

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
APRIL 2, 1991**

The one thousand six hundred and twenty-first meeting of the Milwaukie City Council was called to order at 6:59 PM in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,  
Mayor  
Roger Hall

Jean Schreiber  
Chere' Sandusky  
Bob Knudson

Also present:

Charlene Richards,  
Assistant to the  
City Manager  
Bill Monahan,  
City Attorney  
Maggie Collins,  
Community  
Development Director

Tim Corbett,  
Public Works Director  
Paul Roeger,  
Office Engineer  
Pat DuVal,  
Executive Secretary

**OATH OF OFFICE**

Judge Ron Gray administered the Oath of Office to Roger Hall for Council Position #1.

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Mayor Lomnicki read a statement in which he apologized for his actions toward Jim Backenstos at the previous Council meeting. He reviewed proposed guidelines and rules of conduct and behavior for City Council meetings. He said these would be available for public information at each meeting.

**PUBLIC HEARING**

**Supplemental Budget Adoption - Resolution**

Mayor Lomnicki explained the purpose of the hearing was to consider a resolution which would adopt the supplemental budget for 1990-91. He said the Budget Committee had reviewed the proposed supplemental budget and recommended adoption.

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to adopt a resolution adopting the supplemental budget for 1990-1991. She said the resolution included recognition of ending balances, revenues not previously in the budget, fleet services fund, and other housekeeping measures.

It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to adopt the resolution adopting the supplemental budget for 1990-1991.

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**Bill Monahan**, City Attorney, said he believed the public hearing should be called to order.

**It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to rescind the motion adopting the resolution adopting the supplemental budget for 1990-1991. Motion passed 5-0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.**

**Mayor Lomnicki** called the public hearing on consideration of the supplemental budget for 1990-91 to order at 7:06 PM.

Mayor Lomnicki reviewed the conduct of the hearing.

Audience Testimony: **Jim Backenstos** said he would support the needs of the City, but would oppose excessive taxes on behalf of the residents.

Staff Comments: None.

Questions of Clarification: None.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing adoption of the supplemental budget for 1990-91 at 7:09 PM

Discussion among Councilmembers:

**It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to adopt the resolution recognizing revenues and making appropriations for a supplemental 1990-91 budget. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky and Councilmember Knudson aye; no nays; no abstentions.**

**RESOLUTION NO. 8-1991:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, RECOGNIZING AND MAKING APPROPRIATIONS FOR A SUPPLEMENTAL 1990-91 BUDGET.**

**It was moved by Councilmember Hall and seconded by Councilmember Schreiber to adopt the resolution closing an unused fund for fiscal year 1990-91. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.**

**RESOLUTION NO. 9-1991:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CLOSING AN UNUSED FUND FOR FISCAL YEAR 1990-91.**

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**AUDIENCE PARTICIPATION**

**Jim Backenstos**, 3626 Harrison, spoke regarding the Council meeting decorum. He discussed wetlands and his concern with the type of land fill material which might be used within the City limits. He also discussed the possibility of a river taxi; parking along Lake Road; soil test of fill material at McLoughlin/Johnson Creek jughandle; engineering report of outfall of Johnson Creek and projected runoff and possible need of dredging and siltation at the mouth of the creek; and civil defense and the need for an overpass on Hwy. 224 at 37th Avenue.

**Tim Corbett**, Public Works Director, suggested that Backenstos contact Maggie Collins who is a participant in the Johnson Creek Study Committee. He said he was researching easement information which Backenstos had requested, but he required more details to complete the project.

**OTHER BUSINESS**

**Consider Appropriation of Contingency 1990-91 - Resolution**

**Charlene Richards**, Assistant to the City Manager, presented the staff report in which the City Council was requested to adopt a resolution appropriating contingency for fiscal year 1990-91. The appropriation covers the cost of the general employee compensation implementation.

It was moved by Councilmember Schreiber and seconded by Councilmember Hall to adopt the resolution appropriating contingency for fiscal year 1990-91. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

**RESOLUTION NO. 10-1991:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROPRIATING CONTINGENCY FOR FISCAL YEAR 1990-91.**

**Consider Authorizing City Manager to Sign a Supplemental Construction Agreement with Southern Pacific Transportation - Resolution**

**Paul Roeger**, Office Engineer, presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to sign a supplemental agreement with Southern Pacific Transportation Company extending the original agreement construction start deadline to September 9, 1991. He said environmental issues had been resolved, and construction can begin.

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It was moved by Councilmember Hall and seconded by Councilmember Knudson to adopt the resolution authorizing the City Manager to sign a supplemental agreement with Southern Pacific Transportation Company. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

## RESOLUTION NO. 11-1991:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON, AUTHORIZING THE CITY MANAGER TO SIGN ON BEHALF OF THE CITY A SUPPLEMENTAL AGREEMENT WITH THE SOUTHERN PACIFIC TRANSPORTATION COMPANY WHICH EXTENDS THE TIME TO BEGIN CONSTRUCTION ON AN EASEMENT AGREEMENT WHICH PERMITS THE CONSTRUCTION, MAINTENANCE, AND OPERATION OF A THIRTY-SIX INCH STORM DRAIN CROSSING RAILROAD PREMISES AT THE EAST END OF SE OCHOCO STREET.**

Consider Bid Award for Olsen to Roswell Storm Drain Project

Paul Roeger, Office Engineer, presented the staff report in which the City Council was requested to award the bid on the Olsen to Roswell storm drain project. He said the project was a continuation of the Ochoco project. He provided Council with a summary of the three lowest bids. Roeger said staff recommended that the bid be awarded to Werbin West Contracting, Inc. for Schedule "C" of the bid proposal in the amount of \$108,861.00.

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to award the bid on the Olsen to Roswell storm drain project to Werbin West Contracting, Inc. for Schedule "C" of the bid proposal in the amount of \$108,861.000. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

Consider Bid Award for Ochoco Storm Drain Project

Paul Roeger, Office Engineer, presented the staff report in which the City Council was requested to award the bid on the Ochoco Street storm drain project. He said ten bids had been received on two alternatives, concrete and corrugated. Jim Helton, consultant with Cunningham & Associates provided a memo and tabulation of the bids. It was recommended that the bid be award to Copenhagen Utilities and Construction, Inc. for schedule "B" in the amount of \$397,710.00.

Councilmember Sandusky said according to the staff memorandum, Council should have considered these bid awards as the Local Contract Review Board.

Monahan said he believed Councilmember Sandusky was correct.

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It was moved by Councilmember Sandusky and seconded by Councilmember Hall to rescind the motion awarding the bid to Werbin West Contracting, Inc. for the Olsen to Roswell Storm Drain. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

Mayor Lomnicki recessed City Council and reconvened as the Local Contract Review Board.

It was moved by Councilmember Sandusky to award the bid for Olsen to Roswell Storm Drain to Werbin West Contracting, Inc. for Schedule "C" of the bid proposal in the amount of \$108,681.00.

Monahan advised that City Council considered bid awards, and that Council should reconvene.

Mayor Lomnicki recessed the Local Contract Review Board and reconvened City Council.

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to award the bid on the Olsen to Roswell storm drain project to Werbin West Contracting, Inc. for Schedule "C" of the bid proposal in the amount of \$108,861.000. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to award the bid on the Ochoco storm drain project to Copenhagen Utilities & Construction, Inc. for Schedule "B" of the bid proposal in the amount of \$397,710.00. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

**Consider Bid Award for 17th Avenue Sanitary Sewer Extension**

Paul Roeger, Office Engineer, presented the staff report in which the City Council was requested to award the bid on the 17th Avenue Sanitary Sewer Extension project. He said funds were available for the project and recommended that the bid be awarded to John Arnold Company in the amount of \$38,059.00.

Councilmember Schreiber asked if this were a balancing act since the Ochoco project came in under engineer's estimates. Roeger said it was not. He said the project had not been budgeted, but that staff had determined that this project should be done prior to the McLoughlin Corridor Phase 1 construction.

Councilmember Knudson asked if the City had previously done business with the contractor. Roeger said the City has contracted with John Arnold Company before.

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to award the bid on the 17th Avenue Sanitary Sewer Extension project to John Arnold Company in the amount of \$38,059.00. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

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**Mayor Lomnicki** reviewed the process of the City Council as the Local Contract Review Board.

**Consider Sidewalk Repair Permit and Inspection Fees**

**Tim Corbett**, Public Works Director, presented the staff report in which the City Council was requested to waive all permit and inspection fees for repairs to existing sidewalks. He said this would be done in the time frame of June 1, 1991, to June 1, 1992.

**Corbett** said the Public Works Department was developing a right-of-way inventory program. Residents would receive letters in June regarding repairs and asking for voluntary compliance. He said permit and inspection fees had been discussed with the Citizens Utility Advisory Commission. That group said they believed that residents perceive this as a way to get additional revenue for the City and not as providing a particular benefit to the City. **Corbett** said he believed there would be an increased level of voluntary compliance if the sidewalk repair and inspection fees were waived effective June 1, 1991 for a one year period.

**Councilmember Knudson** asked who would determine if a resident needed financial help in sidewalk repair. **Corbett** said the City would develop a list of residents needing financial aid. He said the County would probably review any CDBG fund requests from Milwaukie residents.

**Richards** said there were certain federal guidelines which would have to be met for qualification and use of CDBG funds.

**Councilmember Hall** said he believed that the CDBG funds would be turned over to the City and administered through the City.

**Richards** said it has not been decided if the City would determine the residents' eligibility of receiving funds. There are certain federal guidelines regarding such things as annual income level in order to qualify. **Richards** said the City might decide to act as project manager and work with the contractors.

**Councilmember Knudson** said he believed he should be a representative on the committee which determines Milwaukie resident eligibility for financial aid.

**Councilmember Knudson** said he wanted to volunteer his time for this project.

**Corbett** said this was a unique program, seeking voluntary repair of sidewalks.

**Councilmember Schreiber** said she hoped that the City would be aggressive in its information campaign so residents can apply for program assistance.

**Corbett** said Public Works would note the addresses of possible problems. Inspectors would follow up by going to that address and evaluating the condition of the right-of-way. **Corbett** said City property is included as a sidewalk problem area, and funds have been budgeted for repairs in the next year.

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**Councilmember Knudson** asked if the City would seek bids if the property owners cannot do their own repairs. **Corbett** said this would be considered at a later date. The City was compiling an inventory of necessary repairs at this time and informing property owners of their responsibilities. **Corbett** said he would return to Council in August or September with contracting considerations.

**It was moved by Councilmember Hall and seconded by Councilmember Knudson to approve waiving the sidewalk repair and inspection fees effective June 1, 1991, and ending June 1, 1992. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.**

**Commission Appointment**

**Councilmember Hall** nominated **Mitch Wall** as the regular representative to the North Clackamas Regional Park and Recreation District, Regional Park Advisory Board from the Milwaukie Center/Community Advisory Board.

**It was moved by Councilmember Hall and seconded by Councilmember Schreiber to appoint Mitch Wall as the regular representative to the North Clackamas Regional Park and Recreation District, Regional Park Advisory Board from the Milwaukie Center/Community Advisory Board. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.**

**Councilmember Schreiber** nominated **Ott Girtler** as the alternate representative to the North Clackamas Regional Park and Recreation District, Regional Park Advisory Board from the Milwaukie Center/Community Advisory Board.

**It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to appoint Ott Girtler as the alternate representative to the North Clackamas Regional Park and Recreation District, Regional Park Advisory Board from the Milwaukie Center/Community Advisory Board. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.**

**Consider Center/Community Advisory Board Request on Fixed Route Senior Shuttle**

**Charlene Richards**, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider Center/Community Advisory Board concerns about the fixed-route senior shuttle service.

**Mayor Lomnicki** said he believed the City should also seek support from the Parks District on this issue. The Center will be serving more County residents after expansion.

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**Councilmember Hall** asked if there were a continuing need for the service. **Richards** said there was a continuing need for transportation for the elderly and handicapped to the Center. She said the needs of the handicapped must be met but not diminish the needs of Center clients.

**Bee Hall**, 3695 Harvey, said this was a transportation issue. She said seniors use the shuttle not only for Center use, but also for travel to doctors and shopping.

**Councilmember Schreiber** asked if this route were handled differently than other fixed routes. **Hall** said this was not Tri-Met, but a contract service. **Richards** added that unlike other fixed routes, this one is sometimes changed.

**Councilmember Schreiber** said a City representative should say that they are concerned that a fixed route is not a really a fixed route.

**Mayor Lomnicki** said this route should not be eliminated on September 1, 1991. He suggested that the City send its statement to Tri-Met and send a copy to the Parks District for support.

It was moved by **Councilmember Hall** and seconded by **Councilmember Schreiber** that the City request discussion and joint planning with Tri-Met not only for continued services, but also to improve services to better meet the present need; and that the City pursue avenues to ensure that the amount presently budgeted for the Milwaukie Center service area remain in our service area for the same clientele. Motion passed 5 - 0 with the following vote: **Mayor Lomnicki**, **Councilmember Hall**, **Councilmember Schreiber**, **Councilmember Sandusky**, and **Councilmember Knudson** aye; no nays; no abstentions.

Meeting of the Local Contract Review Board to Consider Letting of Bids for 1991-1992 CIP Paving Program

**Mayor Lomnicki** recessed the City Council at 8:20 PM and reconvened as the Local Contract Review Board at 8:20 PM.

**Tim Corbett**, Public Works Director, asked for permission to go to bid for the 1991-1992 CIP which includes overlays to Linwood Avenue and the remainder of the Cedarcrest area to Monroe Street.

It was moved by **Councilmember Hall** and seconded by **Councilmember Sandusky** to approve the letting of bids for the 1991-1992 CIP paving program. Motion passed 5 - 0 with the following vote: **Mayor Lomnicki**, **Councilmember Hall**, **Councilmember Schreiber**, **Councilmember Sandusky**, and **Councilmember Knudson** aye; no nays; no abstentions.

**Mayor Lomnicki** adjourned the Local Contract Review Board at 8:23 PM and reconvened the City Council at 8:23 PM

**CONSENT AGENDA**

It was moved by **Councilmember Hall** and seconded by **Councilmember Sandusky** to approve the Consent Agenda which consisted of the City Council Minutes of March 19, 1991. Motion passed 5 - 0 with the following vote: **Mayor Lomnicki**, **Councilmember Hall**, **Councilmember Schreiber**, **Councilmember Sandusky**, and **Councilmember Knudson** aye; no nays; no abstentions.

**CITY COUNCIL MINUTES - APRIL 2, 1991****INFORMATION****Oak Lodge Milwaukie Study Group**

**Richards** said there was a report available from Dan Olsen, Fire Chief, regarding the fire study group.

**ADJOURNMENT**

**Mayor Lomnicki** announced an executive session pursuant to ORS 192.660(1)(a) to consider employment of staff.

**Mayor Lomnicki** adjourned the meeting at 8:25 PM

*Pat DuVal*

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Pat DuVal, Executive Secretary

