

MINUTES

MILWAUKIE CITY COUNCIL JUNE 30, 2003

CALL TO ORDER

The Special Meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Barnes
Councilor Lancaster

Councilor Loomis
Councilor Stone

Staff present:

Pat DuVal,
Acting City Manager
Tim Ramis,
City Attorney
Alice Rouyer,
Community Development/
Public Works Director

Steve Smith,
Finance Director
Larry Kanzler,
Police Chief

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard read brief biographies of the first men on the Milwaukie City Council. Madalaine Bohl, Milwaukie Museum Curator, is preparing historical moments to be read at each Council meeting during the Centennial Year.

CONSENT AGENDA

There were no consent agenda items.

AUDIENCE PARTICIPATION

Mayor Bernard announced issues relating to the house stored at 21st Avenue and Lake Road would be discussed as other business.

PUBLIC HEARING

2003 – 2004 Budget Hearing

Mayor Bernard called the public hearing on the 2003 – 2004 Budget and 2002 – 2003 Supplemental Budget continued from June 16, 2003 to order at 6:05 p.m.

The purpose of the hearing was to consider public testimony on resolutions required to effect the adoption of the FY 2003 – 2004 Budget and a resolution amending the FY 2002 – 2003 Budget.

Smith provided the staff report in which he briefly reviewed the budget process and requested the City Council adopt those resolutions necessary to effect the 2003 – 2004 budget.

Correspondence: None.

Audience Testimony: **Rosemary Crites**, 4917 SE Aldercrest Road, Milwaukie. She expressed her appreciation to Police Chief Larry Kanzler for his help in solving a transient situation on Harrison Street.

Juli Howard, 9705 SE 37th Avenue, Milwaukie, spoke as a citizen, employee, and AFSCME president. During hard economic times and budget shortfalls, all employees are impacted in some way and are adjusting as well as possible. There is one employee, Deb Torpey, who must adjust to having her position eliminated in the budget that is before Council. Torpey was recently recognized for 10 years of service to the City while knowing on July 1 she would not have a job. Although she questioned the wisdom of the Budget Committee's transferring contingency funds to the library, she proposed allocating a little more to save Torpey's position if only for another year. If there were multiple lay offs or if the Budget Committee had not decided to transfer contingency to the library, Howard probably would not be testifying at this hearing. However, there is only one person in the organization being laid off. She requested the City Council transfer \$48,000 to the police department budget to maintain the delivery clerk position. She provided the City Council with a list of Torpey's duties, which will have to be picked up by others, particularly police officers, if the position is eliminated. Officers will be taken off the streets to transport evidence, deliver subpoenas and paperwork, shuttle cars for service. Is this fiscally responsible? If the City Council decides to allocate funds to save this position, the City will be left with over \$900,000 in contingency. At the last Budget Committee meeting, she heard members say they would be comfortable with \$900,000 to \$1 million in the contingency fund.

Howard discussed research she had done in May on other libraries in the network and provided information on hours and population. Based on this data, Milwaukie is fifth in hours of operation, and with the new proposed schedule it would go to eleventh. Six of the twelve libraries are closed more than one day per week. She believes it is poor management to remain open seven days a week and cut 9-1/2 hours. The City would see a huge savings in facility costs if the library, and other City buildings were closed for one additional day each week.

Councilor Barnes asked how much the position actually pays.

Howard said the salary plus benefits for this position is \$48,000, which is less than what was transferred to the library fund.

Staff Comments: None.

Questions of Clarification: **Councilor Barnes** asked Kanzler how the department would be impacted if the delivery clerk position were eliminated.

Kanzler said at the beginning of the process each manager went through his or her departmental budget with the city manager to identify potential cost savings. The primary role of the department is to provide police services. If the City Council were to restore any funding, he would ask for officer positions. He does not want to see any positions lost, but when it comes to making sacrifices to get through the current budget constraints he is not in the position to do anything other than what he has done. He supports every action the City has made and will stay with his original recommendations.

Councilor Barnes asked who would be taking over the duties on the list.

Kanzler has not seen the list, so he can only comment on what he sees in the office on a daily basis. Staff from both police and public works will share the duties. There will be some costs in officer time, but it will be intermittent. He will generate some economy of scale throughout the whole department.

Councilor Lancaster believes, based on his one-on-one experience, that Kanzler is an outstanding individual. As the longest sitting member on the City Council, he has witnessed the transformation of the police department and has to say Crites's comments indicate the kind of astounding job the chief has done in transforming the City's law enforcement department. In many ways, it is more outstanding than any other department in the metro area. Milwaukie is lucky to have Chief Kanzler.

Close Public Testimony: **Mayor Bernard** closed the public testimony portion of the hearing at 6:20 p.m.

Discussion among Council Members:

Councilor Barnes does not want to see anyone lose his or her job. People do not become elected officials to see employees who work for and with the Council to lose their jobs. This is a very difficult time, and she understands that. She also supported Lancaster's remarks about the outstanding performance of the police department, and she is becoming a big fan of Chief Kanzler and the department. She thinks transferring \$50,000 to the library fund was appropriate. In her recent visits to the library, Barnes has seen it packed with children. As a teacher, parent, and resident it makes her feel good to see youth actively involved with a book. An appreciation of literature and interest in reading make her job easier when students reach high school.

Mayor Bernard commented that Milwaukie has a ten-member Budget Committee. He asked Howard if she addressed these issues before the full Committee.

Howard said she had not addressed the Budget Committee because the public testimony portion came before any deliberations and decision making. She decided to speak about Torpey's job after the Committee voted in favor of transferring \$50,000 to the library fund. She was not sure if there would be other things affected as well. Only one position is being cut, so, if that amount of money could be given to the library, then she felt she needed to address the City Council at its budget adoption hearing. When the Committee decided to transfer the funds, public testimony was over.

Councilor Stone commented this has been a difficult process, and when the levy was voted down everyone knew what they would be facing. No one wanted anyone to lose his or her job, and that still holds true. It is sad that some people have had to leave. The good thing is it has not been widespread in terms of the numbers lost. As far as contingency goes, which does not mean she is not supportive of the library, her gut and philosophy tell her that contingency funds should be just that and should be available for emergencies. In the next fiscal year the City will be facing a deficit, and we are not out of the woods. It is bothersome that we have to rob from Peter to pay Paul, and she is not in favor of operating that way. She certainly does not want to take anything away from the library. She appreciated what Howard did in terms of looking at different libraries and seeing how well they operate. She believes that is something Milwaukie should think about. It would have been her preference to use that money putting a library levy on the ballot. It would have cost about the same, and a levy would offer a more permanent solution. The City will be right back in this position in just a few short months when work begins on the next fiscal year's budget.

Councilor Lancaster has clearly stated his views throughout the budget process. He would not have liked the budget to be the way it came out, but the Budget Committee worked long and hard and labored over every element and every possibility. He is prepared to support the existing budget.

Mayor Bernard added the City lost a lot of people. Three library employees retired early. Michelle Gregory resigned from the neighborhood services department, which he felt was a major loss to the community and neighborhood associations. Several have resigned in the public works department. He believes a total of 8 employees have resigned, so a lot of people have left their positions in that way. It has been across the board pain, and he does not know how neighborhood services will make up the slack of Gregory's leaving. Wheeler, Wachs, and Campbell have a tough road ahead, and part of that is because the City can no longer fund neighborhood services at its previous level.

It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the resolution adopting the 2003 – 2004 Budget, making appropriations, and declaring the ad valorem tax. Motion passed unanimously.

RESOLUTION NO. 24-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON, TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2003 – 2004.

It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt the resolution declaring the City's election to receive state revenues. Motion passed unanimously.

RESOLUITON NO. 25-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FY 2003 – 2004.

It was moved by Councilor Barnes and seconded by Councilor Lancaster to adopt the resolution certifying services provided for state revenue sharing. Motion passed unanimously.

RESOLUTION NO. 26-2003:

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

2002 – 2003 Supplemental Budget

Smith said the \$60,000 supplemental budget would pay for the downtown traffic study and transfer \$2,002 back to the general fund.

It was moved by Councilor Barnes and seconded by Councilor Loomis to adopt the resolution adopting the supplemental budget and amending appropriations for fiscal year 2002 – 2003. Motion passed unanimously.

RESOLUTION NO. 27-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, TO ADOPT A SUPPLEMENTAL BUDGET AND AMEND APPROPRIATIONS FOR FISCAL YEAR 2002 – 2003.

OTHER BUSINESS

Adoption of the 2004 – 2008 Capital Improvement Plan

Rouyer provided the staff report in which the City Council was requested to approve a resolution adopting the City's 2004 – 2008 Capital Improvement Plan (CIP). The 5-year

plan is adopted annually by Council after review and recommendation by the Citizens Utility Advisory Board and Budget Committee.

It was moved by Mayor Bernard and seconded by Councilor Stone to adopt the resolution adopting the 2004 – 2008 Capital Improvement Plan. Motion passed unanimously.

RESOLUTION NO. 28-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR 2004 – 2008.

The House Stored at 21st Avenue and Lake Road

Patty Wisner, Lake Road Neighborhood Association, 3325 SE Wister Street, Milwaukie. She is aware this situation is long past the eleventh hour, and the abatement is legally going through tomorrow and Wednesday. Significant salvaging will be going on with demolition on Wednesday and Thursday. As of last Monday, she realized in her final conversations with Terry Emmert that he would not sign the agreement with the City of Milwaukie due to reasons in his best interest. Her hopes of getting the house moved were completely dashed. In a last minute attempt, she called preservationist non-profit organizations, and they referred her to Mr. Clem Ogilby who was present at this meeting. She and Ogilby started a very intense week to see if it was at all feasible to move the house out of Milwaukie permanently and meet all of City Manager Swanson's concerns. She believes she has found solutions for those concerns. She is asking the City Council to consider the material she is providing, discuss it amongst themselves, and then make a motion to redirect the city manager to allow Ogilby to move the house out of Milwaukie. The City would save \$9,800 in demolition fees. Ogilby will address what he is willing to assume in terms of financial responsibilities. He has lined up a team that is ready to go when the utility companies give a date for lowering the lines. Any mover is at the mercy of the utilities to set that coordination date. Ogilby is going to work, if allowed, with the same movers who moved Frank Lloyd Wright's Gordon House from Wilsonville to the Oregon Garden. She has seen how fast Ogilby can work on his projects.

Wisner has spent two years hoping in individuals who dragged their feet and did not accomplish the task to which they committed. This is a total change of scene, character, and integrity. Ogilby's informational packet speaks well of his track record and how he is thought of in his professional community in terms of meeting commitments and getting the job done the right way. Obviously, we are in the abatement phase and this can mean either moving or demolishing the structure. There is still a chance to reconsider that and save a significant house that should not be destroyed. Allow it to be purchased and used by someone else in the coming year as a residence. She provided an ad from the Sunday *Oregonian* for a house of the same age and floor plan that is worth nearly \$300,000. The Marinos house can be a viable residence, and Ogilby has the track record to restore it. It is worth his while to invest in

saving the house and turning it for a profit. It would be wonderful publicity for people to see this house saved and moved for the City of Milwaukie and a great thing to happen in the Centennial year. There would be a lot of media coverage of that house taking off from the Milwaukie Bay and going on to a new future.

Clem Ogilby, 408 SW 2nd, Portland, Oregon 97204. He has fond memories of Milwaukie where he maintained an office for over a year. This community obviously has some very dedicated individuals who care deeply about this community and particularly about its history. It is apparent this particular project has been a rocky one at best, but he feels in just the short period of time he has been working with Patty Wisner and others on this project some huge advances have been made. To highlight some of these, just in the last week, Shaver Barge Lines has offered to provide transportation for the structure to a temporary location. As much as the group would like to keep the structure within the environs of Milwaukie, it recognizes the challenges of permitting and the fact there are a number of people who have grown tired of seeing an abandoned, unoccupied structure. The feasibility of the proposal has also been confirmed by Hoskings and Hildebrand who are highly reputable professionals with combined experience in excess of 40 years. They were entrusted with the relocation of the Frank Lloyd Wright Gordon House and safely delivered that structure to the Oregon Garden in Silverton. The Union Pacific (UP) Railroad has given permission to remove and relocate the structure. He believes UP is interested in seeing that structure moved from its site and to move on. The individual who initially moved the structure, Wayne Grippen, has pledged his cooperation to allow the use of his equipment. This is an important point because it will facilitate removal of the structure from its current site. He does wish to interject he has been in conversation a great deal with Mr. Grippen in the last 48 hours, and he is very concerned about what may happen to his equipment in the event the abatement is conducted. There is a significant investment under that structure. Grippen has been in contact with his attorney and is intending to seek restitution if he does not get it back the way it was left.

Ogilby said we are at a point where we are appealing to the City Council to essentially grant a stay of execution. We feel that it is unfortunate that the circumstances have been such over the past 26 – 27 months. It is a long time to many. To others that is not eternity when looking at the individual who had the wherewithal to construct that building. Sam Marinos is a man he would have liked to know. A very hard working Greek refuge that came to this country with what he had on his back and went on to build up a successful business in Portland. His track record as a philanthropist is absolutely staggering. He supported over five families during the depths of the depression and was clearly a guy intent on giving back more than he took. Ogilby concluded by saying he welcomed questions but would like to be afforded the time and opportunity to negotiate with the City of Milwaukie to come up with a peaceful resolution to this most unfortunate set of circumstances.

Councilor Lancaster said Ogilby had elucidated a number of the key elements it would take to make this actually happen. He asked if there are any pieces still missing.

Ogilby said Ms. Wisner made reference to the utility companies. There is a process by which an application has to be made for the removal of the wires that is not insurmountable by any means. In order to remove the structure, the utility companies will have to be contacted. Hoskings and Hildebrand's preliminary feasibility gave him reassurance that this is possible. This is the last remaining piece that would need to be in place.

Councilor Lancaster asked Ogilby the maximum amount of time it would take to move the house.

Ogilby said the proposal identifies a 60 – 75 day window. The intent would be to accelerate that, and there is a strong likelihood that could be moved up considerably.

Wisner said at a meeting with Pat DuVal and Steve Campbell on Friday, Ogilby brought up a good point. Because his firm does have a good reputation, the utilities might be more friendly in granting his request than other companies that have caused trouble in the past with moving structures. Since they would be working with a reputable firm and an individual with a good reputation and no record of causing problems, there is a chance the utilities may work look more favorably on Ogilby's application.

Councilor Lancaster asked what the earliest time would be if the process were expedited.

Wisner said it is dependent upon the utility companies. They would be totally at their mercy as far as a coordination date.

Ogilby pointed out that Swanson pledged the issuance of a moving permit in a most expeditious fashion. We are not dependent upon receiving a building permit.

Councilor Stone understands Swanson said Ogilby would not need a permit to do this.

Ogilby clarified a moving permit would be needed.

Councilor Stone understands Ogilby has been in contact with Swanson.

Ogilby said he had been in contact with Swanson by telephone only. He has been a tough guy to get a hold of.

Councilor Stone had a question about Ogilby's reference to the equipment under the structure. What is the problem with that in terms of going forward with the abatement versus not?

Ogilby said the problem with going through the abatement while maintaining the integrity of the materials currently supporting the structure is that it is very difficult to get in there with a piece of equipment and essentially knocking the structure down without damaging the steel I-beams and crib locks. If we were looking at a deconstruction, it

would be a different story altogether. The preferred methodology is the use of a track hoe.

Councilor Stone asked Ogilby how he knew that is what would be used.

Ogilby said he was privy to the dollar amount of the contract and knowing the differences between heavy equipment machinery and salvage operations. There is a considerable cost differential. The first is less labor intensive than the latter.

Councilor Stone asked, in terms of cost to the City since there is a signed contract with the demolition contractor, what can the City expect? Will the City have to pay it back? Has Ogilby talked to the demolition contractor?

Ogilby has talked about that very issue, and he is prepared to make a proposal to the demolition contractor, Dan Obrist, to essentially cash him out of that dollar amount.

Mayor Bernard said the City Council voted to find this structure a nuisance. Under City code, the city manager by law has to abate the nuisance. The abatement has taken place. It is his understanding that in order to change that, the Council members who made the motion to abate would need to move to reconsider.

Ramis said that is correct.

Mayor Bernard said all members were present when the vote was taken with the exception of Councilor Loomis. Anyone on the prevailing side could make the motion.

Councilor Stone said the vote was unanimous because of the conditions. She made a point of clarification from that meeting on January 21, 2003. This is from Gary Firestone who was the city attorney at that meeting. She read from the minutes: *"The Council has a decision to make on whether or not the house is a nuisance, and under the code this is the Council's sole decision to make. Once it is determined to be a nuisance, if that is the Council's decision, the city manager may cause it to be abated. The word "may" gives the manager and the rest of city staff acting as the city manager's designees to take action and gives authority to take action but does not necessarily require the action to be taken. The Council can give instructions to the city manager as to how his discretion is to be exercised that could involve a timeline."*

Ramis said that is correct. Action could be taken to delay this demolition without rescinding the Council order declaring it to be a nuisance. It seems to him the more difficult and thorny issue is the judgment that will have to be made as to whether or not this can actually happen and if the pieces are really in place. The second issue is the existing contract of which Council spoke and how to deal with that. Council could direct the administration of the City to deal with it, but there would no doubt be a cost. We have someone with whom we have entered into a contract who is entitled to be compensated for the work. It probably will not be easy for the City to extract itself from the contract. There was a comment that an offer could be made.

Councilor Stone asked Ogilby if the contractor indicated he would make this agreement.

Ogilby has not broached that subject, but he does know this particular contractor has been in similar situations and has negotiated for a settlement amount. It is possible, but Ogilby has not approached him.

Councilor Stone understands the contract is under \$10,000 if it is carried out.

Mayor Bernard said the contract is for \$9,800.

Councilor Stone understood it would not necessarily be that total; it would be whatever was invested in the work so far.

Ogilby said exactly.

Ramis said it would be whatever is negotiated.

Councilor Stone understood it could potentially be whatever was negotiated so far. She asked Ogilby if he was willing to negotiate.

Ogilby said he would be.

Councilor Stone understands the City would not then be liable.

Mayor Bernard believed the City would have to negotiate since it is the City's contract.

Ramis said the contract is between the City and the demolition contractor. One relevant issue is that, if the City did negotiate such a termination or rescinding of the contract, there would clearly be a dollar amount. The City would need to have the funds to do that.

Mayor Bernard asked Ogilby if he would be willing to pay a performance bond.

Ogilby said yes, that is a totally acceptable part of doing business. That does not offend him nor is it unconstitutional or discriminatory.

Mayor Bernard said the Council voted to support the city manager, who will return in the morning, and it is entirely up to him. If Swanson feels it will get done, Bernard would require signage that says this house is being saved by Ogilby. The contract has been signed, and the City has already been billed for a portion of the work. As far as he is concerned it is up to the city manager. The City Council asked Swanson to handle the situation. He has been on vacation and was interrupted numerous times. As far as he knows, nothing has happened at the house. He is concerned about citizens, such as Horton, who is trying to lease the former Clackamas County Mental Health facility. That is why he wants the sign. As far as he is concerned it is up to the city manager, and the City Council voted 4 – 1 to support Swanson.

Councilor Stone thinks the city manager is doing what the Council asked him to do and is carrying its wishes. The Council did declare it a nuisance, and the abatement process has been proceeding. It is up to the Council to give him direction as to how it wants him to go from here. That is part of the Council's charge to make those kinds of decisions. The city manager works for the Council.

Mayor Bernard asked Stone if she wished to make a motion.

Councilor Stone indicated she had more comments.

Mayor Bernard said she could for a short time because he is calling for a motion. Discussion can continue after the motion is made. He is trying to find out if there would be a second to a motion leading to further discussion.

Councilor Stone asked if she makes the motion and there is no second could she not finish her comments?

Mayor Bernard said that is correct.

Councilor Stone said she would make the motion after her statements. That is her feeling about how the Council operates as a governing body by directing the city manager and giving him direction on how he should proceed. That is her understanding of the Council's role. The Council's role is also about upholding the mission statement and community goals. This whole scenario is in direct conflict with the mission statement and community goals. She read part of the mission statement into the record: *"we have a commitment to achieving and maintaining a sense of place, history, and future that defines Milwaukie and distinguishes it from other areas; and to a livable, safe environment including preservation and enhancement of both built and physical environments."* This house and other structures like it in the City certainly fall under that. In terms of community goals, one of the goals is to support the preservation of historic and architecturally significant structures. She believes we have an opportunity as a Council to uphold what we value. Supposedly we are valuing it on paper, but what good is it on paper if we do not put these values into motion and put them into action? She encouraged people; we have a chance to have yet another person step forward. Maybe this time, the batter up at the plate will hit a home run. As long as we have someone out there willing to take this on, she thinks the Council owes it to the citizens to let this happen. She just wanted to remind everyone at the last meeting there was a lot of testimony about this house, and it was greatly in favor of preserving it. About 17 of the 20 people testifying wanted to keep the house, and the Council needs to hear that. She thinks the Council actions need to speak to that. She asked the city attorney to help her word the motion. She understood the Council could change its course of action while keeping the house declared a nuisance.

Ramis said the Council could direct the city manager to negotiate a stay of the contract and negotiate with Ogilby compensation to the City for expenses incurred.

Councilor Stone asked if it would have to specifically say to stop the abatement process until this is done.

Ramis said the Council could direct the city manager to stop the proceedings.

Councilor Lancaster interjected before Stone made her motion he would like to hear from Councilor Loomis and DuVal.

Councilor Loomis is in favor of Swanson's talking with Ogilby to find out if the proposal is legitimate and can be done within the time limit. He really admires people like Patty Wisner who work so hard for a cause. He admires that in citizens and wants to support that any time he can. He is in favor of supporting it if there is a way to get it done. He likes how the City stepped forward to help save the house originally. His fear is this will set a precedent that the City will not bend over and try to help citizens. The City will go by the letter of the law because it is such a pain. This has been a pain. We all want it to end. If it is that important and there is a chance to save the house, he would be in favor of that.

DuVal commented on recent discussions and voice mails from Swanson, which she had covered with Wisner and Ogilby at the Thursday morning meeting. The city manager indicated he had spoken with Ogilby earlier in the week about the proposal. Swanson felt it was time to move forward and as of Thursday afternoon he directed her and Steve Campbell to sign the demolition contract with Obrist beginning work on Monday morning.

Mayor Bernard agreed. He felt Swanson could deal with it on the morning of July 1. Nothing has been done. If the city manager feels comfortable face-to-face, he feels comfortable too. Just like everyone else, Bernard wants to save the house. He thinks when an employee is asked to get a job done and the boss keeps jerking the rug out from under him, then that employee would question continuing to work for that person. The City Council has already asked the city manager a number of times to take care of the problem, and he has. Now he has an opportunity to do what the Council has asked tomorrow morning when he returns. He is sure Swanson would be willing to sit down with Ogilby and see if a deal could be worked out. Trying to talk to Swanson while he was driving in Florida on his vacation was not the best circumstances.

Councilor Lancaster understands if the City Council does not support a motion to change the abatement, the city manager still has the flexibility in his conversation tomorrow to reach a feasible outcome. Does the Council need to rescind its previous motion for Swanson to have that flexibility, or can he still use his latitude?

Ramis said the city manager has authority to make these judgments. Earlier in the discussion it was recognized the abatement step and carrying it out does say "may", so there is latitude for the city manager to make some judgments. That is inherent. He has that authority.

It was moved by Councilor Stone and seconded by Councilor Loomis for the City Council to direct the city manager to stop the abatement process on the Sam Marinos house and enter into negotiations with Mr. Obrist regarding the demolition contract so as to allow Mr. Ogilby to move and preserve this structure.

Mayor Bernard said in order for him to support the motion, it would have to have a time limit.

Councilor Lancaster was trying to move through the dynamics, and it seems to him that the City Council probably does not really need a motion. If the city manager has the leeway, and he has all the instruction the Council has given him and the word "may" allows him to delay any amount of time he deems necessary, that it is clear the Council has communicated clearly to him what the community's desires are. Swanson's goal has always been to make it happen somehow. He is perfectly comfortable putting it in the city manager's hands. A motion does not really change things in terms of what the Council is trying to accomplish.

Councilor Stone hoped by declaring a motion Swanson would understand the City Council was behind this and help him make his decision.

Mayor Bernard knows the Council is behind it, and if Swanson feels comfortable with Ogilby, he will be comfortable. He hopes tomorrow morning a decision will be made that both protects the citizens of Milwaukie and the house. That, however, is as far as he was willing to go.

Councilor Loomis agreed with Lancaster and seconded the motion for more discussion. He has great faith in Swanson who is the expert in this. Loomis wants to see it happen and trusts Swanson to determine if the move could happen in a short amount of time.

Councilor Stone's concern is that Swanson is just coming back from vacation, and this will be on his desk. The contract has been signed and things are moving forward. She does not know the demolition company's schedule.

DuVal understands Obrist will be at the site tomorrow at 7:00 a.m.

Councilor Stone said this needs to happen quickly in terms of getting the word out to Swanson.

Councilor Barnes understands Swanson has been called constantly during his vacation. If he does not know what is going on, Barnes would be very surprised. The man has read his e-mail or has been in touch with people on a daily basis. There is no doubt in her mind Swanson is up to the minute on everything that has happened and will know even more in an hour when he is deluged with phone calls.

The motion to direct the city manager to stop the abatement process on the Sam Marinos house and enter into negotiations with Mr. Obrist regarding the demolition contract so as to allow Mr. Ogilby to move and preserve this structure failed with the following vote: Councilor Stone aye; Mayor Bernard, Councilor Barnes, and Councilor Loomis nay; Councilor Lancaster abstained.

ADJOURNMENT

It was moved by Councilor Barnes and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 7:06 p.m.

Pat DuVal
Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL JUNE 30, 2003

MILWAUKIE CITY HALL
10722 SE Main Street

SPECIAL MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- III. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
- IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*
- V. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **2003 – 2004 Budget Hearing – continued from June 16, 2003 (Smith)**
 1. **Resolution Adopting the Budget, Making Appropriations, and Declaring the Ad Valorem Tax;**
 2. **Resolution Declaring the City's Election to Receive State Shared Revenues;**
 3. **Resolution Certifying Services Provided for State Revenue Sharing**
 - B. **2002 – 2003 Supplemental Budget – Resolution (Smith)**
- VI. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
 - 2003 – 2007 Capital Improvement Plan Adoption – Resolution (Shirey)**

VII. INFORMATION

VIII. ADJOURNMENT

Public Information

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Date 6/30/03

Marinos
House

I wish to address City Council on Agenda Item # Not agenda

Name Patty Wisner

Organization Lake Road NDA

Address 3325 SE Wistle St - Milw.

Phone 503-654-7468

Speaking in Support

Speaking in Opposition

Raising Questions

Providing Information

Comments Vital Information on the
Abatement of the Marinos house

Date 6/30/03

I wish to address City Council on Agenda Item # NOT AGENDA - SAM MARINOS HOUSE

Name CLEM OGILBY

Organization C. R. OGILBY & CO.

Address 408 SW 2nd Avenue Suite #407

Phone 503 572 5323

Speaking in Support

Speaking in Opposition

Raising Questions

Providing Information

Comments _____

VITAL INFO ON ABATEMENT PROCEEDINGS
on SAM MARINOS HOUSE

Date 6/30/03

I wish to address City Council on Agenda Item # VA. 1.

Name Juli Howard

Organization City of Milwaukee / AFSCME

Address 9705 Se 37th Ave

Phone 786-4839

Speaking in Support

Speaking in Opposition

Raising Questions

Providing Information

Comments _____

Commenting on elimination of Delivery Clerk position & library hours

Date 6/30/03

I wish to address City Council on Agenda Item # Chief Kimzler

Name Rosemary D Crites

Organization _____

Address 4917 SE Oldencrest Rd

Phone (503) 659-4682

Speaking in Support

Speaking in Opposition

Raising Questions

Providing Information

Comments _____



V. A. / _____

TO: Mayor and City Council
FROM: Mike Swanson, City Manager
Subject: Resolutions Regarding FY 2003 - 2004 Budget
Date: June 9, 2003

ACTION REQUESTED

Adoption of the attached resolutions that are required to effect the adoption of the FY 2003-2004 Budget.

Individual motions can accomplish this as follows:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS, AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2003 - 2004;
2. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FY 2003-2004; and
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CERTIFYING SERVICES PROVIDED FOR STATE REVENUE SHARING.

It will be necessary to introduce the approved budget and to seek public input on it. ORS 221.770(1)(b) also specifically requires an opportunity to comment orally or in writing on the possible uses of state shared revenues, "including offset against property tax levies by the city . . ." Examples of state shared revenues include, but are not limited to, the cigarette and liquor taxes.

The actions adopting the budget and certifying services require a motion and majority approval of the Council.

BACKGROUND

The Budget Committee approved the FY 2003-2004 budget in the amount of \$39,615,966.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2003-2004

WHEREAS, the Budget Committee of the City of Milwaukie met and approved the Proposed Budget on April 28, 2003; and

WHEREAS, the City subsequently published the Notice of Budget Hearing together with Financial Summary as required by ORS 294.416 in *The Oregonian* on June 30, 2003; and

WHEREAS, on June 30, 2003, a public meeting was held, testimony taken, and deliberations made by the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Clackamas County, Oregon, that

Section 1. On June 30, 2003 the City Council of the City of Milwaukie hereby adopts the budget for fiscal year 2003-2004 in a total sum of \$39,615,966. A copy of the budget document is now on file in City Hall, 10722 S.E. Main Street, Milwaukie, Oregon.

Section 2. For the fiscal year beginning July 1, 2003, the amounts shown below are hereby appropriated for the purposes indicated within the funds listed:

<u>FUND</u>	<u>APPROPRIATION CATEGORY</u>	<u>APPROPRIATION</u>
GENERAL FUND	Personal Services	\$3,721,996
	Materials & Services	6,006,934
	Capital Outlays	38,000
	Transfers	1,136,815
	Contingency	1,580,000
	TOTAL GENERAL FUND	\$12,483,745
ADMINISTRATIVE SERVICES	Personal Services	\$1,407,617
	Materials & Services	1,098,734
	Capital Outlays	53,000
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	TOTAL ADMIN SERVICES	\$2,659,351

V. A. 1-2

LIBRARY SERVICES	Personal Services	\$804,706
	Materials & Services	562,287
	Capital Outlays	88,661
TOTAL LIBRARY SVCS		\$1,455,654
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	Contingency	55,264
TOTAL STORM SEWER SDC		\$120,264
STORM SEWER RESERVE	Contingency	\$150,481
TOTAL STORM CAPITAL RES.		\$150,481
COMM. DEV. ADMIN.	Personal Services	\$373,961
	Materials & Services	226,133
TOTAL COMM. DEV. ADMIN.		\$600,094
ENGINEERING	Personal Services	\$435,204
	Materials & Services	222,733
	Capital Outlays	6,000
TOTAL ENGINEERING		\$663,937

V. A. 1-4/

FLEET SERVICES	Personal Services	\$356,959
	Materials & Services	605,373
	Capital Outlays	5,000
	Transfers	202,289
	TOTAL FLEET SVCS	\$1,169,621
FLEET SERVICES RESERVE	Capital Outlays	\$75,000
	Reserve	737,082
	TOTAL FLEET RES.	\$812,082
FACILITIES MANAGEMENT	Personal Services	\$156,836
	Materials & Services	705,183
	Capital Outlays	261,000
	Transfers	234,096
	TOTAL FLEET SVCS	\$1,357,115
KNUTSON CEMETERY TRUST	Materials & Services	\$5,000
	Contingency	31,200
	TOTAL KNUTSON CEM. TRUST	\$36,200
FORFEITURE TRUST	Transfers	\$1,000
	TOTAL FORFEITURE TRUST	\$1,000
	TOTAL APPROPRIATIONS	\$39,615,966

Section 3 The City Council of the City of Milwaukie hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$6.5379 of assessed value for operations and in the amount \$300,000 for bonds; and that these are hereby levied upon all taxable property within said City as of 1:00 A.M. on July 1, 2003; and that the allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy:

	SUBJECT TO GENERAL GOVNT LIMIT	NOT SUBJECT TO GENERAL GOVNT LIMIT
GENERAL FUND TAX BASE	\$ 6.5379	
PUBLIC SAFETY DEBT SERVICE LEVY		\$ 300,000

Introduced and adopted by the City Council on June 30, 2003.

This resolution is effective upon adoption.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FY 2003-2004

WHEREAS, the City of Milwaukie elects to receive a share of state revenues apportioned and distributed to the cities of the state during FY 2003-2004 as provided in ORS 221.770; and

WHEREAS, ORS 221.770(1)(a) requires that any city electing to receive a distribution must enact an ordinance or resolution expressing that election and file the same with the Oregon Department of Administrative Services not later than July 31; and

WHEREAS, ORS 221.770(1)(b) requires than any city electing to receive a distribution must hold at least one public hearing at which citizens have the opportunity to provide written or oral comment to the authority responsible for approving the proposed budget of the city on the possible uses of the distributions, including offset against property tax levies by the city for the fiscal year; and

WHEREAS, the City must certify its compliance with the said public hearing provisions to the Oregon Department of Administrative Services no later than July 31.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon:

Section 1. That the City of Milwaukie, pursuant to ORS 221.770(1)(a), hereby expresses its election to receive distributions of certain state revenues during FY 2003-2004 under ORS 221.770.

Section 2. That the City Clerk is directed to file a copy of this resolution with the Oregon Department of Administrative Services by July 31, 2003.

Section 3. That the City Council hereby certifies that it conducted a public hearing, after public notice, on June 16 and June 30, 2003 and called for written and oral comment on the possible uses of the distributions during FY 2003-2004, including offset against property tax levies by the City, and that the hearing complied with ORS 221.770(1)(b) and (c).

V. A. 2-2

Section 4. That the City Clerk is directed to file a copy of this resolution certifying compliance with the public hearing requirements with the Oregon Department of Administrative Services by July 31, 2003.

Section 5. This Resolution takes effect upon passage.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on June 30, 2003.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney

RESOLUTION NO. _____

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

WHEREAS, ORS 221.760(1) provides that "[t]he officer responsible for disbursing funds to cities under ORS 323.455, 336.785 to 366.820 and 471.805 shall disburse such funds in the case of a city located within a county having more than 100,000 inhabitants, according to the most recent federal decennial census, only if . . . the city provides four or more of the following services:

- (a) Police protection,
- (b) Fire protection,
- (c) Street construction, maintenance and lighting,
- (d) Sanitary sewers,
- (e) Storm sewers,
- (f) Planning, zoning and subdivision control,
- (g) One or more utility services;" and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milwaukie, Oregon hereby certifies that it provides all of the above enumerated municipal services.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 30, 2003.

This resolution is effective upon adoption.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney



To: Mayor and City Council
Through: Mike Swanson, City Manger
From: Steve Smith, Finance Director
Subject: FY 2002-03 Supplemental Budget Resolution
Date: June 2, 2003

Action Requested

Adoption of a resolution amending the City Budget for the fiscal year 2002-2003.

Background

The Facilities Acquisition Fund needs a housekeeping increase for interest earned. This will allow the balance of the fund to be transferred back to the General Fund. This will close the Facilities Acquisition Fund.

The Engineering Fund needs an increase of \$60,000 to its FY 2002-2003 budget because a traffic study invoice for work done in FY 2001-2002 was not received in time to be included in that year's costs. The funds were budgeted in FY 2001-2002 budget but ended up being spent in FY 2002-2003, resulting in an over expenditure without this supplemental.

Fiscal Impact

The FY 2002-2003 budget will increase by \$62,200. The Facilities Acquisition Fund budget will increase \$2,200 and be offset by revenue from interest earned in an equal amount. The Engineering Fund budget will increase by \$60,000 and be offset by an increase of \$60,000 in transfers from Streets, Water, Sewer and Storm Sewer Funds divided equally from each fund (\$15,000 per fund). The net increase to the City's budget will be \$62,200, reflecting a Supplemental Budget of \$37,904,023.

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,
OREGON TO ADOPT A SUPPLEMENTAL BUDGET AND AMEND
APPROPRIATIONS FOR FISCAL YEAR 2002-03**

WHEREAS, in accordance with ORS 294.305 to 294.565 by Resolution 14-2002, the budget of the City of Milwaukie for FY 2002-03 was adopted, and budgeted funds appropriated; and

WHEREAS, unforeseen events and new revenue and expenditure projections require adjustments to the FY 2002-2003 adopted budget; and

WHEREAS, the City of Milwaukie finds that requirements are greater than some existing appropriation amounts and less than others.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Clackamas County, Oregon that:

Section 1. Effective June 30, 2003 the budget of the City of Milwaukie is hereby amended for fiscal year 2002-2003 to reflect a total sum of \$ 37,904,023.

Section 2. For FY 2002-2003 the amounts shown below are hereby appropriated for the purposes indicated within the funds listed:

<u>ACCOUNT CODE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
Engineering Fund		
650-000-4931-0000	\$15,000	Transfer From Fund 510 Water
650-000-4932-0000	15,000	Transfer From Fund 540 Sewer
650-000-4933-0000	15,000	Transfer From Fund 570 Storm
650-000-4934-0000	15,000	Transfer From Fund 320 Streets
	<u>\$60,000</u>	Total increase in revenues
650-612-6020-0000	\$60,000	Downtown Traffic Study
	<u>\$60,000</u>	Total increase in expenditures
Facilities Acquisition		
250-000-4001-0000	\$2,200	Fund Balance Available.
	<u>\$2,200</u>	Total increase in revenue
250-950-8850-0000	\$2,200	Transfer to General Fund.
	<u>\$2,200</u>	Total increase in expenditures

V. B. 3

Section 3. This resolution takes effect upon passage.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 30, 2003.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Director of Community Development & Public Works

From: Paul Shirey, Engineering Director

Subject: Adoption of the 2004-08 Capital Improvement Plan

Date: June 2, 2003 for the June 30, 2003 meeting

Action Requested

Approve the attached resolution adopting the City of Milwaukie 2004-2008 Capital Improvement Plan (CIP).

Background

The CIP is a five year plan that is updated annually with the current years' projects funded through the formal budget process. The Engineering Department leads the effort to produce the CIP and works with public works operations, finance, and local neighborhood associations to prepare the annual update. Work was started on this year's plan in November and a final draft document was presented to the Citizen Utility Advisory Board (CUAB) for their consideration in March. The document must be approved by the Budget Committee and finally by City Council prior to the beginning of the new fiscal year.

The projects and improvements in the CIP go beyond essential facility maintenance, are needed to improve system reliability (replacing old, worn out components), enhance safety and efficiency, and sometimes serve new development by providing new capacity. Projects are designed to serve the anticipated needs of the community into the foreseeable future. Projects are defined in master plans that are prepared and updated periodically for each of the utilities. Funding for implementing the CIP comes from utility rates, gas tax revenue for street projects and grants from a variety of sources. Projects are

prioritized based on public health and safety, operating efficiency, growth and projected life expectancy.

Concurrence

Engineering, Public Works Operations, Fleet/Facilities and Community Development Administration staff were all involved in preparing portions of the CIP. The Citizen Utility Advisory Board (CUAB) recommended approval of the document on March 5, 2003. The Budget Committee recommended approval on April 7, 2003.

Fiscal Impact

Projects outlined in the first year of the CIP are included in the proposed 2003-2004 budget and will be covered by existing utility rate and property tax revenue.

Work Load Impacts

Projects in the first year of the CIP are incorporated into the work plans for the affected departments.

Alternatives

1. Adopt the CIP as proposed.
2. Modify the proposed CIP.
3. Do not approve the proposed CIP.

Attachments

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR 2004-2008.

WHEREAS, on March 5, 2003 the Citizen Utility Advisory Board of the City of Milwaukie met and recommended that the City Council approve the 2004-2008 Capital Improvement Plan (CIP); and

WHEREAS, on April 7, 2003 the Budget Committee met and recommended approval of the 2004-2008 CIP; and

WHEREAS, on June 30, 2003, a public meeting was held, testimony taken, and deliberations made by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the 2004-2008 Capital Improvement Plan.

Introduced and adopted by the City Council on June 30, 2003.

This resolution is effective on June 30, 2003.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal, City Recorder

AGENDA

MILWAUKIE CITY COUNCIL JUNE 30, 2003

MILWAUKIE CITY HALL
10722 SE Main Street

SPECIAL MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- III. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
- IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*
- V. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **2003 – 2004 Budget Hearing – continued from June 16, 2003 (Smith)**
 1. **Resolution Adopting the Budget, Making Appropriations, and Declaring the Ad Valorem Tax;**
 2. **Resolution Declaring the City's Election to Receive State Shared Revenues;**
 3. **Resolution Certifying Services Provided for State Revenue Sharing**
 - B. **2002 – 2003 Supplemental Budget – Resolution (Smith)**
- VI. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

2003 – 2007 Capital Improvement Plan Adoption – Resolution (Shirey)

VII. INFORMATION

VIII. ADJOURNMENT

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V. A. 1

TO: Mayor and City Council
FROM: Mike Swanson, City Manager
Subject: Resolutions Regarding FY 2003 - 2004 Budget
Date: June 9, 2003

ACTION REQUESTED

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BACKGROUND

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RESOLUTION NO. _____ - 2003

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON TO ADOPT THE BUDGET, MAKE APPROPRIATIONS AND DECLARE AND CATEGORIZE THE AD VALOREM TAX LEVY FOR FISCAL YEAR 2003-2004

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TOTAL STORM CAPITAL RES.		<u>\$150,481</u>
COMM. DEV. ADMIN.	Personal Services	\$373,961
	Materials & Services	226,133
TOTAL COMM. DEV. ADMIN.		<u>\$600,094</u>
ENGINEERING	Personal Services	\$435,204
	Materials & Services	222,733
	Capital Outlays	6,000
TOTAL ENGINEERING		<u>\$663,937</u>

FLEET SERVICES	Personal Services	\$356,959
	Materials & Services	605,373
	Capital Outlays	5,000
	Transfers	202,289
	TOTAL FLEET SVCS	\$1,169,621
FLEET SERVICES RESERVE	Capital Outlays	\$75,000
	Reserve	737,082
	TOTAL FLEET RES.	\$812,082
FACILITIES MANAGEMENT	Personal Services	\$156,836
	Materials & Services	705,183
	Capital Outlays	261,000
	Transfers	234,096
	TOTAL FLEET SVCS	\$1,357,115
KNUTSON CEMETERY TRUST	Materials & Services	\$5,000
	Contingency	31,200
	TOTAL KNUTSON CEM. TRUST	\$36,200
FORFEITURE TRUST	Transfers	\$1,000
	TOTAL FORFEITURE TRUST	\$1,000
	TOTAL APPROPRIATIONS	\$39,615,966

Section 3 The City Council of the City of Milwaukie hereby imposes the taxes provided for in the adopted budget at the permanent rate of \$6.5379 of assessed value for operations and in the amount \$300,000 for bonds; and that these are hereby levied upon all taxable property within said City as of 1:00 A.M. on July 1, 2003; and that the allocation and categorization subject to the limits of Section 11b, Article XI of the Oregon Constitution constitute the above aggregate levy:

	SUBJECT TO GENERAL GOVNT LIMIT	NOT SUBJECT TO GENERAL GOVNT LIMIT
GENERAL FUND TAX BASE	\$ 6.5379	
PUBLIC SAFETY DEBT SERVICE LEVY		\$ 300,000

Introduced and adopted by the City Council on June 16, 2003.

This resolution is effective upon adoption.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE CITY'S ELECTION TO RECEIVE STATE REVENUES DURING FY 2003-2004

WHEREAS, the City of Milwaukie elects to receive a share of state revenues apportioned and distributed to the cities of the state during FY 2003-2004 as provided in ORS 221.770; and

WHEREAS, ORS 221.770(1)(a) requires that any city electing to receive a distribution must enact an ordinance or resolution expressing that election and file the same with the Oregon Department of Administrative Services not later than July 31; and

WHEREAS, ORS 221.770(1)(b) requires than any city electing to receive a distribution must hold at least one public hearing at which citizens have the opportunity to provide written or oral comment to the authority responsible for approving the proposed budget of the city on the possible uses of the distributions, including offset against property tax levies by the city for the fiscal year; and

WHEREAS, the City must certify its compliance with the said public hearing provisions to the Oregon Department of Administrative Services no later than July 31.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon:

Section 1. That the City of Milwaukie, pursuant to ORS 221.770(1)(a), hereby expresses its election to receive distributions of certain state revenues during FY 2003-2004 under ORS 221.770.

Section 2. That the City Clerk is directed to file a copy of this resolution with the Oregon Department of Administrative Services by July 31, 2003.

Section 3. That the City Council hereby certifies that it conducted a public hearing, after public notice, on June 16, 2003 and called for written and oral comment on the possible uses of the distributions during FY 2003-2004, including offset against property tax levies by the City, and that the hearing complied with ORS 221.770(1)(b) and (c).

V. A. 2-2

Section 4. That the City Clerk is directed to file a copy of this resolution certifying compliance with the public hearing requirements with the Oregon Department of Administrative Services by July 31, 2003.

Section 5. This Resolution takes effect upon passage.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on June 16, 2003.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney

RESOLUTION NO. _____

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

WHEREAS, ORS 221.760(1) provides that “[t]he officer responsible for disbursing funds to cities under ORS 323.455, 336.785 to 366.820 and 471.805 shall disburse such funds in the case of a city located within a county having more than 100,000 inhabitants, according to the most recent federal decennial census, only if . . . the city provides four or more of the following services:

- (a) Police protection,
- (b) Fire protection,
- (c) Street construction, maintenance and lighting,
- (d) Sanitary sewers,
- (e) Storm sewers,
- (f) Planning, zoning and subdivision control,
- (g) One or more utility services;” and

WHEREAS, city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Milwaukie, Oregon hereby certifies that it provides all of the above enumerated municipal services.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 16, 2003.

This resolution is effective upon adoption.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney



To: Mayor and City Council
Through: Mike Swanson, City Manger
From: Steve Smith, Finance Director
Subject: FY 2002-03 Supplemental Budget Resolution
Date: June 2, 2003

Action Requested

Adoption of a resolution amending the City Budget for the fiscal year 2002-2003.

Background

The Facilities Acquisition Fund needs a housekeeping increase for interest earned. This will allow the balance of the fund to be transferred back to the General Fund. This will close the Facilities Acquisition Fund.

The Engineering Fund needs an increase of \$60,000 to its FY 2002-2003 budget because a traffic study invoice for work done in FY 2001-2002 was not received in time to be included in that year's costs. The funds were budgeted in FY 2001-2002 budget but ended up being spent in FY 2002-2003, resulting in an over expenditure without this supplemental.

Fiscal Impact

The FY 2002-2003 budget will increase by \$62,200. The Facilities Acquisition Fund budget will increase \$2,200 and be offset by revenue from interest earned in an equal amount. The Engineering Fund budget will increase by \$60,000 and be offset by an increase of \$60,000 in transfers from Streets, Water, Sewer and Storm Sewer Funds divided equally from each fund (\$15,000 per fund). The net increase to the City's budget will be \$62,200, reflecting a Supplemental Budget of \$37,904,023.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON TO ADOPT A SUPPLEMENTAL BUDGET AND AMEND APPROPRIATIONS FOR FISCAL YEAR 2002-03

WHEREAS, in accordance with ORS 294.305 to 294.565 by Resolution 14-2002, the budget of the City of Milwaukie for FY 2002-03 was adopted, and budgeted funds appropriated; and

WHEREAS, unforeseen events and new revenue and expenditure projections require adjustments to the FY 2002-2003 adopted budget; and

WHEREAS, the City of Milwaukie finds that requirements are greater than some existing appropriation amounts and less than others.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Clackamas County, Oregon that:

Section 1. Effective June 16, 2003 the budget of the City of Milwaukie is hereby amended for fiscal year 2002-2003 to reflect a total sum of \$ 37,904,023.

Section 2. For FY 2002-2003 the amounts shown below are hereby appropriated for the purposes indicated within the funds listed:

<u>ACCOUNT CODE</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
Engineering Fund		
650-000-4931-0000	\$15,000	Transfer From Fund 510 Water
650-000-4932-0000	15,000	Transfer From Fund 540 Sewer
650-000-4933-0000	15,000	Transfer From Fund 570 Storm
650-000-4934-0000	15,000	Transfer From Fund 320 Streets
	<u>\$60,000</u>	Total increase in revenues
650-612-6020-0000	\$60,000	Downtown Traffic Study
	<u>\$60,000</u>	Total increase in expenditures
Facilities Acquisition		
250-000-4001-0000	\$2,200	Fund Balance Available.
	<u>\$2,200</u>	Total increase in revenue
250-950-8850-0000	\$2,200	Transfer to General Fund.
	<u>\$2,200</u>	Total increase in expenditures

V. B. 3

Section 3. This resolution takes effect upon passage.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on June 16, 2003.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM
RAMIS, CREW, CORRIGAN & BACHRACH

City Attorney



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Director of Community Development & Public Works

From: Paul Shirey, Engineering Director

Subject: Adoption of the 2004-08 Capital Improvement Plan

Date: June 2, 2003 for the June 16, 2003 meeting

Action Requested

Approve the attached resolution adopting the City of Milwaukie 2004-2008 Capital Improvement Plan (CIP).

Background

The CIP is a five year plan that is updated annually with the current years' projects funded through the formal budget process. The Engineering Department leads the effort to produce the CIP and works with public works operations, finance, and local neighborhood associations to prepare the annual update. Work was started on this year's plan in November and a final draft document was presented to the Citizen Utility Advisory Board (CUAB) for their consideration in March. The document must be approved by the Budget Committee and finally by City Council prior to the beginning of the new fiscal year.

The projects and improvements in the CIP go beyond essential facility maintenance, are needed to improve system reliability (replacing old, worn out components), enhance safety and efficiency, and sometimes serve new development by providing new capacity. Projects are designed to serve the anticipated needs of the community into the foreseeable future. Projects are defined in master plans that are prepared and updated periodically for each of the utilities. Funding for implementing the CIP comes from utility rates, gas tax revenue for street projects and grants from a variety of sources. Projects are

prioritized based on public health and safety, operating efficiency, growth and projected life expectancy.

Concurrence

Engineering, Public Works Operations, Fleet/Facilities and Community Development Administration staff were all involved in preparing portions of the CIP. The Citizen Utility Advisory Board (CUAB) recommended approval of the document on March 5, 2003. The Budget Committee recommended approval on April 7, 2003.

Fiscal Impact

Projects outlined in the first year of the CIP are included in the proposed 2003-2004 budget and will be covered by existing utility rate and property tax revenue.

Work Load Impacts

Projects in the first year of the CIP are incorporated into the work plans for the affected departments.

Alternatives

1. Adopt the CIP as proposed.
2. Modify the proposed CIP.
3. Do not approve the proposed CIP.

Attachments

1. Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR 2004-2008.

WHEREAS, on March 5, 2003 the Citizen Utility Advisory Board of the City of Milwaukie met and recommended that the City Council approve the 2004-2008 Capital Improvement Plan (CIP); and

WHEREAS, on April 7, 2003 the Budget Committee met and recommended approval of the 2004-2008 CIP; and

WHEREAS, on June 16, 2003, a public meeting was held, testimony taken, and deliberations made by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby adopts the 2004-2008 Capital Improvement Plan.

Introduced and adopted by the City Council on June 16, 2003.

This resolution is effective on June 16, 2003.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal, City Recorder