.

Concerning Section 15, page 6, it was MOVED by Keller, SECONDED by Burgess, that the section be amended by changing the first sentence to read: "On or before one week following each city election, the election returns shall be filed with the recorder, and not later than the next meeting after receipt of the returns, the council shall canvass the returns." and in the 8th line, "journal" be changed to "record." MOTION CARRIED and so ordered.

Concerning Section 17, page 7, it was MOVED by Keller, SECONDED by Burgess, to strike out the last sentence. MOTION CARRIED and so ordered.

Concerning Section 8, page 7, it was MOVED by Hupp that we include city employees and manager. Motion failed for lack of a second.

Concerning Section 19, page 9, it was MOVED by Burgess, SECONDED by Keller, that the fourth sentence be changed to read: "No elector shall sign more than one petition for each position to be filled." MOTION CARRIED and so ordered.

(Meeting recessed at 9 p. m. , reconvened at 9:05 p. m. with all present.)

Concerning Section 21, page 11, it was MOVED by Burgess, SECONDED by Stochosky, that the first sentence be amended to read: "Vacancies in elective offices in the city shall be filled by the vote of a majority of the incumbent members of the council." MOTION CARRIED and so ordered.

Concerning Section 22, page 12, it was MOVED by Burgess, SECONDED by Keller, that the third sentence be changed to read: "The mayor upon his own motion may, or at the request of one-half the number of members of the council shall. . ." MOTION CARRIED and so ordered.

Concerning Section 24, page 12, it was MOVED by Burgess, SECONDED by Stochosky, to change the section title to "RECORD OF PROCEEDINGS," and change the section to read: "The council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken, and a tabulation of the vote entered in the record." MOTION CARRIED and so ordered.

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Concerning Section 26, it was MOVED by Burgess, SECONDED by Keller, to change the section to the wording of Section 18 of the Model Charter. MOTION CARRIED and so ordered.

Concerning Section 28, page 13, it was MOVED by Stochosky, SECONDED by Burgess, to change the first sentence to read: "The mayor, with the consent of the council, shall appoint . . ." MOTION CARRIED and so ordered.

Concerning Section 29 (b), page 14, it was MOVED by Burgess, SECONDED by Keller, to change the second sentence to read: "Upon any vacancy or prospective vacancy occurring in the office of manager. . ." MOTION CARRIED and so ordered.

Concerning Section 29 (c) (3), page 15, it was MOVED by Stochosky, SECONDED by Keller, to strike the words "by and with the approval of the council" at the beginning of the subsection. MOTION CARRIED and so ordered.

Concerning Section 29 (e), page 16, it was MOVED by Keller, SECONDED by Stochosky, to change the word "shall" to the word "may" in line three. MOTION CARRIED and so ordered.

Concerning Section 29 (f), page 17, it was MOVED by Keller, SECONDED by Stochosky, to strike the whole last sentence. MOTION CARRIED and so ordered.

Concerning Section 33, page 18, it was MOVED by Keller, SECONDED by Stochosky, to change the section to the wording of Section 35 of the Model Charter, except that in subsection (2) the phrase shall read "unanimous vote of all council members" rather than "unanimous vote of all council members present." MOTION CARRIED and so ordered.

Concerning Section 38, page 20, it was MOVED by Keller, SECONDED by Stochosky, that language be prepared to adjust the last sentence to allow the city to use the assessment rolls as the source of names for notification. MOTION CARRIED and so ordered.

Concerning Section 39, it was MOVED by Burgess, SECONDED by Stochosky, that the contracts let for bid shall be those in excess of \$5000. MOTION CARRIED and so ordered.

Concerning Section 41, page 20, it was MOVED by Keller, SECONDED by Stochosky, that the words "charter adopted on February 11, 1905," be changed to "charter adopted on November 7, 1944." MOTION CARRIED and so ordered.

It was MOVED by Stochosky, SECONDED by Burgess, that Section 43 be deleted. MOTION CARRIED and so ordered.

Concerning Section 45, page 22, it was MOVED by Keller, SECONDED by Stochosky, that subsection 3 be changed to read "The City Manager and his assistants," and that a new subsection 9 be added reading "Those employed under subsidized manpower programs." MOTION CARRIED and so ordered.

#### STREET AND STORM SEWER COMMITTEE REPORT

There was discussion of item 11 in the Committee report as to financing of cost of curbs and sidewalks.

(Meeting recessed at 9:45 p. m., reconvened at 9:50 p. m. with all present.)

The committee members present stated it was the committee consensus that item 11 be changed to delete the sentence: "Cost of curbs and sidewalks should be paid for by the individual property owners who will directly benefit from them."

It was MOVED by Stochosky, SECONDED by Keller, that staff be authorized to prepare a resolution to present general obligation bonds to the voters in an amount not to exceed \$7.5 million, along the guidelines of the street and storm sewer study committee report dated November 29, 1974, as amended this evening, said resolution to stipulate a maximum amount per thousand dollars of assessed value for the citizens of Milwaukee. MOTION CARRIED and so ordered.

CHARTER REVISION

It was MOVED by Stochosky, SECONDED by Keller, that a resolution be prepared to place charter revision before the voters on the same ballot with the street and storm sewer proposal, in three distinct measures, placing the housekeeping measures under one proposal, placing the change in additional council seats under another proposal, and placing the revision to the Civil Service section under another proposal. MOTION CARRIED and so ordered.

REPORT ON SOUTHEAST INDUSTRIAL AREA DRAINAGE

Council has received copy of memorandum from Public Works Director on Southeast Industrial area drainage of Minthorne Springs-Celery Gardens. Council asked for more research and some recommendations.

RESOLUTION NUMBER 33-1974 - RE MUNICIPAL COURT

It was MOVED by Stochosky, SECONDED by Keller, that Resolution No. 33-1974 (A RESOLUTION CONCERNING COURT RESTRUCTURE AFFECTING MUNICIPAL COURTS) be read. MOTION CARRIED and so ordered. It was MOVED by Stochosky, SECONDED by Hupp, that Resolution 33-1974 be adopted. MOTION CARRIED and so ordered.

REQUEST FOR VACATION OF A PORTION OF MOORES STREET

It was MOVED by Stochosky, SECONDED by Keller, that a resolution and proper documents be prepared for the vacation of Moores Street. MOTION CARRIED and so ordered.

POLICE UNION CONTRACT

Memorandum has been received from Ralph Carpenter, elected representative of the Milwaukie Police Department to the Clackamas County Peace Officers' Association, stating that he has signed the contract for the year 1974-75, but that the Business Representative, Hal Abelson, has refused to sign the contract. It was MOVED by Stochosky, SECONDED by Hupp, to authorize the Mayor to sign the contract. MOTION CARRIED and so ordered.

OTHER BUSINESS

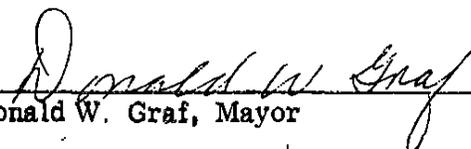
1. Audit reports were given to members of the Council.
2. Council has received copy of memorandum from City Attorney re the hearing process for the Gambell case.
3. Council has received copy of letter from Department of Housing and Urban Development, dated November 27, stating the Federal Insurance Administration has contracted with the U. S. Corps of Engineers to conduct a flood elevation and rate making study for Milwaukie.

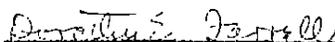
PAYMENT OF BILLS

It was MOVED by Stochosky, SECONDED by Hupp, that the bills listed for December 3, 1974 payment be approved for payment. MOTION CARRIED and so ordered.

The meeting adjourned at 1:20 a. m.

ATTEST:

  
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 Donald W. Graf, Mayor

  
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 Dorothy E. Farrell, Secretary

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BILLS PAYABLE ON DECEMBER 3, 1974

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
1. American Public Works Association	2.90	1-10	2.90
2. Business Equipment Bureau	177.44	1-4	177.44
3. Chevron Asphalt	1901.40	4-	1901.40
4. Clackamas County	269.50	1-5	269.50
5. Clackamas County Fire Defense Board	15.00	1-4	15.00
6. Kent Collings	500.00	1-1	500.00
7. Columbia Equipment Inc.	485.00	4-	485.00
8. George J. Combs & Co.	180.00	1-1	180.00
9. Concentrates, Inc.	47.50	20-	47.50
10. Consolidated Supply Co.	8.20	30-	8.20
11. Cosco Fire Protection Co.	1000.10	12-	1000.10
12. Division of Continuing Education	25.00	1-1	25.00
13. Dwyer Memorial Hospital	34.25	1-14	34.25
14. Engineered Control Products	19.94	20-	19.94
15. Fire Technology	10.00	1-4	10.00
16. Freightliner Sales & Service	131.74	20-	131.74
17. Hannon Brothers Construction Inc.	43,647.87	5-	43,647.87
18. Charlie Helwig Inc.	315.24	1-2	80.84
		1-4	73.20
		1-5	21.72
		1-6	115.82
		1-8	8.52
		1-9	2.50
		1-10	12.64
19. Imperial Eastman Corp.	10.72	20-	10.72
20. International City Management Assn.	18.00	1-1	15.00
		1-2	3.00
21. Jurors	90.00	1-8	90.00
22. Klein Jewelers	206.25	1-1	206.25
23. Lavelle Landfill	72.36	4-	72.36
24. Larry & Chuck's Heating Service	218.50	20-	218.50
25. Lind Fagenstrom Construction	2487.71	5-	2487.71
26. Lord Brothers Contractors	110,103.24	5-	110,103.24
27. Marshall Associated Contractors	34,008.55	5-	34,008.55
28. Milwaukie Hardware Co.	15.85	1-4	15.85
29. Milwaukie Plumbing Co.	20.50	1-4	20.50
30. Milwaukie Police Reserve	46.76	1-8	46.76
31. Ralph Mishler	23.83	1-10	23.83
32. Mitchell Bros.	262.00	20-	262.00
33. Bryan Morrison Inc.	65,497.84	5-	65,497.84
34. National Fire Protection Assn.	10.34	1-4	6.34
		1-10	4.00
35. National League of Cities	7.00	1-1	7.00
36. Nudelman Bros.	203.40	1-5	203.40
37. Pacific Building Materials	159.29	4-	159.29
38. Parker Publishing Co., Inc.	10.92	1-2	10.92
39. Pennwalt Corp.	250.00	20-	250.00
40. Pixler Auto Parts Inc.	10.70	4-	10.70
41. City of Portland	748.58	1-3	48.13
		1-4	234.05
		1-5	132.26
		4-	201.96
		20-	54.59
		3=-	77.59
42. Portland Road & Driveway Co.	2,389.08	4-	2,389.08

CITY OF MILWAUKIE  
BILLS PAYABLE ON DECEMBER 3, 1974

<u>VENDOR</u>	<u>TOTAL</u>	<u>DEPT.</u>	<u>AMOUNT</u>
43. The Review	7.77	1-1	7.77
44. Robben Oil Co.	225.61	1-3	130.27
		4-	95.34
45. Ellen Speight	100.00	5-	100.00
46. State of Oregon, Dept. of M.V.	30.00	1-8	30.00
47. Frank B. Strang, PH.D.	90.00	1-14	90.00
48. Street	116.76	1-4	31.35
		20-	5.45
		30-	79.96
49. Street	511.80	1-4	286.37
		1-7	10.83
		1-10	85.20
		20-	27.60
		30-	101.80
50. Subpoena	10.00	1-8	10.00
51. United Radio Supply Inc.	49.00	1-4	49.00
52. U.S. Government Printing Service	3.10	1-4	3.10
53. The Urban Institute	2.93	1-2	2.93
54. Water	1,226.30	1-4	150.68
		1-5	669.03
		1-7	16.48
		1-10	56.39
		4-	276.35
		20-	19.15
		5-	38.22
55. Water Metrics Co.	28.90	30-	28.90
56. Water Pollution Control Federation	22.50	1-10	22.50
57. Waterworks Supplies	21.33	1-7	3.33
		30-	18.00
58. Western City Magazine	42.00	1-14	42.00
59. Willamette Falls Ambulance Service	314.45	1-4	314.45
60. Esta Corp.	18,781.12	5-	18,781.12

\$ 287,226.07

1-1 GENERAL	941.02
1-2 ADMINISTRATION	97.69
1-3 CITY HALL	178.40
1-4 FIRE	1,387.33
1-5 POLICE	1,295.91
1-6 LIBRARY	115.82
1-7 PARKS & GROUNDS	30.64
1-8 MUNICIPAL COURT	185.28
1-9 PLANNING	2.50
1-10 PUBLIC WORKS	207.46
1-14 CIVIL SERVICE	166.25
4 - STREET	5,590.98
20- SEWER	1,047.19
30- WATER	314.45
5 - SEWER IMPROVEMENT	274,664.55
12 - REVENUE SHARING	1,000.10

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