

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 18, 1997**

The one thousand seven hundred and sixty-first meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:05 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,
Mayor
Carolyn Tomei

Jean Schreiber
Rob Kappa
Don Trotter

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Pam Beery,
City Attorney
Angus Anderson,
Finance Director

Randy Bruegman,
Fire Chief
Mike Swanson,
Interim Public Works Director
Jim Brink,
City Engineer
John Bennett,
Building Official

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Presentation of 1995 - 1996 Comprehensive Annual Financial Report and Audit

Anderson presented the Comprehensive Annual Financial Report (CAFR) for the City of Milwaukie Fiscal Year 1995 - 1996. The City's auditor, Grove, Mueller, Hall & Swank, P.C., provided the Budget Committee with a detailed review of the CAFR and responded to the group's questions. The auditor's opinion was that the general purpose financial statements fairly represented the City's financial position as of June 30, 1996, and conformed with generally accepted accounting principles.

Certificate of Achievement for Excellence in Financial Reporting

Dave Boyer, Multnomah County, presented the Milwaukie City Council with the *Certificate of Achievement for Excellence in Financial Reporting* for the fiscal year ending 1996. He pointed out this award was presented to only about 1,300 municipalities annually throughout the US and Canada, and this was the seventh consecutive year the City of Milwaukie received this award.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the Consent Agenda which consisted of the City Council minutes of February 4, 1997. Motion passed unanimously.

AUDIENCE PARTICIPATION -- None.

PUBLIC HEARING -- None scheduled.

OTHER BUSINESS

Municipal Code Building Amendment

Swanson introduced **John Bennett**, Building Official. **Bennett** said the purpose of the proposed ordinance was to bring the City of Milwaukie program into compliance with current state legislation. The ordinance was an integral part of compliance with SB 35 in which jurisdictions are required to file a four-year plan with the state Building Codes Division. In order to meet the filing deadline of March 1, 1997, an emergency clause was added. The ordinance was reviewed by the City Attorney.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the ordinance adopting Oregon Revised Statutes, Administrative Rules and Specialty Codes related to building construction, and improvements within the jurisdiction of the City of Milwaukie, delegating administration and enforcement to the Building Official, and declaring an emergency for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the ordinance adopting Oregon Revised Statutes, Administrative Rules and Specialty Codes related to building construction, and improvements within the jurisdiction of the City of Milwaukie, delegating administration and enforcement to the Building Official, and declaring an emergency for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the ordinance adopting Oregon Revised Statutes, Administrative Rules and Specialty Codes related to building construction, and improvements within the jurisdiction of the City of Milwaukie, delegating administration and enforcement to the Building Official, and declaring an emergency. Motion passed unanimously.

ORDINANCE NO. 1814:

AN ORDINANCE ADOPTING OREGON REVISED STATUTES, ADMINISTRATIVE RULES AND SPECIALTY CODES RELATED TO BUILDING CONSTRUCTION, AND IMPROVEMENTS WITHIN THE JURISDICTION OF THE CITY OF MILWAUKIE, DELEGATING ADMINISTRATION AND ENFORCEMENT TO THE BUILDING OFFICIAL, AND DECLARING AN EMERGENCY.

JPACT Nomination

Mayor Lomnicki discussed the Clackamas Cities' position on JPACT.

Councilmember Kappa nominated **Mayor Lomnicki** and **Councilmember Tomei** seconded. The nomination to put **Mayor Lomnicki's** name on the ballot as **Clackamas Cities' JPACT representative** passed unanimously.

INFORMATION

Bartlett discussed the information item regarding the Governor's Symposium on Smart Development.

Mayor Lomnicki announced that an executive session pursuant to ORS 192.660 to discuss labor relations, property acquisition, and to consult with legal counsel would be held immediately following adjournment of the regular session.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 7:25 p.m.

Pat DuVal, Recorder/Secretary

EXECUTIVE SESSION

Mayor Lomnicki called the executive session to order for the purposes of labor relations, property acquisition, and consultation with legal counsel. Those present were the City Council, City Manager, City Attorney, Assistant to the City Manager, and Fire Chief.

Charlene Richards, Assistant to the City Manager, reported on a personnel matter involving the Fire Union. On occasion, the parties have agreed to individual exceptions to the labor agreement. These exceptions were mutually agreed to and did not set precedent. The parties discussed an exception that would benefit all parties. The proposed agreement is within the City Manager's authority and can be signed off by the union's bargaining agent. **Randy Bruegman**, Fire Chief, explained the issue. He noted that the proposal was similar to practices in other fire departments. **Dan Bartlett** indicated he planned to sign the agreement based on the request from the firefighter and concurrence from the bargaining agent. At this time, the Fire Chief and Assistant to the City Manager left the room.

The City Manager distributed a Court Protective Order and an Appeal Application. **Pam Beery**, representing the City Attorney's Office, discussed the legal issues and appropriate Council response for these items. Councilors discussed appropriate action and asked questions of Ms. Beery. The City Manager discussed the manner in which the City prosecutes cases. **Ms. Beery** discussed the issues involved. Both issues were thoroughly discussed and appropriate Council action noted.

The City Manager distributed a spreadsheet listing proposed offers on real property transactions. He reviewed the status of various transactions and asked Council for direction. Councilors discussed property acquisition procedures and the locations of the various properties. **Bartlett** noted the prices paid for previous purchases. Concern was expressed over the difference between appraised value and the assessor's values. **Bartlett** noted the final action on any transaction would be brought before Council at a regular meeting.

Council discussed the status of a possible property donation. **Bartlett** noted that Mr. Tashman had contacted the owner, and the owner indicated he did not want to donate the property. Council discussed other options. Staff was directed to bring the matter back to Council for action.

The executive session adjourned at 9:00 p.m.

Dan Bartlett, City Manager