

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION
September 5, 2006

Mayor Bernard called the work session to order at 5:34 p.m. in the City Hall Conference Room.

Council Present: Councilors Barnes, Collette, Loomis, and Stone.

Staff Present: City Manager Mike Swanson and City Attorney Gary Firestone.

City Manager Matters

Mr. Swanson had provided e-mail copies of the judge's decision regarding Emmert Industrial v. City of Milwaukie made some changes but still granted the three motions for summary judgment.

- **Contract for Municipal Judge**

Mr. Swanson reported that the Council had met with Judge Ron Gray at its previous work session, and the current six-month contract will expire at the end of December. This position was directly hired and evaluated by the Council, so the question was whether the Council wished to extend the contract or pursue a request for proposals (RFP).

It was Council consensus to direct staff to prepare a contract extension for two years.

Councilor Stone asked if the contract payment amount had been consistent over the years.

Mr. Swanson replied it had, and \$1,800 per month was not a great deal. Once the City extended its jurisdiction to include misdemeanors more time and subsequently the payment amount would need to be reviewed.

Mayor Bernard understood the number of people coming to court had increased to about 300, and the judge had mentioned there might be a need to add a day.

Mr. Swanson said could be negotiated in the new contract if necessary. The judge also has the power under the City Charter to appoint a pro-tem judge if he perceived the need. With both traffic enforcement officers on the road there was clearly an increase in the number of citations issued.

- **LOC Voting Delegate and Alternate**

Mayor Bernard and **Councilor Barnes** would be the voting delegate and alternate respectively. **Mr. Swanson** would provide any resolutions that would be considered at the general business meeting.

- **Draft February Retreat Design**

Mr. Swanson reviewed preliminary material for the retreat in order to make final arrangements. The Saturday retreat would be with the Council, and there would be a session with staff on Friday. He felt Dr. Grace had a depth of background and could cover a number of issues.

- **Wastewater Treatment Plan**

Mr. Swanson discussed an alternative that would site a new plant in the North Industrial area by using the outfall on the Willamette that currently served Kellogg and shutting down and removing Kellogg from the riverfront. He had not looked at the HDR report to determine if that was financially feasible. Some of the Citizen Advisory Council (CAC) members showed interest. Mr. Swanson thought new technology could minimize the visual impacts. Decommissioning Kellogg and opening up the riverfront has been a Council goal for some time, and there was some interest on the part of the CAC. He did not suspect the CAC would support a Clearwater-like option. The Board of County Commissioners (BOC) could always choose a Clearwater-like option, but he believed they would be back to last January with a petition and a vote.

Councilor Loomis said the difference was that there would be data.

Councilor Stone agreed that was relevant.

Mr. Swanson thought the CAC members had some influence in that area and were trusted. No decisions have been made to this point, and the rate numbers would be discussed on September 11. This was merely a potential. If it did not have legs, then he would put a stop to it now. This has come about quickly, and he would be asked if there was any interest on the City's part of pursuing that option.

Mayor Bernard agreed it was important to have information out to the public, but it was difficult to communicate it to enough people. At the Farmers' Market a visitor said they had never heard about everything going on until they came to the booth. There have been articles in the newspapers and the City newsletter. That was similar to the issues related to notification in the North Industrial Area. One of his assignments was to look at the treatment plant being built in Albany, and the price tag was \$55 million. Let the ratepayers make the decision after they got the information. This may or may not be the way to go, and a Clearwater-like option might be a good decision. He felt the City had to be open to possibilities with the understanding that the treatment plant on the river went away. He felt the goal should be to walk up with the CAC with a shared recommendation. He thought the City should consider the new alternative. The BOC would not allow the CAC to delay the process, but quick figures could be developed. He and a member of the CAC, the new Water Environment Services (WES) Executive Director Mike Kuenzi, and Mr. Swanson had a chance to look at some new plants in the Seattle area. The new plant in Edmonds looked like an office complex, and there was no odor.

Councilor Barnes thought Milwaukie had been extremely cooperative through this process. Staff and Council attended the meetings. She was not in favor of putting another treatment plant in Milwaukie because the City had paid more than its fair share for many years. It was time for an alternative other than Milwaukie.

Councilor Collette saw the advantage of doing this for the ratepayers of the region. She agreed with Councilor Barnes that Milwaukie had for so long tried to live down the reputation of being the home of the sewage treatment plant. She thought that Milwaukie might be the home of all of it coming down the hill – the community has worked hard to change its reputation from the stinky town where the sewage treatment plant is. She would have to see some really good numbers to be convinced that it would be worth it to the community to take on that reputation again and particularly after the work done to build the relationship in the North Industrial area. None of them had any idea this was surfacing. She

felt the City owned North Industrial a lot of sit-down time if this option was going to be considered. As much as it could go right, she saw 100 different ways it might go wrong. She would like to see how the ratepayers of the entire region felt about it before she would sign up Milwaukie to take the downstream side of all that sewage.

Councilor Stone advocated for a plant that would give the biggest bang for the buck, so it had to be economically feasible and environmentally state of the art and best practices in sewage disposal. She felt they needed to decide between the options on the table. She was hesitant about throwing out this latest idea about putting it in the North Main Industrial area. It felt almost like the Kellogg decision. At the last minute let's site the transit center there, and it turned out not to be a good idea. She did not want to do anything knee jerk just to get them to make a decision. She wanted them to come to a conclusion based on the information they had. She did not want to see any rush job to put the numbers together to see if this at the eleventh hour was a feasible idea. Down the road it might be. Her number one concern was that it made sense economically and environmentally. She had never really thought of Milwaukie as being a stinky town. The treatment plant was there, but a lot of cities had them. She did not think it was a matter of the City's reputation being at stake. She thought the City should be particularly concerned about the environmental impacts and what a new plant would do and positioning that so everyone in the County benefited – not just Milwaukie to be more economically feasible to have it in a different location if that was what was decided. That was what Clearwater said.

Councilor Loomis agreed with Councilors Collette and Stone. He did not think it was the right time to throw something out there. There was a process to go through. He supported their right to go out and petition. He supported the process, and they had invested money in it this time to come to a decision. He did not know why Milwaukie would throw something out there to muddy it up. They needed to make a decision. That was what they were asked to do. This might be an option down the road, but this was not the proper time. As far as people showing up at the Farmers' Market and not knowing what was going on was normal. People are very busy. They expect elected people to do this. This was the County Commissioner's assignment. It was their decision. People were elected to make the right decisions for the voters. This was the Commissioners' decision to make, and they needed to make it. They gave the CAC the time and money, so let's see where it ends up.

Councilor Collette was not sure the Council was saying that option should never be on the table. She understood Councilors were saying it was the wrong time to throw it into the process. If they voted to recommend a new plant, then they would need to start a whole new siting process. At that time, the community could be engaged to talk about environmental, business, and neighborhood impacts to make sure everyone was on board and informed. This idea should not be thrown in so near the end of the process.

Mayor Bernard did not believe it would be a snap decision. The decision to build Kellogg a long time ago was a mistake, but that might have been the technology available at the time. Making the offer of the City's looking at other alternatives – because they were looking at a plant on I-205. The ratepayers would have to pay to have the sewage pumped to the treatment plant and back to the Willamette River. What would that figure come to? Maybe the CAC needed to find an alternative that the ratepayers would support. His personal opinion was that Clearwater was the way to go, but he did not believe they would get there.

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APPROVED MINUTES

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Councilor Loomis recommended that Mr. Swanson tell the CAC that the City respected its position, and they needed to make a decision.

- **League of Oregon Cities Metro Area Tour Update**

Mr. Campbell briefly reviewed the draft itinerary for the Milwaukie walking tour on September 28 during the annual conference. This was an opportunity to say thank you to all of Milwaukie's partners in a public forum. The reception and wine tasting, sponsored by Shiels, Oblatz, KemperCo, and Celebrate Milwaukie, Inc. would be in one of the North Main storefronts. Mayor Bernard would donate bags from the Sunday Farmers' Market for gifts.

- **Joint Session with North Clackamas School District #12 Board**

School Board Chair Joan Smith and Directors Rein Varga and Vivian Scott and Superintendent.

Mr. Naso said the intent of the joint session was to discuss areas of common interest. Milwaukie was one of five communities making up the North Clackamas District, and he hoped this discussion would reveal ways the two entities could work together. He addressed five common areas.

1. Redevelopment of the City of Milwaukie. Milwaukie's schools were among the oldest in the District, and the bond issue was the District's long-term plan to significantly improve or replace those buildings. Milwaukie High School would continue to serve the City, and some improvements were made using 1998 bond money. Ardenwald would be replaced and Linwood would get an addition. The fourth big project would be an expansion of Rowe Middle School. There was a common interest in making Milwaukie schools attractive to those moving into the community.
2. Youth and adult recreation. This makes for a vibrant community, and the District represented a lot of greenspace and gymnasium inventory for a community. The District has worked to expand the amount of space available over the years. Right now there was a new soccer field being built for youth groups at Lot Whitcomb. The new all weather surface was installed at Aldercreek and would be available for youth and adult community groups. The construction of a new school at Ardenwald would have the standard elementary school package with a gym. The addition at Rowe would expand the indoor recreation facilities.
3. Road improvements. Lake Road was important because many students walked to the two schools located on that street. There common interests for other streets as they impacted the schools.
4. Regional arts consortium. There was an interest in a greater arts presence in the Milwaukie area and particularly into the schools. This was a common interest in building community.
5. Administrative center. Earlier this year the District was courted by a developer about moving the administrative center to the east. The District was in critical need of a building that could house the services. The Board made it clear it wanted to stay in the Milwaukie area if possible, so the District was in the process of sorting through that issue and considering the building on Freeman Road. There was also an option of building on the current 3-acre property. The third possibility was at the current Sabin Center where there was property to build. He noted the District had purchased a house adjacent to the east of Rowe on Shell Lane that would become a parking lot.

Mayor Bernard discussed the possible location for a light rail station and hoped the District would participate in the siting process. He looked forward to partnering with the District on park land purchase and the Lake Road improvement project.

Councilor Barnes hoped the City and District would work together in looking at expanding opportunities for youth involvement and perhaps develop a clearinghouse.

Councilor Collette suggested providing more information on how people might access school grounds so they could be used as parks.

Mr. Naso hoped that utilization of facilities after hours would one day be in the hands of a central coordinating effort. He discussed field scheduling and the District's strong position that youth in the community had first access at a minimal fee and worked up to commercial leagues. Most of the criticism came from that end because they did not feel they could get to the facilities because the youth programs were so massive.

Councilor Collette commented the Ardenwald school grounds seemed underutilized during the summer and that it and the small park across the street could be promoted. She thought the school grounds could be a huge service during the summer if people knew whom to contact.

Mr. Naso referred to Mayor Bernard's comments on light rail. The principal had not spoken as a representative of the Board. He had been very concerned about siting a station that close to the high school and creating what school administrators refer to as unwanted traffic. The District and City would have to work together on the issue to find some common ground.

Councilor Collette thought it would be key to having the District help plan a facility that was more like a plaza or public square where people interacted on a community level. Security features would be key.

Mr. Naso had never sensed that the District Board was adverse to a light rail station in Milwaukie. That would be a piece in the ultimate development of the community.

Ms. Smith would want the District to be an integral part in the discussions because security was a huge issue, and transit centers had a certain reputation.

Mayor Bernard suggested issues with transit centers might be in the design.

Ms. Smith works across the street from the Oregon City transit center and no one really hangs out. The building and surrounding area was kept clean.

Councilor Stone cautioned that Clackamas County and the City of Milwaukie said "no" to spending the money on light rail, but now the conversations are coming up again. Every precinct in Milwaukie voted "no." She asked if the house purchased next to Rowe would be for student or staff parking.

Mr. Naso replied parking at Milwaukie High School was expanded for students.

Councilor Stone asked if there was any way to entice students to take public transportation. When she was in high school it was unusual for students to have cars. It makes a huge impact on traffic congestion. She commuted all the way through high school, college, and beyond.

Mr. Naso said Rowe was on a very limited piece of property. The bus turnaround actually reduced the amount of parking which resulted in horrendous

problems. The expanded parking would be mostly to accommodate normal community use.

Councilor Stone asked what percentage of youth were volunteering their time to community projects. She agreed with Councilor Barnes that the City needed to involve students in community activities and projects.

Mr. Naso replied the senior project provided a good avenue and there were a number of service clubs that helped specific organizations such as the Annie Ross House. He believed youth were more civic minded than they were given credit.

Ms. Smith suggested looking at a youth council program to find out how students perceived their community involvement.

Councilor Stone commented the Traffic Safety Board had a student representative for many years.


Ms. Scott said there were leadership opportunities for students for things like public outreach. She encouraged the City to contact the high school and include students in projects of interest. Some might be interested in the transit center discussions.

Mayor Bernard suggested looking into the Chamber leadership program.

Advisory Board Interviews

The Council interviewed Andrew Tull for a vacant position on the Design and Landmarks Committee; Ed Brown for the Planning Commission; and Mary Weaver for the Hector Campbell Neighborhood Association representative to the Public Safety Advisory Committee.

Mayor Bernard adjourned the work session at 6:57 p.m.



Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL WORK SESSION SEPTEMBER 5, 2006

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

A light dinner will be served.

WORK SESSION – 5:30 p.m.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	City Manager Matters <ul style="list-style-type: none">• Contract for Municipal Judge• LOC Conference Voting Delegate & Alternate• Draft February Retreat Design• League of Oregon Cities Metro Area Tour Update	Mike Swanson
2.	6:00 p.m.	Joint Session with North Clackamas School District #12 Board	Board Members and Superintendent Ron Naso
3.	6:30 p.m.	Advisory Board Interviews: Andrew Tull -- Design & Landmarks Committee Edwin Brown – Planning Commission	Mayor Bernard
4.	6:50	Adjourn	

Public Notice

- The Council may vote in work session on non-legislative issues.
- The time listed for each discussion item is approximate. The actual time at which each item is considered may change due to the length of time devoted to the one previous to it.
- Executive Session: The Milwaukie City Council may go into Executive Session pursuant to ORS 192.660. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making any final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA) please dial TDD (503) 786-7555.
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.



TO: MAYOR AND CITY COUNCIL
FROM: MIKE SWANSON, CITY MANAGER
DATE: AUGUST 22, 2006 FOR SEPTEMBER 5, 2006 WORK SESSION
RE: CONTRACT FOR MUNICIPAL JUDGE

ACTION REQUESTED

The action requested is direction on whether to extend the contract with Judge Gray or to advertise an RFP seeking additional applicants.

BACKGROUND

Pursuant to Section 10, Milwaukie Charter of 1975, the City Council appoints three City officers:

Appointive officers of the city are the city manager, city attorney and municipal judge. Each such officer is appointed and removed by a majority vote of the entire city council. In the case of the municipal judge, the council may designate a state court to perform the judicial functions of the city.

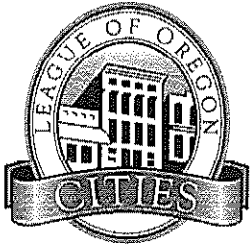
Section 28(a), Milwaukie Charter of 1975 further provides as follows:

The municipal judge shall be the judicial officer of the city. *The municipal judge shall be appointed by and hold office during the pleasure of the council.* The municipal judge shall be a member in good standing of the Oregon State Bar during the entire term of office. Disbarment shall be a basis for removal from office. The municipal court judge shall hold a court within the city which shall be known as the municipal court for the city of Milwaukie, Clackamas County, Oregon. The court shall be open for transaction of judicial business for such days and hours as the council may establish. (Emphasis mine.)

It has been the practice of the City to hire a municipal judge to serve pursuant to a contract for services. The contract does not provide benefits. Judge Gray has been so employed for 18 years pursuant to a series of contracts. During my time here his compensation has been \$1,800 monthly. The past one expired on June 30, 2006, and it was replaced by a six-month extension that expires on

December 31, 2006. The question is whether you want to propose a longer term to Judge Gray or whether you wish to advertise for proposals from interested and qualified parties.

When considering a contract for services, we will need to make provision in future years for a renegotiation if we extend the court's jurisdiction to misdemeanors.



League of Oregon Cities
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1201 Court St. NE, Suite 200
Salem, Oregon 97301-4194

P.O. Box 928
Salem, Oregon 97308-0928

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E-mail: loc@orcities.org
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Mayor, Redmond

Mike McCauley
Executive Director

August 17, 2006

TO: City Managers, Administrators and Recordors

FROM: JoAnn Ghelfi, Conference Manager

Enclosed are the voting delegate and equipment exchange forms for the League's annual conference, to be held September 28-30 in downtown Portland. These forms should be completed and returned to the League office by Friday, September 8.

The *equipment exchange* provides you the opportunity to advertise for sale any surplus equipment, autos, etc. you may have, as well as to make known your interest in purchasing a specific item. Responses received will be displayed on a bulletin board near the League's registration desk during the conference.

The *voting delegate* form tells us who will be voting on behalf of your city during the Annual Business Meeting on Saturday, September 30. Please note that delegates *may not vote without a voting card*, and voting cards will be *issued only to the person listed on the voting delegate form*. Voting by proxy will not be permitted. The voting cards will be available the afternoon of the 30th, just prior to the business meeting.

Thank you.

JG/kab

Enclosures

League of Oregon Cities

81st ANNUAL CONFERENCE and BUSINESS MEETING

September 28-30, 2006 — Portland Marriott Downtown Waterfront

Designation of Voting Delegate at Annual Business Meeting

The annual business meeting will be held Saturday, September 30, at 2:15 p.m. Each city is entitled to cast one vote at the business meeting; however, all city officials are encouraged to attend the meeting.

Use this form to indicate those persons who will represent your city as a voting delegate and alternate delegate. The voting delegate or alternate should pick up a voting card at the Conference Registration Desk on Saturday afternoon prior to entering the business meeting.

NOTE: Delegates may not vote without a voting card, and voting cards will be issued only to a person indicated on this form. Voting by proxy will not be permitted.

FOR THE CITY OF _____

VOTING DELEGATE:

Name _____

Title _____

ALTERNATE:

Name _____

Title _____

Submitted by _____
(Signature)

Name _____

Title _____

Telephone Number _____

Return by September 8 to:

League of Oregon Cities
P.O. Box 928
Salem, OR 97308
Fax: (503) 399-4863

DuVal, Pat

From: Swanson, Mike
Sent: Friday, August 25, 2006 12:48 PM
To: DuVal, Pat
Subject: FW: Draft Retreat Design



Draft Retreat
Design for the.d... Pat

Let's include Bill's memo as part of the City Manager Matters agenda. (I have not reviewed it and am assuming that it is OK. Could you take a quick look and let me know.)

Thanks,
Mike

-----Original Message-----
From: Bill Grace [mailto:billjgrace@comcast.net]
Sent: Friday, August 18, 2006 7:40 AM
To: swansonm@ci.milwaukie.or.us
Subject: Draft Retreat Design

Hi Mike:

It was good to talk with you.

In particular I appreciated hearing about your story and the great things that are happening in Milwaukie.

As we discussed I am currently making plans to join you, the Council and your staff on February 9 and 10. We discussed me arriving mid-morning on the 9th and doing a workshop for the professional staff starting at 10:00 am on Friday and doing a workshop for the Council from 9- 4 On Saturday.

The content for the staff gathering needs further discussion but we clarified the following aspects of the Council workshop. You will find those details on the attached word document.

I look forward to confirming these details with you after you have had a chance to talk with Council members and your staff.

All the best.

Gratefully,

Bill

**Draft Retreat Design for the
Milwaukie City Council
Saturday February 10, 2006**

Time	What	Goals and Objectives
9:00	Opening / Introduction	To provide an overview of the workshop goals and activities
9:10	Building Stronger Relations	The goal is to help the Council develop relations that will make their lives easier and the work even more effective
10:00	An Overview of Values-based Leadership	The goal is to help the Council discover their core values and provide a framework for leadership that insures integrity and advances the common good of Milwaukie and the region.
12:00	LUNCH	
1:00	Integrating a Greater Measure of Moral Courage Into Our Work	This section will help participants clarify the nature of Moral Courage and discover four sources of Moral Courage
2:30	Clarifying Vision While Having Fun	This portion of the retreat will engage participants in a fun but powerful process to clarify their preferred vision for Milwaukie in the year 2026.
3:30	Synthesis	This final session creates time for each participant to clarify what has meaning for them and find ways to take these lessons home and integrate them into their lives and work.

DRAFT

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DRAFT

League of Oregon Cities Metro Area Tour

Milwaukie -- Partners in Downtown Progress Walking Tour

Thursday, September 28, 2006

Total walking time approximately 20 minutes on paved surfaces. Some seating will be available at each stopping point. Umbrellas will be on hand just in case.

Agenda

- 12:30 p.m. Depart Portland Marriott Downtown via tour bus for Milwaukie. Your step-on guide is Alex Campbell, Resource and Economic Development Specialist.
- 1:00 p.m. Arrive ODS Plaza, 10505 SE 17th Avenue, Milwaukie
- Lunch on the patio
 - Welcome by Milwaukie Mayor Jim Bernard, Council President Deborah Barnes, and Councilors Carlotta Collette, Joe Loomis, and Susan Stone
 - Guests
Chris Verbiest, The ODS Company
Senator Kate Brown
Representative Carolyn Tomei
David Bragdon, Metro Council President
Michelle Bussard, Johnson Creek Watershed Council Executive Director
 - Short walk along Johnson Creek, Klein Point, and Riverfront Park
- 1:50 p.m. Arrive Jefferson Street Boat Ramp
- Welcome by JoAnn Herrigel, Community Services Director
 - Guests
Dave Green, Milwaukie Riverfront Board Chair
Dick Townsend, Oregon Solutions
Gary & Sherry Klein, Riverfront Board, Johnson Creek Watershed Council
Milwaukie Rotary, Open Space Land Donors, and Artist
Michelle Healey, North Clackamas Parks & Recreation Department, Trolley Trail Project
Art Ball & Jeff Klein, Lewelling Neighborhood District Association
 - Short walk to DeSmet Plaza
- 2:30 p.m. Arrive DeSmet Plaza & McLoughlin Boulevard Enhancement Project
- Welcome by Paul Shirey, Engineering Director
 - Guests
Rich Watanabe & Tom Weatherford, Oregon Department of Transportation
Eric Chambers, Congressman Earl Blumenauer's Office
 - Short walk through Milwaukie downtown area

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- 2:45 p.m. Arrive Future Development Site Jointly Owned by Metro and City of Milwaukie
- Welcome by Kenny Asher, Community Development/Public Works Director
 - Guests
 - Brad Olson, former Texaco site property owner
 - Phil Whitmore, Metro Centers and TOD Program
 - Phil Selinger, TriMet
- 2:55 p.m. Walk by Milwaukie Ledding Library and Les Peake Memorial Fountain/Lee Kelly Sculpture with comments by City Manager and Raconteur Mike Swanson
- 3:00 p.m. North Main Village Mixed-Use Development
- Welcome by Mike Swanson, City Manager
 - Guests
 - Betty Dominguez, Oregon Housing and Community Services
 - Kim Knox, Shiels Oblatz Johnsen
 - Tom Kemper, KemperCo, LLC

At our final stop guests are invited to enjoy refreshments including
A variety of Northwest wines compliments of Shiels Oblatz Johnsen and KemperCo
Local cheeses and artisan breads
Coffee and juices

Local Artist Displays

Gary Michael
Original oil and pastel landscapes

Carlotta Collette
Original composite photographs

Dark Horse Comics
Comic Book and Movie Art

Carolyn Johnson-Bell
Original Colored pencil drawings and
needlework