

**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

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

MILWAUKIE CITY HALL
10722 SE Main Street

1761st MEETING

EXECUTIVE SESSION

4:45 - Consult with legal counsel pursuant to ORS 192.660

WORK SESSION

5:30 - Council Information Sharing
5:45 - Water Source Study (Jim Brink)

REGULAR SESSION

7:00 p.m.

I. CALL TO ORDER
Pledge of Allegiance

II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

- A. Presentation of 1995 - 1996 Comprehensive Annual Financial Report and Audit (Angus Anderson)**
- B. Certificate of Achievement for Excellence in Financial Reporting (Dave Boyer)**

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.)*

City Council Minutes of February 4, 1997

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.)*

None scheduled.

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.)*

- A. Municipal Building Code Amendment -- Ordinance (Jim Brink)**
- B. JPACT Nomination (Mayor Lomnicki)**

VII. INFORMATION

- A. Monthly Financial Reports**
- B. Planning Commission Minutes of January 28, 1997 (draft)**
- C. Traffic Safety and Transportation Board Minutes of January 13, 1997**
- D. Citizen's Utility Advisory Board Minutes of November 6, 1996**
- E. Livable Oregon: Governor's Symposium on Smart Development Draft Action Plan, January 1997**

VIII. ADJOURNMENT

EXECUTIVE SESSION

At the end of the regular meeting, the Council may hold an Executive Session under the authority of Oregon Revised Statutes 192.660 as needed.

For assistance/service per the Americans with Disabilities Act (ADA), dial TDD 786-7555.



MEMORANDUM

TO: Mayor and City Council

THROUGH: Dan R. Bartlett, City Manager *Dan*

FROM: Angus M. Anderson, Finance Director *Am*

DATE: February 5, 1997

RE: Presentation of 1995-96 CAFR and Audit

The staff of the finance department is pleased to present The COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) for the City of Milwaukie for Fiscal Year 1995-96. This document was compiled from financial schedules and reports prepared by the staff of the finance department of the City. The CAFR also incorporates the audit of those reports, confirming their preparation in accordance with generally accepted accounting principles (GAAP) and applicable rules and laws. These include the Oregon Revised Statutes establishing Oregon Local Budget Law (Section 294.305 to 294.565) and the Municipal Audit Law (Section 297.405 to 297.555 and Section 297.990) as well as the Minimum Standards for Audits of Oregon Municipal Corporations as set forth in Oregon Administrative Rules 162-10-050 through 162-10-320.

Particular attention is directed to the following portions of the CAFR:

INTRODUCTORY SECTION:

- **PAGE ii:** This portion of the Introductory Section is the letter of transmittal. It contains general information of interest for those reading the document as well as summary financial information. It is a very useful part of the CAFR, especially for those interested in a management overview of the financial report.
- **PAGE viii:** This page describes the award of the Certificate of Achievement for Excellence in Financial Reporting presented by the Government Finance Officers Association of the United States and Canada. The award, a reproduction of which follows the comment, is the result of a thorough review of the financial report by auditors and finance managers of governmental entities. It represents the highest professional recognition granted to governmental bodies. The City has applied for and been awarded the certificate in each of the past seven years.

FINANCIAL SECTION:

- **PAGE 1:** This section is called the Audit Opinion. It presents the opinion of Grove, Mueller, Hall & Swank, P.C., Certified Public Accountants, the independent external auditor designated by Council. This opinion, in the third paragraph, states:
"In our opinion, the general purpose financial statements referred to above present fairly, in all material respects, the financial position of the City of Milwaukie, Oregon as of June 30, 1996 and the results of its operations and the cash flows of its proprietary fund types for the year then ended, in conformity with generally accepted accounting principles."

MILWAUKIE CITY HALL
 10722 SE MAIN STREET
 MILWAUKIE, OREGON 97222
 PHONE: (503) 786-7555 • FAX: (503) 652-4433

This opinion is considered a "clean" or "clear" audit opinion and is the opinion that is sought by all corporations, both public and private.

As a general note, in reviewing all statements/reports/schedules carefully read the title of each report. Some look very similar, and this similarity leads to confusion unless the particular report and the use of that report are kept in mind.

- **PAGES 2-6:** This section comprises the General Purpose Financial Statement portion of the CAFR. Particular attention should be paid to pages 2 and 3. Page 2 presents the Combined Balance Sheet of the City of Milwaukie by fund type. Page 3 presents the Combined Statement of Revenues, Expenditures and Changes in Fund Balances for all governmental type funds. Page 4 presents the Combined Statement of Revenues, Expenditures and Changes in Fund Balances as did page 3. However, this particular report presents the information as "actual" compared to "budget". Pages 5 and 6 present operating information for the proprietary funds. These funds include the utility funds and the internal service funds.
- **PAGES 7-21:** This section includes the Notes to the General Purpose Financial Statements. It includes all pertinent information presented in the statistical reports. If no other part of the report is reviewed, this section should be considered required reading. Particular attention is given to the notes as follows:
 - ◆ **SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES-PAGES 7-11:** This note describes some of the "peculiarities" of governmental finance. For instance in governmental fund types (almost all of our operational funds except utilities and internal service funds) only current assets and current liabilities are included on the balance sheet. Long term assets are found in the General Fixed Asset Account Group, and long term debt is found in the General Long Term Debt Account Group. This note also differentiates between the "accrual" and the "modified accrual" basis of accounting, and discusses many important aspects of the financial statements.
 - ◆ **ORGANIZATION AND OPERATION-PAGES 11-13:** This note describes the different fund types and funds utilized by the City.
 - ◆ **CASH AND INVESTMENTS-PAGES 13-14:** This note presents a categorization of all City investments in accordance with depository, as well as an additional delineation of restricted vs. unrestricted investments. This note shows the amount of collateralization required, both from FDIC and through the required State of Oregon Certificates of Participation issued by the State Collateral Pool.
 - ◆ **ASSESSMENT LIENS RECEIVABLE-PAGE 14:** This note discusses the Local Improvement District special assessment liens which are used to pay the underlying Bancroft Bonds. All transactions are in either the Sewer Fund or the Debt Service Fund.
 - ◆ **FIXED ASSETS-PAGES 14-15:** This note presents a summarization of all fixed asset beginning balances, additions, retirements and ending balances for both enterprise fund types (utility funds), internal service funds and the General Fixed Asset Account Group.
 - ◆ **BONDS PAYABLE-PAGES 15-17:** This note presents schedules of all bonds owed by the City.
 - ◆ **OTHER LONG TERM DEBT-PAGE 17:** This note presents schedules of changes in debt which is not bonded debt, including capital leases, the debt on the Brittain property and accrued vacation payable.
 - ◆ **CONTRIBUTED CAPITAL-PAGE 18:** This note presents schedules of changes in the amount of capital that is contributed to the proprietary funds. These amounts are those resulting when a fund equity is transferred or when a fixed asset is transferred to a proprietary fund.
 - ◆ **PENSION PLAN-PAGES 18-19:** This note to the financial statements describes the PERS plan that covers employees of the City.
 - ◆ **DEFERRED COMPENSATION PLAN-PAGE 20:** This note describes the IRS Section 457 plan which covers employees of the City.
 - ◆ **SEGMENT INFORMATION FOR ENTERPRISE FUNDS-PAGE 20:** This note provides summary information for the enterprise funds (utilities).
 - ◆ **CONTINGENCIES AND COMMITMENTS-PAGE 20:** This note describes the contingent liabilities of the "full faith and credit" of the City.

◆ **FUND ACCUMULATED DEFICITS -PAGE 21:** This note shows that the Fleet Services Fund had deficits at June 30th even though it had positive fund equity because of contributed capital. The City did not exceed appropriation authority in any fund.

• **PAGES 22-62:** This is the Supplementary Data Subsection of the Financial Section of the CAFR. It presents the Combining and Individual Fund Account Group Financial Statements which includes more detailed information regarding each fund type and further divides type of fund into individual fund. Also presented in this portion of the Financial Section are budget vs. actual information for both revenues and expenditures. This section also includes a schedule of property tax transactions, bond principal and interest transactions, an amortization of future debt service payment requirements and supplementary information concerning the Oregon Public Employees Retirement System.

STATISTICAL SECTION:

• **PAGES 63-77:** This is the Statistical Section of the CAFR. It presents comparative statistics for the past ten years in many categories.

AUDIT COMMENTS AND DISCLOSURES SECTION:

• **PAGES 78-79:** This section includes comments specifically required to be addressed concerning compliance with State Statutes.

MANAGEMENT LETTER

In addition to the CAFR and the audit opinion contained within, the auditor also presented a Management Letter addressing several recommendations which are suggested as improvements to the internal accounting controls of the City. Following below are the recommendations contained in the Management Letter followed by the finance department response to each specific recommendation.

SUMMARY:

The audit for the year 1995/96 was once again a gratifying exercise: the City accounting staff is knowledgeable in processes and procedures; it was the third year for the new audit team; the audit staff consisted of knowledgeable and experienced professionals; the audit staff asked appropriate questions with a full understanding of the information which staff relayed; there was little lost time or effort in completing all audit schedules and reports. Staff is universally pleased with the audit team and finds their questions, comments and suggestions to be reasonable and definitely worthy of consideration. From the standpoint of the City, there are no management letter comments with which we disagree.

SPECIFIC MANAGEMENT LETTER COMMENTS / RESPONSE:

CURRENT YEAR COMMENTS:

COMPUTER VIRUS SOFTWARE:

SITUATION: Computer viruses are program code residing within computer files. They are very prevalent and can easily spread from computer to computer through floppy disks or modem transfers. Computer viruses can infect and destroy programs and data.

RECOMMENDATION: We recommend that the City monitor the situation and if necessary purchase and maintain current versions of an anti-virus program. Furthermore, procedures should be developed to routinely scan all City machines.

RESPONSE:: The City is in full agreement with the comment. The Finance Director has a virus scan program installed on his computer and periodically scans for viruses. Other computer users request assistance from the City DP Coordinator. It is hoped that the City soon is able to have an automated virus scan software network wide.

COMPUTER CALENDAR:

SITUATION: In the year 2000 much of the software the City utilizes will have operational problems due to its inability to recognize the date.

RECOMMENDATION: The City should begin planning for change required to its software to accommodate the year 2000..

RESPONSE:: The City is in full agreement with the comment. The Accounting Team within the Finance Department has been meeting monthly for approximately five months to accomplish this task. In addition, funds have been budgeted to provide consulting services to assist in the selection, installation and conversion to new software that is "millennium compliant".

PRIOR YEAR COMMENTS:

PURCHASING:

OBSERVATION: The City has no formal procedures in place for accepting new vendors. A vendor acceptance policy provides assurance that only approved vendors are being paid.

RECOMMENDATION: We recommend that a policy of formal vendor acceptance be developed. With such a policy only those vendors which management has formally approved can be utilized.

UPDATE: This recommendation has not been implemented.

ACCOUNTS PAYABLE:

OBSERVATION: In some situations invoices are sent directly to departments, rather than to Accounts Payable. This procedure could result in a lost invoice or the failure to pay a vendor timely.

RECOMMENDATION: To prevent as much as possible the receipt of invoices at the departments, purchase orders should be used whenever possible as they clearly indicate the billing address. Departments should be instructed to have vendors submit invoices to accounts payable.

UPDATE: The departments are doing a much better job of submitting invoices to Accounts Payable.

PROPERTY TAXES:

OBSERVATION: A significant portion of the City's revenues are from property taxes. Periodically the County remits to the City amounts which it has collected on behalf of the City. Currently there is no procedure in place to check the County's work..

RECOMMENDATION: The City should implement procedures to determine that the amounts remitted by the County to the City are correct and to be aware of the remaining balance to be collected.

UPDATE: The City has implemented procedures to check turnovers against collection percentages. A review of percentage distribution formula is made.

BUDGET:

OBSERVATION: Prior to implementation of the Administrative Services and Fleet Services Funds, when services were performed by one fund for another funding was accomplished by use of an operating transfer.

RECOMMENDATION: Now that these funds are in place such services should be budgeted and recognized as fee for service.

UPDATE: The recommendation has been complied with.

6



GROVE, MUELLER, HALL & SWANK
PC
CERTIFIED PUBLIC ACCOUNTANTS AND CONSULTANTS

October 18, 1996

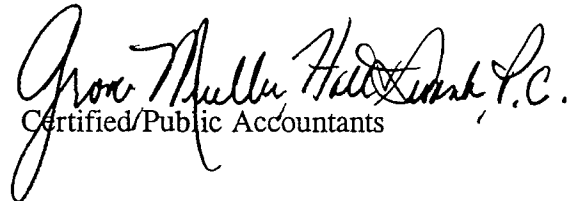
City Council
City of Milwaukie
Milwaukie, Oregon

In planning and performing our audit of the general purpose financial statements of the City of Milwaukie, Oregon as of and for the year ended June 30, 1996, we considered the City's internal control structure to determine our auditing procedures for the purpose of expressing an opinion on the general purpose financial statements and not to provide assurance on the internal control structure.

However, during our audit we became aware of several matters that are opportunities for strengthening internal controls and operating efficiency. The pages accompanying this letter summarize our comments and suggestions regarding those matters. This letter does not affect our report dated October 18, 1996, on the financial statements of the City of Milwaukie.

We will review the status of these comments during our next audit engagement. We have already discussed these comments and suggestions with City management, and would be pleased to discuss them in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations.

Very truly yours,


Certified Public Accountants

PRIOR YEAR RECOMMENDATIONS

The recommendations made in our prior year management letter addressed to the City Council, dated September 29, 1995 are discussed here to inform the Council of the progress made by management on the recommendations. In reading the items below it may be helpful to refer to that letter.

1. *Purchasing*

Situation:

The City has no formal procedures in place for accepting new vendors. A vendor acceptance policy provides assurance that only approved vendors are being paid.

Recommendation:

We recommended that a policy of formal vendor acceptance be developed. With such a policy only those vendors which management has formally approved can be utilized.

Current Year Update:

This recommendation has not been implemented.

2. *Accounts Payable*

Situation:

In some situations invoices are sent directly to departments, rather than to Accounts Payable. This procedure could result in a lost invoice or the failure to pay a vendor timely.

Recommendation:

To prevent as much as possible the receipt of invoices at the departments, purchase orders should be used when ever possible as they clearly indicate the billing address. Departments should be instructed to have vendors submit invoices to Accounts Payable.

Current Year Update:

Departments are doing a much better job of submitting invoices to Accounts Payable.

3. *Property Taxes*

Situation:

A significant portion of the City's revenues are from property taxes. Periodically the County remits to the City amounts which it has collected on behalf of the City. Currently there is no procedure in place to check the County's work.

Recommendation:

The City should implement procedures to determine that the amounts remitted by the County to the City are correct and to be aware of the remaining balance to be collected.

Current Year Update:

The City has implemented procedures to check turnovers against collection percentages. A review of percentage distribution formula is made.

4. *Budget*

Situation:

Prior to the implementation of the Administrative Services and Fleet Services Funds, when services were performed by one fund for another funding was accomplished by use of an operating transfer.

Recommendation:

Now that these funds are in place such services should be budgeted and recognized as fee for service.

Current Year Update:

The recommendation has been complied with.

CURRENT YEAR RECOMMENDATIONS

1. *Computer Virus Software*

Situation:

Computer viruses are program code residing within computer files. They are very prevalent and can easily be spread from computer to computer through floppy disks or modem transfers. Computer viruses can infect and destroy programs and data.

Recommendation:

We recommend that the City monitor the situation and if necessary purchase and maintain current versions of an anti-virus program. Furthermore procedures should be developed to routinely scan all City machines.

2. *Computer Calendar*

Situation:

In the year 2000 much of the software the City utilizes will have operational problems due to its inability to recognize the date.

Recommendation:

The City should begin planning for change required to its software to accommodate the year 2000.

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
FEBRUARY 4, 1997**

Mayor Lomnicki called the work session to order at 4:40 p.m. in the second floor conference room in City Hall.

Present were Councilmembers Tomei, Schreiber, Kappa, and Trotter.

Also present: City Manager Dan Bartlett; Assistant to the City Manager Charlene Richards; and City Engineer Jim Brink.

Information Sharing

1. **Mayor Lomnicki** distributed information on light rail.
2. **Councilmember Kappa** discussed the feasibility of developing a recognition program for citizens other than those appointed to boards and commissions. He specifically noted Fr. Toll's involvement with *Milwaukie Together*.

Council directed staff to contact other cities such as West Linn or Lake Oswego about any existing programs and criteria for recognizing outstanding citizens. Council agreed they would like a report by the end of summer.

3. The Council agreed to hold a goal setting work session on Thursday, February 6 from 6:00 p.m. to 9:30 p.m.
4. **Bartlett** reminded the Council of the Budget Committee meeting on Wednesday, February 5, 1997, 7:00 p.m. in the Public Safety Building.
5. The group discussed the draft "*Communication Agreement*."

Sherrett Street Sanitary Sewer Project

Brink presented the report regarding issues with the Sherrett Street Sanitary Sewer Project. He discussed the January 15 meeting with affected property owners and summarized the remaining issues.

The first issue was the ability to waive the SDC charge. The City Attorney informed him the SDC could not be waived without amending the ordinance.

Brink said other issues were applicability of the SDC to long-time residents and the incentive for immediate hook-up to the system. He reviewed the alternatives: full compensation at \$893 per residence; reduction of each property owner's share by \$327; reduction of the owners' share by a percentage to be determined by the City Council; or provide no compensation to the property owner. Full compensation would cost \$12,500, and the second alternative would cost \$4,578. He added most, if not all, of the property owners would elect immediate hookup, and that would be a benefit to the City. The full compensation would be a 66/33 (City) split based on current project cost estimates, and the second option would be 72/28 (City).

Councilmember Trotter asked how this compared to what the City is now doing. **Bartlett** discussed taking the City's cost from the sewer fund and the Council's ability to increase participation at certain levels. **Councilmember Trotter** said the property owner would pay the SDC, and, on the other hand, receive a credit.

Brink said staff recommends option B. Residents would be eligible for compensation only if they hooked up within three months of project completion. This addressed the property owners' issues about living in an established neighborhood and having the ability to have hooked up many years ago. He discussed previous sewer projects and assessments in the area. Some of the properties were too low to gravity-feed into the system.

Councilmember Trotter asked Brink why staff recommended alternative B. **Brink** responded everyone would share responsibility for the future of the sanitary and storm system.

Councilmember Schreiber asked if staff had estimated the cost of any future development in the City and worked out some sort of SDC process.

Mayor Lomnicki felt this was an equity issue for the future.

Brink said the City's cost can be done on a case-by-case basis. He discussed pockets of homes near existing systems and areas of future annexation.

Bartlett discussed the Linwood/Stanley annexation that would be done in conjunction with Clackamas Service District and logical service provision. He also indicated that cities have less SDC flexibility because of tighter regulation. The last large project, Stanley/Willow, was done in concert with a block grant to help subsidize low income property owners.

Councilmember Trotter asked for the percentages for each alternative. **Brink** provided the following percentages: alternative A 67/33; alternative B 72/28; and alternative C 75/25.

Councilmember Tomei asked, for informational purposes, why the City should compensate these property owners. **Brink** said the compensation would give the property owners incentive to hook up to the system immediately. This would benefit the City as a whole.

Councilmember Tomei asked how detrimental it would be to wait three years to hook up. **Brink** said the property owner would have to hook up if the cesspool fails or if the home is sold.

Councilmember Schreiber pointed out it was to the City's advantage to have as many residences as possible on the system. She asked why the City was not coming forward with a proposal for anyone adjacent or in close proximity to the existing line. **Brink** said the City has a system in place in which everyone pays the SDC but is allowed to pay it off over a long period of time.

Bartlett added the City had been moderately aggressive about everyone hooking up in the area.

Councilmember Schreiber said the residents who are not hooked up to the system are not paying a sewer fee. **Brink** said there were some who had been paying, but they were not any longer. **Councilmember Schreiber** asked how long it would take to pay back the sewer fund for the money expended. **Brink** said the \$14 a month is meant to maintain the existing infrastructure.

Councilmember Kappa said alternative A offers the property owner the greatest incentive. **Brink** said the incentive in alternative B is that it will be less costly to hook up now than later.

Councilmember Kappa supported option A because it gives the property owner the greatest incentive for hooking up to the system.

Councilmember Tomei supported alternative B.

Councilmember Schreiber said there are ongoing costs to provide the service in addition to recouping the expenditure.

Councilmember Schreiber supported option B because reducing the owner's share by \$893 did not meet the commitment to the SDC.

Councilmember Trotter said, from a fairness standpoint, the City needs to have a methodology as it expands to its urban growth boundary. He also supported option B.

Councilmember Schreiber said she would like to see a statement including a timeline for developers coming into the City.

Councilmember Kappa remarked the percentage is not setting precedent, and it would not be applied in all situations.

Councilmember Trotter said the rationale of the reimbursable portion has merit.

Councilmember Schreiber said a process needs to be established.

Councilmember Kappa restated his support of option A.

Brink said this is the largest existing area of homes in the City that is not sewered. The others are only one or two residences. The City will probably not encounter this type of situation until annexations take place.

Councilmember Trotter said it seems the staff recommendation is acceptable at this time and asked when a public hearing was scheduled. **Brink** said the LID public hearing is scheduled for March 4. **Bartlett** added this would be a remonstrance hearing and property owners would be notified on February 21 of the impacts to their property. He discussed the remonstrance process.

Brink addressed the second issue. The property owners wanted to know if the cost of the private sewer connection would be included in the financing. Staff recommended that it be included if the property owner makes a request.

The third issue **Brink** addressed was giving credit for previous sewer assessments. City Council supported that position at the previous work session. He felt the credit should be 5% over the amount of the payments to correct the figure to today's dollars. One property owner, Mingo, had a unique situation in that utility payments were made as if the home had been connected.

Councilmember Trotter felt staff had responded with a fair way to deal with both the project and the property owners. He asked if there were other issues to consider.

Brink reviewed the final item regarding responsibility for change order expenses. Any change order due to unforeseen circumstances which were not a bid item should be included in the property owners' share of the costs. **Bartlett** said it is standard in each LID process to have a certain amount in contingency in the event of an engineering miscalculation.

Councilmember Trotter asked if distribution of any change order expenses would follow the percentage formula. **Brink** said it would follow the percentage established for the total project.

Park and Recreation Board Regarding Work Plan and Recommendations to NCPRD from the City for Fiscal Year 1997 - 1998 Budget

Richards introduced the Park and Recreation Board (PARB) members present: David Murray, PARB chair Jeff Marshall, and Jon Newman. She reviewed the process for submitting funding requests to the North Clackamas Parks and Recreation District (NCPRD). Each PARB member was asked to identify five issues and from those determine the most critical projects to accomplish.

Thom Kaffun, NCPRD, discussed the 1996 - 1997 proposals that included: Furnberg Park Master Plan; Dogwood Park irrigation system and concrete picnic table pads; and Century Park playground. Public meetings will begin in February and March to begin work on the Water Tower Park Master Plan. Work on Scott Park was delayed until decisions are made on light rail.

Marshall discussed the PARB's first priority which was land acquisition. The reason for this was increasing pressure for the use of open space in a growing area. The City currently has little available open space, and land prices are escalating. Acquiring land in the Hector Campbell Neighborhood has the highest priority since it does not have one at this time. The Lewelling and Island Station Neighborhoods are second and third priorities for locating parks. The group discussed the potential development of Spring Park. Another element of the recommendation was to work in concert with NCPRD to develop an acquisition referral process and to coordinate master planning projects with Neighborhood Land Use Committees.

Councilmember Kappa said in the past the City Council's main objective was to acquire as much riverfront property as possible. He asked how this priority fit with riverfront development. **Marshall** said the riverfront would be a regional park facility, and the PARB was looking at parks for individual neighborhoods.

Councilmember Kappa commented on the accessibility of the riverfront to the Island Station Neighborhood. **Councilmember Tomei** responded many parents do not allow their children to go to Elk Rock or near the Kellogg Treatment plant because of crime.

Councilmember Trotter said the recommendation contained both a budget request and a work plan for the PARB. He commended the board on its work.

Councilmember Tomei said the Island Station Neighborhood might support improving Spring Park instead of acquiring more property.

Kaffun commented the Elk Rock Island Master Plan called for a small pocket park at the entrance with parking, walking path, and play area.

Councilmember Schreiber said she would like a statement about the City's development policy concerning recreational facilities for multi-family developments. **Councilmember Trotter** felt the PARB had fulfilled what the City Council asked, but he also suggested the PARB could look at this issue during the neighborhood planning process.

Kaffun reviewed upgrade projects for existing facilities. These included completing the next phase of Furnberg Park and the first phase of Water Tower Park; developing a Dogwood Park Master Plan; evaluating the best use of the Century Park tennis courts; and developing a Wichita Park Master Plan. He also discussed the Dogwood Park/McLoughlin property master plan that included a footbridge across Kellogg Lake to access the other portion of land.

Councilmember Kappa expressed concern this might be a problem for police. **Bartlett** said that issue would be addressed during the master plan.

Kaffun continued his discussion of Century Park. Staff will work with the Lake Road Neighborhood to find out what kind of facility would be most beneficial.

Councilmember Trotter suggested evaluating the entire park and not just the tennis court.

Kaffun discussed Wichita Park on Monroe and said, due to Measure 47 constraints, the master plan would probably be done in-house.

Councilmember Kappa asked if the PARB had discussed the possibility of neighborhoods being responsible for park maintenance and policing.

Councilmember Trotter commented that developing a master plan should be consistent throughout the neighborhoods.

Richards said priority 3 was to maintain existing facilities and programs consistent with the level of service the NCPRD agreed to in the IGA with City of Milwaukie.

Councilmember Kappa expressed his concern about Measure 47 impacts on this priority.

Newman reviewed priority #4 which was to develop youth facilities through partnerships with citizens and public and private entities. The goal would be to work with at-risk youth and provide safer neighborhoods. He discussed the need for a skateboard park and other youth facilities in the Milwaukie area.

Councilmember Trotter asked if this element was in the recommendation for funding or was part of the work plan. **Richards** responded it could be included as both since there could be a cost involved.

Councilmember Kappa was concerned about skateboard park maintenance. **Kaffun** expressed the hope users would maintain the park. **Richards** added it was not clear at this time who would operate such a facility.

Councilmember Trotter said he did not feel City of Milwaukie money should be spent on a regional facility. **Richards** said the recommendation was to develop a master plan. The focus is on at-risk youth.

Councilmember Trotter pointed out this item was in the funding section of the resolution. **Marshall** said the message was to develop facilities. He felt it was important to build a regional skateboard park before developing one in a neighborhood. He discussed the potential for one in Century Park.

Councilmember Schreiber said she might recommend putting priority #4 into "other recommendations" rather than in the funding area.

Murray discussed priority #5 regarding improved communications through intergovernmental cooperation, marketing, and promotional activities. Key elements were distribution through Neighborhood District Associations, the City newsletter, interactive bulletin board, and Home Page.

Councilmember Tomei asked if the communication element would require funding. **Murray** indicated most of it could be accomplished without funding. He added this was a work plan element for the PARB.

Center/Community Advisory Board Interview

The City Council interviewed Audrey Parsons for a vacant position on the Center/Community Advisory Board.

Report of Senior Center Standards Self-Assessment and Identified Issues

Joan Young, Center Director, discussed the information on the Senior Center Standards and Self-Assessment. She reviewed the sections of the assessment developed by the National Council on Aging (NCOA). The assessment provides a reference tool for senior centers to strengthen their operations. Senior centers need to be a focal point for service delivery with a broad range of services and programs.

Young discussed the nine ad hoc committees set up to assess different areas. Those interested in participating were trained in the assessment process. She discussed the new mission, goals, and objectives recently adopted by the C/CAB.

The process took eighteen months, and the results will go to the NCOA for review and comment. This was a very appropriate undertaking for the Milwaukie Center, and it helped provide a vision into the future.

Councilmember Tomei commended Young on the level and extent of public involvement.

Councilmember Schreiber said the focus of the Milwaukie Center was clarified in the process. It is a senior center rather than a community center.

Councilmember Trotter briefly discussed revisions to the bylaws in the *Consent Agenda* portion of the packet.

Kaffun discussed the impacts of Measure 47 and gave an update on the Rose Garden construction.

Councilmember Kappa asked if there would be any changes in the CIP because of Measure 47. **Kaffun** said the CIP would remain the same; however, projects may not be funded in the same time increments.

Council President Trotter adjourned the work session at 6:50 p.m.

Pat DuVal, City Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
FEBRUARY 4, 1997**

The one thousand seven hundred and sixtieth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilmembers 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
Paul Elsner,
City Attorney
Angus Anderson,
Finance Director

Maggie Collins,
Community Development Director
Jim Brink,
City Engineer
JoAnn Herrigel,
Program Services Coordinator
Rafael Cruz,
Civil Engineer
Jay Saatkamp,
Operations Supervisor -- Water

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the Consent Agenda that consisted of the City Council minutes of January 21, 1997, and drafting revisions to the Center/Community Advisory Board bylaws. Motion passed unanimously.

AUDIENCE PARTICIPATION

Bruce Conachan, 12223 SE 22nd, Milwaukie, addressed the City Council on a drainage issue on his property. He was experiencing a water problem in his basement that he felt was a direct result of development on an adjacent property. He indicated his dissatisfaction that no measures had been taken by the City to help solve this problem. He said he had been in contact with the City Engineer and the City Manager on the issue.

The process started several months ago when the property next to his was divided for development. **Conachan** indicated he attended Planning Commission meetings in which the development was discussed. Included in the written material **Conachan** distributed to Council was a letter dated August 22, 1996, to Building Official Kenworthy outlining the problem. **Conachan** said he also submitted photographs of the construction site with this letter to illustrate his erosion control concerns. A large amount of dirt was pushed up against a cyclone fence and left there without any attempt to retain it. In addition, three large fir trees were removed from parcel 3 in July 1996. **Conachan** indicated his main concern was that the final grade would force water runoff to the north instead of to the west. He showed the City Council additional photos of the construction site, but these were not entered as an exhibit.

Mayor Lomnicki asked Conachan to indicate his property on the map. **Conachan** said his lot was 5200. He pointed out in the copy of his fax to Civil Engineer Roeger and Building Official Bennett that this was the first time in nineteen years he has had to clean up water in his basement. The new home acts as a dam, and the water flows north onto his property.

Conachan discussed his meeting with Roeger regarding the installation of a swale to direct water runoff. He understood from City staff the letter and photographs he sent to Kenworthy in August were lost. **Conachan** said he was not satisfied with Bartlett's response and noted the City's insurance carrier sent him a letter dated January 24, 1997. He read the letter from the Northland claims examiner indicating there would be an investigation.

After his December 26, 1996, conversation with Bartlett, **Conachan** contacted Gary Michael and Councilmember Tomei who suggested he address his concerns before the City Council. He reviewed his discussions with Roeger regarding a swale, but on January 14, 1997, the property was regraded with no swale. He and staff continued discussing the swale concept, but on February 2, 1997, Roeger told him that concept had been abandoned because the water ran that way naturally. City Engineer Brink agreed that the topology did not indicate the need for a swale.

Councilmember Tomei asked for clarification if the Schaeffer house had water in its basement before the new construction. **Conachan** said it had been dry until the new house was built. He walked the property with Roeger and Brink, and the driveway acted as a trough to carry the water. Staff decided the site needed more review, and they did not discount installing a swale that would empty onto 21st Street. He discussed the builder's responsibility.

Conachan felt very frustrated with staff since part of the Planning Commission agreement was drainage onto 21st Street. He was also concerned about taxpayers having to pick up costs for things the contractor should have done.

Mayor Lomnicki said he understood from Conachan's comments that staff's most recent recommendation was to construct a swale. **Conachan** said that was what Roeger told him today.

Mayor Lomnicki said the City's insurance carrier had contacted Conachan. **Conachan** said he received a letter, but he has not been in verbal contact with Northland. He said he was complaining about the lack of communication between City departments.

Councilmember Tomei said Conachan expressed his concerns at the Planning Commission variance hearing, and staff assured him this problem would not happen. **Conachan** said he was concerned about the dirt piled against the cyclone fence, but his main concern at this point was water runoff. He just wanted an operable swale collecting runoff to 21st Street and a way to get the water off his property.

Councilmember Kappa asked if water was still coming in his basement. **Conachan** said it does when there is a heavy rain or snow melt.

Councilmember Kappa asked if there was anything currently in place. **Conachan** said the contractor had done the final grading, and there was no swale construction. There were several hay bales between his and lots 9 & 10.

Bartlett said there is an open citizen request for service on Conachan's issue. Not being a civil engineer himself, he was unable to respond to some of the questions. The City of Milwaukie contracts with Northland Insurance to investigate and determine responsibility and any necessary compensation. The Northland letter is part of the standard process when the City receives a claim. City staff is to make no commitments from that point forward. City Council may meet in executive session to discuss the issue with legal counsel and the insurance carrier. These are mistakes that took place in the past, and now a drainage system must be installed in the neighborhood.

Councilmember Tomei asked the City's responsibility and what could be done to make sure the builder followed through. There seemed to be no problem before the new home was built.

Elsner responded his initial analysis was that the City had no liability. In this case, Conachan can identify the builder as the source of the problem. It is now an issue between the residents and the builder. The City is responsible for making sure the builder complies with the code. He assumed Northland would come to the same conclusion. Initially, he saw the City as not liable, and Conachan may have action against the developer.

Conachan said he did not understand why he needed to seek legal counsel if the City agreed a swale was necessary. He felt staff may have been swayed by the builder.

Bartlett said the Northland claims adjuster could best deal with the issue.

Mayor Lomnicki stated the insurance carrier investigates the facts to determine if there is a liability. City Council will hear Northland's conclusions in executive session. The City relies on engineers to make decisions, and if an individual disagrees with a decision or action, the insurance carrier acts as arbitrator.

Bartlett discussed a similar situation on Lake Road, and the work Northland was doing to solve the problem. Northland will consider what was said by Wade, Roeger, and Bartlett, and the adjuster will determine if the City is liable or if the resident should seek counsel. At this point, no determination can be made to remedy the problem.

Councilmember Tomei said she presumed none of this precludes agreements made with Brink and Roeger today. **Bartlett** said City staff cannot put in a swale. If staff agrees a swale is the solution, then it will send a letter to the developer to that effect and also let him know the insurance carrier is also working on the situation.

Conachan said staff decided on January 23 no swale was needed, but he did not find out until February. He indicated he was before the City Council on the advice of Councilmember Tomei and Gary Michael. He felt it was ridiculous the City cannot respond to what it says it will do.

Mayor Lomnicki explained the City Council would not take an action tonight and directed staff to keep it informed.

Conachan asked how long he would expect this situation to continue. **Mayor Lomnicki** felt the issue would be addressed as quickly as possible.

Councilmember Kappa asked if the City would be admitting liability if it assisted at this time. **Bartlett** said he did not feel the City should assist on private property.

Mayor Lomnicki said the City would send letters to the builder to clarify the situation. The City will continue to work through its insurance carrier and come to a conclusion as soon as possible.

Conachan asked how long he could expect to wait. **Mayor Lomnicki** suggested he continue to communicate with Brink or the City Manager. **Bartlett** said he would take responsibility for the contact.

PUBLIC HEARING

Transfer of Milwaukie Cable Television System from Jones Intercable to TCI

Mayor Lomnicki called the public hearing on the transfer of Milwaukie's cable television system from Jones Intercable to TCI at 7:55 p.m.

The purpose of the hearing was to consider public comment on the proposed transfer. He reviewed the conduct of the hearing.

Staff Report: **Herrigel** presented the staff report. The City of Milwaukie received an application for franchise authority consent to transfer the cable television franchise from Jones Intercable to TCI on November 15, 1996. The City has 120 days in which to take action. The purpose of the hearing is to get public input from which staff will notify Jones and TCI of any additional concerns. The current agreement expires June 1998, and, until that time, the current franchise is binding on the City of Milwaukie and the system operator. She noted the issues of providing a public access facility and giving senior discounts.

Councilmember Kappa asked when the City would begin negotiating a new franchise agreement. **Herrigel** responded the process began about eighteen months ago.

Councilmember Kappa commented there are issues outside the City's control at this time. **Herrigel** said that was correct, and these issues would be part of the franchise renewal process coming before the City Council at a future date. These issues would come before the City Council in the future as that process continues.

Correspondence: There was no additional correspondence other than that included in the packet. **Herrigel** received four phone calls mainly asking what transferring to TCI would mean to local service.

Audience Testimony: **Yvonne Haddix**, 20101 SE Fairway Drive, Boring, addressed the seniors' needs for a public access facility. The Milwaukie Center has enjoyed a good relationship with Jones over the past ten years, and she urged the City Council to consider senior needs for a local production site. She thanked the Jones staff for all the help and encouragement it has provided to area seniors.

Staff Comments: None.

Questions of Clarification: **Mayor Lomnicki** asked if there was anything in the current contract that stated the studio had to be within the City limits. **Herrigel** said she believed there was, and TCI indicated they did not plan to move the studio.

Councilmember Kappa asked if TCI maintained any other studios like this. **Herrigel** said she understood TCI contributed funds to studio operators as part of its franchise agreements. Staff is looking at the existing franchise to determine if Jones has been meeting its obligations for the past twelve years before the transfer takes place.

Councilmember Schreiber said from the wording it sounded like a “done deal.” **Herrigel** said the City has 120 days in which to deny or approve the transfer. If the City takes no action, the transfer will be automatically approved.

Mayor Lomnicki said, in working out the details of the potential transfer, the City wants to make sure the obligations within the agreement are being met before transfer is approved.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing at 8:07 p.m.

Discussion among Councilmembers: None.

OTHER BUSINESS

Findings of Fact and Conclusions of Law Regarding File VR-96-07

Collins presented the staff report describing the findings of fact and conclusions of law relating to file VR-96-07 as directed by the City Council on January 21, 1997. These findings include Exhibit A, a map; and Exhibit B, a memo from Public Works. The City Attorney has reviewed the findings, and staff requested they be adopted.

Mayor Lomnicki said the findings before the City Council at this meeting were amended from those in the original packet. He asked Collins to review these changes. **Collins** noted three changes: (1) in the original version, the section on exceeding the 120-day limit was a finding, but the attorney amended it to a footnote; (2) the language regarding the 120-day limit was deleted from the “Conclusion” introductory paragraph; and (3) the City Attorney added language to the same paragraph stating, “As appropriate, these conditions shall be considered as additions to any final decision approving a subdivision application affecting this property.”

Mayor Lomnicki said all parties will have the opportunity to express their concerns during the Planning Commission’s subdivision hearing process.

Councilmember Kappa said he felt the comment on the 120-day limit was confusing as a footnote since exceeding that limit was part of the decision for granting the variance.

Elsner said the 120-day limit was not a finding of fact. The findings of fact should reflect the code. That was the purpose for making it parenthetical and rephrasing it.

Councilmember Trotter felt item 2, *Pending Subdivision Application*, made the situation much clearer.

Marshall said he was told the City Council overturned the variance denial because of the 120-day clock. He asked if that was correct. **Mayor Lomnicki** responded the elements of the City Council discussion were put into findings of fact and conclusions of law to be considered and adopted at this meeting.

Collins said the City Council made its motion based on the staff report with the conditions.

Councilmember Trotter commented he concurred with the City Attorney's comments. Later in the January 21, 1997, Council discussion, he asked about adding language regarding the 120-day limit, and this document was in keeping with the manner in which he asked the question.

Councilmember Schreiber asked the City Attorney if she should vote since she was not at the previous meeting. **Elsner** recommended she not vote at this time since the issue was whether these findings and conclusions of law were an accurate reflection of that Council discussion.

It was moved by Councilmember Trotter and seconded by Councilmember Tomei to adopt the findings of fact and conclusions of law regarding file VR-96-07. Motion passed 4 - 0 - 1 with the following vote: Mayor Lomnicki, Councilmember Tomei, Councilmember Kappa, and Councilmember Trotter aye; no nays; Councilmember Schreiber abstained.

Mayor Lomnicki announced the decision could be appealed to LUBA within a 21-day time limit from the time it was signed and mailed.

Fiscal Year 1997 - 1998 North Clackamas Parks and Recreation District (NCPRD) Budget Priorities for the City of Milwaukie -- Resolution

Richards presented the staff report. The City Council was asked to adopt a resolution communicating Milwaukie neighborhood funding priorities for fiscal year 1997 - 1998. She discussed the role of the Milwaukie Park and Recreation Board (PARB) and the process in which the Board established its priorities. Page two of the resolution was revised based on discussion at the City Council work session.

Jeff Marshall, 9901 SE 53rd, Milwaukie, addressed the City Council as PARB chair. The group recommended the following priorities: acquire land; upgrade existing facilities; maintain existing facilities and programs; develop youth facilities through partnerships; and improve communications with residents. The PARB requested City Council approve the proposal for fiscal year 1997 - 1998.

Councilmember Kappa and **Councilmember Tomei** commended the PARB and staff.

Councilmember Trotter said, for clarification, within the land acquisition recommendation, PARB and City Council wanted to target the Hector Campbell, Lewelling, and Island Station neighborhoods. The upgrading of facilities included completing the next phase of the Furnberg Park Master Plan; completing the first phase of Water Tower Park Master Plan; developing a Dogwood Park Master Plan with the Historic Milwaukie Neighborhood District Association (NDA); evaluating the best use of the Century Park Tennis Courts with the Lake Road NDA; developing a Wichita Park Master Plan with the Linwood NDA; and working with the Island Station NDA on the Spring Park facility.

Mayor Lomnicki commented on the previous goal of acquiring riverfront property as a regional facility. **Marshall** said the PARB did not discuss the riverfront since it was understood a Riverfront Master Plan was in process.

Richards said, for background, the PARB funding priorities were neighborhood parks, community parks, and finally regional parks. The PARB targeted those neighborhoods most in need of park facilities because the riverfront plan was well-covered through City Council goals and existing obligations.

Councilmember Kappa said he did not see regional facilities expenses coming out of neighborhood funds.

Councilmember Schreiber said she understood from the original agreement that a certain amount of money would be set aside for developing infill parks in Milwaukie elementary school attendance areas. She understood the PARB looked at individual neighborhood needs. The Board also indicated its support, but not funding, to the development of regional park facilities.

Councilmember Kappa responded he did not want to limit future possibilities. He wanted to send the message that the riverfront was a regional project, and the City did not necessarily want to use its parks funds.

Councilmember Trotter said as the Milwaukie Neighborhood representative to the NCPRD he would present these regional items as something the City Council feels strongly about but does not wish to fund from neighborhood money. He was comfortable with the recommendation as written since it provided both budgeting and Milwaukie Neighborhood information.

Mayor Lomnicki said he was also satisfied as long as it set the tone and message. The City of Milwaukie supports regional facilities but not from neighborhood parks funds.

Councilmember Kappa said skateboard parks and a community center are two examples of regional projects.

Councilmember Tomei said this is a priority list, and does not preclude the City's putting money into a regional project.

Councilmember Schreiber said a resolution expresses direction, and it is not a law.

Mayor Lomnicki felt the resolution as written set an appropriate tone.

Councilmember Trotter cautioned this was information for the NCPRD budget process, and some, all, or none of the money may be adopted in the District's fiscal budget. He felt the language was appropriate.

Bartlett added the City of Milwaukie is no longer a "protected class" since the five-year period has passed. We now must lobby for our projects with the other five neighborhoods.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the resolution establishing fiscal year 1997 - 1998 North Clackamas Parks and Recreation District Budget.

Councilmember Trotter asked if the City Council had the authority to say it shall receive or recommend. **Councilmember Schreiber** said she would like it stated in the strongest possible language.

Motion passed unanimously.

RESOLUTION NO. 6-1997:

**A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING FISCAL YEAR 1997 - 1998 NORTH CLACKAMAS
PARKS AND RECREATION DISTRICT (NCPRD) MILWAUKIE
NEIGHBORHOOD PARKS FUNDING.**

Purchase Patrol Vehicles for Police Department

Bartlett presented the staff report in which the City Council was requested to authorize the expenditure of \$80,291 to purchase and equip three police patrol vehicles. He reminded the City Council of the Police Department budget and the City Council direction to continue with the purchase of the three patrol cars. The Chief of Police has identified funds to cover the amount over the allocation.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to authorize the expenditure of \$80,291 to purchase and equip three police patrol vehicles. Motion passed unanimously.

Award Bid for School Zone Flashing Yellow Signals

Cruz presented the staff report in which the City Council was requested to consider awarding the bid for the flashing yellow signal installation project to Tice Electric in the amount of \$29,312. He discussed an earlier work session in which the staff was directed to continue with the process. The City received two bids for the project. Clackamas County informed the City it could not do the project until July, and the cost was only \$200 per pole less than Tice.

Mayor Lomnicki said the bid is lower than anticipated. If City Council feels the project and location of the flashing yellow light is appropriate, it can vote to award the bid.

Councilmember Tomei asked why it was important to install the signals by July. **Cruz** said Tice could schedule the work immediately, and the project would be completed prior to the end of this school year. **Councilmember Schreiber** said she saw a benefit in that both the school children and the drivers could become accustomed to the signals.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to award the bid for the flashing yellow signal installation to Tice Electric in the amount of \$29,312.

Councilmember Kappa asked if Rowe Jr. High would be included under the School Trip Safety Program. **Bartlett** said it was decided at a work session that this would be more appropriately addressed in the Lake Road Multi-Modal Project. **Mayor Lomnicki** added the City Council identified elementary schools in the School Trip Safety Program, and he agreed Rowe would more appropriately work into the Multi-Modal Project.

Councilmember Trotter said he appreciated staff's expediting the project. **Cruz** said preliminary results of the 32nd Avenue traffic counts indicate flashing yellow lights have a positive impact on vehicle speeds.

Motion passed unanimously.

Purchase Standby Generators

Saatkamp presented the staff report in which the City Council was requested to authorize the City Manager to sign a purchase order to Christenson Electric, Inc., in the amount of \$119,755 for furnishing and installing standby generators for the Johnson Creek facility and Well #6 in the third pressure zone. These were combined to get a better price on the generators. Well #6 is one of the major storage sites and serves a major portion of the City. The City received five bids, and Christenson Electric, Inc., was the low bidder at \$119,755.

Councilmember Kappa asked if this was in the CIP, and **Saatkamp** indicated it was.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to award the bid to Christenson Electric, Inc., in the amount of \$119,755 for furnishing and installing standby generators for the Johnson Creek facility and Well #6. Motion passed unanimously.

Advance Refunding for 1990 Water Revenue Bonds and 1991 General Obligation Bonds -- Resolutions

Anderson presented the staff report in which the City Council was requested to adopt two resolutions authorizing advance refunding of two outstanding debt issues. One month ago the City Council directed staff to work with Securities Northwest. These were resolutions to actually authorize the action to take place. He discussed the current market situation.

He pointed out the differences between the draft resolutions in the original City Council packet and the final resolutions prepared by bond counsel. If City Council approves these resolutions, the final draft preliminary offering statement will be issued. The savings should be approximately \$110,000.

It was moved by Councilmember Tomei and seconded by Councilmember Kappa to adopt the resolution authorizing issuance and sale of general obligation refunding bonds, series 1997. Motion passed unanimously.

RESOLUTION NO. 7-1997:

A RESOLUTION AUTHORIZING ISSUANCE AND SALE OF GENERAL OBLIGATION REFUNDING BONDS, SERIES 1997.

It was moved by Councilmember Tomei and seconded by Councilmember Kappa to adopt the resolution amending and restating Resolution 25-1990 adopted July 10, 1990, authorizing the advance refunding of outstanding water revenue bonds, and providing the terms under which future revenue bonds may be issued. Motion passed unanimously.

RESOLUTION NO. 8-1997:

A RESOLUTION AMENDING AND RESTATING CITY RESOLUTION NO. 25-1990 ADOPTED JULY 10, 1990, AUTHORIZING THE ADVANCE REFUNDING OF OUTSTANDING WATER REVENUE BONDS, AND PROVIDING THE TERMS UNDER WHICH FUTURE REVENUE BONDS MAY BE ISSUED.

Appoint Center/Community Advisory Board Member

Mayor Lomnicki put forth Audrey Parsons' name as appointee to Center/Community Advisory Board position #6. Motion passed unanimously.

Information

1. **Councilmember Kappa** discussed the Regional Water Purveyors group.
2. **Councilmember Schreiber** announced she was no longer on the Board of Ratio Review.
3. **Councilmember Kappa** said he had not been able to attend the Clackamas Town Center Planning Committee meetings.
4. **Mayor Lomnicki** noted a Budget Committee meeting on February 5, 1997, at 7:00 p.m. in the Public Safety Building.
5. **Mayor Lomnicki** discussed an upcoming JPACT nomination.
6. **Bartlett** pointed out the Police Department annual report and particularly noted a 79% increase on DUII and a 140% increase of basic rule violation arrests. He also noted decreases in other areas.
7. **Councilmember Schreiber** said earlier this month she observed an incident with sixteen vehicles responding. She asked why there were so many. **Bartlett** said this was a pursuit and injury accident that included wreckers and ambulances.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 9:40 p.m.

Pat DuVal, Recorder/Secretary



MEMORANDUM

February 7, 1997

TO: Honorable Mayor and City Council

THRU: Dan R. Bartlett, City Manager 

FROM: John Bennett, Building Official 

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

Action Requested: Adopt the Ordinance before you.

Purpose: To provide City Officials with a current and legal Building Ordinance.

Background: The State of Oregon made many legislative changes this last year that directly effect the City of Milwaukie. These changes require the City to adopt a new Building Ordinance.

Discussion: The document before you, in its base form, was compiled by members of O.B.O.A. and edited to be appropriate for local needs by the City of Milwaukie Building Official. The main issues that are addressed in this Ordinance are as follows:

- Ability to issue stop work order.
- Adoption of the new building related codes.
- Assessment and retention of fines at the local Structural Safety Division.
- Local authority of Building Official to manage the Building Department.
- Provides additional link to a full in-house development process.
- Bringing the city current with state laws.

Recommendation: It is necessary for the City Council to adopt this ordinance as soon as possible to prevent future problems with Oregon Administrative Rules and Statutes and to maintain the local jurisdictional autonomy.

COMMUNITY DEVELOPMENT • PUBLIC WORKS
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

**CITY OF MILWAUKIE
ORDINANCE NO. ____**

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.

WHEREAS, the City Council of the City of Milwaukie finds that rules and regulations regarding the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, and/or maintenance of all buildings or structures in the City of Milwaukie should be adopted; NOW, THEREFORE;

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

SECTION 1: Sections 15.04.010 and 15.04.020 of the Milwaukie Municipal Code are hereby repealed.

SECTION 2: Chapter 15.04 of the Milwaukie Municipal Code is amended by adding Sections 15.04.040 to 15.04.250 to read as follows:

15.04.040 PURPOSE

The purpose of this Chapter is to establish uniform performance standards providing reasonable safeguards for the health, safety, welfare, comfort and security of the residents of this jurisdiction (who are occupants and users of buildings) and for the use of modern methods, devices, materials, techniques and practicable maximum energy conservation.

15.04.050 SCOPE

- A. This Chapter shall apply to the construction, alteration, moving, demolition, repair, maintenance and work associated with any building or structure except those located in a public way.
- B. Where, in any specific case, different sections of this Chapter specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- C. Where, in any specific case, there is a conflict between this Chapter and an Oregon Revised Statute, the statute shall govern.

FEB 18 2011 4:28 PM DONNELLY KATHY P. 4

15.04.060 DEFINITIONS

For the purpose of this Chapter, the following definition shall apply:

- A. "Building Official" shall mean the officer appointed by the City of Milwaukie to regulate and enforce all provisions of this Chapter pursuant to ORS 455.150 and who shall possess a State Building Official Certification.
- B. "I.C.B.O." means International Conference of Building Officials.
- C. "O.R.S." means Oregon Revised Statute.

15.04.070 AUTHORITY OF THE BUILDING OFFICIAL

- A. The Building Official is authorized to enforce all the provisions of this Chapter. The Building Official shall have the power to render written and oral interpretations of this Chapter and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this Chapter.
- B. In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint technical officers, inspectors and other employees to carry out the functions of this Chapter, including enforcement.

15.08.080 RIGHT OF ENTRY

When it may be necessary to inspect a building to enforce the provisions of this Chapter, or the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is in violation of this Chapter or which otherwise makes the building or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if the building or premises be occupied, credentials shall be presented to the occupant and entry requested. If such building or premises be unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to any remedies provided by law to secure entry.

15.04.090 STOP WORK ORDERS

Whenever any work is being done contrary to the provisions of this Chapter (or other pertinent laws or Chapters implemented through its enforcement), the Building Official may order the work stopped by notice in writing served on any person(s) engaged in the doing or causing of such work to be done. Such person(s) shall stop such work until specifically authorized by the Building Official to proceed thereafter.

15.04.090 AUTHORITY TO DISCONNECT UTILITIES IN EMERGENCIES

The Building Official or the Building Official's authorized representative shall have the authority to disconnect fuel-gas utility service, and/or other energy supplies to a building, structure, premises or equipment regulated by this Chapter when necessary to eliminate an immediate hazard to life or property. The Building Official shall, whenever possible, notify the serving utility, the owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or premises in writing of such disconnection within a reasonable time thereafter.

15.04.110 AUTHORITY TO ABATE HAZARDOUS EQUIPMENT

- A. When the Building Official ascertains that equipment, or any portion thereof, regulated by this Chapter has become hazardous to life, health or property, the building official shall order the equipment either removed from its location or restored to a safe and/or sanitary condition, as appropriate. The order shall be in writing and contain a fixed time limit for compliance. Persons shall not use the defective equipment after receiving the notice.
- B. When equipment or an installation is to be disconnected, written notice of the disconnection (and causes therefor) shall be sent by First Class U.S. Mail within 24 hours to the involved utility, and the owner and/or occupant of the building, structure or premises. When equipment is maintained in violation of this Chapter and in violation of a notice issued pursuant to the provisions of this section, the Building Official may institute such action as necessary to prevent, restrain, correct or abate the violation.

15.04.120 CONNECTION AFTER ORDER TO DISCONNECT

No person shall make a connection to or from an energy, fuel or power supply to any equipment regulated by this Chapter which has been disconnected or ordered disconnected or discontinued by the Building Official until the Building Official specifically authorizes the reconnection and/or use of such equipment.

15.04.130 MAINTENANCE

All buildings and structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Chapter shall be maintained in conformance with this Chapter. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this section, the Building Official may cause a structure to be reinspected.

15.04.140 OCCUPANCY VIOLATIONS

Whenever any building, structure or equipment therein regulated by this Chapter is used contrary to the provisions of this Chapter, the Building Official may order such use discontinued and the structure (or portion thereof) vacated. All persons using the structure (or portion thereof) shall discontinue the use within the time prescribed by the Building Official in the notice and make the structure, or portion thereof, comply with the requirements of this Chapter. Use or occupancy of any structure, plumbing, mechanical equipment, or electrical system without approval of the Building Official is a violation of this Chapter.

15.04.150 SUSPENSION/REVOCAION

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this Chapter whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance (or activity thereunder) is in violation of any Chapter or regulation of any other provisions of the Milwaukie Municipal Code. All fees shall remain property of the City of Milwaukie and shall not be refunded.

15.04.160 INSPECTIONS

- A. It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary or otherwise required in a timely manner, to provide safe access to the site and inspection area, and to provide all equipment as may be deemed necessary or appropriate by the Building Official. All corrections required by the Building Official shall be made within a reasonable time and before covering. The permit holder shall not proceed with construction activity until authorized to do so by the Building Official. It shall be the duty of the permit holder to cause the work to remain accessible and exposed for inspection purposes. Any expense incurred by the permit holder to remove or replace any material required for proper inspection shall be the responsibility of the permit holder.

- B. Work requiring a permit shall not be commenced until the permit holder has posted or otherwise made available an inspection record card to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and kept available by the permit holder until final approval has been granted by the Building Official. No use or occupancy will be allowed without approval of the Building Official.

15.04.170 VARIOUS SPECIALTY CODES AND STANDARDS ADOPTED

The following specialty codes, rules, and standards are adopted and incorporated herein by this reference as included in this Chapter.

A. STRUCTURAL CODE

The Oregon Structural Specialty Code, as adopted by OAR 918-460-0010 through 918-460-0015, except as modified in this Chapter, is enforced as part of this Chapter.

B. MECHANICAL CODE

The Oregon Mechanical Specialty Code, as adopted by OAR 918-440-0010 through 918-440-0040, except as modified in this Chapter, is enforced as part of this Chapter.

C. PROCESS PIPING CODE

Appendix Chapter 14 of the Uniform Mechanical Code, 1994 Edition, published by the ICBO, is adopted as part of this Chapter. Furthermore, this chapter shall govern the installation of hazardous process piping in or in conjunction with a building or structure or located upon the premises.

D. PLUMBING CODE

The Oregon Plumbing Specialty Code, as adopted by OAR 918-750-0010, except as modified in this Chapter, is enforced as part of this Chapter.

E. ELECTRICAL CODE

The Oregon Electrical Specialty Code, as adopted by OAR 918-290-0010, except as modified in this Chapter, is enforced as part of this Chapter.

F. ONE AND TWO FAMILY DWELLING CODE

The Oregon One and Two Family Dwelling Specialty Code, as adopted by OAR 918-480-000 through 918-480-0010, except as modified in this Chapter is enforced as part of this Chapter.

G. MANUFACTURED DWELLING PARKS RULES

The Manufactured Dwelling Park and Mobile Home Park Rules adopted by OAR 918-600-0005 through 918-600-0110, except as modified in this Chapter, are enforced as part of this Chapter.

H. MANUFACTURED HOME INSTALLATION RULES

The Manufactured Dwelling Rules adopted by OAR 918-500-0000 through 918-500-0500 and OAR 918-520-0010 through 918-520-0020, except as modified in this Chapter, are enforced as part of this Chapter.

I. RECREATIONAL PARK AND ORGANIZATIONAL CAMP RULES

The recreational park and organizational camp rules adopted by OAR 918-650-0000 through 918-650-0085, except as modified in this Chapter, are enforced as part of this Chapter.

J. FIRE-FLOW REQUIREMENTS

Appendix Chapter 9 Division II of the current edition of the Oregon Structural Specialty Code is adopted as part of this Chapter with the following modifications:

1. **Decreases.** Fire-flow requirements may be modified downward by joint approval of the Building Official and the Fire Marshall for isolated buildings or a group of buildings where the development of full fire-flow requirements is impractical.
2. **Increases.** Fire-flow requirements may be modified upward by joint approval of the Building Official and the Fire Marshall where conditions indicate an unusual susceptibility to group fires or conflagrations. An upward modification shall not be more than twice that required for the building under construction.

3. **Required Fire-Flow:** No building shall be constructed, altered, enlarged, or repaired in a manner that by reason of size, type of construction, number of stories, occupancy, or any combination thereof creates a need for a fire flow in excess of 3000 gallons per minute (1.14m³/min) at 20 pounds per square inch residual pressure, or exceeds the available fire flow at the site of the structure, whichever is less.
4. **Fire-flow requirements in excess of section for buildings protected with automatic sprinkler systems may be allowed by the Building Official and the Fire Marshall when:**
 - i. The greater flow is made available at the building site through the existing municipal water distribution system; and,
 - ii. Vehicle access as specified in Section 902.2.2 of the Uniform Fire Code is provided to all sides of the building.
5. National Fire Protection Association (NFPA) standard 22, Water Tanks for Private Fire Protection (1996 Edition), is adopted as part of this Chapter.
6. National Fire Protection Association (NFPA) standard 24, Private Fire Service Mains and Their Appurtenances (1995 Edition), is adopted as part of this Chapter.
7. Appendix Chapter 33 of the Uniform Building Code, 1994 Edition, published by the ICBO, except Tables 33-A and 33-B, is adopted as part of this Chapter.

K. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

The current edition of ICBO Uniform Code for the Abatement of Dangerous Buildings is adopted as part hereof, except as modified by this jurisdiction.

15.05.180 DANGEROUS OR UNSAFE BUILDINGS

- A. All buildings or structures regulated by this Chapter which are structurally unsafe or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members which are supported by, attached to, or a part

of a building and which are in deteriorated condition or otherwise unable to sustain the design loads which are specified in the appropriate Oregon Specialty Code or appendages are unsafe.

- B. All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction's Building Official. As an alternative, the Building Official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, correct or abate the violation.

15.04.190 ALTERNATE MATERIALS AND METHODS

- A. The provisions of this Chapter are not intended to prevent the use of any alternate materials, designs or methods of construction not specifically proscribed by this Chapter, provided such alternates have been approved and their use authorized by the Building Official.
- B. The Building Official may approve any such alternate materials, designs or methods, provided the Building Official finds that the proposed material, design or method complies with the provisions of this Chapter and that it is, for the purpose intended, at least the equivalent of that prescribed in this Chapter in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation, and is in conformance with all applicable City standards.
- C. The Building Official may require that evidence or proof be submitted to substantiate any claims that may be made regarding an alternate use. The details of any approval of any alternate material, design or method may be recorded and entered in the files of the jurisdiction.

1. **MODIFICATIONS**

When there are practical difficulties in carrying out the provisions of this Chapter, the Building Official may grant modifications provided the Building Official finds that the modification is in conformance with the intent and purpose of this Chapter and that said modification does not lessen any fire-protection requirements nor the structural integrity of the building involved. Any action granting modification may be recorded in the files of this jurisdiction.

2. TESTS

Whenever there is insufficient evidence of compliance with the provisions of this Chapter, or any material, method or design does not conform to the requirements of this Chapter, the Building Official may require tests as proof of compliance to be made at no expense to this jurisdiction.

Test methods shall be as specified by the Building Official in accordance with the recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

All tests shall be made by an approved testing agency. Reports of such tests may be retained by the Building Official.

15.04.200 PLANS AND PERMITS

A. ISSUANCE

The application, plans, specifications, computations and other data filed by an applicant for a permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws or Chapters. If the Building Official finds that the work described in application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this Chapter and other pertinent laws and Chapters, and that the fees have been paid, the Building Official shall issue a permit therefor to the applicant.

When the Building Official issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications APPROVED. Such approved plans and specifications shall not be changed, modified and altered without authorizations from the Building Official, and all work regulated by the Building Official and this Chapter shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Chapter. The issuance of a partial permit shall not constitute or be construed as an assurance that the permit for the entire building or structure will be granted. The holder of a partial permit proceeds with such work at the holder's own risk.

B. RETENTION OF PLANS

One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than 90 days from date of completion of the work covered therein; and one set of approved plans and specifications shall be returned to the applicant, and shall be kept on the site of the building or work at all times during which the authorized work is in progress.

C. VALIDITY OF PERMIT

The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Chapter or of any other Chapter of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or Oregon Specialty Code.

The issuance of a permit based on plans, specifications and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, or from preventing building operations being carried on thereunder when in violation of this Chapter or of any other Chapters of this jurisdiction.

The issuance of a permit based on plans, specifications, and other data shall not be a guarantee by the City or the Building Official of the soundness of such plans or specifications, and shall not be a basis for imposing liability upon the City or any of its agents or employees, specifically including the Building Official.

D. NOT TRANSFERABLE

Absent express approval of the Building Official, a permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder.

E. EXPIRATION OF PLAN REVIEWS

Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding an additional 180 days on request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew

action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

F. PERMIT EXPIRATION, EXTENSION AND REINSTATEMENT

Every permit issued by the Building Official under the provisions of this Chapter shall expire by limitation and become null and void if the building or work authorized is not commenced within the time limitations set forth in this section.

Every permit issued by the Building Official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date such permit is issued, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the Building Official to indicate the intent to start and complete the project. The Building Official may require the permittee to document these activities.

Every permit issued by the Building Official shall expire by limitation and become null and void 24 months after the date of permit issuance. If the building or work authorized by such permit has not received final inspection approval prior to the permit expiration date, all work shall stop until a new permit is obtained for the value of the work remaining unfinished.

1. **EXCEPTION.** At the time of permit issuance the Building Official may approve a period exceeding 24 months for completion of work when the permittee can demonstrate that the complexity or size of the project makes completing the project within 24 months unreasonable.

Any permittee holding an unexpired permit may apply for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once.

Where a permit has expired, the permit can be reinstated and the work authorized by the original permit can be recommenced, provided the following are met:

2. The Specialty Code under which the original permit was issued and other Chapters which are enforced by the Building Official have not been amended in any manner which affects the work authorized by the original permit.
3. No changes have been made or will be made in the original plans and specifications for such work.
4. If the original permit expired less than one year from the request to reinstate the fee for a reinstated permit shall be one-half the amount required for a new permit. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees, shall be required.

15.04.210 FEES

- A. Fees charged under this Chapter shall be established by resolution of the City Council.
- B. The Building Official may authorize the refunding of fees paid.
- C. The determination of value or valuation under any provisions of this Chapter shall be made by the Building Official. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment.

15.04.220 APPEAL PROCEDURE

- A. Any person aggrieved by a decision of the Building Official made pursuant to the following specialty codes may appeal that decision to the following:
 1. Electrical Specialty Code - appeals may be made to the State of Oregon, Building Codes Division, Chief Electrical Inspector.
 2. Structural Specialty Code - appeals may be made to the State of Oregon, Building Codes Structures Board.

3. Mechanical Specialty Code - appeals may be made to the State of Oregon, Building Codes Structures Board.
 4. Plumbing Specialty Code - appeals may be made to the State of Oregon, Building Codes Division.
 5. One and Two Family Dwelling Specialty Code - appeals may be made to the State of Oregon, Building Codes Structures Board.
 6. Manufactured Dwelling Code - appeals may be made to the State of Oregon, Manufactured Structures and Parks Advisory Board as per ORS 455.690.
 7. Recreational Park and Organizational Camp Regulations - appeals may be made to the State of Oregon, Manufactured Structures and Parks Advisory Board as per ORS 455.690.
 8. All other appeals may be made to the appropriate board or agency.
- B. An appeal shall be in writing, shall describe the basis for the appeal and shall first be filed with the Building Official.

15.04.230 VALIDITY

If any section, paragraph, subdivision, clause, sentence, or provisions of this Chapter shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this Chapter, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this Chapter notwithstanding the parts to be declared unconstitutional and invalid.

15.04.240 PENALTIES

Any person violating any of the provisions herein for which a special penalty has not been expressly provided shall, upon conviction thereof, be punished by a fine not to exceed \$1000 per violation. Each day that a violation exists is a separate offense.

15.04.250 WORK WITHOUT A PERMIT/INVESTIGATION FEES/PENALTIES

- A. Whenever any work for which a permit is required by this Chapter has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

- B. An investigation fee, in addition to the permit fee, may be collected whether or not a permit is then or subsequently issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Chapter nor from any penalty prescribed by law.

SECTION 3: EMERGENCY

The City Council finds that the provisions of this ordinance are immediately necessary for the preservation of the public health, peace and safety of the City of Milwaukie, Oregon and the inhabitants thereof and that the results of the enactment of the Chapter will be to protect the health and welfare of the citizens of Milwaukie, Oregon. Therefore, an emergency is declared to exist, and this Chapter shall take effect immediately upon passage by the City Council and signature by the Mayor.

READ for the first time at the regular meeting of the City Council, City of Milwaukie, Oregon, on the 18th day of February, 1997.

READ for the second time and passed by the City Council, City of Milwaukie, Oregon at the regular meeting on the 18th day of February, 1997.

Mayor

ATTEST:

City Recorder

pjb/acm/65021/building.or1(2/10/97)



TO: CITY COUNCIL and BUDGET COMMITTEE,
CITY OF MILWAUKIE, OREGON

THRU: Dan R. Bartlett, City Manager

FROM: Angus M. Anderson, Finance Director *AM*

DATE: January 30, 1997

RE: Monthly Financial Reports

This report is the financial report for December 31, 1996, covering the first half of the fiscal year which began on July 1, 1996. The final audit adjustments have been made and sufficient revenues have been received this year so that the results presented and projections are considered to have significant degrees of accuracy.

The included reports are:

- A) PROGRAM SUMMARY:** This report is presented in exactly the same format as was used in the Budget Document. This provides a view of the adopted budget, year to date results (through December), budget balance and full year projections for each program that is budgeted.
- B) APPROPRIATION REPORT:** This report presents all FUNDS and APPROPRIATION CATEGORIES as adopted by City Council. Presented are figures for adopted budget, year to date results (through December), budget balance and full year projections for each fund and appropriation category.
- C) REVENUE REPORT:** This report presents all FUNDS and all major resource classification in each fund. It also presents the adopted budget, year to date results (through December), budget balance and full year projections for each classification and fund.
- D) FUND BALANCE REPORT:** This report is a true "snapshot" of the fund balances as of one day in time, in this case December 31, 1996. The results presented are Total Revenues, Total Expenditures and Fund Balance (always resulting in a zero for budget presentation). These classifications are shown as adopted budget, year to date results, budget balance and full year projections. As this is a snapshot that changes monthly, there isn't much emphasis placed on this report until nearing the end of the fiscal year. Until that time the report is considered to contain very preliminary data.

PROGRAM STATUS REPORT
WITH FYE PROJECTIONS

PROGRAM	FY 1996-97	YTD	balance	PROJECTION	OVER/
	budget	12/31/96		6/30/97	UNDER
LEGISLATIVE					
Total Expenditures	\$40,810	\$15,806	\$25,004	\$40,000	\$810
ADMINISTRATION/COMMUNITY SERVICES					
City Manager	109,946	49,645	60,301	124,000	(14,054)
City Records	114,197	44,065	70,132	111,203	2,994
Data Processing	286,094	85,259	200,836	237,740	48,354
Neighborhood Services	114,407	41,334	73,073	108,783	5,624
City Attorney	109,100	20,746	88,354	92,000	17,100
Human Resources	213,202	83,543	129,659	209,500	3,702
Recycling Programs	165,209	46,798	118,411	160,000	5,209
Parks Land Acquisition	1,626,554	344,337	1,282,217	1,265,123	361,431
Ledding Library	1,337,104	426,341	910,763	1,150,000	187,104
Public Safety Bldg Const	152,255	3,143	149,112	137,837	14,418
Total Expenditures	\$4,228,068	\$1,145,212	\$3,082,856	\$3,596,186	\$631,882
PUBLIC SAFETY					
Police Administration	193,763	79,756	114,007	190,436	3,327
Police Field Services	2,371,109	1,205,008	1,166,101	2,616,588	(245,479)
Police Support Services	182,414	75,797	106,617	195,000	(12,586)
Emergency Dispatch	397,787	153,752	244,035	380,000	17,787
Fire Administration	773,721	58,731	714,990	236,000	537,721
Fire Operations	2,529,718	953,225	1,576,493	2,430,000	99,718
Fire Prevention	160,641	45,786	114,855	160,000	641
Emergency Radio Comm	0	0	0	0	0
Total Expenditures	\$6,609,153	\$2,572,053	\$4,037,100	\$6,208,024	\$401,129
COMMUNITY DEVELOPMENT					
Total Expenditures	\$641,902	\$269,131	\$372,771	\$584,800	\$57,102
PUBLIC WORKS					
Public Works Administration	308,061	136,538	171,523	342,682	(34,621)
Public Works Engineering	448,141	135,126	313,015	348,953	99,188
Building	352,185	88,995	263,190	235,789	116,396
Electrical Inspection	58,300	0	58,300	50,000	8,300
Plumbing Inspection	58,300	0	58,300	50,000	8,300
Code Enforcement Abatement	62,000	58	61,942	5,000	57,000
State Gas Tax/Street Repair	1,510,124	534,284	975,840	1,346,884	163,240
Bike Path	39,493	1,315	38,178	3,000	36,493
Water	3,563,358	663,068	2,900,290	1,591,464	1,971,894
Water SDC	275,216	1,363	273,853	3,200	272,016
Sewer	3,064,582	-1,939,316	5,003,898	2,215,000	849,582
Sewer SDC	789,569	3,413	786,156	8,000	781,569
Storm Sewer	1,145,198	184,295	960,903	671,491	473,707
Storm Sewer SDC	79,411	600	78,811	1,500	77,911
Fleet Services	398,595	242,407	156,188	537,170	(138,575)
Facilities Maintenance	500,964	142,820	358,144	486,982	13,982
Public Parking Facilities	19,846	9,239	10,607	20,000	(154)
Total Expenditures	\$12,673,343	\$204,207	\$12,469,136	\$7,917,115	\$4,756,228
FINANCE					
Finance Administration	168,948	71,707	97,241	189,833	(20,885)
General Government	317,322	158,745	158,577	191,899	125,423
Municipal Court	118,222	70,213	48,009	170,836	(52,614)
Accounting	250,443	88,211	162,232	234,671	15,772
Intergovernmental/Interfund	4,341,804	2,063,041	2,278,763	3,590,344	751,460
PSB Debt Service	995,769	135,158	860,612	455,315	540,454
Photocopier	49,167	22,200	26,967	57,544	(8,377)
Telephone	91,956	26,847	65,109	75,144	16,812
Knutson Cemetary Trust	40,714	0	40,714	500	40,214
Forfeiture Trust	5,000	0	5,000	500	4,500
Total Expenditures	\$6,379,345	\$2,636,122	\$3,743,223	\$4,966,586	\$1,412,759
TOTAL ALL PROGRAMS					
Total Expenditures	\$30,572,621	\$6,842,531	\$23,730,090	\$23,312,711	\$7,259,910

4

APPROPRIATION REPORT
WITH FYE PROJECTIONS

FUND	APPROPRIATION CATEGORY	FY 1996-97 APPROPRIATION	YTD 12/31/96	balance	PROJECTION 6/30/97	OVER/ (UNDER)
GENERAL FUND						
	Administration/Community Service	279,616	88,133	191,483	268,783	10,833
	Police Services	2,961,320	1,413,977	1,547,343	3,349,904	(388,584)
	Community Development	641,902	269,131	372,771	584,800	57,102
	Public Works	468,785	88,995	379,790	335,789	132,996
	Finance	118,222	70,213	48,009	170,836	(52,614)
	Transfers	3,591,804	2,063,041	1,528,763	3,590,344	1,460
	Contingency	750,000		750,000	0	750,000
	TOTAL GENERAL FUND	\$8,811,649	\$3,993,490	\$4,818,159	\$8,300,456	\$511,193
CODE ENFORCEMENT ABATEMENT FUND						
	Public Works	50,000	58	49,942	5,000	45,000
	Contingency	12,000		12,000	0	12,000
	CODE ENFORCMNT ABATMNT	\$62,000	\$58	\$61,942	\$5,000	\$57,000
STATE GAS TAX/ST REPAIR FND						
	Public Works	1,478,916	534,284	944,632	1,346,884	132,032
	Contingency	31,208		31,208	0	31,208
	TOTAL STATE GAS TAX FUND	\$1,510,124	\$534,284	\$975,840	\$1,346,884	\$163,240
BIKE PATH FUND						
	Public Works	3,151	1,315	1,836	3,000	151
	Contingency	36,342		36,342	0	36,342
	TOTAL BIKE PATH FUND	\$39,493	\$1,315	\$38,178	\$3,000	\$36,493
STORM SEWER SDC FUND						
	Public Works	1,440	600	840	1,500	(60)
	Contingency	77,971		77,971	0	77,971
	TOTAL STORM SEWER SDC FND	\$79,411	\$600	\$78,811	\$1,500	\$77,911
WATER SDC FUND						
	Public Works	3,272	1,363	1,909	3,200	72
	Contingency	271,944		271,944	0	271,944
	TOTAL WATER SDC FND	\$275,216	\$1,363	\$273,853	\$3,200	\$272,016
SEWER SDC FUND						
	Public Works	8,192	3,413	4,779	8,000	192
	Contingency	781,377		781,377	0	781,377
	TOTAL SEWER SDC FUND	\$789,569	\$3,413	\$786,156	\$8,000	\$781,569
PARKS & REC DISTRICT FUND						
	Administration/Community Service	\$1,626,554	\$344,337	\$1,282,217	\$1,265,123	\$361,431
LIBRARY SERVICES FUND						
	Administration/Community Service	1,187,792	426,341	761,451	1,150,000	37,792
	Contingency	149,312		149,312	0	149,312
	TOTAL LIBRARY SRVCS FUND	\$1,337,104	\$426,341	\$910,763	\$1,150,000	\$187,104
PUBLIC SAFETY FUND						
	Police Services	183,753	100,335	83,418	32,120	151,633
	Fire-Rescue Services	2,952,995	1,057,741	1,895,254	2,826,000	126,995
	Emergency Radio Communications	0	0	0	0	0
	Contingency	511,085		511,085	0	511,085
	TOTAL PUBLIC SAFETY FUND	\$3,647,833	\$1,158,076	\$2,489,757	\$2,858,120	\$789,713

APPROPRIATION REPORT
WITH FYE PROJECTIONS

WATER FUND						
Public Works	2,164,091	663,068	1,501,023	1,591,464	572,627	
Debt Service	238,043	0	238,043		238,043	
Reserves	0	0	0		0	
Contingency	1,161,224		1,161,224	0	1,161,224	
TOTAL WATER FUND	\$3,563,358	\$663,068	\$2,900,290	\$1,591,464	\$1,971,894	
SEWER FUND						
Public Works	2,646,489	(1,939,316)	4,585,805	2,215,000	431,489	
Contingency	418,093		418,093	0	418,093	
TOTAL SEWER FUND	\$3,064,582	(\$1,939,316)	\$5,003,898	\$2,215,000	\$849,582	
STORM SEWER FUND						
Public Works	883,638	184,295	699,343	671,491	212,147	
Contingency	261,560		261,560	0	261,560	
TOTAL STORM SEWER FUND	\$1,145,198	\$184,295	\$960,903	\$671,491	\$473,707	
PUBLIC SAFETY FACILITY DEBT SERVICE FUND						
Debt Service	455,315	135,158	320,158	455,315	0	
Reserves	540,454		540,454	0	540,454	
TOTAL PUBLIC SAFETY FAC DEBT SRV	\$995,769	\$135,158	\$860,612	\$455,315	\$540,454	
CAPITAL PROJECTS						
Capital outlay	\$152,255	\$3,143	\$149,112	\$137,837	\$14,418	
FLEET SERVICES						
Public Works	\$398,595	\$242,407	\$156,188	\$537,170	(\$138,575)	
FACILITIES MANAGEMENT						
Public Works	\$520,810	\$152,058	\$368,752	\$506,982	\$13,828	
ADMINISTRATIVE SERVICES						
Legislative	40,810	15,806	25,004	40,000	810	
Administration/Community Service	832,539	283,257	549,282	774,443	58,096	
Public Works	756,202	271,664	484,538	691,635	64,567	
Finance	842,514	367,711	474,803	749,091	93,423	
Contingency	35,322		35,322		35,322	
TOTAL ADMIN SERVICES FUND	\$2,507,387	\$938,438	\$1,568,949	\$2,255,169	\$252,218	
KNUTSON CEMETARY TRUST						
Public Works	\$40,714	\$0	\$40,714	\$500	\$40,214	
FORFEITURE TRUST						
Transfers	\$5,000	\$0	\$5,000	\$500	\$4,500	
TOTALS	\$30,572,621	\$6,842,531	\$23,730,090	\$23,312,711	\$7,259,910	

6

REVENUE REPORT
WITH FYE PROJECTIONS

FUND	CATEGORY	HY 1995-96 budHct	YTD 12/31/96	balance	PROJECTION 6/30/96	OVER/ (UNDER)
GENERAL FUND						
	Fund Balance Available	1,751,090	2,532,781	-781,691	2,532,781	781,691
	Property Taxes	4,901,770	4,235,064	666,706	4,985,000	83,230
	Intergovernmental Revenue	555,789	167,535	388,254	406,264	(149,525)
	Licenses, Permits & Charges for Service	418,000	166,702	251,298	305,750	(112,250)
	Fines & Forfeitures	142,500	116,930	25,570	218,000	75,500
	Franchise Fees	876,000	51,946	824,054	911,000	35,000
	Other Financing Sources	166,500	75,806	90,694	133,279	(33,221)
	TOTAL GENERAL FUND	\$8,811,649	\$7,346,764	\$1,464,885	\$9,492,074	\$680,425
CODE ENFORCEMENT ABATEMENT FUND						
	Fund Balance Available	60,000	61,466	-1,466	61,466	1,466
	Fines & Forfeitures	0	100	-100	0	0
	Other Financing Sources	2,000	1,596	404	2,500	500
	CODE ENFORCMNT ABATMNT	\$62,000	\$63,162	(\$1,162)	\$63,966	\$1,966
STATE GAS TAX/ST REPAIR FND						
	Fund Balance Available	307,643	508,888	-201,245	508,888	201,245
	Intergovernmental Revenue	909,321	372,397	536,924	910,000	679
	Licenses, Permits & Charges for Service	5,000	20,876	-15,876	21,000	16,000
	Franchise Fees	273,160	151,755	121,405	273,160	0
	Other Financing Sources	15,000	11,029	3,971	18,000	3,000
	TOTAL STATE GAS TAX FUND	\$1,510,124	\$1,064,946	\$445,178	\$1,731,048	\$220,924
BIKE PATH FUND						
	Fund Balance Available	28,100	67,092	-38,992	67,092	38,992
	Intergovernmental Revenue	9,093	3,762	5,331	5,000	(4,093)
	Other Financing Sources	2,300	1,744	556	3,000	700
	TOTAL BIKE PATH FUND	\$39,493	\$72,598	(\$33,105)	\$75,092	\$35,599
STORM SEWER SDC FUND						
	Fund Balance Available	57,111	62,166	-5,055	62,166	5,055
	Licenses, Permits & Charges for Service	20,000	14,825	5,175	20,000	0
	Other Financing Sources	2,300	1,623	677	3,000	700
	TOTAL STORM SEWER SDC FND	\$79,411	\$78,614	\$797	\$85,166	\$5,755
WATER SDC FUND						
	Fund Balance Available	234,716	243,521	-8,805	243,521	8,805
	Licenses, Permits & Charges for Service	26,000	11,088	14,912	25,000	(1,000)
	Other Financing Sources	14,500	6,447	8,053	8,000	(6,500)
	TOTAL WATER SDC FND	\$275,216	\$261,056	\$14,160	\$276,521	\$1,305
SEWER SDC FUND						
	Fund Balance Available	704,569	718,790	-14,221	718,790	14,221
	Licenses, Permits & Charges for Service	55,000	21,012	33,988	45,000	(10,000)
	Other Financing Sources	30,000	18,935	11,065	25,000	(5,000)
	TOTAL SEWER SDC FUND	\$789,569	\$758,737	\$30,832	\$788,790	(\$779)
PARKS & REC DISTRICT FUND						
	Fund Balance Available	183,565	156,207	27,358	156,207	(27,358)
	Other Financing Sources	349,000	18,567	330,433	28,000	(321,000)
	Interfund Transfers	1,093,989	1,080,916	13,073	1,080,916	(13,073)
	TOTAL PARKS & REC FUND	\$1,626,554	\$1,255,691	\$370,863	\$1,265,123	(\$361,431)
LIBRARY SERVICES FUND						
	Fund Balance Available	319,687	437,466	-117,779	437,466	117,779
	Property Taxes	181,500	160,578	20,922	184,500	3,000
	Intergovernmental Revenue	512,500	397,764	114,736	566,000	53,500
	Fines & Forfeitures	26,000	16,084	9,916	28,000	2,000
	Other Financing Sources	11,000	7,420	3,580	11,000	0
	Interfund Transfers	286,417	143,208	143,209	286,417	0
	TOTAL LIBRARY SRVCS FUND	\$1,337,104	\$1,162,521	\$174,583	\$1,513,383	\$176,279
PUBLIC SAFETY FUND						
	Fund Balance Available	682,445	827,051	-144,606	827,051	144,606
	Property Taxes	775,700	685,372	90,328	890,500	114,800
	Intergovernmental Revenue	103,750	31,384	72,366	103,750	0
	Licenses, Permits & Charges for Service	1,000	3,062	-2,062	5,000	4,000
	Other Financing Sources	15,000	23,592	-8,592	30,000	15,000
	Interfund Transfers	2,069,938	1,034,969	1,034,969	2,069,938	0
	TOTAL PUBLIC SAFETY FUND	\$3,647,833	\$2,605,429	\$1,042,404	\$3,926,239	\$278,406

FUND BALANCE REPORT
WITH FYE PROJECTIONS

<u>FUND</u>	<u>CATEGORY</u>	FY 1995-96 <u>budget</u>	YTD <u>12/31/96</u>	<u>balance</u>	PROJECTION <u>6/30/96</u>
GENERAL FUND					
	Total Revenues	8,811,649	7,346,764	1,464,885	9,492,074
	Total Expenditures	8,811,649	3,993,490	4,818,159	8,300,456
	TOTAL GENERAL FUND	\$0	\$3,353,274		\$1,191,618
CODE ENFORCEMENT ABATEMENT FUND					
	Total Revenues	62,000	63,162	-1,162	63,966
	Total Expenditures	62,000	58	61,942	5,000
	CODE ENFORCMNT ABATMNT	\$0	\$63,104		\$58,966
STATE GAS TAX/ST REPAIR FND					
	Total Revenues	1,510,124	1,064,946	445,178	1,731,048
	Total Expenditures	1,510,124	534,284	975,840	1,346,884
	TOTAL STATE GAS TAX FUND	\$0	\$530,661		\$384,164
BIKE PATH FUND					
	Total Revenues	39,493	72,598	-33,105	75,092
	Total Expenditures	39,493	1,315	38,178	3,000
	TOTAL BIKE PATH FUND	\$0	\$71,283		\$72,092
STORM SEWER SDC FUND					
	Total Revenues	79,411	78,614	797	85,166
	Total Expenditures	79,411	600	78,811	1,500
	TOTAL STORM SEWER SDC FND	\$0	\$78,014		\$83,666
WATER SDC FUND					
	Total Revenues	275,216	261,056	14,160	276,521
	Total Expenditures	275,216	1,363	273,853	3,200
	TOTAL WATER SDC FND	\$0	\$259,693		\$273,321
SEWER SDC FUND					
	Total Revenues	789,569	758,737	30,832	788,790
	Total Expenditures	789,569	3,413	786,156	8,000
	TOTAL SEWER SDC FUND	\$0	\$755,323		\$780,790
PARKS & REC DISTRICT FUND					
	Total Revenues	1,626,554	1,255,691	370,863	1,265,123
	Total Expenditures	1,626,554	344,337	1,282,217	1,265,123
	TOTAL PARKS & REC FUND	\$0	\$911,354		\$0
LIBRARY SERVICES FUND					
	Total Revenues	1,337,104	1,162,521	174,583	1,513,383
	Total Expenditures	1,337,104	426,341	910,763	1,150,000
	TOTAL LIBRARY SRVCS FUND	\$0	\$736,180		\$363,383
PUBLIC SAFETY FUND					
	Total Revenues	3,647,833	2,605,429	1,042,404	3,926,239
	Total Expenditures	3,647,833	1,158,076	2,489,757	2,858,120
	TOTAL PUBLIC SAFETY FUND	\$0	\$1,447,353		\$1,068,119
WATER FUND					
	Total Revenues	3,563,358	2,896,923	666,435	3,569,378
	Total Expenditures	3,563,358	663,068	2,900,290	1,591,464
	TOTAL WATER FUND	\$0	\$2,233,855		\$1,977,914

REVENUE REPORT
WITH FYE PROJECTIONS

WATER FUND						
Fund Balance Available	1,771,674	1,785,933	-14,259	1,785,933	14,259	
Licenses, Permits & Charges for Service	1,740,184	1,067,967	672,217	1,723,445	(16,739)	
Other Financing Sources	51,500	43,023	8,477	60,000	8,500	
TOTAL WATER FUND	\$3,563,358	\$2,896,923	\$666,435	\$3,569,378	\$6,020	
SEWER FUND						
Fund Balance Available	905,582	227,096	678,486	227,096	(678,486)	
Licenses, Permits & Charges for Service	2,143,000	1,031,829	1,111,171	2,200,000	57,000	
Other Financing Sources	16,000	32,273	-16,273	40,000	24,000	
Special Assessment Debt Payments	0	2,936	-2,936	0	0	
TOTAL SEWER FUND	\$3,064,582	\$1,294,134	\$1,770,448	\$2,467,096	(\$597,486)	
STORM SEWER FUND						
Fund Balance Available	484,383	613,859	-129,476	613,859	129,476	
Licenses, Permits & Charges for Service	648,815	331,096	317,719	675,000	26,185	
Other Financing Sources	12,000	15,529	-3,529	25,000	13,000	
TOTAL STORM SEWER FUND	\$1,145,198	\$960,485	\$184,713	\$1,313,859	\$168,661	
PUBLIC SAFETY FACILITY DEBT SERVICE FUND						
Fund Balance Available	520,166	581,339	-61,173	581,339	61,173	
Property Taxes	460,603	409,341	51,262	475,000	14,397	
Other Financing Sources	15,000	14,973	27	29,946	14,946	
TOTAL PUBLIC SAFETY FAC DEBT SRV	\$995,769	\$1,005,653	(\$9,884)	\$1,086,286	\$90,517	
CAPITAL PROJECTS						
Fund Balance Available	152,255	132,337	19,918	132,337	(19,918)	
Other Financing Sources	0	3,300	-3,300	5,500	5,500	
TOTAL CAPITAL PROJECTS	\$152,255	\$135,638	\$16,617	\$137,837	(\$14,418)	
FLEET SERVICES						
Fund Balance Available	0	-6,724	6,724	-6,724	(6,724)	
Licenses, Permits & Charges for Service	363,595	248,699	114,896	375,000	11,405	
Other Financing Sources	500	-2,561	3,061	0	(500)	
Interfund Transfers	34,500	33,751	749	33,751	(749)	
TOTAL FLEET SERVICES	\$398,595	\$273,164	\$125,431	\$402,026	\$3,431	
FACILITIES MANAGEMENT						
Fund Balance Available	0	33,604	-33,604	33,604	33,604	
Licenses, Permits & Charges for Service	498,310	235,284	263,026	500,000	1,690	
Fines & Forfeitures	20,000	10,005	9,995	15,000	(5,000)	
Other Financing Sources	2,500	3,174	-674	0	(2,500)	
TOTAL FACILITIES MANAGEMENT	\$520,810	\$282,067	\$238,743	\$548,604	\$27,794	
ADMINISTRATIVE SERVICES						
Fund Balance Available	163,476	111,169	52,307	111,169	(52,307)	
Licenses, Permits & Charges for Service	2,342,911	1,122,457	1,220,454	2,244,811	(98,100)	
Other Financing Sources	1,000	3,127	-2,127	6,254	5,254	
TOTAL ADMIN SERVICES FUND	\$2,507,387	\$1,236,754	\$1,270,633	\$2,362,234	(\$145,153)	
KNUTSON CEMETARY TRUST						
Fund Balance Available	39,714	39,957	-243	39,957	243	
Other Financing Sources	1,000	1,043	-43	2,087	1,087	
TOTAL KNUTSON CEMETARY TRUST	\$40,714	\$41,000	(\$286)	\$42,044	\$1,330	
FORFEITURE TRUST						
Fund Balance Available	0	1,065	-1,065	1,065	1,065	
Fines & Forfeitures	5,000	293	4,707	1,052	(3,948)	
TOTAL FORFEITURE TRUST	\$5,000	\$1,357	\$3,643	\$2,116	(\$2,884)	
TOTALS	\$30,572,621	\$22,796,692	\$7,775,929	\$31,148,884	\$576,263	

FUND BALANCE REPORT
WITH FYE PROJECTIONS

SEWER FUND				
Total Revenues	3,064,582	1,294,134	1,770,448	2,467,096
Total Expenditures	3,064,582	-1,939,316	5,003,898	2,215,000
TOTAL SEWER FUND	\$0	\$3,233,450		\$252,096
STORM SEWER FUND				
Total Revenues	1,145,198	960,485	184,713	1,313,859
Total Expenditures	1,145,198	184,295	960,903	671,491
TOTAL STORM SEWER FUND	\$0	\$776,190		\$642,368
PUBLIC SAFETY FACILITY DEBT SERVICE FUND				
Total Revenues	995,769	1,005,653	-9,884	1,086,286
Total Expenditures	995,769	135,158	860,612	455,315
TOTAL PUBLIC SAFETY FAC DEBT SRV	\$0	\$870,496		\$630,971
CAPITAL PROJECTS				
Total Revenues	152,255	135,638	16,617	137,837
Total Expenditures	152,255	3,143	149,112	137,837
TOTAL CAPITAL PROJECTS	\$0	\$132,494		\$0
FLEET SERVICES				
Total Revenues	398,595	273,164	125,431	402,026
Total Expenditures	398,595	242,407	156,188	537,170
TOTAL FLEET SERVICES	\$0	\$30,758		(\$135,144)
FACILITIES MANAGEMENT				
Total Revenues	520,810	282,067	238,743	548,604
Total Expenditures	520,810	152,058	368,752	506,982
TOTAL FACILITIES MANAGEMENT	\$0	\$130,008		\$41,622
ADMINISTRATIVE SERVICES				
Total Revenues	2,507,387	1,236,754	1,270,633	2,362,234
Total Expenditures	2,507,387	938,438	1,568,949	2,255,169
TOTAL ADMIN SERVICES FUND	\$0	\$298,315		\$107,065
KNUTSON CEMETARY TRUST				
Total Revenues	40,714	41,000	-286	42,044
Total Expenditures	40,714	0	40,714	500
TOTAL KNUTSON CEMETARY TRUST	\$0	\$41,000		\$41,544
FORFEITURE TRUST				
Total Revenues	5,000	1,357	3,643	2,116
Total Expenditures	5,000	0	5,000	500
TOTAL FORFEITURE TRUST	\$0	\$1,357		\$1,616
TOTALS	\$0	\$15,954,161	\$0	\$7,836,173

1,330

DRAFT

PLANNING COMMISSION MINUTES TUESDAY, JANUARY 28, 1997

COMMISSIONERS PRESENT

Mike Smith, Chair
Bryan Cosgrove
Terry Havel
Pat Lent

COMMISSIONERS ABSENT

Tim LaRocque

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir
Dan Pava,
Senior Planner
Susan Heiser,
Senior Planner
Shirley Richardson,
Hearings Recorder

1.0 CALL TO ORDER

Chair Smith called the meeting to order at 6:39 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 Planning Commission Minutes -- January 14, 1997

Pat Lent moved to approve the minutes of the January 14, 1996, as amended. **Bryan Cosgrove** seconded. MOTION CARRIED 4-0.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

5.1 Applicant: Oregon Department of Transportation
Property Owner: Oregon Department of Transportation
Location: Right-of-Way along McLoughlin Blvd. south of
downtown Milwaukie
Proposal: Tree mitigation for trees removed by ODOT
(Continued from November 12, 1996)
File Number: CU-96-01

Chair Smith opened the public hearing on the tree mitigation for trees removed by ODOT (CU-96-01). He then explained the hearing format. He asked if there were any conflicts of interest or ex-parte contacts to declare. **Pat Lent** stated that after the last hearing, she talked to Mr. Michael, Mr. Sweetland, and Mr. Miller. The conversation had nothing to do with the hearing. She does not feel that this will prevent her from voting on this Application. There were no other conflicts of interest or ex-parte contacts declared. He asked if there were any Commissioners who visited the site; four hands were raised. None of the Commissioners who raised their hands noticed anything different from what is stated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Dan Pava reviewed the Staff Report with the Commissioners. This Application is for a Conditional Use Permit, CU-96-01. This hearing is continued from the November 12, 1996, public hearing. It was determined at that meeting, that time be given to the applicant to come up with a more beneficial plan. This hearing tonight is to consider this revised plan for mitigation along McLoughlin Blvd.

Last spring trees were cut by ODOT along McLoughlin Blvd. across from the sewerage treatment plant here in Milwaukie. Subsequently, concerns were expressed by citizens and business owners. In late May, a pre-application conference was held with representatives from ODOT to provide guidance from City Staff about the Willamette River Greenway Overlay Zone Conditional Use process and mitigation required to correct the cutting of trees along McLoughlin Blvd.

In October, an application was officially received by the Community Development Department. A public hearing was scheduled with the Planning Commission. At that hearing there was discussion and a motion was made to continue the hearing until a more beneficial plan could be prepared.

The Applicant met with City Staff on December 17th. It was determined that 25 trees would be an acceptable replacement for the trees that had been cut in the past by ODOT. A two-phased approach was proposed to addressing this mitigation. The first phase includes replacing trees similar to those that had been removed. Since the future of McLoughlin's alignment and cross-section design is unknown at this time, placing any kind of street trees should be postponed.

Another meeting was held with ODOT representatives, interested citizens, and Community Development Staff on January 8, 1997. Community Development