

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 6, 1990**

The one thousand five hundred and ninety-third meeting of the Milwaukie City Council was called to order at 7:01 PM in the Milwaukie Center with the following Councilmembers present:

Roger Hall,
Mayor
Craig Lomnicki

William Fitzgerald
Chere' Sandusky
Michael Richmond

Also present:

Dan Bartlett,
City Manager
Tim Ramis,
City Attorney
Jerri Widner,
Finance Director
Dick Bailey,
Public Works Director

Maggie Collins,
Community Development Director
Dan Olsen,
Interim Fire Chief
Pat DuVal,
Executive Secretary

OTHER BUSINESS

Intent to Sell Revenue Bonds - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to adopt a resolution of intent to sell water revenue bonds. **Jerri Widner**, Finance Director explained the City had selected revenue bonds as the source of funding for the aeration towers and other improvements to the City's water system. Prior to this type of bond sale, the State statutes require that notice of intent be published.

Bartlett also requested that the City Council authorize the City to let bids for stripping towers. These towers have been approved by DEQ and the Health Division. EPA considers the towers to be "the best available technology." Cunningham Associates, Inc. have determine that the lowest cost per 100 cft would be for the City to do its own water production. He discussed the methods in use by the City of Battle Creek, Michigan, who had taken action to seek the responsible party and had implemented a similar action being considered by the City of Milwaukie.

Bartlett told Council the PTI Study had identified four firms with known spills in the Milwaukie area. A copy of the PTI report would be available in the Ledding Library for residents to read.

Jerri Widner, Finance Director, presented the staff report in which it was requested that the City Council adopt a resolution authorizing the sale of water revenue bonds. The bonds will not exceed \$1.3 million.

Mayor Hall asked the time frame. **Widner** said it would take 30-60 days. This is a required preliminary step prior to the sale.

Councilmember Richmond said the City should proceed with this action.

It was moved by **Councilmember Richmond** and seconded by **Councilmember Fitzgerald** to adopt the resolution authorizing the issuance of water revenue bonds. Motion passed 5 - 0 with the following vote: **Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, Councilmember Richmond, and Councilmember Fitzgerald** aye; no nays; no abstentions.

RESOLUTION NUMBER 2-1990:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING THE ISSUANCE OF WATER REVENUE BONDS FOR A TOTAL OF NOT TO EXCEED \$1,300,000, AND PROVIDING FOR PUBLICATION OF NOTICE.

Meeting of Local Contract Review Board

Dick Bailey, Public Works Director, presented the staff report in which the City Council was requested to authorize the letting of bids for construction of aeration towers. The bids will be out for approximately 60 days to run concurrently with intent to sell revenue bonds. At the end of 60 days staff would return with actual figures for evaluation and consideration.

Jim Helton, Consulting Engineer, discussed the work session information in which an engineering report from 1988 was updated. Levels of contamination had not decreased, so it was evident that treatment facilities were still necessary. Final design had indicated the expenditure of \$1.3 million for installation of treatment facilities. Cunningham recommended that the City request proposals for construction of the aeration towers. With treatment of wells 2,3, and 5 City demands would be met with the exception during the summer months. Wells 4 and 7 will provide peak load capacity on a more cost-effective basis than purchasing surplus water from surrounding districts. District surplus water would have a premium price and could be cut off if they need the water to meet their peak supply needs.

Councilmember Richmond asked if Helton was comfortable that this was the most logical solution. Helton replied he was.

It was moved by **Councilmember Richmond** and seconded by **Councilmember Lomnicki** to authorize the letting of bids for construction of water treatment facilities. Motion passed 5 - 0.

AUDIENCE PARTICIPATION

Al Liane, 4809 SE Monroe, spoke regarding street maintenance. He commented on the streets east of 42nd Ave. which were in need of repair.

Jim Backenstos, 3626 Harrison, spoke regarding the Clackamas Review article. He said his group was willing to work with the City Council, but the Council was not willing to work with residents and did not have legitimate reasons. The City authorizes legislation without consent of residents. The amendment to the Council rules muzzles the public. He expressed the hope that the Council would incorporate Concerned Citizens in the CUAC.

Ron Kinsella, 11957 SE 34th, addressed Council regarding Milwaukie Festival Daze. June 22, 23, and 24 change because of scheduling. Theme: Milwaukie -- Then and Now. He said that he and Joe Bernard endorsed the sale of revenue bonds and the construction of treatment towers. Helps control own destiny.

Mart Hughes, 3006 SE Washington, spoke regarding an alledged landslide on a slope at the Kellogg Lake Apartments construction site. He said he believed measures must be taken to ensure safe construction. **Dick Bailey** said information would be relayed to the Ctiy Council from the Building Official.

Kent Frutiger said that some of the footings at the site were at obtuse angles.

OTHER BUSINESS

Consideration of Findings Regarding Appeal of Kellogg Lake Apartments

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to adopt a set of findings for the denial of AP-CU-89-02 for the Kellogg Lake Apartments. **Collins** said the findings supported the January 16, 1990, Council denial of a request to overturn a modification of a development condition that had been adopted by the City of Milwaukie Planning Commission. The findings adequately support the Council decision of the previous meeting. She said that it would be necessary to ensure that erosion control methods are in place as brought to Council's attention by **Hughes**.

Councilmember Fitzgerald said that a project manager had told him that the french drain system was blocked. He asked if the City were following up on inspection responsibilities at the site. **Collins** said she believed the City was.

Mayor Hall said he felt the Council was not comfortable in adopting the findings before a report was made. **Bartlett** said that after the previous hearing during which allocations were made that inspection were not made, staff confirmed that there were inspection records.

Tim Ramis, City Attorney said that it is imperative that parties observing such activities inform City staff, immediatily. It is not appropriate to wait until the Council meeting to present the information.

There was a Council consensus to continue this until more information was available.

Withdrawal of Annexed Properties from Clackamas Water District - Ordinance, second reading.

It was moved by **Councilmember Lomnicki** and seconded by **Councilmember Sandusky** to read the ordinance withdrawing portions of Clackamas Water District from the District for the second time by title only. Motion passed 4 - 0 with the following vote: **Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky and, Councilmember Richmond** aye; no nays; **Councilmember Fitzgerald** abstaining. The ordinance was read for the second time by title only.

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to adopt the ordinance. Motion passed with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky and, Councilmember Richmond aye; no nay; Councilmember Fitzgerald abstention.

ORDINANCE NUMBER 1677:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON
WITHDRAWING PORTIONS OF CLACKAMAS WATER
DISTRICT FROM THE DISTRICT.**

Amendment to Council Rules - Ordinance, second reading

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to adopt an amended ordinance setting the order of business for Council meetings. He noted that Audience Participation was moved forward to the end of Public Hearing section.

It was moved by Councilmember Richmond and seconded by Councilmember Sandusky to read the ordinance amending the order of business for Council meetings for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, Councilmember Richmond, and Councilmember Fitzgerald aye; no nay; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Richmond and seconded by Councilmember Sandusky to adopt the ordinance. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, Councilmember Richmond, and Councilmember Fitzgerald aye; no nay; no abstentions.

ORDINANCE NUMBER 1678:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING SECTION 2.04.140(A) OF THE MILWAUKIE
MUNICIPAL CODE.**

Consideration of Investment Policy - Resolution

Jerri Widner, Finance Director, presented the staff report in which the City Council was requested to adopt a resolution establishing the investment policy of the City and requesting review by the Oregon Short Term Fund Board. This was in response to the auditor's letter in which the City was advised to prepare an investment policy. The policy she suggested emphasized safety and liquidity. She said the purpose of the policy was to increase investment flexibility, reduce investment risk, and improve the governing bodies' understanding of the investment process.

Councilmember Richmond asked if the policy conformed with State guidelines. Widner responded that it did, and the State encouraged cities to develop an investment policy.

It was moved by **Councilmember Lomnicki** and seconded by **Councilmember Richmond** to adopt the resolution establishing the investment policy for the City. Motion passed 5 - 0 with the following vote: **Mayor Hall, Councilmember Lomnicki, Councilmember Sandusky, Councilmember Richmond, and Councilmember Fitzgerald** aye; no nay; no abstentions.

RESOLUTION NUMBER 3-1990:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING AN INVESTMENT POLICY.

Consideration of Amendment to Resolution 42-1989 Calling Improvement Bonds - Resolution

Jerri Widner, Finance Director, presented the staff report in which the City Council was requested to adopt a resolution amending Section 3 of Resolution 42-1989. **Widner** explained the Section 3 refers to a call date of October 1, 1990, while the Exhibit refers to a call date of April 1, 1990. Bond Counsel advised amending Section 3. Corrects prior resolution and does not change exhibits.

It was moved by **Councilmember Lomnicki** and seconded by **Councilmember Fitzgerald** to adopt the resolution amending Section 3 of Resolution 42-1989. Motion passed 5 - 0 with the following vote: aye; nay; abstentions.

RESOLUTION NUMBER 4-1990:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING SECTION 3 OF RESOLUTION 42-1989 CALLING IMPROVEMENT BONDS.

Formation of City Utility Advisory Committee - Ordinance

Dick Bailey, Public Works Director, presented the staff report in which the City Council was requested to adopt either an ordinance or a resolution establishing a Citizens Utility Advisory Committee.

This committee would work with City staff on capital improvement programs and rate structures. The staff prepared two options: one by ordinance, and one by resolution. The City has a history of establishing boards and commissions by ordinance, but most cities have not used this method.

Councilmember Fitzgerald said he understood that the committee would discuss more than utility fees. If the group were to include franchises, then would it not be more appropriate to have the City Manager or the Assistant to the City Manager staff the committee.

Councilmember Lomnicki said the duties should be more specifically outlined.

Mayor Hall said that it should first be established if more than water rates be considered by this group. **Bartlett** said franchise fees would probably not be advisable to include in the scope of this group. There is a hearing process established for garbage rates and cable franchise is deregulated. The phone franchise is being regulated and defined by the State and has a specific process. Water, sewer, drainage, and streets had been considered to be the elements to be considered by the CUAC. The garbage rate review is standard with the County and the City--goes through a thorough review. Metro is also involved in the setting of rates.

Councilmember Sandusky said she did not feel this was appropriate. It was the consensus of Council to include water, sewer, drainage, and streets in the scope of the committee's duties. **Councilmember Richmond** asked if the solid waste rate review be part of the duties. **Mayor Hall** said there was a citizen involvement process in the garbage rate review.

Councilmember Lomnicki suggested that language be added: stating that under membership all citizens be at large "7 members appointed by city council with all positions shall be citizens at large with emphasis on obtaining broad representation from various groups and incorporating resident of city throughout term."

Councilmember Sandusky moved for resolution and seconded by **Councilmember Fitzgerald**. Motion passed 5 - 0.

Consideration of Summer 1990 Street Overlay Project

Dick Bailey, Public Works Director, presented the staff report in which he discussed the streets that would receive significant maintenance efforts during the year. The staff will apply an overlay and bring streets up to full city standards with curbs. He reviewed the criteria questions. What streets would be benefitted by a 2" overlay? Is storm drainage available? Could an effective bid package be prepared by combining certain streets in a network? What other utility repairs are needed, so that sewer, water and street programs were being coordinated.

The major emphasis will be on streets in the Sellwood area which were constructed over 20 years ago. If nothing is done now, base reconstruction will be necessary within the next few years. Another project would bring 32nd Avenue up to full City standards. Other projects were being done to include the installation of curb and gutter for the diversion of surface storm water. **Al Liane** asked for the major reason for no work being done east of 42nd Ave. **Bailey** said it was the lack of storm drainage.

Councilmember Richmond asked about the effectiveness of the two-year old overlays on Lake Road. **Bailey** said that water main break had caused some problems on Lake Road. He said that the off-center center line was causing some other problems because of the heavy truck and bus traffic on Lake Road.

Councilmember Fitzgerald asked why 32nd Ave chip seal of three years ago had failed. **Somers** said the oil in the overlay had been bleeding out, but would help in the overlay process.

Councilmember Lomnicki asked if he could have graphically represented the effectiveness of the projects and the condition of some of the existing streets. **Bailey** said this would be displayed in the CIP discussion at the next Council meeting.

Councilmember Fitzgerald asked if the City were to annex, would funds be diverted. **Bailey** said that the City would receive funds from the County to assist in street improvement. **Councilmember Fitzgerald** asked if funds would be taken from designated projects. **Bailey** said that these projects would be in the fourth year program of the the CIP. Funds would not be diverted from existing projects. Reviews of the CIP will be done annually to add a fourth year project. The city will have to be flexible to consider safety hazards, but otherwise annexation projects will be considered in the same process as other City streets.

Councilmember Lomnicki said that key to improvements on underdeveloped streets was to install storm drainage system. He expressed concern that areas in Ardenwald might never get to an improved state of repair--because they are far outside the infrastructure system.

Bailey used the Ochoco storm drainage system as an example. It would open up 25 acres of developable land. But Ardenwald property above this project drains into this area. After 1992-93 storm drainage improvements, the Ardenwald area will be bracketed by a diversion system. After that time, the streets will be improved.

Al Liane asked where Lake Monroe had gone. **Bailey** replied that it had been pumped into the sewer system. Although there was a cost involved in pumping storm water into the sewer system, it was considered prudent for the safety of the neighborhood. **Bailey** said that Railroad Avenue drainage problems would have to be solved before Monroe can be reconstructed properly, and federal funds will be necessary to do the Railroad project effectively.

Meeting of Local Contract Review Board

Dan Bartlett, City Manager presented the second request to solicit written proposals for a City-wide integrated computer system. Funds have been budgeted by the Budget Committee for each of the departments.

Councilmember Fitzgerald asked if the entire system could be integrated. **Bartlett** said that the request was for an integrated fully compatible system.

Councilmember Lomnicki asked if the City system would be integrated with City of Portland and Clackamas County for transfer of data. **Bartlett** said this is one element of the proposal.

It was moved by **Councilmember Fitzgerald** and seconded by **Councilmember Sandusky** to approve the letting of bids for a City-wide integrated computer system. Motion passed 5 - 0 with the following vote: aye; nay; abstentions.

INFORMATION

Councilmember Lomnicki asked about letter regarding traffic questions within the City. **Bartlett** responded that both issues had been referred to the Traffic Safety Commission.

Council asked **Bartlett** to report on the METRO Parks Forum meeting.

Mayor Hall announced the Clackamas County Legislative Forum

February 15th at 1:30 P.M. Councilmember Lomnicki said he was planning to attend.

Clackamas Community College Operating Levy

Mayor Hall said the College had requested endorsement by the City Council. Bartlett said there was one concern with the college levy to do with the Milwaukie Center and adult education. This would apparently limit the number of adult education hours. Limit to 200 hours per center. Bartlett said this should be negotiated because the Milwaukie Center is one of the major service centers within the CCC area.

It was the consensus of Council to direct staff to report on this at Feb. 20 meeting.

Bartlett discussed the possibility of Wellhead Protection Data Management Pilot Program in which funds might be available through a grant to aid in the cleanup of the water system. Would be a source of funds. Councilmember Lomnicki said he would agree with this if it enhanced the PTI Study and solution to City problems if City funds were required to improve. It was the consensus of Council to agree with this.

CONSENT AGENDA

It was moved by Councilmember Sandusky and seconded by Councilmember Fitzgerald to adopt the Consent Agenda which consisted of the City Council Minutes of January 16, 1990. Motion passed 5 - 0 with the following vote: aye; nay; abstentions.

Mayor Hall announced that the City Council would meet in executive session pursuant to ORS 192.660(1)(e).

ADJOURNMENT

Mayor Hall adjourned the meeting at 8:46 PM

Pat Dullal