

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
JUNE 2, 1992**

MILWAUKIE CENTER

1648TH MEETING

WORK SESSION

5:00 - 5:30 P.M. - Planning Commission Mission and Goals
5:30 - 6:00 P.M. - Hotel/Motel Task Force
6:00 - 6:30 P.M. - Commission Interviews

REGULAR SESSION

7:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance

- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. **D.A.R.E. Students (Chuck Mansfield)**
 - B. **Summer Recreation Program (Kate Demsky)**
 - C. **Garden Week Proclamation**

- III. **PUBLIC HEARING** *(Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **Consider Garbage Rate - Resolution (Charlene Richards)**
 - B. **Consider Ordinance Declaring Graffiti a Nuisance and Providing Abatement (Chuck Mansfield)**
 - C. **Consider Contract with North Clackamas Parks and Recreation District (Dan Bartlett)**

- IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the card provided on the table at the back of the meeting area. The Council may limit the time allowed for presentation.)*

V. OTHER BUSINESS *(The following items will be individually presented by City staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

- A. Consider Municipal Sewer Rate Increase - Resolution (Tim Corbett)
- B. Consider Municipal Water Rate Increase - Resolution (Tim Corbett)
- C. Consider Letting Bids on Infrared Asphalt Reclaimer (Mike Clark)

VI. CONSENT AGENDA *(Items appearing below are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. Rather, the items may be passed upon by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*

City Council Minutes of May 19, 1992

VII. INFORMATION

- A. Civil Service Commission minutes of January 28, 1992
- B. "Plain Talk about Drinking Water" - A Guide for Customers
- C. Draft Scope of Work for Phase 2 Regional Water Supply Planning

VIII. ADJOURNMENT

EXECUTIVE SESSION

At the end of the regular meeting, the Council may hold an Executive Session under the authority of ORS 192.660 as needed.

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The one thousand six hundred and forty-eighth meeting of the Milwaukie City Council was called to order by Councilmember Hall at 7:02 PM in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki, Mayor	Jean Schreiber
Roger Hall	Bob Knudson
	Rob Kappa

Also present:

Dan Bartlett, City Manager	Tim Corbett, Public Works Director
Michael Robinson, City Attorney	James Colt, Police Detective
Charlene Richards, Assistant to the City Manager	Mike Clark, Operations Supervisor
Chuck Mansfield, Police Chief	Don Robertson, Parks and Rec Coordinator
Maggie Collins, Community Development Director	Kate Demsky, Program Specialist
	Darrell Lyons, Program Specialist
	Pat DuVal, Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

D.A.R.E. Students

Charles Mansfield, Police Chief, introduced three St. John's students who had completed the D.A.R.E. course. The students discussed how the program taught them the importance of saying no to drugs and alcohol, how to find other methods of overcoming problems, and responding to peer pressure.

Mansfield said several Milwaukie service organizations had agreed to help fund the D.A.R.E. program next year.

Summer Recreation Program

Kate Demsky, Program Specialist, distributed the Summer 1992 program brochure. She discussed the daily programs and the weekly field trips. The North Clackamas Parks and Recreation District contracted with the City to provide the program at four additional school sites this year. Demsky said the schedule included open gyms and a teen dance in conjunction with Festival Daze.

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Councilmember Kappa asked how many children were expected to be involved this year. Demsky said the numbers will probably double with the additional sites within the service district.

Garden Week Proclamation

Mayor Lomnicki read a proclamation naming the week of June 7 through 14 as *Garden Week in Oregon*.

PUBLIC HEARING

Consider Garbage Rates - Resolution

Mayor Lomnicki called the public hearing on consideration of revising garbage collection rates for garbage haulers to order at 7:15 PM.

Mayor Lomnicki said the purpose of the hearing was to consider the garbage haulers' proposed increases in the garbage collection rates. A portion of the increase is due to an increase in the Metro disposal fee. There will be a staff report followed by public comment, if any. The Council will discuss the matter and vote.

Mayor Lomnicki reviewed the conduct of the hearing.

Staff Report: Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to conduct a hearing to discuss the garbage haulers' request for rate increases. At the May 19 hearing, there was direction to staff to revise the rate schedule. This revision was to reflect the pass through of the Metro disposal fee increase; general 1% commercial rate increase; 60-gallon cart option; 3% increase on 90-gallon cart to encourage use of smaller containers; and 1% residential rate increase. Richards said this was her recommendation to Council.

Councilmember Kappa asked the current rate on 60-gallon cart. Richards said there was not currently a 60-gallon cart rate, but the proposed rate was based on tonnage. She said the disposal fee increase was across all container sizes. Kappa asked for an explanation of the 90-gallon cart rate. Richards said the increase was 3% for the 90-gallon cart in addition to the general increase.

Councilmember Schreiber asked if this was staff's recommendation or the haulers' recommendation. Richards said it was a group recommendation.

Correspondence: There was no additional correspondence on this matter other than those items included in the agenda materials.

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Testimony in Support: None.

Testimony in Opposition: John Foster, 1516 SE Eton Ln., said he would like to discuss the three rates being considered by Council during the Audience Participation section of the agenda. He said the current system of collection involved different people at different times of the day to pick up various types of recyclables and general garbage. He said it was difficult for retired residents to keep up with the rates that working members of the community were paying. He said the costs were being driven by Metro, and he was concerned that cities and counties should have more influence in what is being done in their jurisdictions. Foster said he was concerned with the type of service that was being offered to Milwaukie residents.

Lillie Moore, 4001 SE Johnson Creek Blvd., said she believed that recyclable collection twice per month would probably be more than enough. She said yard debris container sizes were not adequate for her needs.

Don Sellwood, 3624 SE Rockwood, asked why there were so many increases in the fees lately. There was just an increase for yard debris collection a month ago. He suggested consolidating haulers. He said he had problems with his hauler, Wichita, not taking all of his recycled items. He said he did not believe haulers' routes were laid out to give a neighborhood efficient service.

Estele Harlan said residents had raised some good issues. Metro and state legislation guided the waste reduction plan. Haulers are not allowed to mingle recycling items. All recyclables must be separated before being picked up by the hauler.

Harlan responded to Foster's comments about the three separate collection times. She said the same packer truck is used for garbage collection and yard debris pick up. State law requires that sorted recyclable items be collected weekly. Yard debris cannot be mixed with anything else.

Harlan discussed Sellwood's comments. She said the April increase was for yard debris collection. The City chose this date to implement the program because residents would be generating the most yard debris. The yard debris rate would only cover the cost of the program. She discussed Sellwood's comments about haulers' routes. She said the routes are consolidated and as efficient as possible.

Harlan responded to Moore's comments about the yard debris container size. She said additional bundles or bags of yard debris could be put out for a nominal amount. She said the haulers are doing everything possible to keep customer rates down.

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Neutral Testimony: A member of the audience asked for the justification of these increases. Harlan said the reasons for the rate increase were discussed at a previous public hearing. She discussed the pass through of Metro's disposal charges. She said garbage rates may go higher next year as a result of such a modest increase this year. She said haulers are holding their costs down as much as possible.

A member of the audience asked if there was a law requiring weekly garbage service. Harlan said residents can request on call service.

Questions of Clarification: Councilmember Kappa asked the percent increase last year. Richards said a 10% general increase was granted last year of which 1% was for recycling. Councilmember Kappa asked if the haulers got 9% last year. Richards said this was correct. Richards said there was a slight increase in the haulers' rate of return, from 3.4% to 5.4%. That was the percentage before taxes. Councilmember Kappa asked if the haulers were allowed to amortize capital. Richards said they were. She said she had reviewed the haulers' confidential statements, and those items which did not meet criteria were pulled. Councilmember Kappa asked if there was a certain range of acceptable rate of return for the haulers. Richards said other jurisdictions have a 6-12% allowable return. She said Milwaukie's haulers have 5.4% rate of return.

Mayor Lomnicki asked what the rate of return would be with the proposed increase. Richards said Milwaukie's would be about 7%.

Councilmember Hall said the Council was concerned that haulers are able to make enough profit to provide service to Milwaukie residents.

Councilmember Kappa said he was trying to justify the increase in his own mind.

Richards said one criteria for rate of return was new equipment investment.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing on consideration of revising the rates to be charged for garbage collection at 7:48 PM.

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Discussion among Councilmembers: Councilmember Kappa said he did not believe the increase in 90-gallon cart rate was justified. Some residents still need that size. He said there were enough citizens against the proposed rate increases that staff should either come back with another rate structure or to turn it down altogether.

Councilmember Schreiber said staff and the haulers had arrived at significant changes from the first proposal. The rate was less than the original proposal. She said if citizens have a disagreement with the Metro pass through, these complaints should be taken to Metro. The pass through of disposal fees is the major portion of the increase. She said Council would be penalizing the hauler if pass through is not honored.

Councilmember Knudson said that people living on fixed or low incomes cannot accumulate anything in their bank accounts. He said he knew the haulers had to have a profit to stay in business.

Mayor Lomnicki said Council must determine if the haulers were asking for a fair increase. The 90-gallon cart differential offers an incentive to people to go to a smaller can and put more recycled material back into the industry. He said he believed more work was needed in the recycling effort. He said he believed the proposal was fair, and he was in favor of the recommendation.

Councilmember Kappa said he did not believe the haulers were in jeopardy of going out of business.

Councilmember Schreiber said Council had suggested the increase in the 90-gallon container. Smaller cans give people the opportunity to cut the cost of their garbage fees and increase the amount of recyclables.

Direction by the Council: It was moved by Councilmember Hall and seconded by Mayor Lomnicki to adopt the resolution reaffirming franchise fees and revising the solid waste rate schedule. Motion passed 3 - 2 with the following vote: Mayor Lomnicki, Councilmember Hall, and Councilmember Schreiber aye; Councilmember Kappa and Councilmember Knudson nay; no abstentions.

RESOLUTION 17-1992:

A RESOLUTION OF THE CITY COUNCIL OF MILWAUKIE REAFFIRMING FRANCHISE FEES FOR GARBAGE COLLECTION FRANCHISES AND A FEE FOR WEEKLY YARD DEBRIS COLLECTION AND SETTING RATES TO BE CHARGED BY FRANCHISEES UNDER ORDINANCE NUMBER 1301 AND REPEALING RESOLUTION NUMBER 8-1992.

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Consider Ordinance Declaring Graffiti a Nuisance and Providing Abatement - Ordinance

Mayor Lomnicki called the public hearing on the proposed ordinance which declared graffiti a nuisance to order at 8:00 PM.

Mayor Lomnicki said the purpose of the hearing was to consider an ordinance which declares graffiti a nuisance and provides for an abatement process. He reviewed the conduct of the hearing.

Staff Report: Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to consider adoption of an ordinance declaring graffiti a nuisance; adding a section on graffiti to the City Code; amend abatement process to require consent or due process on property to be abated. He discussed the definition of graffiti and the various forms it can take.

James Colt, Detective, showed a series of slides taken in the City of Milwaukie. He discussed the significance of graffiti to gangs.

Mansfield said one of the ways to prevent graffiti and vandalism is to discuss it through school programs. He said citizens can give gang members the signal that graffiti is not welcome by removing it promptly. He said the proposed ordinance would move the department forward with a stronger voice to encourage prompt removal of graffiti and act on other detrimental activities. Cities and schools are being asked to document and remove all graffiti. The City of Oregon City has a policy to remove graffiti from public property within 24 hours of reporting.

Mansfield said the Milwaukie Police Department will request voluntary compliance to reduce the possible recurrence. When the nuisance is identified, the property owner will be notified that the graffiti should be removed and the steps necessary for correction. The nuisance must be abated within 10 days unless the City Manager grants an extension. He said the ordinance also defines graffiti. The ordinance contains a due process clause and defines abatement by the City. He discussed the options for the removal process. Labor could be provided through Public Works, community service workers, and Clackamas County vocational options. There will be some costs, but there are community resources available. Mansfield said this was another important aspect of community partnerships.

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Councilmember Knudson asked if the property owner is responsible for cleaning up the graffiti, what happens to the person who did the vandalism. **Mansfield** said in many cases the vandals are apprehended. He said many of these people are identified through adult or juvenile court. **Mansfield** said graffiti that is not removed promptly encourages more. **Councilmember Knudson** said he believed the offender should be made to clean up the graffiti. **Mansfield** said in some cases the vandals are fairly hard core, but other community service workers would be used to do the painting.

Councilmember Kappa asked if the neighborhood association were being involved. **Mansfield** said community policing would address this issue because it happens in all parts of the City. He said that community service workers are under the operations of the juvenile court, and the court is responsible for such problems as runaways or injuries. He said the City already has a community service project in place for Parks and Recreation and the Public Works.

Councilmember Schreiber said she was glad to see property owners protected, but what about those who chose to decorate their building with graffiti art. **Mansfield** said the City was mainly concerned with third party vandalism. He said the North Clackamas Chamber of Commerce and School District #12 were interested in the ordinance.

Correspondence: None.

Audience Testimony: **Alice Neely**, 5925 SE Kent, asked if Milwaukie had a large number of gang members.

Sellwood asked about freedom of speech implications.

Staff Comments: **Mansfield** said an increase of activity was being seen in Milwaukie by either gang members or youths who want to be gang members. These individuals usually come from outside the City. Transit centers are frequently activity points for gangs. White supremacists and Asian gangs create the most problems. He said there was an increase of known gang contacts observed since last year. **Mansfield** said it is important to have a strong community statement that gang activities will not be tolerated.

Mansfield said he believed the City would prevail if challenged. Discussion of the ordinance had been done during a public hearing, and the ordinance and supporting material have been reviewed by the City attorney.

Questions of Clarification: None.

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Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing on the proposed graffiti ordinance at 8:30 PM.

Discussion among Councilmembers: Councilmember Hall said he believed this was an excellent response to the problem and was ready to vote.

Mayor Lomnicki agreed that this type of vandalism should not be tolerated.

It was moved by Councilmember Kappa and seconded by Councilmember Hall to read the ordinance declaring graffiti a nuisance and provide for its abatement for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Hall to read the ordinance declaring graffiti a nuisance and provide for its abatement for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the ordinance declaring graffiti a nuisance and provide for its abatement. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1722:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
DECLARING GRAFFITI A NUISANCE AND PROVIDING FOR
ITS ABATEMENT IN CHAPTER 8.04 OF THE MILWAUKIE
MUNICIPAL CODE.

Consider Contract with North Clackamas Parks and Recreation District

Mayor Lomnicki called the public hearing on the Parks and Center transition to North Clackamas Parks District to order at 8:48 PM.

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Mayor Lomnicki said the purpose of the hearing was to consider a proposed agreement between the City of Milwaukie and the North Clackamas Parks and Recreation District. The agreement concerned the transition of the Parks and Center to North Clackamas Parks and Recreation District. The Council held a prior hearing on this issue on April 21, 1992.

Staff Report: Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a draft transition agreement. The District was formed, and the City received funding this fiscal year. Several concerns were raised about the agreement and transition at previous public hearings. He said he had met with the Center/Community Advisory Board and the Parks and Recreation Commission to discuss these concerns and incorporate their recommendations.

Bartlett discussed the major changes in this proposed agreement. He said the final agreement would be prepared for approval at the June 16, 1992, meeting pending Clackamas County Board of Commissioners' approval. He said the agreement would change the transition from 1995 to 1992. He said the district has asked the City to provide the summer recreation program through August 30, 1992. The City of Milwaukie will hire employees, and programs will be supervised by City staff. It was recently suggested that all programs transition on August 30, 1992. Bartlett said there were funds to operate the Parks and Recreation and Center programs for two months.

Bartlett reviewed the revisions to the agreement. He said the District wanted it recognized that the City has received \$245,000 in district funds to date. The Center/Community Advisory Board recommended that the development of Ardenwald Park would include a sign recognizing the historical significance of Dogwood Lodge and that it was built by the Ardenwald Community Club. The Parks and Recreation Commission recommended that the Ardenwald Neighborhood Group donate this sign. The proposed agreement also stated that the Parks District would maintain all parks at a level equal to or better than City standards of June 1992. Bartlett said City staff is compiling statistics on mowing and other park maintenance tasks. He said the District will have a higher funding level for parks, hiring personnel, and purchasing equipment. It was agreed by both parties that any money left over from District operation funds would be used for park land acquisition.

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Bartlett said the City may transfer parks and recreation associated equipment to the District in exchange for credit toward District maintenance of parks currently on the City inventory of those properties to be maintained by the City. The City may also elect to transfer these equipment credits toward Milwaukie employee vacation time in excess of 80 hours. These equipment credits will be equal to current fair market value.

Bartlett said the district has requested a list of current recreational programs. As in parks maintenance, the District has committed to providing programs equal to or better than those provided by the City of Milwaukie. The District has also agreed to maintain the Milwaukie Center in City standards. The agreement also contains language regarding the City's use of the Milwaukie Center without charge and consistent with 1991-1992 frequency of use. The District wants to add language regarding Center maintenance standards which is at this time one full time custodian.

Mayor Lomnicki asked if the City would be considering the fee schedule. **Bartlett** said the City Council maintains the right to approve a proposed fee by the service district.

Bartlett said the proposed agreement contained language regarding the Center/Community Advisory Board appointments. The agreement also ensured that all members of the advisory boards live within the boundaries of the service district. Other language provided that the District Director would prepare a quarterly report for the City Council. The District would provide cost center accounting adequate to track expenditures for parks development, maintenance, recreation programs, and Milwaukie Center operations and maintenance. He said he was concerned that the needs of Milwaukie residents were adequately addressed by the agreement.

Bartlett discussed the withdrawal clause. New language stated if there were a withdrawal between July 1, 1992, and July 1, 1994, that the pass through would be equivalent to the 1990 City budget allocated for parks and recreation plus 6% annual increase for inflation. The Center funding would be at the 1990 Milwaukie budget allocation plus 6%.

Bartlett discussed the inventory of Milwaukie parks that would be maintained and operated by the District. Dogwood Lodge Park was renamed Ardenwald Park. The Lions Club Park was deleted from the list, and Kronberg-Kellogg Lake Park was added.

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Councilmember Kappa discussed the Kronberg-Kellogg Lake Park cleanup and development. **Bartlett** said through the agreement, the City would gain the expertise of a district landscape parks planner who would work on a master plan for this park. A landscape management and maintenance plan would be developed.

Councilmember Kappa asked about residency requirements for the Center/Community Advisory Board. **Bartlett** said 9 members of the advisory board must live inside the City of Milwaukie, and the other 9 members must live in the district. Current members will continue to serve until their terms end.

Councilmember Kappa asked if the boards would remain the same after 1995. **Bartlett** said this would be a perpetual agreement that would come under review from time to time as long as Milwaukie was a participant in the district.

Councilmember Schreiber said she had problems with the agreement. She had 7 pages of concerns and questions regarding the proposed agreement. She said she did not believe the proposed agreement could stand alone as a contract or agreement. For example, what happens to staff or equipment if the District dissolved. She said she was concerned with long term owner protection rights. She said she would like to see a concise agreement that would not depend on the personalities of those people currently involved.

Bartlett said he would like to see her notes to incorporate them within the proposed agreement. This is an ORS 451 district for which certain dissolution language was required. The political process includes discussions between the City and the District to define transition issues and to decide maintenance issues. **Bartlett** said that ORS 451 protects those employees involved. He said attorneys for both the City and the County reviewed the agreement as it was being developed. The attorneys did not believe it was necessary to recite state laws. He said both parties recognize that insurance and hold harmless claims need to be added.

Councilmember Hall said since formation of a service district was guided by state statute, he did not believe it was necessary to add all of the language.

Councilmember Schreiber said she had two primary concerns that did not seem to be addressed in the agreement: ownership of the property and the programs; and guarantees and protections for the resident's needs. She said she had too many questions such as ownership of the properties listed in the agreement. **Bartlett** said Milwaukie owns those properties listed.

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Councilmember Schreiber asked who named the Kronberg-Kellogg Lake property and what protections there were for Pioneer Cemetery? She said currently volunteers do a lot of the maintenance work in these parks. **Councilmember Schreiber** said she wanted to see an agreement that could stand alone. She asked about the review process?

Councilmember Kappa said he believed **Councilmember Schreiber** should share all of her concerns.

Mayor Lomnicki recommended that **Councilmember Schreiber's** notes be turned over to staff and be incorporated into the next document.

Bartlett said the agreement had been approved as to form by attorneys for the two governing bodies.

Councilmember Schreiber said she believed the City was giving away something very valuable.

Mayor Lomnicki said if the City of Milwaukie withdraws from the District, there will not be a tax reduction for residents. If the District dissolves, the City will provide services which will be funded by the District as it currently is. The City would receive 1/5 of the District maintenance and operation budget. **Mayor Lomnicki** said he believed dissolution of service and dissolution of taxes should go together.

Bartlett said residents would receive all the benefits of in-district residents if the City withdrew. He said if the City does not like the services provided by the District, there is a provision for maintenance of those properties on the list. Even in the case of dissolution, ORS would require further discussions. He said both parties decided not to take a pessimistic outlook. Both parties did not wish to build an agreement that covered all types of dissolution. The agreement points out that Milwaukie residents would pay taxes and still get use of pool and regional park.

Mayor Lomnicki said he believed there were some paragraphs in the agreement that were not appropriate between the City and the County. **Bartlett** said this was a result of Council's request to say that all districts will get the same amount of money. He said this was political language used to eliminate favoritism. The language could be removed.

Mayor Lomnicki said sometime in the future, the City Council may decide to delegate its advisory board responsibilities to another group such as the Parks and Recreation Commission or the Planning Commission.

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Mayor Lomnicki discussed major capital improvement funding. He asked how the expenses would be tracked if dissolution occurs.

Bartlett said under ORS 451 it is assumed that the taxpayers are benefitting from improvements made by service districts. Usually, transfers occur by the transfer of deeds. On an ORS 451 assumption, a city moves out to take over property managed by a district. There is a negotiated repayment if there is a district asset value that should be protected. These assets exist for the benefit of taxpayers who will be paying for the property's long term maintenance. He discussed the statues regarding transition of employees that protects both parties.

Councilmember Schreiber asked if \$255,000 was the current amount remaining for park acquisition and development. She said residents believe the City will get more than it really will.

Correspondence: None.

Testimony in Support: Lillie Moore, 4001 SE Johnson Creek Blvd., asked if discussions were continuing about using school grounds as part of the parks system.

Testimony in Opposition: None.

Staff Comments: Bartlett said the discussion regarding use of school property were between the two districts. There would be negotiations to use the schools grounds and purchase new playground equipment. He said an example of this arrangement was the City tennis courts at Rowe.

Questions of Clarification: Councilmember Schreiber said she would meet with staff to discuss her questions.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing on the proposed Parks District agreement at 9:45 PM.

Discussion among Councilmembers: Council directed staff to address these concerns. Bartlett asked for direction regarding the sign at Ardenwald Park. Councilmember Hall said he believed this should be a part of the parks master plan and not part of the agreement. Bartlett asked if language should be changed to "or its designee" in the event the decision making authority is handed over. Council agreed.

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Councilmember Kappa asked if the District would not have the funds originally forecasted as stated by Councilmember Schreiber. **Bartlett** said this would be addressed later by the District. There may be funds set aside for the District to act quickly upon property acquisition opportunities. He said Ardenwald and Scott Park will be phase I projects. He said Council will have to decide project priorities. Council will have to decide on priority lists. **Bartlett** said perhaps the expectations of the district may have been oversold. He discussed the expense of preparing parks for heavy use.

Bartlett asked if they wanted to keep in references to other neighborhoods. **Mayor Lomnicki** said he did not believe this was a major item.

It was the consensus of Council to footnote ORS sections referred to in the agreement.

Mayor Lomnicki discussed the Center/Community Advisory Board appointments. **Bartlett** said the Municipal Code provides appointment guidelines, and the code would have to be amended.

Councilmember Schreiber asked what would happen if the City wanted to develop its own parks. **Bartlett** said the City could build parks if they chose to above the \$500,000 to \$800,000 from the District. **Mayor Lomnicki** said if the district does not have funds available for an acquisition, the City could buy it and contract with the District for maintenance.

Bartlett said when transition occurs, district staff will begin park maintenance. He discussed the signs that would be on parks within the district.

Bartlett asked if Council approved of acquiring property with unused operating funds. Council agreed that this would be appropriate.

It was agreed that the language would be amended to indicate that the Center budget will increase 6% each year for an indefinite period of time.

AUDIENCE PARTICIPATION

Tom Alford, 2708 SE Monroe, requested an ordinance prohibiting trucks over a certain weight on Monroe between the freeway and the downtown area. He presented the City Council with a petition signed by residents in the area. He said there were between 40 and 50 truck trips per day in the area. There are some 8 axle trucks, and he noted that there was deterioration of the sidewalk in the area of Milwaukie Jr. High from trucks being driven over the curb.

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Councilmember Kappa asked if this was just the back of the truck going over the curb. Alford said it was the whole truck.

Mayor Lomnicki asked how large a 20,000 gvw would be. Alford said this weight truck would be a small delivery truck. He said he had been discussing this problem with Bartlett and Roeger for about a year.

Councilmember Schreiber asked if he had taken his concerns to the Traffic Safety Commission. Alford said he had not done this yet. It was agreed that Alford's request would be considered at the July Traffic Safety Commission meeting.

OTHER BUSINESS

Consider Municipal Sewer Rate Increase - Resolution

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to adopt the resolution increasing sewer rates by 30%. He reviewed the public hearing process during which there was no citizen comment.

Councilmember Schreiber asked if the increase could be reduced from the consultant's recommendation. Corbett said the consultant forecasted a 17% increase next year, and to decrease the recommendation this year would not be healthy.

It was moved by Mayor Lomnicki and seconded by Councilmember Hall to adopt the resolution increasing sewer rates by 30%. Motion passed 3 - 2 with the following vote: Mayor Lomnicki, Councilmember Hall, and Councilmember Schreiber aye; Councilmember Kappa and Councilmember Knudson nay; no abstentions.

Councilmember Kappa said he voted against the resolution because although it was needed, the percentage was too high.

Councilmember Hall said Council had the responsibility of making decisions that constitute prudent financial management.

Councilmember Kappa said he believed the increases could be done in increments.

Councilmember Hall said it has been easy on the rate payer, because the City has not raised sewer fees in seven years.

CITY COUNCIL MEETING - JUNE 2, 1992

RESOLUTION NO. 18-1992:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING FEES FOR SANITARY SEWER SERVICE AS PROVIDED BY MILWAUKIE MUNICIPAL CODE CHAPTERS 13.12 AND 13.20; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION; AND REPEALING RESOLUTION NO. 9-1985.

Consider Municipal Water Rate Increase - Resolution

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to adopt a resolution increasing water rates by 5%. The consultant had advised 11% increase, but Council had committed to Milwaukie residents that the increase would be 5%. Some capital improvements projects would be deferred to keep the increase as low as possible. He discussed Marlene Brandt's comments from the previous meeting. He said there was a chemical reaction between the chlorine in the water and manganese deposits in her galvanized pipes. He said the City would continue to work with her on this issue.

It was moved by Councilmember Schreiber and seconded by Mayor Lomnicki to adopt the resolution increasing water rates by 5%. Councilmember Knudson said Council had been aware of the need for this rate increase. Councilmember Hall said he believed the need for 11% was there, but there was an implicit agreement with the citizens for 5%. Councilmember Kappa said he believed it was proper to vote for this item. Mayor Lomnicki said there was a cost analysis study coming up to determine what is needed in the long run and to assess the long term needs to get the fund in a healthy state. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 19-1992:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING FEES FOR WATER SERVICE AS PROVIDED BY MILWAUKIE MUNICIPAL CODE CHAPTERS 13.04 AND 13.20; CLASSIFYING THE FEES IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11B OF THE OREGON CONSTITUTION; AND REPEALING RESOLUTION NO.23-1989.

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Consider Letting Bids on Infrared Asphalt Reclaimer

Mike Clark, Operations Supervisor, presented the staff report in which the City Council was requested to authorize the letting of bids for an infrared asphalt reclaimer. He said the equipment would recycle existing asphalt material in place. Recycling used asphalt would bring down overall project costs. He discussed the use of this equipment in other cities and the success of such programs.

Councilmember Hall asked the life expectancy of this equipment. Clark said the equipment would last about 12 years and would probably pay for itself.

Councilmember Hall asked if the equipment could be leased to other jurisdictions. Clark said leasing the equipment to other jurisdictions and agencies making utility cuts could be investigated.

Councilmember Knudson asked Clark to compare the cost of a ton of asphalt to processing it through the machine. Clark said a conventional repair costs \$6/square foot, and the machine would cost about \$2/square foot.

Councilmember Kappa asked at the current rate of use, how long would it take to pay for the equipment. Clark said about 12 years.

Councilmember Schreiber expressed concern that she might have a conflict of interest because her daughter may profit from the sale of this machine. Robinson said this would probably not be a conflict of interest.

It was moved by Councilmember Knudson and seconded by Councilmember Kappa to authorize the letting of bids for an infrared asphalt reclaimer. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

Metro HCT-CAC

It was moved by Councilmember Schreiber, seconded by Councilmember Knudson to designate Champ Husted and Keith Richey as City of Milwaukie nominees to Metro High Capacity Transit, Citizens Advisory Committee ((HCT-CAC). Mayor Lomnicki said there was also an opportunity to nominate other residents as at-large members. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson; no nays; no abstentions.

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Clackamas Transportation Coordinating Committee (CTCC)

It was moved by Councilmember Hall and seconded by Councilmember Kappa to appoint Maggie Collins and Paul Roeger. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Commission Appointments

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to appoint Robert Curtis and Todd Schnieders to vacant positions on the Parks and Recreation Commission. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; abstentions.

CONSENT AGENDA

It was moved by Councilmember Hall and seconded by Councilmember Knudson to adopt the Consent Agenda which consisted of the City Council Minutes of May 19, 1992. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

Bartlett discussed the stipulation agreement in the Northwest Paramedic litigation.

Bartlett discussed code enforcement activities within the city.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 11:05 PM.

Pat DuVal

Pat DuVal, Recorder/Secretary