

**MILWAUKIE
CITY COUNCIL MEETING
JULY 10, 1990**

The one thousand six hundred and third meeting of the Milwaukie City Council was called to order 6:57 PM at 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
Phil Grillo,
City Attorney
Charlene Richards,
Assistant to the
City Manager
Jerri Widner,
Finance Director

Maggie Collins,
Community Development Dir.
Paul Roeger,
Acting Public Works Dir.
Dave Krogh,
Associate Planner
Kelly Somers,
Public Works Superintendent
Pat DuVal,
Executive Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

City Manager's Report

Dan Bartlett, City Manager, discussed the City Council goals which had been accomplished during the seventeen months he had been employed as City Manager. Among those programs established were code enforcement, sidewalk improvement, property acquisition, parks maintenance, and City revenue enhancement. He discussed additional programs which would be addressed during the next fiscal year.

Report on Water Treatment Towers

Maggie Collins, Community Development Director, presented the staff report which reviewed the final site plan and preliminary landscape plans for the water treatment tower projects.

Collins said two sites had been proposed for the packed air tower installation. These sites are Well #4 at 3329 SE Railroad Ave. and Wells #2 and #4 at 3806 SE Harvey. She said these wellsite plans were designed to combine public facilities and enhance City property landscaping.

Collins said these plans emphasized public safety through security lighting and fencing. The City would maintain any possible existing natural landscaping and add landscaping to provide a buffer area to the residences.

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Don Trotter, Planning Commissioner, asked the location of the chlorine contact chamber. **Jim Helton**, Cunningham Associates, replied that the underground chamber would be located under the paved area. He added that this type of chamber was not required by law at this time, but could be installed at a future date.

John Hager, 2720 SE Washington, spoke regarding well #4. He said this site was part of the Spring Creek System, and undesirable changes were occurring in the quality of water.

Bartlett suggested that the Planning Commission and the City Council recess and reconvene as two separate groups. The Planning Commission would consider the final landscaping, and the City Council would make the final decision on the sale of the revenue bonds.

PUBLIC HEARING

Continuation of Ochoco Local Improvement District Consideration

Mayor Hall called the public hearing on the establishment of a local improvement district for storm drainage in the area of Ochoco Street and McLoughlin Boulevard to order at 7:38 PM. He explained the hearing was a continuation of the public hearing held on June 19, 1990. The public testimony portion of the hearing was closed on June 19. Because staff was responding to certain issues regarding the list of benefitted properties, additional limited testimony would be allowed.

Mayor Hall said the purpose of the hearing was to consider a proposed ordinance which, if adopted, would establish a local improvement district for storm drainage and set assessments for benefitted properties within the district.

Staff Report: **Maggie Collins**, Community Development Director, presented the staff report in which the City Council was requested to adopt an ordinance forming the Ochoco Storm Drainage LID. Two questions had been asked at the previous hearing. In response to the first question, **Collins** said the City's total cost for the project was \$117,000. The concerns raised by Mr. Kremer regarding runoff from an adjacent property had been addressed by Jim Helton. Although the benefitted property adjacent to Kremer's was within Portland and could not be assessed by the City of Milwaukie, the concern was on file and can be tracked by City staff.

Councilmember Lomnicki asked if the State could take responsibility for its own property in this project. **Helton** said if the State were doing this project, they would install a 21" pipe, and the City is installing a 48" pipe. The State is therefore paying the City the amount they would have actually spent.

Mayor Hall closed the public hearing at 7:44 PM.

It was moved by Councilmember Lomnicki and seconded by Councilmember Fitzgerald to read the ordinance forming the Ochoco Storm Drainage LID for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions. The ordinance was read the first time by title only.

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

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

ORDINANCE NUMBER 1685:

AN ORDINANCE OF THE CITY OF MILWAUKIE AUTHORIZING THE CONSTRUCTION OF A STORM DRAINAGE SYSTEM AND ESTABLISHING A LOCAL IMPROVEMENT DISTRICT IN THE AREA OF OCHOCO STREET AND MCLOUGHLIN BOULEVARD.

AUDIENCE PARTICIPATION

John Hager, 2720 SE Washington, addressed City Council regarding Spring Creek. He stated that during construction of the Milwaukie Marketplace, the City Council, Planning Commission, and developer had told residents along Spring Creek that they could expect the water to remain clean. Hager said this was not the case and showed samples of water taken from Spring Creek. He requested the City Council to back up its promise for clean water and direct staff to evaluate the situation.

Mildred Rivelli and Mary Polanski, also residents along Spring Creek, agreed with Hager's statements. Rivelli entered photos into the public record of the stream condition behind the Springdale Nursery. The 1958 *Kampf v. City of Milwaukie* was cited as an agreement between the City and residents of Spring Creek.

Bartlett said City staff had reviewed the Kampf case. He said the matter had been settled out of Court. The City had agreed not to discharge storm water in certain lines leading into Spring Creek.

Jim Backenstos, 3626 Harrison, President of the Concerned Citizens, asked how many people were employed by the City of Milwaukie and how much upper management was paid in salaries and fringe benefits. Councilmember Lomnicki provided Backenstos with a copy of the 1990-91 Approved Budget.

Backenstos addressed Council regarding the suitability of the Albertsons site for a Police and Fire facility. Bartlett said that City staff had agreed to meet with Backenstos and Milt Palm regarding these concerns.

Hager said certain structural engineers had found the Albertsons building neither suitable and nor cost effective for the proposed City facility.

Mayor Hall said that no decisions had been made or agreements signed on the facility matter. Councilmember Lomnicki said this issue would be addressed completely as a plan was developed and suggested that the structural engineers with whom Backenstos had consulted give the City Council and staff a written report.

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Judy Hammerstadt, 2830 SW Park Rd., Lake Oswego, said that it was her goal as Clackamas County Commissioner to facilitate city missions by improving relationships with the county.

OTHER BUSINESS

Consideration of Water Treatment Towers

Water Revenue Bond Sale - Resolution

Jerri Widner, Finance Director, presented the staff report in which the City Council was requested to adopt a resolution providing for the issuance and sale of the water revenue bonds. It is planned that bonds be sold on Tuesday, July 17, 1990.

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

RESOLUTION NUMBER 25-1990:

A RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE OF CITY OF MILWAUKIE, OREGON, WATER REVENUE BONDS, SERIES 1990 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$1,300,000 AND RELATED MATTERS.

Approval of Underwriter for Water Revenue Bond Sale

Widner presented the staff report in which the City Council was requested to accept **Piper, Jaffray & Hopwood, Inc.** as the underwriter for the negotiated sale of the \$1.3 million water revenue bond sale. The basis of the decision was price and management fees.

It was moved by Councilmember Fitzgerald and seconded by Councilmember Sandusky to accept Piper, Jaffray & Hopwood, Inc. as the underwriter for the negotiated sale of the \$1.3 million water revenue bond issue. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

Commission Appointments

Mayor Hall and Councilmember Richmond said they did not believe it was the appropriate time to appoint members to the Citizens Utility Advisory Board.

It was moved by Councilmember Lomnicki and seconded by Councilmember Sandusky to appoint Jean Baker, Alan Fletcher, Jim Backenstos, Dave Luneke, Michael Kay, and Ralph Klein to the Citizens Utility Advisory Commission and fill staggered positions by drawing lots. Motion passed 3 - 2 with the following vote: Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky aye; Mayor Hall and Councilmember Richmond nay; no abstentions.

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Consideration of Bid Award for Quincy Addition

Paul Roeger, Acting Public Works Director, presented the staff report in which the City Council was requested to award the Quincy Addition Curb Improvement Project 1990 to Gelco, Inc. in the amount of \$47,385.00 and award the Quincy Addition Asphalt Overlay Project 1990 to K.F. Jacobsen, Inc. in the amount of \$290,600.00.

Mayor Hall asked why the bid for the curb project was substantially lower than estimated by City staff. **Roeger** said the estimate had been based upon work being done by less cost effective equipment and was therefore higher than the actual bid.

It was moved by Councilmember Sandusky and seconded by Councilmember Lomnicki to award the bid for the Quincy Addition Curb Improvement Project, 1990 to Gelco, Inc. in the amount of \$47,385.00 and the Overlay Project 1990 to K.F. Jacobsen, Inc. in the amount of \$290,600.00. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

Consideration of Street Sweeper Purchase

Kelly Somers, Public Works Superintendent, presented the staff report in which the City Council was requested to approve the lease purchase through the City of Portland of a Tymco FHD street sweeper in the total cost per year of \$65,600 for a five-year period.

Bartlett said the City had considered three lease purchase financing contracts. Security Pacific Leasing had offered an 8% lease purchase financing contract for the street sweeper and the balance of the computer equipment up to \$200,000 for terms of three, four, or five years. It was staff recommendation that City Council accept Seattle Pacific as the apparent low bidder.

It was moved by Councilmember Richmond and seconded by Councilmember Lomnicki to approve the purchase of a street sweeper through the City of Portland bid for the total yearly street maintenance amount of \$65,600 and to execute a contract with Security Pacific Leasing for lease purchase financing. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

Councilmember Fitzgerald asked that staff report on street condition of Hollywood Ave. **Roeger** said he did not believe this street was within City limits but that he would report on it.

Consideration of City Manager's Evaluation

Mayor Hall announced that the City Council had evaluated the City Manger's performance. **Bartlett's** performance was found favorable by all members of the City Council.

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It was moved by Councilmember Fitzgerald and seconded by Councilmember Sandusky to find City Manager Bartlett's performance favorable and to grant a 4% pay increase effective on August 1, 1990. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

CONSENT AGENDA

It was moved by Councilmember Sandusky and seconded by Councilmember Lomnicki to adopt the Consent Agenda which consisted of the City Council Minutes of June 19 and June 29, 1990 and a liquor license application for RJ's Food & Drink. Motion passed 5 - 0 with the following vote: Mayor Hall, Councilmember Lomnicki, Councilmember Fitzgerald, Councilmember Sandusky, and Councilmember Richmond aye; no nays; no abstentions.

Mayor Hall announced that pursuant to ORS 192.660, the City Council would meet in Executive Session at the end of the regular session.

ADJOURNMENT

Mayor Hall adjourned the meeting at 9:28 PM

EXECUTIVE SESSION - PROPERTY ACQUISITION

Mayor Hall called the Executive Session to order concerning the potential purchase of two properties. City Manager Bartlett informed the Council that the City's agent had determined the ownership of the properties and the asking prices. Councilmembers discussed the prices and advised staff to make a counter offer.

The session was adjourned at 9:45 PM.

Pat DuVal
Dr. Bartlett