

CITY OF MILWAUKIE
CITY COUNCIL MEETING
August 16, 1994

The one thousand seven hundredth 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
Rob Kappa
Bob Knudson

Also present:

Dan Bartlett,
City Manager

Tim Ramis,
City Attorney

Charlene Richards,
Assistant to the
City Manager

Angus Anderson,
Finance Director

Brent Collier,
Police Chief

Maggie Collins
Community Development Director

Greg Drechsler
Acting Public Works Director

JoAnn Herrigel,
Program Specialist - Recycling

Don Brusseau,
Building Official

Pat DuVal,
Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Neighbors Make a Difference Day

Mayor Lomnicki read a proclamation naming Tuesday, September 13, 1994, as "*Neighbors Make a Difference Day*" in the City of Milwaukie and urged residents to recognize, support and commend Key Bank volunteers for their community service.

Police Department Report

Brent Collier, Police Chief, reviewed the investigation of a double homicide reported on August 7 that took place near the Kellogg Treatment Plant. He announced a community meeting on August 17 that would address the issue.

Councilmember Kappa asked if it was difficult to patrol the area. **Collier** discussed mounting bikes on patrol cars in order to respond to similar calls.

Councilmember Farley asked if lighting was good in the area. **Collier** discussed the advantages and disadvantages of lighting certain areas.

Councilmember Schreiber asked if Dogwood Park was becoming a problem area. **Collier** said Dogwood Park gets a lot of attention, but it is no more of a problem than any other park in the City.

Councilmember Farley said officers had mentioned that they were having difficulty hearing the dispatchers. **Collier** said radio reception is poor in certain pockets of the City.

PUBLIC HEARING

Adopt 1994 - 1995 Budget, Make Appropriations and Levy Taxes - Resolution

Mayor Lomnicki called the public hearing on the 1994 - 1995 Budget to order at 7:15 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider the 1994 - 1995 Budget.

Staff Report: **Angus Anderson**, Finance Director, presented the staff report in which City Council was requested to consider adopting a Resolution that would repeal Resolution 19-1994, adopt the budget, make appropriations, and levy and classify taxes for fiscal year 1994 - 1995. Due to a typographical error, it was determined that the Notice of Budget Hearing and Financial Summary should be republished and another public hearing held.

Correspondence: None.

Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing at 7:20 p.m.

Discussion among Council Members: None.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the Resolution that repealed Resolution 19-1994, adopted the budget, made appropriations, and declared and categorized the ad valorem tax levy for fiscal year 1994 - 1995. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 33-1994:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, TO REPEAL RESOLUTION 19-1994, ADOPT THE BUDGET, MAKE APPROPRIATIONS, AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 1994 - 1995.

AUDIENCE PARTICIPATION

Ed Martin, 15733 SE Kaslin Way, said the City's current appeal ~~fee~~ guidelines were not clear and urged they be addressed.

Mayor Lomnicki agreed that clarification was needed.

Bartlett said a staff directive would be prepared clarifying fee requirements.

Councilmember Kappa asked what options there were for individuals who could not afford appeal fees. **Bartlett** said citizens can prevail upon the governing body to hear an appeal in such an instance.

OTHER BUSINESS**Consider Findings and Final Order - File VR-94-01/MLP-94-01**

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to adopt the findings and final order to deny an appeal of an administrative approval of VR-94-01 and MLP-94-01. The City Attorney determined that only one fee was required when an appeal goes to the City Council, and language will be incorporated into the directive.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the findings and final order to deny an appeal of an administrative approval of VR-94-01 and MLP-94-01. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider Annual Waste Reduction Program for the City of Milwaukie for Fiscal Year 1994 - 1995 - Resolution

JoAnn Herrigel, Program Specialist - Solid Waste and Recycling, presented the staff report in which the City Council was requested to adopt a Resolution approving the activities for 1994 - 1995 Annual Waste Reduction Program. Highlights of the Plan included milk jug recycling about the first of January and aerosol can and scrap paper

recycling later in the year. Other elements were: formal implementation of commercial recycling; completion of the multi-family recycling program; continuation of single-family, school recycling, and yard debris programs; and development of the next five-year plan with Metro.

Councilmember Kappa discussed the committee setting up the next five-year plan and asked what was being developed for commercial customers. **Herrigel** said recycling goals and a tracking system will be set for the next five years. Many businesses are already interested in recycling.

Councilmember Farley said the IGA on King Rd. was currently accepting milk jugs and asked if that program would continue. **Herrigel** said it would continue for those who did not have hauler service.

Councilmember Schreiber asked how medical facility recycling was handled. **Herrigel** said she believed the haulers either offered the service or contracted with another company.

Councilmember Schreiber said she would also like to see recycling in public places, such as parks. **Herrigel** said this was a good idea and would discuss it with the Parks District.

Councilmember Kappa asked when the next five-year plan would be done. **Herrigel** said there would probably be a draft in about three months.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to adopt the Resolution adopting fiscal year 1994 - 1995 (Year Five) Annual Waste Reduction Program. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 34-1994:

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, ADOPTING FISCAL YEAR 1994 - 1995 (YEAR FIVE) ANNUAL WASTE REDUCTION PROGRAM.

Consider Revised Provisions Regarding the Contract Review Board and Adopting Administrative Rules for the Board - Ordinance and Resolution

Angus Anderson, Finance Director, presented the staff report in which the City Council was requested to consider an Ordinance relating to the Local Contract Review Board and a Resolution which adopted Administrative Rules for the Local Contract Review Board. The Ordinance repeals 1617 and replaces 3.05 in the Municipal Code. Those Chapters establish the City Council as the Local Contract Review Board. The Resolution establishes administrative rules for the board. The legislature has met four

times since Ordinance 1617 and Resolution 5-1987 were adopted, and Council adoption would update the City Code to reflect state changes.

Councilmember Kappa asked if it was the Resolution or the Ordinance that would bring the City into compliance. **Anderson** said both are necessary, but the Ordinance is required. The Resolution covers day-to-day operations.

Councilmember Farley said, in general, he would like to see a copy of the entire Ordinance when a code amendment was proposed.

Councilmember Kappa asked if the City Manager's authorization would be established at \$15,000. **Mayor Lomnicki** said discussion had indicated that this would be an appropriate amount.

Mayor Lomnicki summarized the proposed changes to the Resolution that included the Finance Director's authorization established at \$10,000. He said it was Bartlett's philosophy to delegate expenditures to staff for day-to-day needs.

It was moved by **Councilmember Schreiber** to read the Ordinance as originally presented for the first time by title only. The motion died for lack of a second.

It was moved by **Councilmember Kappa** and seconded by **Councilmember Knudson** to read the Ordinance relating to public contracts and purchasing, repealing Ordinance 1617, and adopting revised provisions relating to the Local Contract Review Board with the City Manager's purchasing limit at \$15,000 and the Finance Director at \$10,000 for the first time by title only. Motion passed 4 - 0 - 1 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Kappa, and Councilmember Knudson aye; no nays; Councilmember Schreiber abstained. The Ordinance was read for the first time by title only. The second reading would be September 6, 1994.

Councilmember Schreiber said she was concerned that some issues that came up during the work session were not adequately addressed in open session.

Consider Intergovernmental Agreement with ODOT/DLCD Transportation and Growth Management Program

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to authorize the City Manager to sign an intergovernmental agreement (IGA) with ODOT to receive a Transportation and Growth Management Grant that would allow the City to go ahead with its work plan. ODOT will pay a total of \$45,455, and the City's match would be \$8,020.

Mayor Lomnicki remarked that the 85%/15% grant was very good.

Councilmember Kappa asked how much time would be spent on the light rail issue. **Collins** said the grant would help indirectly through a transportation inventory, land use considerations, policy issues, and Comprehensive Plan update.

Mayor Lomnicki said, for example, Monroe Street issues will be incorporated into the study.

Councilmember Schreiber said this is an inventory of current usage and is not light rail driven. Out of that will come whatever changes or modifications the Planning Commission and City Council should consider in the future. She asked if the commercial haulers would be invited to participate. **Collins** said the haulers would be part of the commercial element.

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to authorize the City Manager to sign an IGA with ODOT to receive a Transportation and Growth Management Grant.

Councilmember Farley asked what the role of DLCD was, since it did not seem they were a part of the IGA.

Collins said the agreement was with ODOT because that was the agency administering the contract and the agent for ISTEA funds.

Bartlett said the Pavement Management Study would help establish a data base.

Collins said this action would put the City will be in a good position to seek future grants in addition to providing up-to-date information.

Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Consider City Manager Evaluation

Mayor Lomnicki said the City Manager's Evaluation, done two weeks ago, was favorable. The City Council considered department head evaluations of **Bartlett's** performance to make their decision. It was Council decision to maintain the 10% salary differential between the City Manager and the highest paid department head.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to grant City Manager Bartlett a 10% increase (\$5425/month) effective July 1, 1994. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; Councilmember Farley nay; no abstentions.

Consider Revised Provisions Regarding the Contract Review Board and Adopting Administrative Rules for the Board - Ordinance and Resolution

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to reconsider the Ordinance to revise the provision regarding the Contract Review Board. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the Ordinance relating to public contracts and purchasing with the modification to Section 3.05.060 "Delegation of Authority to Obligate the City" that the City Manager or his designee may enter into a contract up to \$15,000 for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions. The Ordinance was read for the first time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the Ordinance relating to public contracts and purchasing with the modification to Section 3.05.060 "Delegation of Authority to Obligate the City" that the City Manager or his designee may enter into a contract up to \$15,000 for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember 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 Councilmember Kappa to adopt the Ordinance relating to public contracts and purchasing with the modification to Section 3.05.060 "Delegation of Authority to Obligate the City" that the City Manager or his designee may enter into a contract up to \$15,000 for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

ORDINANCE NO. 1771:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, RELATING TO PUBLIC CONTRACTS AND PURCHASING, REPEALING ORDINANCE NO. 1617, AND ADOPTING REVISED PROVISIONS RELATING TO THE LOCAL CONTRACT REVIEW BOARD.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the Resolution repealing Resolution 5-1987, the Local Contract Review Board Administrative Rules and adopting the new administrative rules with the modification to Section 2 (3) to \$15,000 for contracts. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 35-1994:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REPEALING RESOLUTION NO. 5-1987, THE LOCAL CONTRACT REVIEW BOARD ADMINISTRATIVE RULES AND ADOPTING NEW ADMINISTRATIVE RULES.

City Council discussed the following:

1. Return to City Hall for City Council and Planning Commission meetings;
2. Speed hump project on 34th Avenue;
3. Councilmember Schreiber received City Council approval to attend a growth conference in Wilsonville in September; and
4. Recommended use of vacant Police Station and Fire Station.

Cable Rate Review Period Extension to 120 Days

It was moved by Councilmember Kappa and seconded by Councilmember Knudson to suspend the Council rules to consider a Resolution. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider a Resolution that would extend the cable rate review period. This would give the City adequate time to review the FCC forms that Jones submitted; hold a public hearing; and adopt an Ordinance implementing a rate structure and related charges. Staff proposed that the public hearing be held on October 18, 1994.

Councilmember Kappa asked when the City received the FCC forms from Jones. **Richards** said the forms were received on August 15, 1994, which was the deadline.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the Resolution extending the review period of FCC forms to 120 days. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

RESOLUTION NO. 36-1994:

**A RESOLUTION TO EXTEND THE REVIEW PERIOD OF FCC FORMS
SUBMITTED BY JONES INTERCABLE, INC. TO 120 DAYS
COMMENCING AUGUST 15, 1994.**

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Consent Agenda with amendments which consisted of the City Council Minutes of July 19, 1994. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Knudson aye; no nays; no abstentions.

INFORMATION

1. Councilmember Farley said he had good reports from department personnel on the Police Chief.
2. Councilmember Schreiber said the September 15, 1994, FOCUS meeting topic was law enforcement.
3. Councilmember Schreiber reported that the Parks District had accepted the responsibility to develop a skateboard park.

Mayor Lomnicki announced an executive session under the authority of ORS 192.660 to discuss property acquisition immediately following adjournment of the regular session.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:35 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

EXECUTIVE SESSION

Mayor Lomnicki called the executive session to order to consider a memo from the City Attorney concerning property acquisition. Council discussed the issues raised in the memo and directed the City Attorney to prepare an easement for their consideration. Meeting adjourned.

Dan Bartlett

Dan Bartlett, City Manager

