CITY OF MILWAUKIE
CITY COUNCIL MEETING
June 15, 1993

The one thousand six hundred and seventy-third meeting of the Milwaukie City Council was called to order by Council President Kappa at 7:04 p.m. in the Milwaukie Center with the following Councilmembers present:

Rob Kappa,
Council President
Rick Farley
Jean Schreiber
Bob Knudson

Mayor Lomnicki arrived at 9:40 p.m.

Also present:

Dan Bartlett,
City Manager
Tim Ramis,
City Attorney
Charlene Richards,
Assistant to the
City Manager
Angus Anderson
Finance Director
Chuck Mansfield,
Police Chief
Ella Gossett,
Dispatch Clerk Supervisor
Tim Corbett,
Public Works Director
Paul Roeger,
Office Engineer
Diane Kean,
Finance Department Intern
Pat DuVal,
Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Monroe Street Traffic Network Analysis Preliminary Report

Paul Roeger, Office Engineer, presented the preliminary report on the Monroe Street Traffic Network Analysis. In February, Council directed staff to perform this analysis to determine the compatibility and levels of truck traffic in the area. The City contracted with traffic consultant Tom Lancaster to do the analysis.

Roeger said in the first phase of the study, traffic counts were taken on Monroe, Washington, and Harrison Streets. During the second phase, Monroe Street was closed to through truck traffic for a two-week period. These figures will be used in conjunction with traffic forecasts, Comprehensive Plan review, and consideration of alternatives. The final report is expected to be complete in July.

Roeger said counts indicated that the number of two-axle trucks changed little. Three axle trucks were reduced from nine to one, and five-axle trucks from five to two. **Roeger** explained that the counts were done over a three-day

period of three or four hours shifts. All hours of the day were covered this way, although shifts at some of the locations were on different days. Lancaster's report indicated that truck traffic increased on Harrison and Washington.

Councilmember Farley discussed a phone call he had made to Paul Roeger on April 29, 1993, the first week of the closure. He had understood that the Police Department would be handing out citations. **Roeger** said this would be a Police Department action and not a decision of Public Works.

Councilmember Farley stated for the record that he no longer lived on Monroe Street. He said he did not believe Lancaster's traffic counts were accurate.

Dan Bartlett, City Manager, said this count was completed by a contracted traffic engineer. Delivery trucks with destinations inside the closure area were allowed to enter. As indicated by the closure of Johnson Creek Blvd., prohibition does not totally eliminate trucks.

Bartlett said Lancaster's traffic count procedure and methodology is accepted. This type of study would be too expensive for the City to do on its own.

Roeger indicated the times that log trucks had used Monroe Street.

Councilmember Schreiber said the counts indicated that busses account for the greatest number of large vehicles.

Roeger said Monroe has fewer busses than Washington or Harrison.

Tom Alford, 2708 SE Monroe, said several five-axle trucks had been seen on Monroe during the second week of the closure. **Roeger** said the traffic engineer had taken down the information on the trucks and the owners contacted.

Alford said the person taking the traffic counts had indicated to him that all of the counts had been taken between 11:00 a.m. and 7:00 p.m. No counts had been taken in the morning. **Alford** said while he was talking to the gentleman, he had personally seen more trucks than were indicated on the report. He said he did not believe the before closure counts were really accurate. He discussed the use of log trucks on Monroe. He said he did not believe City staff was keeping residents informed.

Corbett said two door hangers had been distributed, but if Council wished, more could be prepared. He said he believed that Alford's questions might be better addressed by Lancaster.

Council President Kappa said he would like to see the complete report. He said he believed there should be better coordination with the Monroe Street neighborhood.

Corbett said that staff would prepare a tentative date for completion of the study and the subsequent Council presentation.

Councilmember Knudson asked how the traffic engineer arrived at the final figures. Corbett said the numbers are extrapolated from the physical counts done during peak times.

Councilmember Schreiber asked if the neighborhood would be informed when Lancaster was scheduled to make his presentation.

Corbett discussed the information program that would be implemented. He pointed out that the report given at this time was preliminary.

PUBLIC HEARING

Consider Sewer Rate Increase - Resolution

It was Council consensus to delay this item until Mayor Lomnicki arrived.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

Consider Adoption of 1993-1994 Council Goals - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution establishing 1993-1994 Council Goals. These are a result of several work sessions held by the City Council. He reviewed the elements of the 1993-1994 Goals which were Riverfront and Downtown, Long-term Vision, and Public Safety.

Councilmember Knudson discussed the riverfront and the downtown area which was considered the number one goal. **Bartlett** said both the riverfront and downtown improvements were closely related to financing and light rail planning.

Council President Kappa said he had been unable to attend the work session and asked what had been decided on annexation. **Bartlett** said annexation would be part of the long-term goal. Council would develop a large vision

process in which Milwaukie's place in the region would be considered.

Councilmember Schreiber expressed concern that the riverfront and downtown goal was described by a paragraph on transportation. **Bartlett** said he could develop a new description.

It was the consensus of Council to consider the 1993-1994 Council Goals at the July 6, 1993 meeting.

Consider 1994-1996 Community Development Block Grant Agreement - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution ratifying the City Manager's signature on the 1994-1996 Community Development Block Grant Agreement. The County requires a resolution to authorize the signing of the intergovernmental agreement.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the resolution ratifying the City Manager's signatures on the 1994-1996 Community Development Block Grant Agreement. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 11-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN THE MATTER OF RATIFYING SIGNING OF THE COMMUNITY DEVELOPMENT BLOCK GRANT AGREEMENT FOR 1994-1996.

Consider City of Milwaukie Agent of Record

Angus Anderson, Finance Director, introduced Diane Kean, Finance Department Intern, who presented the staff report.

Kean presented the staff report in which the City Council was requested to select the City's Agent of Record. She reviewed the selection process. Five firms submitted a Statement of Qualifications. On June 4, 1993, the selection committee met to review the applicants and their Statements of Qualification. The committee was made up of Councilmember Farley, Budget Committee member Dave Libbey, Finance Director Anderson, and Intern Kean.

The selection committee recommended that Sedgwick James of Oregon be named as the Agent of Record for the City of Milwaukie.

Council President Kappa asked if the City could select its own legal counsel if not satisfied with that offered by Sedgwick James.

Anderson said there should not be a problem with this type of action.

Tim Ramis, City Attorney, said the context in which this right is secured, is within the purchase of the insurance coverage. He said it was typical to secure the ability to select a specific counsel.

Council President Kappa said he was concerned that an agency might contract out to a firm that would not be able to handle a specific aspect.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to select Sedgwick James of Oregon, Inc. as the Agent of Record for the City of Milwaukie. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 12-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPOINT SEDGWICK JAMES OF OREGON, INC. AS THE CITY'S AGENT OF RECORD.

<u>Consider Recommendations for 1993-1994 Compensation and Martin Luther King Day as Observed Holiday for Management/non-Represented Employees</u>

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to review, approve, and authorize the City Manager to implement through a City Manager Directive the City of Milwaukie Management/Non-Represented Employees 1993-1994 Compensation Schedule, which includes 4.4% General Increase, and Martin Luther King Day as an observed holiday.

She reviewed the contracts that had been approved with the IAFF and the AFSCME units in the City.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to authorize the City Manager to implement through a City Manager Directive the City of Milwaukie Management/Non-Represented Employees 1993-1994 Compensation Schedule, which includes 4.4% General Increase, and Martin Luther King Day as an observed holiday. Motion passed 4 - 0 with the following vote: Council President

Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson; no nays; no abstentions; Mayor Lomnicki absent.

<u>Consider Internal Revenue Service (IRS) Section 125 Plan Premium Conversion Plan</u>

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider a resolution approving implementation of the City of Milwaukie, Cafeteria Plan, "Premium Conversion" Plan Document. This will allow employees to pay their medical and dental premiums with pre-tax dollars. This will allow IAFF, MEA, and non-represented employees to offset their increased responsibilities for premium payments. The League of Oregon Cities, Employee Benefits Service, assisted the City in developing this plan.

Councilmember Farley asked how this differed from the previous plan. **Richards** said the benefit plan itself had not changed. The 125 Plan allows premium payments with pre-tax dollars.

Bartlett said the City has not previously had a 125 Plan.

Council President Kappa asked if this was similar to the child-care program. **Richards** said the City did not set this up because they were not sure if the unions were interested. She added that the child-care program was costly to administer. She said it did not look as if it would be cost effective for either the employees or the City.

Councilmember Schreiber said this would distinguish between the gross amount and the computation of increases. **Richards** said personnel rules would clarify this. There may be some impact on Social Security payments.

Council President Kappa asked how the employees were able to determine exactly how much they would spend. **Richards** said only that portion of the employee's share would be set aside. The proposal is a premium conversion place, not a true cafeteria plan.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the resolution approving implementation of the City of Milwaukie, Cafeteria Plan, "Premium Conversion" Plan Document. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 13-1993:

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE CITY OF MILWAUKIE, CAFETERIA PLAN, "PREMIUM CONVERSION: PLAN DOCUMENT FOR CERTAIN EMPLOYEES OF THE CITY OF MILWAUKIE EFFECTIVE JULY 1, 1993.

Consider Intergovernmental Agreement for Clackamas Regional Elected Group - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to authorize the Mayor to sign the intergovernmental agreement for the Clackamas Regional Elected Group. He discussed the need for an efficiently operating emergency communications system. He said adoption of this resolution does not commit the City to spending money. It does, however, allow Milwaukie to join the group and develop plans for an operating agreement.

It was moved by Councilmember Knudson and seconded by Councilmember Schreiber to adopt the resolution authorizing the Mayor to sign the intergovernmental agreement for the Clackamas Regional Elected Group.

Councilmember Farley asked if this agreement was compatible with the 800 Mhz system. **Bartlett** said the agreement was an administrative activity.

Councilmember Schreiber asked if it might not be better to see if other entities were going to sign the agreement. **Bartlett** said that all entities were represented on the negotiating team. Several small fire departments in east county indicated some resistance, but most entities were attempting to have the agreement signed in June. If a group of small fire districts wish to join together, each entity will be entitled to one vote. He said it was his understanding that the City of Canby and the Clackamas County Board of Commissioners would be approving the agreement this week. He added that the only cost to the City currently would be staff time.

Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

RESOLUTION NO. 14-1993:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, IN THE MATTER OF AUTHORIZING THE MAYOR TO SIGN THE CLACKAMAS REGIONAL ELECTED GROUP AGREEMENT.

Upgrade and Additions to Emergency Dispatch Equipment

Charles Mansfield, Police Chief, presented the staff report in which the City Council was requested to consider installation of emergency dispatching equipment in the new Public Safety Building. He reviewed the options: (1) install new Centracom II Central Electronics Bank, including 800 Mhz equipment; (2) install 800 Mhz system backup radios and related equipment; (3A) dismantle, move, and re-install dispatch equipment; or (3B) install new dispatch consoles and related equipment.

Councilmember Knudson asked if the option of new equipment was selected, would it be running and fully tested before dispatch personnel moved in. **Mansfield** said this was correct.

Councilmember Schreiber said she was enthusiastic about this option. Citizens should get the response they expect from the 9-1-1 agreement with the state.

Council President Kappa said there was $144,000 in 9-1-1 reserve and asked what the buyout cost was. **Mansfield** the purchase of all new equipment would be $336,274. **Bartlett** added that there was contingency in the building fund earmarked for new equipment.

Councilmember Farley asked if the present equipment was moved and failed within a year, would the replacement cost be greater. **Mansfield** replied that both equipment and labor costs would be greater.

Councilmember Knudson asked if the new equipment option were selected, when it could be installed. **Mansfield** said the equipment would have to be ordered and built, but it would be ready for the anticipated September move.

Council President Kappa asked if there would still be the ability for double dispatch. **Mansfield** said there would be the same manpower level as in the old building, with the capability of two dispatch terminals.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to approve the installation of emergency dispatching equipment in the new Public Safety Building consisting of options 1, 2, and 3B and authorize the City Manager to sign the purchase agreement with Motorola. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

Consider Adoption of Uniform Fire Code and Amendments

Martin Goughnour presented the staff report in which the City Council was requested to consider two ordinances. The first ordinance created the position of Fire Marshal for the City of Milwaukie Fire Department. The second proposed ordinance amended Chapter 15.12, the Fire Code.

Goughnour said the South Metro Fire Marshal's Office (SMFMO) was a joint effort between the City of Milwaukie and the Clackamas Fire District #1. Adoption of the proposed ordinances would provide consistent enforcement and interpretation. The SMFMO would be able to use the same code for inspections in any part of the jurisdiction. Builders would also have the same standards to work with throughout the area. Adoption of the ordinance creating the position of Fire Marshal would eliminate the need to recreate the office with each code adoption.

Councilmember Schreiber asked if the contract needed to be reconsidered. **Goughnour** said that is not necessary because the Chief assigns the employee as Fire Marshal and delegates the authority. The Fire Marshal operates in multiple jurisdictions.

Deputy Fire Marshal Badeau added that the Fire Marshal position gives benefit to the City in insurance.

Councilmember Knudson asked how large an area SMFMO covered. **Goughnour** said the area was about 100 square miles, and he described the boundaries.

Councilmember Farley asked for clarification of the standardized code. **Goughnour** said the fire code had been fragmented in such areas as fire flow requirements, which might include sprinkling of buildings.

Council President Kappa asked if there were any costs involved. **Goughnour** said there would be no additional costs to the City.

Council President Kappa discussed flow and duration requirements. He expressed concern that costs might be generated by these requirements. **Goughnour** said these requirements gave direction on what to do for a new development or new construction.

Council President Kappa discussed fire alarm systems. **Goughnour** said ADA requires that certain buildings must have fire alarms that have both visual and auditory warnings.

Councilmember Schreiber said it would have been helpful to have been able to compare the old language with the proposed ordinances. Goughnour said this had been discussed several months ago in a work session.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to read the ordinance creating the position of Fire Marshal for the first time by title only. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent. The ordinance was read for the first time by title only.

Bartlett said this ordinance will be set over to the July 6, 1993, meeting for a second reading unless the Mayor arrives.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to read the ordinance amending Chapter 15.12, the Fire Code for the first time by title only. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent. The ordinance was read for the first time by title only.

Consider Adoption of Uniform Building Code - Ordinance

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider an ordinance amending Chapter 15.04 of the Milwaukie Municipal Code, adopting the State Building Code and declaring an emergency.

Corbett explained that this action was a housekeeping measure which updates the materials accepted by the State Building Code Agency.

It was moved by Councilmember Farley and seconded by Councilmember Knudson to read the ordinance amending Chapter 15.04 of the Milwaukie Municipal Code, adopting the State Building Code and declaring an emergency for the first time by title only. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent. The ordinance as read for the first time by title only.

Consider Northwest Natural Gas Franchise Agreement - Ordinance

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider an ordinance granting Northwest Natural Gas Company (NWNG) a non-exclusive ten-year right and privilege to transmit, distribute, and sell natural gas within the City of Milwaukie. The franchise expired on March 2, 1993. Based on the outcome of negotiations, the proposed ordinance was brought to Council.

Changes to the franchise agreement are a ten-year term, 3-1/2 percent franchise rate, emphasis that the agreement is non-exclusive, and "control of construction" to provide a method of assurance that work is done in accordance with City standards. There is wording similar to the PGE agreement regarding a dispute over gross revenues stating that portion of the agreement could be re-opened.

Councilmember Farley asked why the term of the agreement was not shorter. **Anderson** said this is consistent with other franchise agreements. The City has the ability to look at the rate in the event statutes change. Northwest Natural Gas has a substantial investment in the City of Milwaukie and want the right to earn revenue over a period of time.

Council President Kappa asked if the agreement allowed for build out. **Anderson** said he did not believe it really had any impact. The utility would still be providing the service no matter how long the term of the agreement

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the ordinance granting a non-exclusive gas utility franchise to Northwest Natural Gas Company for the first time by title only. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent. The ordinance was read for the first time by title only.

Consider Oregon Transportation Plan Funding - Resolution

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to consider a resolution supporting the funding package for the Oregon Transportation Plan (OTP). There are proposed increases in gas taxes, registration fees, and other transportation-related areas that would more equally spread the funding costs.

It was moved by Councilmember Schreiber and seconded by Council President Kappa to suspend the Council rules and consider the proposed resolution. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

Council President Kappa asked if the proposed bicycle registration fee would work in conjunction with the Johnson Creek and Willamette Corridor Studies. **Bartlett** said the proposed registration fee would apply to all bicycles sold that were 24" and larger. The registration fees would be applied to bike lane improvements which might include the Springwater Corridor or the Portland Traction Line in the Milwaukie area. This registration fee would be collected by the retailer at the time of sale and turned over to ODOT.

Councilmember Schreiber said the resolution states that the Milwaukie City Council supports all the measures on different types of transportation funding. She asked if the League of Oregon Cities would notify the cities when the legislature considered the measures. She said all of these were recommendations at this time.

Bartlett said the proposed resolution affirms support the plan and the funding implementation to extend and expand infrastructure. He discussed the benefits to area residents. He reviewed the inactive bills presently stuck in committee.

It was moved by Councilmember Schreiber and seconded by Council President Kappa to adopt the resolution approving the Oregon Transportation Plan and calling for legislative approval of the transportation funding package. Motion died 2 - 2 with the following vote: Council President Kappa and Councilmember Schreiber aye; Councilmember Farley and Councilmember Knudson nay; no abstentions; Mayor Lomnicki absent.

Councilmember Farley and **Councilmember Knudson** commented that they did not feel there had been adequate time to consider the various bills before the legislature prior to adoption of the proposed resolution.

<u>Consider Personal Services Contract for Janitorial Services</u>

Dan Bartlett, City Manager, presented the staff report in which the City Council was requested to authorize the City Manager to sign a personal services contract renewal with D&A Janitorial in the amount of $35,835.96.

It was moved by Councilmember Knudson and seconded by Councilmember Schreiber to authorize the City Manger to sign a personal services contract renewal with D&A Janitorial in

the amount of $35,835.96.. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

CONSENT AGENDA

It was moved by Councilmember Schreiber and seconded by Council President Kappa to adopt the Consent Agenda which consisted of the City Council Minutes of May 18, 1993. Motion passed 4 - 0 with the following vote: Council President Kappa, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Mayor Lomnicki absent.

INFORMATION

Dan Bartlett, City Manager, discussed a possible tour of the Public Safety Building. It was the consensus of Council to tour the facility on Friday, June 18, 1993, at 1:00 p.m.

Councilmember Knudson said he believed the screening wall on top of the building detracted for the appearance of the new facility. **Bartlett** said it would be painted to match the rest of the exterior.

Council President Kappa discussed the Citizens Utility Advisory Commission (CUAC) minutes in which the group referred to a public meeting. **Corbett** said that the meeting would be held on June 22 with the staff and consultants to present information. The CUAC members would be present to hear citizens comment on water rate changes and structure.

Councilmember Schreiber discussed re-appointment of a CUAC member.

Council President Kappa asked if there had been any comments from the Historic Review Commission regarding the recent changes made by the City Council. Staff was not aware of any comments.

Councilmember Schreiber announced a FOCUS meeting on June 16, 1993.

Council President Kappa announced the Gangs Forum June 24, 1993, 6:00 p.m. to 8:30 at Putnam High School.

<u>Consider Sewer Rate Increase - Resolution</u>

Council President Kappa called the public hearing to consider adoption of a resolution increasing sewer rates by 5% to order at 9:27 p.m.

Council President Kappa said the purpose of the hearing was to consider increasing the City's sewer rates by five percent. The increase is based on a recommendation made by Public Financial management (PFM) in their May, 1992, "Sewer Rate Study."

Staff Report: **Tim Corbett**, Public Works Director, presented the staff report in which the City Council was requested to consider adoption of a resolution increasing sewer rates by 5 percent. PFM recommended a rate increase of 17 percent in their rate sufficiency study.

Corbett discussed the additional information affecting future sewer rates. This information included the cost of service study; the facility improvement plan for the Kellogg Treatment Plant; and the negotiations for a new sewage treatment agreement.

Corbett said that staff recommended a 5 percent increase in sewer rates for fiscal year 1993-1994. Staff also recommended a sewer cost of service study to be conducted to incorporate recent information. The Citizens Utility Advisory Commission (CUAC) has reviewed the proposed increase and endorsed staff's recommendation. There are funds in the 1993-1994 budget for the cost of service study.

Councilmember Farley discussed low income fees. **Corbett** said there are applications available for those utility customers who believe they are within the low income guidelines.

Councilmember Schreiber asked if Section 8 Housing were automatically included as being low income. **Bartlett** said each utility customer must apply for low income rates. **Councilmember Schreiber** discussed subsidized public housing.

Corbett said the City of Milwaukie has 5900 utility customers, of which 109 are low income. This issue would also be considered when the cost of service study was completed.

Councilmember Farley asked if duplex and apartment complexes were considered commercial. **Corbett** said multi-family dwellings were not considered commercial.

Councilmember Knudson asked if Section 5 of the proposed resolution, *Security Deposit*, was a one-time only charge. **Corbett** said that was correct.

Councilmember Farley asked for clarification of the six-month security deposit. **Corbett** said the security deposit would cover the costs of hook up, shut off, and return to service.

Mayor Lomnicki arrived at 9:40 p.m.

Correspondence: None.

Testimony in Support: **Carl Jacob**, 10540 SE 44th Ct., discussed the revenues the City was receiving for their treated sewage and the City's future growth.

Corbett explained that the City did not own the Kellogg Treatment Plant. He discussed the notification process for this public hearing. He referred to page 17 of the packet which reviewed the sources and uses of funds in the sewer division.

Mayor Lomnicki said there was no sale of sludge on the part of the City. The Kellogg Treatment Plant is owned by Clackamas County Service District.

Testimony in Opposition: None.

Neutral Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close of Hearing: **Council President Kappa** closed the public testimony portion of the hearing on a resolution increasing sewer rates at 9:47 p.m.

Discussion among Councilmembers: None.

It was moved by Council President Kappa and seconded by Councilmember Farley to adopt the resolution establishing fees for sanitary sewer service. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Council President Kappa, and Councilmember Knudson aye; no nays; Councilmember Schreiber abstained.

Councilmember Schreiber said she was concerned that public housing residents were charged the maximum rate because they did not understand the low income fee process.

Bartlett said individuals paying their own utility bill are notified each year that they are able to apply for a lower utility rate.

Councilmember Schreiber said she believed that Section 8 people were likely to have their sewer bills included in their rent.

Mayor Lomnicki said he believed the increase was included in the Section 8 subsidy.

RESOLUTION NO. 15-1993:

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

Consider Adoption of Uniform Fire Code and Amendments - Ordinances

It was moved by Council President Kappa and seconded by Councilmember Knudson to read the ordinance creating the position of Fire Marshal for the City of Milwaukie Fire Department for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Council President Kappa to adopt the ordinance creating the position of Fire Marshal for the City of Milwaukie Fire Department. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1739:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, ADOPTING CHAPTER 2.44 BY CREATING THE POSITION OF FIRE MARSHAL FOR THE CITY OF MILWAUKIE FIRE DEPARTMENT.

It was moved by Council President Kappa and seconded by Councilmember Knudson to read the ordinance amending Chapter 15.12, Fire Code for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Council President Kappa to adopt the ordinance amending Chapter 15.12, Fire Code. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1740:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 15.12, FIRE CODE.

Consider Adoption of Uniform Building Code - Ordinance

It was moved by Council President Kappa and seconded by Councilmember Knudson to read the ordinance adopting the State Building code and declaring an emergency. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Council President Kappa and seconded by Councilmember Knudson to adopt the ordinance adopting the State Building Code and declaring an emergency. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1741:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING CHAPTER 15.04 OF THE MILWAUKIE MUNICIPAL CODE, ADOPTING THE STATE BUILDING CODE AND DECLARING AN EMERGENCY.

Consider Northwest Natural Gas Franchise Agreement - Ordinance

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the ordinance granting a non-exclusive gas utility franchise to Northwest Natural Gas Company, fixing terms, conditions and compensation of such franchise and declaring an emergency for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions. The ordinance was read for the second time by title only.

It was moved by Council President Kappa and seconded by Councilmember Schreiber to adopt the ordinance granting a non-exclusive gas utility franchise to Northwest Natural Gas Company, fixing terms, conditions and compensation of such franchise and declaring an emergency. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1742:

AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY, FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE AND DECLARING AN EMERGENCY.

Consider Oregon Transportation Plan Funding - Resolution

It was moved by Councilmember Schreiber and seconded by Council President Kappa to reconsider the Oregon Transportation Plan Funding item. Motion passed 3 - 2 with the following vote: Mayor Lomnicki, Councilmember Schreiber, and Council President Kappa aye; Councilmember Farley and Councilmember Knudson nay; no abstentions.

It was moved by Councilmember Schreiber and seconded by Council President Kappa to adopt the resolution approving the Oregon Transportation Plan and calling for Legislative approval of the transportation funding package

Council President Kappa said he did not believe that all of the proposed bills would pass the legislature. He said he did believe Council should support the concept.

Councilmember Knudson said he believed the Council was endorsing all of the rate increases before the legislature.

Councilmember Schreiber said she agreed that the Councilors' concerns were valid. She believed the proposed legislation put the responsibilities on those involved in the programs, whether it was bike trails or light rail.

Council President Kappa said he considered these to be more consumption taxes. Those who are dependent on the automobile when mass transit is available should pay for using their car.

Councilmember Farley said he was concerned that the proposed resolution gave the legislature a complete green light.

Councilmember Knudson said he believed each proposed bill should be taken individually and addressed to the legislature.

Mayor Lomnicki said some of the measures should be supported in a region where mass transit use is most important. He discussed future modes of transportation in the area.

Motion passed 3 - 2 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Council President Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 16-1993:

A RESOLUTION APPROVING THE OREGON TRANSPORTATION PLAN AND CALLING FOR LEGISLATIVE APPROVAL OF THE TRANSPORTATION FUNDING PACKAGE.

INFORMATION

Mayor Lomnicki discussed the Metro reapportionment plans.

Bartlett announced the City Council work session on June 22, 1993, 9:00 a.m. at the Milwaukie Center to discuss Police Department Issues and the 1993-1994 Budget Hearing on June 30, 6:30 p.m. at the Milwaukie Center.

Mayor Lomnicki discussed high speed rail committees.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 10:28 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary