

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
JUNE 21, 1994**

The one thousand six hundred and ninety-seventh meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. at the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,  
Mayor  
Rick Farley

Jean Schreiber  
Bob Knudson

Also present:

Dan Bartlett,  
City Manager  
Ty Wyman,  
City Attorney  
Charlene Richards,  
Assistant to the  
City Manager  
Angus Anderson,  
Finance Director  
Tim Corbett,  
Public Works Director

Brent Collier,  
Police Chief  
Mike Machado,  
Interim Police Chief  
Craig Stensrud,  
Crime Prevention Officer  
Greg Drechsler,  
City Engineer  
Pat DuVal,  
Recorder/Secretary

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

**Introduction of Brent Collier, Police Chief**

Dan Bartlett, City Manager, introduced Brent Collier, new Police Chief for the City of Milwaukie. Mayor Lomnicki administered the Oath of Office.

Mayor Lomnicki expressed his appreciation the Mike Machado for his work as Interim Police Chief.

**Introduction of 1994 Young Milwaukians**

Kate Demsky, North Clackamas Parks and Recreation District, introduced the 1994 Young Milwaukians from the seven local grade schools. This year's winners were Luke Blagg and Erin Holdiman of Ardenwald, sponsored by Dark Horse Comics; Nathan Hoesly and Hollie Petri of Hector Campbell, sponsored by Jones Intercable; Bolen Miller and Erica Tice of Linwood Elementary, sponsored by North Clackamas Parks and Recreation District; Alisi Mara and Lisa Moore of Milwaukie Elementary, sponsored by United Grocers; Tim Tipton and Michelle Washington of Seth Lewelling sponsored by Milwaukie's Recycle Haulers; John Pienovi and Colleen Drennen of St. Johns, sponsored by Key Bank; and Nick Stevens and Ashley Keller of Wichita, sponsored by Wichita Feed.

## Parking Enforcement

**Greg Drechsler**, City Engineer, presented the staff report in which he addressed citizen concerns about vehicles parking on sidewalks and parkways. The Traffic Safety Commission and a Police Department representative Sergeant Terry Martin reviewed the municipal code in January. They determined that the current ordinance were adequate to prohibit parking on the sidewalk. He discussed the photographs provided by Councilmember Farley that indicated that cars were still parking on the sidewalk. The Police Department was not able to enforce parking on the sidewalk and parkway at this time.

**Councilmember Farley** said he was concerned that nothing had been done and asked when this enforcement would be a priority.

**Dan Bartlett**, City Manager, said enforcement is an issue of priority and relies on the judgment of the individual officers. Due process must be given before vehicles are towed. He said the City had tolerated parking on parkways near apartments that did not provide adequate parking for the residents. He said he believed the officers were recognizing the need for customer service while keeping in mind Americans with Disabilities Act requirements that there be a four foot passable sidewalk. He added that in some cases, parking on the sidewalk was almost a necessity due to Tri-Met bus routes.

**Mike Machado**, Interim Police Chief, said the department would respond on complaint driven issues; however, it would not actively go out and seek vehicles parking on the sidewalk. Officers will contact residents and explain violations, and the department will respond to any complaint.

**Councilmember Farley** said his complaint was over a month old.

**Bartlett** said in this particular case, there was still the required four foot passable sidewalk. The individual owning the vehicle has a concern that it will be sideswiped. Officers can make professional judgments for the public good. He said City Council could give direction that full enforcement be made without granting the use of professional judgment.

**Councilmember Farley** moved that enforcement should be in full accordance with MMC 10.44.030 that "no person shall place, park, deposit or leave upon any street or other public way, sidewalk or curb any article or thing or material which in any way prevents, interrupts or obstructs the free passage of pedestrians..."

**Bartlett** said the photographs indicate that there is still room to pass on the sidewalks. He said if City Council directed, staff would be happy to strictly enforce the code and can broaden enforcement action to include any case. He said the Police Department was trying to work with individuals on the issue.

**Councilmember Farley** said parking on the sidewalk or parkway for apartment residents could be allowed, but he was concerned about private homes.

**Bartlett** asked if this motion was for strict enforcement in front of homes only.

**Motion died for lack of a second.**

**Mayor Lomnicki** said he was concerned about taking time away from more serious enforcement issues.

**Machado** said the Police Department is reactive and does respond in any way it can to assist the community based on overall need. He said he believed this issue was one of community awareness and education.

**Mayor Lomnicki** said in addition to ADA requirements, he was concerned that vehicles parking on the parkway and sidewalks were breaking down the curbs. He thought there should be a message in the water bill or a newsletter article indicating the detrimental effect on our infrastructure and letting residents know that this section of the code would be enforced on a complaint bases.

**Councilmember Knudson** said he did not second the motion because he objected to enforcement being different for apartment dwellers and single family residences.

## **PUBLIC HEARING**

### **1994 - 1995 Budget Hearing**

**Mayor Lomnicki** called the Public Hearing on consideration of the budget for 1994 - 1995 to order at 7:35 p.m.

**Mayor Lomnicki** said the purpose of the hearing was to consider adoption of the 1994 - 1995 Budget for the City. This includes passage of a Resolution adopting the budget, an Ordinance levying the Economic Improvement District assessment, and an Ordinance and Resolution that would allow the City to receive state revenue sharing funds. The Budget Committee reviewed the proposed budget and recommended adoption. He reviewed the conduct of the hearing.

**Staff Report:** **Angus Anderson**, Finance Director, presented the staff report in which he reviewed the changes that were directed by the Budget Committee. He reviewed the budget process which began in January. The Budget Committee approved the proposed budget on May 19, 1994.

**Anderson** reviewed the actions requested during the hearing which included a Resolution adopting the budget, making appropriations, and levying taxes; an Ordinance establishing the tax rate for the Economic Improvement District in the MDDA; an Ordinance accepting State Revenue Sharing Funds; and a Resolution certifying services provided with revenue sharing funds.

**Anderson** reviewed the changes incorporated by the Budget Committee, and the rebudget items, and several minor corrections to the approved document.

**Councilmember Farley** asked which departments had systems development charges. **Anderson** said sewer, water, and street divisions have systems development charges which are strictly governed by Oregon state law and must be strictly appropriated by City Council. Funds are collected at the Johnson Creek Permit Center when a contractor makes an application and are forwarded to the Finance Department for deposit. Each systems development charge is collected individually.

Correspondence: No correspondence was received on this matter.

Audience Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: **Mayor Lomnicki** closed the testimony portion of the hearing to consider the 1994 - 1995 budget at 7:42 p.m.

Discussion among Council Members:

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the Resolution adopting the budget, make appropriations, and declare the ad valorem tax levy for fiscal year 1994 - 1995. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

**RESOLUTION NO. 19-1994:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARING THE AD VALOREM TAX LEVY FOR FISCAL YEAR 1994 - 1995.**

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to read the Ordinance determining the Economic Improvement District assessments for fiscal year 1994 - 1995 and direct that these assessments be certified to the Clackamas County Tax Assessor for collection for the first time by title only. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent. The Ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to read the ordinance declaring the City election to receive state revenues for the first time by title only. Motion passed 4 - 0 with the following vote Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the Resolution certifying services provided for state revenue sharing. Motion passed 4 - 0 with the following vote Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

**RESOLUTION NO. 20-1994:**

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

The second reading and adoption of the Ordinances will take place at the July 5, 1994, regular session.

**AUDIENCE PARTICIPATION**

**Harold Stoller**, 15127 SE Concord Ct., Milwaukie, 97267, requested that City Council consider helping fund special needs vans at the Milwaukie Center.

**Councilmember Farley** asked how much was needed from the City. Stoller said he hoped for \$5,000.

**Councilmember Farley** asked how many years funding would be necessary. Stoller said probably about three years. The Friends of the Center hope to find stable funding in as short a time as possible.

**Councilmember Schreiber** asked who would actually operate the van. Stoller said the van was currently being operated by Loaves and Fishes and would be taken over by the North Clackamas Parks and Recreation District (NCPRD) after July 1.

**Councilmember Schreiber** said she understood that counsel had some concerns about the District operating the van.

**Councilmember Farley** asked who carried the insurance. Stoller said it is under the County's liability blanket insurance.

**Mayor Lomnicki** asked who would actually have the financial responsibility of handling the funds. Stoller said he understood that it would be the District.

**Councilmember Schreiber** said Stoller was attempting to raise funds, and it is up to City Council to choose to subsidize or not.

**Mayor Lomnicki** said the Budget Committee did not target this as a funded item.

**Stoller** suggested that Roger Brown could address City Council on those issues.

**Councilmember Knudson** asked when current funding ended. **Stoller** said on July 1, although there have been talks between the District and Loaves and Fishes to continue for several months beyond the July 1 deadline.

**Councilmember Schreiber** suggested a joint work session with the Center/Community Advisory Board, City Council, and a District representative.

**Mayor Lomnicki** said he would like clarification of how the service will be operated. He said City Council gave notice to Loaves and Fishes two years ago that funding would not continue because the City did not want to subsidize transportation.

**Bartlett** said Charlene Richards, Assistant to the City Manager, would work with Joan Young at the Milwaukie Center to prepare a report.

**Mayor Lomnicki** expressed his appreciation on behalf of the City Council to the Budget Committee members: John Siefer, Jeff Brannen, Margaret Stallman, Clyde Ruby, and Dennis Daigle.

## **OTHER BUSINESS**

### **Consider Fee for Micro-ID Computer Crime Prevention Program - Resolution**

**Craig Stensrud**, Crime Prevention Officer, presented the staff report in which the City Council was requested to consider a Resolution establishing a fee for Micro-ID Crime Prevention Program. This program marks the hard drive of IBM compatible computers and aids in the recovery of stolen property. The fee will recover the cost for diskettes, mailers, and postage.

It was moved by **Councilmember Farley** and seconded by **Councilmember Knudson** to adopt the Resolution establishing a fee for Micro-ID Crime Prevention Program. Motion passed 4 - 0 with the following vote: **Mayor Lomnicki**, **Councilmember Farley**, **Councilmember Schreiber**, and **Councilmember Knudson** aye; no nays; no abstentions; **Councilmember Kappa** absent.

#### **RESOLUTION NO. 21-1994:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING A FEE FOR MICRO-ID, A COMPUTER CRIME PREVENTION PROGRAM, AND CLASSIFYING THE FEE IMPOSED BY THIS RESOLUTION AS NOT SUBJECT TO ARTICLE XI, SECTION 11(B) OF THE OREGON CONSTITUTION.**

**Consider Adoption of Capital Improvement Program Fiscal Years 1993/1994 through 1997/1998**

Tim Corbett, Public Works Director, presented the staff report in which the City Council was requested to consider a five-year Capital Improvement Plan to assist with long-range planning and expenditure forecasting. This outlines all of the capital purchases and projects forecasted for the next five years. He said it should be viewed as a planning document and would be evaluated each year during the budget process.

Mayor Lomnicki asked for an explanation of the Fire Department heavy rescue equipment. Bartlett said it is a unit on heavier chassis used during a major incident.

Councilmember Knudson asked if this equipment could be used at any time. Bartlett said not normally. The City runs ALS engines with about six personnel total. The light rescue vehicle is generally driven by the Captain.

Mayor Lomnicki said it seemed that this type of equipment could be shared by several agencies. Bartlett said jurisdictions are looking at resources for many different situations and improve readiness.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the Capital Improvement Program as proposed by staff. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

**Consider Salary Adjustment for Management/Non-Represented and Seasonal Employees**

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider authorizing the City Manager to implement through a directive 1994 - 1995 pay tables for City of Milwaukie Management/Non-represented/Seasonal employees. In the 989 classification study, the Citizen Advisory Group recommended that increases be consistent with contract employees.

Councilmember Farley asked for clarification of the management payable. Richards said department head positions have a range rather than steps.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to approve the 3.5% increase for fiscal year 1994 - 1995 and authorize the City manager to implement effective July 1, 1994, through City manager Directive, 1994 - 1995 pay tables. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

### Appointment of Pro Tem Judge

Angus Anderson, Finance Director, presented the staff report in which City Council was requested to consider the resume of Kathie F. Steele for designation as Pro Tem Municipal Court Judge. He explained that there were currently two pro tem judges, and this request was to assure there would be a judge available at all times.

It was moved by Councilmember Farley and seconded by Councilmember Knudson to designate Kathie Steele as Pro Tem Municipal Court Judge. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

### Consider Appropriation Transfers

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider a Resolution allowing transfers from the General Fund Police category to the Interfund/Intergovernmental Transactions category with a subsequent transfer to Fleet services to allow the purchase of a new police vehicle. The City has not expended funds for Police Chief salary and benefits for over six months. The department would like to transfer these to acquire an unmarked vehicle assigned to detectives. This transfer would be within the 1993 - 1994 Budget.

Bartlett discussed the function of Fleet Services.

It was moved by Councilmember Schreiber and seconded by Councilmember Knudson to adopt the Resolution allowing appropriation transfers. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

RESOLUTION NO. 22-1994:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MILWAUKIE, OREGON, APPROVING BUDGET APPROPRIATION  
TRANSFERS.

### Parks District RFP Committee

It was City Council consensus to appoint Councilmember Schreiber as the Milwaukie representative to the North Clackamas Parks and Recreation District (NCPRD) Master Plan RFP Committee.

## CONSENT AGENDA

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the Consent Agenda which consisted of the City Council Minutes of June 7, 1994. Motion passed 4 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Knudson aye; no nays; no abstentions; Councilmember Kappa absent.

## INFORMATION

Councilmember Knudson announced Festival Daze Parade on Saturday, June 25.

Councilmember Farley announced free children's bowling lessons sponsored by McDonalds and Milwaukie and Kellogg Bowls.

Mayor Lomnicki announced JPACT public forum scheduled for June 22 to discuss regional transportation funding.

Bartlett said the contractor for the Altamont project to which the Cities of Milwaukie and Happy Valley had objected had indefinitely withdrawn the application. He announced that he had also received a favorable memo from the Clackamas County Department of Transportation and Development regarding improved communications. He said he believed the joint work session with the Board of Commissioners had been beneficial.

Bartlett discussed the recent visit by Milwaukie Elementary School students and their visioning project.

Bartlett discussed Milwaukie Providence Hospital.

Mayor Lomnicki announced that Margaret Stallman was moving outside the City and had to resign from the Budget Committee. He thanked Stallman for her service to the City.

Councilmember Schreiber announced that the North Clackamas Parks and Recreation District (NCPRD) was organizing a teen council.

## ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 9:00 p.m.

Pat DuVal  
Pat DuVal, Recorder/Secretary

