

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JUNE 18, 1991**

The one thousand six hundred and twenty-sixth 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:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Tim Ramis,
City Attorney
Maggie Collins,
Community
Development Director

Tim Corbett,
Public Works Director
Don Robertson,
Parks and Recreation
Coordinator,
Pat DuVal,
Recorder/Executive
Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Lomnicki announced that the City of Milwaukie Police Department had received a grant from Rotary for the D.A.R.E. program. The Drug Abuse Resistance Education (D.A.R.E.) Program teaches children why and how to refuse drugs. The six Milwaukie elementary schools are involved in the program.

PUBLIC HEARING

1991-1992 Budget Hearing

Mayor Lomnicki called the public hearing on consideration of the budget for 1991-1992 to order at 7:01 PM.

Mayor Lomnicki reviewed the purpose of the hearing which was to consider adoption of the 1991-1992 Budget for the City. This included passage of an ordinance and resolution which allowed the City to receive state revenue sharing funds and passage of a resolution adopting the budget. The Budget Committee had reviewed the proposed budget and has recommended adoption.

Mayor Lomnicki reviewed the order of business in conducting the hearing.

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Staff Report: Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider adoption of an ordinance declaring the City's election to receive State revenues; a resolution stating the services provided for State revenue sharing; and a 1991-1992 Budget resolution in the amount of \$22,045,753, making appropriations, and levying property taxes in the amount of \$3,936,568.

Bartlett said each year the City of Milwaukie receives approximately \$75,000 from the state in revenue sharing. In order to receive that money, the City must adopt the ordinance electing to receive these funds and designate the areas in which the funds will be spent for services. The City of Milwaukie uses the most of the revenues for Police and Fire Services.

Bartlett said that the second portion of the hearing was adoption of the budget, make appropriations, and declare the ad valorem levy for the fiscal year, 1991-1992. On May 15, 1991, the Budget Committee approved the 1991-1992 Budget. The resolution appropriating the budget includes adjustments to that budget based on the preliminary May printout and information that was not available when the Budget Committee approved the budget. These changes included the delivery of furniture that will arrive after the end of the 1990-1991 fiscal year for administration and finance; Metro recycling grant funds; addition to data processing capital outlay; and reduction of 9-1-1 reserves.

Correspondence: No correspondence had been received on this matter other than those items included in the agenda materials.

Testimony in Support: None.

Testimony in Opposition: Mitch Wall, 3385 Aldercrest Rd., spoke as a representative of the Center/Community Advisory Board. He requested that the Budget include funds for a full time Volunteer Coordinator and full time Community Services Clerk and provide \$5,500 for the Loaves and Fishes van. He requested that the City fund these positions and the transportation program until pass-through funds were obtained from the Parks District.

Wall discussed the need for a full time Volunteer Coordinator to help organize the volunteer program upon which the Center was dependent. He said the volunteers need to be effectively managed, motivated, trained and recognized. He said a staff member must have the time to evaluate the needs of the program. Wall said that staff has been unable to target time and energy to the volunteer positions.

Wall discussed the need for a full time Community Services Clerk. This position is responsible for production of the Center newsletter, coordinates building use, and the only clerical staff member at the Center. Wall said he believed that with Center use increasing the position should be full time.

Wall discussed the funds needed to maintain the fixed route senior shuttle. He said until recently, Tri-Met provided money for this program, but now funds were going to handicapped transportation programs. Wall said the Center/Community Advisory Board was requesting \$5,500 to continue the Loaves and Fishes van service.

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Wall said the total request was \$31,500. He urged the City to provide funds for these programs and to supply the much needed services. The total of the request would be \$31,500.

Councilmember Schreiber asked why these requests had not been made earlier before the Budget Committee.

Wall said the Center/Community Advisory Board had not known that Tri-Met was eliminating funding for the shuttle services. He said the committee had not been aware that these requests might be made and possibly met.

Neutral Testimony: None.

Staff Comments: **Bartlett** said this was a year of transition into the Parks District. The Parks and Center funds have been moved from the General Fund. The County taxes are not yet in, and funds are being loaned from the Water Fund. **Bartlett** said if the Council were to consider the proposal, the City would have to look at going back to the Budget and trade positions, for example a Police Officer or Firefighter. He said decisions would have to be reprioritized.

Bartlett agreed that the \$5,500 for the Loaves and Fishes van was a valid emergency. He suggested that this amount be taken from Contractual Services in the general government account.

Councilmember Schreiber asked for clarification of the custodian position.

Bartlett said the custodian had been funded by the Finance Department in previous budgets. It was agreed in negotiations that the County would fund that position. He added that the City was looking at the feasibility of contracting for services with the School District. **Bartlett** said that based on percentage of use, the City would pay for 1/4 of the janitorial services from the General Fund.

Councilmember Schreiber asked if these requests could be reconsidered when funds are received from the County.

Bartlett said that the City was funding certain areas of the project to get the program in operation. He said the County has indicated that it would fund these positions in the 1992-1993 Parks District Budget.

Councilmember Hall asked if staff were recommending funding of the Loaves and Fishes van and not the positions.

Councilmember Schreiber asked if the positions being discussed were in the bargaining unit.

Richards said the positions were included in the union agreement.

Councilmember Schreiber was concerned that people in these positions might be volunteering time in addition to their regularly scheduled hours.

Questions of Clarification: None.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the 1991-1992 Budget at 7:31 PM.

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Discussion among Councilmembers: Mayor Lomnicki said the first item for consideration was the ordinance electing to receive state revenues.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to read the ordinance declaring the City's election to receive state revenues for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

It was moved by Councilmember Hall and seconded by Councilmember Knudson to read the ordinance amending ordinance declaring the City's election to receive state revenues for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to adopt the ordinance declaring the City's election to receive state revenues. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1706:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
DECLARING THE CITY'S ELECTION TO RECEIVE STATE
REVENUES.**

Mayor Lomnicki announced that the next item for consideration was the resolution which identified the services the City provides in order to receive state revenues.

It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to adopt the resolution stating services provided for state revenue sharing. 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. 19-1991:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, STATING SERVICES PROVIDED FOR
STATE REVENUE SHARING.**

Mayor Lomnicki announced that the final item for consideration was the resolution adoption the 1991-1992 budget.

Councilmember Hall asked if a motion would be appropriate if Council chose to act upon staff recommendation regarding Center/Community Advisory Board requests.

Bartlett said this was correct. He said if the City Council chose to make \$5,500 available for the Loaves and Fishes van, that it should be done at this time.

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It was moved by Councilmember Schreiber and seconded by Councilmember Hall that \$5,500 from the General Fund contractual services be allocated for the Loaves and Fishes Van. 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 said she believed that the part time positions should be made full time, but it was possible with this budget. She said she believed that this should be done when negotiations were begun with Clackamas County.

It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to adopt the resolution adopting the budget, making appropriations and declaring the ad valorem tax levy for fiscal year 1990-1991.

Mayor Lomnicki said he agreed with Councilmember Schreiber's comments. He said he understood that these positions were critical positions to the operation of the Center, but that it was not possible to increase the funding at this time. He said he believed that this would be accomplished when the Center expanded and services increased.

Councilmember Schreiber said she believed that the County should fund these positions and the City would pursue this during negotiations.

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. 20-1991:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE BUDGET, MAKING APPROPRIATIONS AND DECLARING THE AD VALOREM TAX LEVY FOR FISCAL YEAR 1990-1991.

Consider Amendment to Municipal Code Regarding System Development Charges - Ordinance and Resolution

Mayor Lomnicki called the public hearing on consideration of an ordinance and resolution implementing new system development charges to order at 7:42 PM.

Mayor Lomnicki reviewed the purpose of the hearing which was to consider an ordinance and supporting resolution which would implement new system development charges for the City. He explained that recent legislation required the City to review its charges and develop a methodology for the charges.

Staff Report: Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider the adoption of the proposed system development charge ordinance and the supporting resolution under the emergency provision in the Milwaukie Charter and repeal Ordinance 1572.

HB Corbett said that HB 3224 required that the City review its charges and bring into compliance. The City was also required to evaluate system development charges to determine if these charges would be defined as a tax under Measure #5.

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Corbett said that the Citizens Utility Advisory Commission had reviewed the proposed ordinance and resolution and had recommended approval. He told Council that minor changes had been made to the ordinance that was distributed in the packet.

Mayor Lomnicki asked Corbett to describe these changes.

Corbett said that an emergency clause had been added to the ordinance.

Bartlett said Section 22 of the revised proposed ordinance contained the emergency clause making the effective date on or before July 1, 1991. He said this was recommended by the League of Oregon Cities. If amendments were necessary, they would be made at a later date.

Correspondence: No correspondence was received on this matter other than those items included in the agenda material.

Testimony in Support: None.

Testimony in Opposition: None.

Staff Comments: None.

Questions of Clarification: Mayor Lomnicki asked for clarification of the term "units." Corbett said this referred to an equivalent. He said this was the multiplier upon which the charges was based and referred to the table of equivalencies.

Shaun Piggot, Shaun Piggot Associates, said that the .65 unit for multiple family dwellings reflects a usually higher consumption in a single family residence.

Mayor Lomnicki asked about the references to the City Code sections in the body of the resolution. Bartlett said this would be completed after the ordinance is codified.

Close Public Testimony: Mayor Lomnicki closed the public testimony portion of the hearing on adoption of an ordinance and resolution implementing new system development charges for the City at 7:54 PM.

Discussion among Councilmembers: Mayor Lomnicki said the first order of business was to adopt the system development charge ordinance. The next order of business was to adopt the supporting resolution which would set the fees and contain the methodology for the system development charges.

It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to read the ordinance adopting an ordinance authorizing the imposition of system development charges, repealing City Code Sections 13.16.010 - 13.16.170 and 13.28.010 - 13.28.070, and declaring an emergency for the first time by title only. Motion passed with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the first time by title only.

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It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to read the ordinance adopting an ordinance authorizing the imposition of system development charges, repealing City Code Sections 13.16.010 - 13.16.170 and 13.28.010 - 13.28.070, and declaring an emergency for the second time by title only. Motion passed with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to adopt the ordinance authorizing the imposition of system development charges, repealing City Code Sections 13.16.010 - 13.16.170 and 13.28.010 - 13.28.070, and declaring an emergency. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1707:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AUTHORIZING THE IMPOSITION OF SYSTEM DEVELOPMENT
CHARGES, REPEALING CITY CODE SECTIONS 13.16.010 -
13.16.170 AND 13.28.010 - 13.28.070, AND DECLARING AN
EMERGENCY.**

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber adopt a resolution setting the amount and stating the methodology for system development charges for waste water and water services. 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. 22-1991:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, SETTING THE AMOUNT AND STATING
THE METHODOLOGY FOR SYSTEM DEVELOPMENT
CHARGES FOR WASTE WATER AND WATER SERVICES.**

AUDIENCE PARTICIPATION

Jim Backenstos, 3626 Harrison, asked that City staff investigate a whining motor noise coming from the Albertson's building. He said he believed that there as a need for code enforcement at 43rd Ave. **Backenstos** said he believed the new Police and Fire facility should have an energy conservation program. He urged that the City contact Max Whitaker with the state or PEG. He expressed concern that the cost of the facility might exceed \$5 million.

Bartlett said that the City would be energy conscious and meet at least legal minimums. He said the state and utility companies had been contacted regarding the need for cost minimization.

Mayor Lomnicki asked if staff had investigated energy conservation program. **Bartlett** said the City would be contacting these programs for both the new Police and Fire facility and existing buildings.

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OTHER BUSINESS

Addendum A Fire Agreement - Fiscal Year 91/92 Wages

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to authorize the Mayor and City Manager to sign on behalf of the City the City/IAFF Bargaining Agreement setting forth wages for fiscal year 1991/92. The amount was based on the Portland CPI-U with a 6% maximum increase.

Councilmember Hall asked if staff had the national CPI figures. Richards said she believed it was 5.8%.

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to authorize the Mayor and City Manager, on behalf of the City of Milwaukie, to sign Addendum A to the July 1, 1990 through June 30, 1993 City IAFF Bargaining Agreement setting forth wages for fiscal year 1991-92. 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 Intergovernmental Agreement with Metro for Multi-Family Recycling Assistance

Don Robertson, Parks and Recreation Coordinator, presented the staff report in which the City Council was requested to authorize the Mayor and City Manager to sign an Intergovernmental agreement with Metro to allow the City to participate in the multi-family grant process.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to authorize the Mayor and City Manager to sign a Metro Contract number 901921 to allow the City of Milwaukie to participate in the Multi-family grant process. 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 City Participation in Proposed Willamette River Master Plan

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider and approve participation in the proposed Willamette River Master Plan project. She said the group was made up of representatives Willamette River cities who were working to encourage sensitive development of the area. Collins said the City of Milwaukie would benefit through the Willamette Greenway element of the Comprehensive Plan. The process would direct Milwaukie toward green space and community use development with a potential for grant funds. She said this would offer participants with a local forum in addition to state and federal discussion.

Mayor Lomnicki said he had attended several sessions in which the participants had discussed potential tourism of the area.

Councilmember Schreiber asked if there had been any consideration as to who would represent the City in the project.

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Mary Swanson, Clackamas County Project Planner, said the County was prepared to provide the cities with a draft scope of work.

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to approve participation in the proposed Willamette River Master Plan project with \$1,750 available in the Professional Services line item of the Community Development FY 91-92 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.

Consider Letter regarding Regional Urban Growth Goals and Objectives - RUGGO

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider a proposed response to Metro concerning the RUGGO II document that had been jointly and previously reviewed by the City Council and the Planning Commission at a joint work session. She said the letter emphasized the need community identity within the region. Collins said the letter identified the issue of legal and appeal processes for the cities.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to authorize the Mayor's signing the letter to Metro concerning the RUGGO II document. Motion passed with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson aye; no nays; no abstentions.

Consider Transfer of Jurisdiction for Weiko Way and Freeman Road

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider resolutions requesting transfer of jurisdiction of Freeman Road and Weiko Way. She said the Boundary Commission would consider the annexation requests on June 27..

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to adopt the resolution requesting transfer of jurisdiction of Freeman Road between the Bowman Terrace subdivision boundary and the Milwaukie City limits from Clackamas County to the City of Milwaukie. 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. 23-1991:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE REQUESTING TRANSFER OF JURISDICTION OF FREEMAN ROAD BETWEEN THE BOWMAN TERRACE SUBDIVISION BOUNDARY AND THE MILWAUKIE CITY LIMITS FROM CLACKAMAS COUNTY TO THE CITY OF MILWAUKIE.

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It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to adopt the resolution requesting transfer of jurisdiction of Weiko Way from Clackamas County to the City of Milwaukie. 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. 24-1991:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE REQUESTING TRANSFER OF JURISDICTION OF WEIKO WAY FROM CLACKAMAS COUNTY TO THE CITY OF MILWAUKIE.

Consider Proposed Third Pressure Zone

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to approve the construction of a pumping station in the area of the Stanley reservoir for the development of a third pressure zone at an estimated cost of \$150,000. This had originally been included in a previous budget, but had been postponed because of discussions with other area water purveyors. He discussed the other alternatives investigated by the City. Corbett said this would resolve the low pressure problems in the King Road to Lloyd Street and Linwood areas. He said he believed the proposal would allow flexibility if changes were necessary in the system.

Mayor Lomnicki asked if the Citizens Utility Advisory Committee had reviewed this issue. Corbett said the committee had not reviewed the issue.

Councilmember Hall said he did not believe a Citizen Utility Advisory Committee review would be necessary. He said the need for a third pressure zone had existed for a long time.

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to approve the construction of a pumping station to develop a third pressure zone with \$150,000 for the development of the third pressure zone in the FY 91-92 Budget and authorize the bid process. 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 Cunningham Associates Contract Extension

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to authorize the City Manager to sign an addendum to the Cunningham Associates contract increasing the amount of the contract by \$45,000 for engineering services to be provided in FY 91-92. The projects with which Cunningham was working were still in progress and would like to maintain the continuity.

Bartlett said this was an addendum to the contract. Cunningham would be paid \$45,000 for FY 1991-1992 with the balance of \$111,000 for the 1990-1991 fiscal year.

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Councilmember Hall asked if this amount would include any unusual circumstances. **Corbett** said this amount would fund project already underway.

Councilmember Hall said he believed that **Cunningham** had provided excellent engineering services to the City of Milwaukie.

It was moved by **Councilmember Hall** and seconded by **Councilmember Sandusky** to authorize the City Manager to sign an addendum to the **Cunningham Associates** contract increasing the amount of the contract by \$45,000 for engineering services to be provided in FY 91-92. **Councilmember Schreiber** urged that outside contracts be monitored. 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 Water and Sewer Fund Transfers

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to approve the transfer of \$25,000 from the Water Fund Capital Project Account 7530 to the Contractual Services Account 6020. The packed towers were not completed at the time anticipated, and the City continued to purchase water from the City of Portland.

Corbett reviewed the second request of transferring \$100,000 from the Sewer Fund Capital Project Account to the Materials and Services account. He reviewed the elements of the transfers requested which were engineering services for Ochoco Storm Drain Project; unanticipated need to place drywells throughout the City; and payments to Clackamas Sewer District #1.

Mayor Lomnicki asked if there had not been an agreement that the contractors would pay the City if the packed towers were not completed on time. He expressed concern that funds were not equal to the amount that would be paid the City of Portland for water.

City Attorney Ramis said this might be set aside as a penalty. The City must set defensible level of true cost rather than a penalty. He said it was unusual to set provisions that would entirely cover the cost.

Mayor Lomnicki expressed concern that cities were not able to participate in the Clackamas Sewer District budget process. He said it would be difficult as a Council to deal with the deferment of the increase and then pass it along to the residents when the bill came due.

Councilmember Hall said this was a pass-through similar to those of Metro. He said he had participated as an ex officio member to the Clackamas Service District, but there was little public testimony. He had no voting ability in the group. The City actually has 40% of the capacity of the facility, not 40% ownership of the facility as had been understood.

Bartlett said that it was unacceptable to deal with another jurisdiction without a document stating the methodology of charges. The City must look closely at the original agreement and to press for an agreement stating basis for charges.

Ramis said the district has only the single document regarding construction of the facility and no subsequent agreements.

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Councilmember Schreiber said she was reluctant to vote to set aside these funds.

Bartlett said the City will have received the service and will be billed. He said he had discussed this with the County CEO who had indicated that there would be an idea of what the final billings would be.

Councilmember Knudson asked when the original contract was complete. Ramis said it was complete in 1977, when the final checks were signed.

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to approve the transfer of \$25,000 from the Water Fund Capital Project Account 7530 to the Contractual Services Account 6020. 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 Schreiber and seconded by Councilmember Sandusky to approve the transfer of \$100,000 from the Sewer Fund Capital Project Account 7530. The transfer includes \$18,000 to Professional Services Account 6010; \$64,000 to Contractual Services Account 6020; \$18,000 to Repair and Maintenance Facilities Account 6100; and direct staff to work closely with County to resolve issue as quickly as possible the determination of rates and billings to the City of Milwaukie. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson; no nays; no abstentions.

Commission Appointments

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to appoint Bruce Bergman to the Traffic Safety Commission. 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 Schreiber and seconded by Councilmember Hall to appoint Pat Kennedy to the 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 Appropriations Transfer to Fire Department

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider transferring \$40,000 to the Fire Department from Community Development and Police Departments. This was a result of unanticipated overtime and workers compensation costs.

It was moved by Councilmember Sandusky and seconded by Councilmember Hall to approve the transfer of \$40,000 to the Fire Department from Community Development and Police Departments. 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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Consider Appropriations Transfer from Capital Projects

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider transferring \$20,000 from capital projects to the contingency fund. He explained that many actions were a result of year-end closing. This transfer was a result of interest earnings that exceeded those anticipated.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to approve the transfer of \$20,000 from Capital Projects 11-712-8164 to contingencies 11-712-0000. 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 Recreational Services Intergovernmental Agreement with North Clackamas Parks District

Don Robertson, Parks and Recreation Coordinator, presented the staff report in which the City Council was requested to consider an intergovernmental agreement for the provision of recreational services to the North Clackamas Park and Recreation District. This was one of the objectives of the district. The City of Milwaukie has a program that is desirable to the unincorporated area of the County. This is a formalization of the contract for the reimbursement of work already performed and the provision of a current summer recreation program.

Mayor Lomnicki asked if this amount met the full amount of the City's cost. Robertson said that it did.

It was moved by Councilmember Sandusky and seconded by Councilmember Knudson to authorize the Mayor on behalf of the City to sign the agreement for recreational services between the City of Milwaukie and the North Clackamas Park and Recreation District. 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 asked for a brief report on the After School Activity Program fundraising Casino night. Robertson said approximately 100 people participated and the event had netted about \$700.

Consider Purchase of Former Chevron Station 93541, 10808 SE McLoughlin

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution authorizing the City Manager to purchase the former Chevron Station property. The City had completed the environmental assessment of the property and no potential environmental hazards were detected and further investigation was not warranted. The City has offered \$125,000 for the site, and Chevron accepted.

Councilmember Schreiber asked if the property could be used for Festival Daze. Bartlett said he was facilitating a permit between the Festival Daze Association and Chevron.

Councilmember Hall said he was pleased that the City has purchased a core property.

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Bartlett said that because the state had acquired property on the other side of McLoughlin, the City was able to average the cost of property in the area. He said Chevron was also a reasonable seller.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to adopt the resolution authorizing the City Manager to sign a sale and purchase agreement with Chevron U.S.A., Inc. on behalf of the City. 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. 25-1991:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A SALE AND PURCHASE AGREEMENT WITH CHEVRON U.S.A., INC. ON BEHALF OF THE CITY.

Consider Letting Bids for Curb Replacement in Streibs Subdivision

It was the consensus of City Council to direct staff to eliminate the requirement that the Local Contract Review Board authorize letting bids.

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to authorize the letting of bids for the curb replacement project in the Streibs Subdivision. He said this was an older subdivision in which the City had planned to do an overlay. Residents requested that the City consider curb replacement.

It was moved by Councilmember Hall and seconded by Councilmember Sandusky to approve the letting of bids for the curb replacement project the Streibs Subdivision. 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 Government Channel

Councilmember Knudson discussed the use of franchise fees in the 1992-1993 Budget to improve the City Channel. He suggested that Jones staff attend a work session and recommend possible changes to the system.

Bartlett said there is a franchise agreement in which there were certain requirements for community access. He said he believed between these access requirements and use of franchise fees that the system could be improved.

Brod Waters Donation

Bartlett recommended that City Council authorize the drafting of a letter to the Oregon Community Foundation stating that site that had been selected for the swimming pool would not be appropriate. The water table is too high at this location. The letter would be from Bill Brod, Mayor Lomnicki, and the North Clackamas Parks District.

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It was moved by Councilmember Hall and seconded by Councilmember Sandusky to direct staff to prepare a letter to Oregon Community Foundation regarding relocation of the pool. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Hall, Councilmember Schreiber, Councilmember Sandusky, and Councilmember Knudson; no nays; no abstentions.

Festival Daze

Bartlett discussed the events for Festival Daze.

CONSENT AGENDA

It was moved by Councilmember Sandusky and seconded by Councilmember Schreiber to approve the Consent Agenda which consisted of the City Council Minutes of June 4, 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.

INFORMATION

Citizen Request for Reconsideration of Book

Bartlett announced that this issue was being addressed by the Council-appointed Library Board. He reminded Council that they might be contacted regarding this issue.

DUII Officer

Mayor Lomnicki announced that the City's request for a grant to fund a DUII Officer position had not be rated highly enough for consideration.

EXECUTIVE SESSION

Mayor Lomnicki announced that the City Council would meet in Executive Session under the authority of ORS 192.660(1)(d) to discuss labor negotiations immediately following adjournment of the regular session.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 9:51 PM.

Pat DuVal

Pat DuVal, Recorder/Executive Secretary

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EXECUTIVE SESSION

Mayor Lomnicki called the Executive Session to order to consider personnel and labor relations.

Dan Bartlett, City Manager, Charlene Richards, Assistant to the City Manager, and Tim Ramis, City Attorney, reviewed recent Civil Service Commission actions and results of those hearings.

Richards reviewed negotiations. She outlined current City proposals and reviewed the progress of negotiations. Councilmembers asked about her expectations. Richards reviewed the process that would occur if impasse were declared.

The Executive Session adjourned at 10:45 PM.

Dan Bartlett, City Manager