

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
APRIL 19, 2005**

**City Manager Swanson** announced that the City Attorney was excused from the meeting pursuant to Resolution No. 9-2003.

**CALL TO ORDER**

**Mayor Bernard** called the 1956<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Carlotta Collette	Susan Stone

Staff present:

Mike Swanson, City Manager	Kelly Somers, Public Works Operations Director
John Gessner, Planning Director	Paul Shirey, Engineering Director
Grady Wheeler, Information Coordinator	

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Milwaukie High School Student of the Month**

Between the ages of 6 and 16, **Violet Read** was a ward of the state living in foster homes. Today as a senior at Milwaukie High School, Ms. Read was a superior student who recently traveled to Washington, D.C. to receive a \$10,000 Horatio Alger scholarship for students who had overcome adversity in their lives. In addition to maintaining a 4.0 GPA, Ms. Read was an orchestra student, a member of the National Honor Society, and participant in habitat for humanity. She tutors and volunteers at her church and the Angel Tree Prison Ministry. Ms. Read was an example of how a young woman can overcome adversity and give so much back to her community. She plans to pursue a degree in elementary education.

**Recognize Off-going Board and Commission Members for Service to the Community**

The Council recognized **Peter Koonce** for his six years of service on the Budget Committee and **Sue Trotter** for her seven years of service on the Library Board.

**Mayor Bernard** noted that former Planning Commission member Howard Steward had passed away. He would be truly missed.

**CONSENT AGENDA**

It was moved by Councilor Barnes and seconded by Councilor Stone to approve the Consent Agenda that consisted of the following:

- A. City Council Minutes of March 12 and April 5, 2005; and
- B. Resolution No. 18-2005: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the Mayor to execute the third amendment to personal services contract with Ramis, Crew, Corrigan & Bachrach establishing new rates for service effective July 1, 2005.

**Motion passed unanimously. [5:0]**

**AUDIENCE PARTICIPATION**

None.

**PUBLIC HEARING****Sale of Surplus Property**

**Mayor Bernard** called the public hearing to order at 7:15 p.m. The purpose of the hearing was to consider public comment on declaring the property located at 12125 SE 21<sup>st</sup> Avenue surplus and setting minimum terms for the sale.

No ex parte contacts or conflicts of interest. There were no challenges.

**Staff Report:** **Mr. Somers** reported that the property was advertised as two parcels. The vacant lot had a minimum bid of \$60,000, and it sold for \$65,000. The lot with the house was appraised at \$140,000, and that was established as the minimum bid. After people looked at the house, they felt that amount was too high to bring it up to standards. He initially proposed to have the house demolished, but since that time several people suggested that the house be advertised at \$60,000. The buyer could repair it and re-sell it. He was assured this time the property would sell for \$60,000 or more. The revised resolution would allow the City to sell the property with the house intact as a package.

**Mr. Swanson** said the new draft resolution directed staff to sell the property located at 12125 SE 21<sup>st</sup> Avenue consisting of tax lot 1401 consistent with Milwaukie Municipal Code Section 3.15.015, the minimum sale price shall be \$60,000. The last two "whereas" clauses stated that there was a structure located on tax lot 1401 and that the structure would remain and would be declared surplus with the tax lot.

**Councilor Collette** asked if the City would incur any liability if something happened at that site either before or after it was sold.

**Mr. Somers** did not believe the City would have any liability once it was sold. It was being sold "as is." According to the building official, the new owner would have to present to the building official that it was brought up to codes when it was built. Everything had to work properly.

**Councilor Collette** asked if the structure would not have to be brought up to current code if the remodel was more than ¼ of the value of the structure.

**Councilor Barnes** asked if staff had gotten feedback from the Neighborhood Association.

**Mr. Somers** said several of the people in the Neighborhood suggested that it be put back on the market for \$60,000.

Correspondence: None.

Public Comment: **Lisa Batey**, Island Station Neighborhood Chair, 11912 SE 19<sup>th</sup> Avenue. Ms. Batey said the Association had not had a meeting since learning that the house did not sell. Based on some e-mail exchanged, the Land Use Committee and officers were aware of these plans. There were concerns with the draft resolution that required demolition. Now that the plan was to retain the house and let the purchaser decide what to do with the house, she did not believe there would be any objections. All of the neighbors were keen to have it cleaned up and occupied. She believed the Neighborhood Association was very supportive of the proposal, and she hoped the bid would be higher than \$60,000. The previous bid was for \$90,000 - \$100,000 for the entire property, and land values have gone up in the neighborhood since then.

Questions of Council: None.

Deliberations: **Mayor Bernard** toured the house, and he thought it would take a lot of work to make it livable.

**Councilor Collette** thought this plan made it more cost effective for the City because it would not have to spend \$10,000 for demolition. She was in favor of saving older buildings whenever possible. If the neighborhood was supportive, she thought it was a great plan.

**Mayor Bernard** closed the public hearing portion of the testimony at 7:22 p.m.

**It was moved by Councilor Barnes and seconded by Councilor Loomis declaring the property located at 12125 SE 21<sup>st</sup> Avenue as surplus and setting minimum acceptable terms. Motion passed unanimously. [5:0]**

**RESOLUTION NO. 19-2005:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING PROPERTY LOCATED AT 12125 SE 21<sup>ST</sup> AVENUE TO BE SURPLUS, DIRECTING THE SALE OF THE PROPERTY, AND DETERMINING MINIMUM ACCEPTABLE TERMS.**

**OTHER BUSINESS**

**Councilor Barnes** asked to be excused from the work session.

**Mayor Bernard** announced that the City Council would meet in work session to hear the annexation evaluation presentation.

**It was moved by Councilor Stone and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]**

**Mayor Bernard** adjourned the regular session at 7:24 p.m.

  
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 Pat DuVal, Recorder

# AGENDA

## MILWAUKIE CITY COUNCIL APRIL 19, 2005

MILWAUKIE CITY HALL  
10722 SE Main Street

1956<sup>TH</sup> MEETING

### REGULAR SESSION – 7:00 p.m.

- I. **CALL TO ORDER**  
Pledge of Allegiance
2. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
  - A. **Milwaukie High School Student of the Month**
  - B. **Recognize Off-going Board and Commission Members for Service to the Community**
    - **Peter Koonce, Budget Committee**
    - **Sue Trotter, Library Board**
3. **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.)*
  - A. **City Council Minutes of March 12 and April 5, 2005**
  - B. **City Attorney Contract Amendment #3 -- Resolution**
4. **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.)*
5. **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.)*  
**Sale of Surplus Property – Resolution (Kelly Somers)**
6. **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.)*  
**None.**

## **7. INFORMATION**

- A. Ledding Library Board Minutes, February 28, 2005**
- B. Public Safety Advisory Committee Minutes, March 24, 2005**

## **8. ADJOURNMENT**

### **Public Information**

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment at pursuant to ORS 192.660(2).

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.

## CITY COUNCIL SATURDAY COFFEE HOUR

March 12, 2005

8:00 a.m.

### Public Safety Building Community Meeting Room

Attendees: David Aschenbrenner, Jim Bernard, Greg Chaimov, Carlotta Collette, Rosemary Crites, Terrie Darling, Rick Frank, Norma Knudson, Joe Loomis, Steve Rowe, Eric Shawn, Mike Stacey, Ann Stangel, Ben Stangel, and Ed Zumwalt.

#### **Neighborhood District Association (NDA) Updates**

##### Island Station -- Greg Chaimov

- Identity theft bust in the neighborhood
- Heckmann properties for sale
- Working on Spring Park in conjunction with Clackamas Environmental Youth Corps.

##### Historic Milwaukie – Ed Zumwalt

- Clackamas Fire District #1 and Gramor at next NDA meeting
- Wednesday will be first meeting of downtown and neighborhood to discuss traffic calming
- The NDA had to split its meetings because Milwaukie Elementary closed at 8:30 p.m.; had second meeting at Annie Ross House. May need to look for alternate site; City Hall was suggested.

##### Hector Campbell – David Aschenbrenner

- Working with neighbor that raised the black walnut tree issue to Council.
- School District was concerned about dog poop on the grounds. Did the City have regulations about cleaning up after their pets? He understood the District would have to post any regulatory signs.
- People were interested in a walking trail at Hector Campbell, but he understood that would need District approval.
- Next meeting North Clackamas Park ballfields issue, Fire District annexation measure, and neighborhood business

##### Ardenwald/JC – Carlotta Collette

- Had District annexation on last agenda, and everyone was in favor as long as it did not increase taxes.
- Working with SE Uplift to redefine boundaries.
- Ardenwald Spring Garden Tour on May 14 as school fundraiser.
- Looked into the Neighborhood Watch Program but decided already had an informal system.
- Ardenwald Park had “dookie” bags, so school grounds did not seem to be an issue.

- There will be a new neighborhood welcome sign on the terrace at 43<sup>rd</sup> Avenue/Johnson Creek Boulevard.

Lewelling – Rick Frank

- Mr. Frank attended the meeting and heard about the Fire District annexation, North Clackamas ballfields, and the Community Park.

All those present introduced themselves.

**Mr. Chaimov** announced he was going to be appointed to the County Historic Review Board.

**Mayor Bernard** discussed the upcoming measure that would ask Milwaukie voters if they wanted to annex the City to Clackamas Fire District #1. The City would lower its levy by that amount collected by the District. Annexation would ensure fire protection and emergency medical services indefinitely.

Mr. Stangel asked what would happen when the District wanted to build new buildings in Damascus and Happy Valley.

**Mr. Bernard** said there could be no tax increases without a vote. The District already served Happy Valley, and Damascus had no intention of annexing any time in the near future. The District would sign a lease agreement for its use of the Public Safety Building that would help reduce the debt and help pay for maintenance.

**Mr. Zumwalt** said people were told at one time that getting rid of the fire department would save the City about \$500,000 annually.

**Mayor Bernard** believed annexation would save about \$324,000 a year. The amount varied year to year, and there was an analysis available. The election would be on May 17, and there would be a campaign with lawn signs.

**Mr. Frank** understood that the Oregon City measure was not tax neutral like Milwaukie's.

**Mr. Bernard** said although the City could use the money, it had no intention of asking the taxpayers for more at this time. Any increases would be by a vote of citizens. Oregon City was about 4 – 5 years ahead of Milwaukie disaster wise. It had an unmanned fire station along with library issues.

**Mr. Loomis** thanked people like Mr. Aschenbrenner, Mr. Swanson, and Mr. Taylor who worked on the budget. Oregon City made some decisions that put it in its current position. That city spent its contingency and did not really accept some facts. The cost of government has gone up, and many taxpayers just cannot pay higher taxes. Cities needed to look at their budgets and forecast and make the best decisions for the future.

**Mr. Bernard** added that Milwaukie was keeping the Qwest funds in reserve until the court made its decision instead of putting it into the general fund. Many cities spent their Qwest and PERS money. Corvallis, for example, had \$5 million in contingency but spent it all, so now that city was in a lot of trouble.

**Mr. Loomis** said the bottom line was that the City of Milwaukie was making better decisions than others.

**Mr. Bernard** discussed funding for the Lake Road Multimodal Project. Congressman Blumenauer and Mr. Swanson worked hard to get that \$5 million for the project, and now President Bush still needed to sign the Transportation Bill. This project got more than any other project in Clackamas County.

**Ms. Knudson** asked what the money was for. She thought it was King Road that needed to be fixed.

**Mr. Bernard** agreed. This money, however, was for Safe Routes to Schools, and Lake Road had three schools along the route. Redevelopment money would have to pay for King Road along with gas tax money from the state. King Road was definitely on the Council's agenda for repairs. \$300,000 came out of street maintenance funds for street lighting, and he felt the City needed to shift that expense elsewhere. He discussed the expense of street lighting and adding a tax to the PGE bill. He discussed Overland Park and road repair and noted that Clackamas County had done nothing. Milwaukie has gotten millions of dollars over the past few years for the McLoughlin Boulevard, downtown blocks, and Johnson Creek Boulevard.

**Ms. Crites** asked if there was any money for a parking structure downtown.

**Mr. Bernard** said there were trigger points at which the City would have to do something such as a parking structure. At that point, Milwaukie would go to Metro or the federal government for funding. At that time the City might partner with a private developer.

**Ms. Knudson** discussed regulating temporary or membrane structures and recent problems in Oregon City. She thought maybe Milwaukie should consider some kind of regulation because some of them are right at the edge of the property.

**Ms. Collette** discussed residential design standards to address flag lots, manufactured housing, and membrane structures. She suggested the City Council might consider directing the Design and Landmarks Committee (DLC) to look at standards and tie together these ordinances. The DLC did a great job on the downtown design guidelines.

**Ms. Knudson** was opposed to the proposed ballfields in North Clackamas Park and asked if there were any regulations in Milwaukie against x-rated businesses.

**Mr. Bernard** said the City did have regulations. If someone went to the Supreme Court, the ruling would probably be in the business' favor.

**Ms. Knudson** used the library a lot and asked what would happen with parking when the Safeway site was developed.

**Mr. Bernard** said the design for the 21<sup>st</sup> Avenue extension was underway, and it would include diagonal parking on both sides. It was a downtown-wide solution, and until the Downtown Traffic and Parking Management Program was adopted,

there were limitations on what could be done. He would not stop redevelopment in the downtown for a few parking spots.

**Mr. Zumwalt** said Jeff King and Tom Kemper would keep those 25 parking spaces in the lot. Employee and volunteer parking will be dicey. He commented on Mr. Bernard's statement about parking and redevelopment; they had to go hand-in-hand. People would not shop if they could not park. Mr. Kemper was being very conscientious about keeping that lot for older patrons and people with small children.

**Mr. Bernard** said one of the biggest problems was downtown business employees parking on the streets. The Council was looking at an ordinance to try to stop them from doing that. Once that was done and the park-and-ride moved out of downtown, things should open up quite a bit. Getting the transit center out of downtown will open up a lot of parking spots too.

**Ms. Collette** said moving the transit center would open up five blocks of diagonal parking.

**Mr. Shawn** commented on the portable garage issues. He wondered if one of the solutions might be to educate citizens on the code process to help people understand the nuances of how the codes were written and how to be effective in filing a complaint or presenting observations. In his neighborhood, although he was outside the City limits of Milwaukie, many people did not really understand how the codes were put together. There were a lot of misinterpretations and misunderstandings of the subtleties and nuances. There might be a group of people complaining about a particular issue that did not understand effective ways of approaching a planning department or county office to get the needed information. He suggested expanding the citizen education component and making things easier on the civil servants and more satisfying for the citizens.

**Mr. Loomis** noted one of the benefits of living in Milwaukie was the "Code Corner" in the monthly newsletter that promoted education and understanding. He also encouraged people to call City Hall.

**Ms. Collette** said as a Neighborhood Association Chair, she frequently gets questions about code enforcement and channeled it back to City Hall.

**Mr. Loomis** said the communication is important, and staff listened to the input and relayed comments back to Council.

**Ms. Darling** supported the idea of having training in a classroom setting where people could ask questions of staff.

**Ms. Collette** suggested a code compliance workshop similar to the one John Gessner did on land use. In the long run, it would get the neighborhood to do some of the monitoring rather than relying totally on staff. She discussed teaching community values and raising property values. How do you get people to think about their front yards and what it showed visitors?

**Ms. Crites** thought a lot of that had to do with the high percentage of rentals in Milwaukie and pride in ownership.

**Mr. Shawn** thought part of educating the public had to do with how to file a complaint and with whom.

**Ms. Collette** thought Milwaukie was a remarkably responsive town. She was pleased to see the Saturday Coffee was becoming a creative process in which people brought their ideas of what they wanted to see happen in the downtown and in their neighborhoods.

**Mr. Frank** commented the complaint about the walnut tree at the Council was a good example of the neighborhood getting involved to solve a problem.

**Mr. Rowe** asked if there was an ordinance against those types of membrane structures and thought a lot of the issue might be their encroaching on the right-of-way.

**Mr. Loomis** said although the structure might not be a violation, the location could be.

**Ms. Darling** asked what to purpose of these meetings was.

**Mr. Loomis** said these were basically outreach meetings because the regular sessions were more formal. The purpose was to draw out ideas from the community.

**Ms. Collette** added these were like the work session except here everyone was at the table. In this context, everyone can bring in his or her ideas. The regular sessions were more business and bureaucratic.

**Mr. Aschenbrenner** said there were some limitations related to land use issues that could come before the City Council.

**Mr. Chaimov** was not aware of any restrictions as long as notice was provided to the public.

**Ms. Collette** and Ms. Stone attended the League of Oregon Cities (LOC) Newly Elected Officials Workshop. If an issue was going to be before the Council as a judge, then the evidence should not be heard outside of that context.

**Ms. Crites** asked people how they felt about having a sister city in china. There was a company in downtown Milwaukie that was getting a huge contract in China for engineering services. Could dollars be brought into Milwaukie through that kind of connection?

**Mr. Bernard** actually met with the engineering company before they went to China and sent along a gift from Milwaukie. The City did have a Sister City in Japan, and there were some costs involved which the City could not afford.

**Mr. Zumwalt** discussed the desire for economic development and the parking and downtown traffic management plan. He hoped Mr. Kemper would get some vital retail in his new development. Parking was of the essence. He understood the transit center at Kellogg Lake would not happen until 2011. Why not put something temporary at Southgate to free up parking downtown? TriMet has not even applied for a Planning Commission hearing, and North Main Village will be opening soon. The City cannot just put its head in the sand. It was squandering

30 parking places. The City Council should discuss this. Four years ago TriMet, Metro, and Senator Gordon Smith presented a \$1.5 million check for the transit center. When he asked, TriMet told him that money had probably been put into something else.

**Mr. Bernard** said it was used to buy Southgate, but he did not know how long it would take.

**Mr. Zumwalt** saw some activity down there. The downtown needed those parking spaces around City Hall. In April 2003, the Council insisted that the transit center be moved. The City cannot wait until 2011 to relocate to Kellogg Lake.

**Ms. Collette** understood the South Corridor Project became the I-205 light rail along with the downtown transit mall re-do. Milwaukie was not even in the South Corridor Phase 1. The transit center and light rail were all out of phase 1.

**Mr. Bernard** said the park-and-ride issue was still in phase 1

**Mr. Zumwalt** did not like the way Milwaukie was treated.

**Mr. Bernard** did not agree. Milwaukie got \$1 million for downtown, and it got the most money from Metro in the region.

**Mr. Zumwalt** asked what kind of strings were attached from Metro's giving Milwaukie \$500,000 to close the North Main gap.

**Mr. Bernard** replied there were not strings and was part of the Transit-Oriented Development (TOD) project.

**Ms. Collette** added that it did not have to be light-rail related.

**Mr. Chaimov** would inquire with the TriMet lobbyist and report back on the status of Southgate.

**Mr. Stangel** asked who owned Southgate and was the deed recorded?

**Mr. Bernard** replied that TriMet actually owned the property, and the building was virtually abandoned.

**Ms. Darling** asked how the \$1.5 million happened?

**Mr. Bernard** replied that it was awarded for a transit center on the Safeway site.

**Ms. Darling** understood then that Metro gave the money to TriMet to purchase Southgate.

**Mr. Bernard** said it was TriMet money that was to have originally gone to the Safeway site. When citizens said "no" to that site, TriMet bought the property at Southgate for the park-and-ride.

**Mr. Zumwalt** recalled that Phil Selinger sat at the Council meeting and said that if the transit center went in at Safeway, it would have to be done again in 8 years.

**Mr. Aschenbrenner** thought it was important to note that it was still being used for transit in Milwaukie and did not go to Beaverton or some other place. It was not like the money was gone. It was up to TriMet to build a transit center in

Milwaukie. The money was never really given to Milwaukie, but rather it was the money TriMet would use to build a transit center.

**Mr. Shawn** commented that one of the values of this conversation was that there was a difference in saying someone bought the property and owned it, but then asking if it ever got recorded. There were a lot of subtleties and more fluidity than appeared on the surface. He thought it was helpful to understand those nuances when things shifted so that people did not feel duped or deceived.

**Ms. Collette** agreed it was difficult to track all of those issues. She was surprised when she saw the South Corridor package, and she had been very involved in the process. It was the Portland downtown businesses and TriMet that made the switch.

**Ms. Darling** thought there should be a City employee watching out for Milwaukie.

**Mr. Bernard** believed the South Corridor Committee would be reconvened in a few months. He was a Joint Policy Advisory Committee on Transportation (JPACT) alternate, so he got all of that information.

**Ms. Collette** added many of the committees represented the entire region, so Milwaukie did not always have a seat at the table. It had to do with regional partnerships, and Mr. Bernard and Mr. Swanson had been very fortunate in getting money for Milwaukie projects.

**Mr. Bernard** thought Milwaukie was very fortunate to have Mr. Swanson. He had a lot of experience and knowledge. One of the City's biggest challenges was working with ODOT and getting changes on Hwy 224.

**Mr. Zumwalt** discussed the four-block treatment on McLoughlin Boulevard. Milwaukie had one of the most beautiful green spaces in the tri-county area on its riverfront, but people could not access it. Something needed to be done about that problem. He urged the City not to lose sight of that. He suggested looking at the fish ladder underpass.

**Mr. Bernard** discussed the process with the Corps of Engineers to remove the dam, which would include a bridge rebuild. All of those projects took a lot of time.

**Ms. Collette** thought Mr. Zumwalt's idea was great and that it was a viable site to widen the underpass and add a stairway.

**Mr. Zumwalt** said City employee Jack Perry showed it to him, and he thought it was ideal.

**Mr. Loomis** said on the positive side, the project would slow traffic. When something was going on at the riverfront, people found a way to get there. Once the riverfront was improved, things would move forward.

**Mr. Zumwalt** urged keeping the goal in mind.

**Mr. Bernard** noted there was a bill before the legislature that would prevent slowing traffic on McLoughlin Boulevard. Milwaukie got its plan just in time.

**Ms. Collette** discussed the transportation issues in Salem including photo radar.

**Mr. Loomis** discussed the upcoming Council work session item on the Goal 5 update, water authority update, and JoAnn Herrigel would repeat the presentation she did for Oregon Solutions that identified all of projects related to the Downtown and Riverfront. The Council would also have a public hearing on proposed stormwater rate increases.

**Mr. Zumwalt** announced that Celebrate Milwaukie, Inc. decided to cut the Riverfest to one day. The parade cost \$5,000, and there was a lot of police overtime involved.

**Mr. Frank** announced it was the last day of Milwaukie Youth Basketball, and the awards ceremony was at 5:30 p.m. at Milwaukie High School. He encouraged people to attend.

**Mr. Chaimov** asked if Happy Valley was going to be able to cherry pick the Town Center after the election.

**Mr. Bernard** said the election gave Happy Valley the same opportunity as Milwaukie. He discussed the urban renewal district and how much it costs to provide service to that area.

The Ardenwald Neighborhood Association would provide refreshments for the next meeting.

The session ended at 9:35 a.m.

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Pat DuVal

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
APRIL 5, 2005**

**CALL TO ORDER**

**Mayor Bernard** called the 1955<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Carlotta Collette	Susan Stone

Staff present:

Mike Swanson, City Manager	JoAnn Herrigel, Community Services Director
Stewart Taylor, Finance Director	John Gessner, Planning Director

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Paralyzed Veterans of American Awareness Week**

**Mayor Bernard** read a proclamation naming the week of April 10 – 16, 2005 as *Paralyzed Veterans of America Awareness Week*.

**CONSENT AGENDA**

**It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda that consisted of the following:**

- A. City Council Minutes of March 1 and 15, 2005;
- B. OLCC Applicant for River Road House, 11921 SE 22<sup>nd</sup> Avenue, Change of Ownership; and
- C. Resolution No. 16-2005: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City of Milwaukie to apply for a Local Government Grant from the Oregon Parks and Recreation Department for the development of Lewelling Community Park and authorizing the City Manager to sign the application.

**Motion passed unanimously. [5:0]**

**AUDIENCE PARTICIPATION**

None.

## **PUBLIC HEARING**

### **Waste Collection Franchise Extension**

**Mayor Bernard** called the public hearing to order at 7:08 p.m. The purpose of the hearing was to consider public comment on the proposed franchise extensions for the 7 garbage haulers for a six-month period.

Staff Report: **Ms. Herrigel** stated the proposed resolution would extend the current franchises for the seven garbage haulers for a six-month period ending on October 31, 2005. Staff had been meeting regularly with the hauler representatives since summer 2003, and, with the exception of the administrative rules, most of the work was done. If the City Council agreed, then the parties would work over the next six months to prepare a complete package for consideration and adoption.

Correspondence: None.

Public Comment: None.

Questions of Council: **Councilor Barnes** referred to correspondence from Brian Heiberg, Heiberg Garbage and Recycling. Mr. Heiberg indicated that since Milwaukie was not allowing him to do business in the City he wanted to know why he had to pay business registration tax to Milwaukie.

**Ms. Herrigel** said Heiberg stated he was not allowed to do business in Milwaukie because he was not a franchised hauler. However, Mr. Heiberg did operate an office in Milwaukie.

**Mr. Swanson** said the definition of doing business was very broad, and he believed it did include operating an office in the City although Mr. Heiberg was not a franchised hauler. He would respond to Mr. Heiberg's questions.

**Mayor Bernard** asked how one became a franchised hauler.

**Ms. Herrigel** said if a franchisee decided to sell his company or not provide service in the City any more, then an area would be open, and other haulers could make proposals.

**Mayor Bernard** understood every hauler in Milwaukie at some point entered into an agreement to provide service to a designated area. He asked if that was in the City Charter.

**Ms. Herrigel** replied there was a state law that allowed municipalities to franchise rather than do their own collections. The current haulers, including Waste Management, have been in place for over 20 years. The City of Portland was the only area in the region that did not franchise its commercial collection. In return for the City's allowing the haulers to collect in specific areas, the haulers paid a fee that went into the general fund and supported part of her salary. The franchise agreements have not been renegotiated for 10-years. Every year she reviewed the rates with the Council based on the hauler's realizing an adequate return on revenue. The franchise agreement determined the length and method of collection.

**Mayor Bernard** assumed the letter from Mr. Heiberg might have something to do with the fact that the City was talking about franchises. This person had never provided service in Milwaukie but wanted to do so. Was that possible?

**Ms. Herrigel** would refer to the agreements to ensure she was speaking correctly. If a need were identified because one of the existing franchised haulers went out of business or because the City determined the hauler was not providing adequate service, then the City had the right to offer that area to existing franchise haulers or find someone else. Neither of these scenarios had taken place.

**Councilor Barnes** asked if the City could change haulers if someone came in with a lower price.

**Ms. Herrigel** replied the rates for all customers in the City were the same, and that was how the franchise system worked. These were called uniform rates. She would discuss franchising and negotiations with the City Council.

**Mayor Bernard** closed the public hearing portion of the testimony at 7:14 p.m.

**It was moved by Councilor Barnes and seconded by Councilor Collette adopt the resolution extending the current franchises of the seven franchised garbage haulers for a six-month period. Motion passed unanimously. [5:0]**

**RESOLUTION NO. 17-2005:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE EXTENDING THE CURRENT FRANCHISES OF THE SEVEN FRANCHISED GARBAGE HAULERS FOR A SIX MONTH PERIOD.**

**OTHER BUSINESS**

**Councilor Barnes** discussed the upcoming Clackamas Cities Dinner hosted by Milwaukie in April. The group agreed that Ms. Herrigel should do her Oregon Solutions presentation.

**Councilor Barnes** wanted to move forward with the Youth Commission. Recruiting start. After school activities, sports education. She and Councilor Collette would work on the wording and committee to look at the concerns of youth and increase involvement in youth.

**Councilor Loomis** supported the idea and requested a work session on the topic.

**Councilor Stone** wanted to have background on what other communities were doing.

**Councilor Barnes** would contact the League of Oregon cities. Most of the work would be on the Committee and herself.

**Councilor Collette** talked to several people about an Arts or Culture Committee, and she would work on that. She noted the recent business survey suggested developing a vibrant art community, and a Committee would help start something.

**Mayor Bernard** recommended Councilor Collette contact Carl Jacob.

**Mayor Bernard** announced that the Budget Committee would meet immediately following adjournment of the regular session.

**It was moved by Councilor Barnes and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]**

**Mayor Bernard** adjourned the regular session at 7:24 p.m.

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Pat DuVal, Recorder



**TO: Mayor and City Council**

**FROM: Mike Swanson, City Manager**

**DATE: April 11, 2005**

**RE: Third Amendment to Personal Services Contract With Ramis,  
Crew, Corrigan & Bachrach (Firm)**

**ACTION REQUESTED**

Approval of the proposed Third Amendment to Personal Services Contract regarding the fees paid for City Attorney services and authorizing the Mayor to execute it on behalf of the City.

**BACKGROUND**

In July 1998 the City and the Firm entered into a contract providing for "legal representation as authorized by the City Council and/or City Manager." Among the provisions of that agreement was a fee schedule that set forth the hourly rates to be paid as follows:

Partners	\$125.00
Sr. Associates & Special Counsel	\$110.00
Associates	\$100.00
Law Clerks/Legal Assistants	\$ 65.00

An amendment to the 1998 professional services contract was executed by the parties in August 2002 updating the original contract. The fee schedule was not changed by that amendment.

In April 2004 the parties amended the contract by establishing a new fee schedule as follows:

Partners	\$135.00
Sr. Associates	\$120.00
Associates	\$110.00
Law Clerks/Legal Assistants	\$ 70.00

The proposed Third Amendment to Personal Services Contract amends the hourly rates to be paid for Partners and Sr. Associates. The new fee schedule is as follows:

Partners	\$140.00
Sr. Associates	\$125.00
Associates	\$110.00
Law Clerks/Legal Assistants	\$ 70.00

The Firm serves a number of cities in the same capacity. The rates charged for services to those cities range as follows:

Partners	\$135.00-\$150.00
Sr. Associates	\$125.00-\$140.00
Associates	\$115.00-\$130.00
Law Clerks/Legal Assistants	\$ 70.00-\$ 75.00

The City has been well-served by the Firm. Prompt responses and direct answers to Council and staff requests for opinions are normal practice.

### **FISCAL IMPACT**

The proposed amendment will become effective July 1, 2005. The increase will be absorbed within the approved FY 2005-06 budget.

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON AUTHORIZING THE MAYOR TO EXECUTE THE THIRD AMENDMENT TO PERSONAL SERVICES CONTRACT WITH RAMIS, CREW, CORRIGAN & BACHRACH ESTABLISHING NEW RATES FOR SERVICE EFFECTIVE JULY 1, 2005**

**WHEREAS**, the City and Ramis, Crew, Corrigan & Bachrach (Contractor) executed a contract in July 1998 whereby the Contractor assumed the duties of City Attorney on behalf of the City; and

**WHEREAS**, the Contractor's performance justifies an increase in the rate charged; and

**WHEREAS**, the new proposed rates are consistent with the rates charged to other jurisdictions.

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

Section 1. Section II.A.2. of the July 1998 Agreement, as amended by the 2002 and 2004 amendments, be amended as follows:

Hourly Rates effective July 1, 2005:

Partners	\$140.00
Senior Associates	\$125.00
Associates	\$110.00
Law Clerks/Legal Assistants	\$ 70.00

Section 2. That the Mayor be authorized to execute the Second Amendment to Personal Services Contract.

Section 3. This resolution is effective July 1, 2005.

Introduced and adopted by the City Council on April 19, 2005.

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
Michael F. Swanson, City Manager



To: Mayor and City Council  
Through: Mike Swanson, City Manager  
From: F. Kelly Somers, Public Works Operations Director  
Subject: Sale of Surplus Property  
Date: April 8, 2005

### Action Requested

Approval of a resolution declaring surplus the property located at 12125 SE 21<sup>st</sup> Avenue, authorizing the sale of the property, and setting minimum terms for the sale. A copy of the draft resolution is attached.

### Background

In accordance with Ordinance – MMC Section 3.15, staff is required to follow a procedure in order to consider the sale of surplus property. Staff is now beginning this process on a site in the Island Station neighborhood located at 12125 SE 21<sup>st</sup> Avenue.

Council may recall that we previously asked for approval of this matter on February 18, 2003 and again on December 21, 2004. Both times Council approved the request and the resolution.

The City acquired the site and existing house located at 12125 SE 21<sup>st</sup> Avenue by foreclosing on a judgment against the property. The judgment was for penalties for numerous code violations. The property is not needed for City purposes, and the City can realize some financial benefit from selling the asset. The site was comprised of two developable lots, currently identified with different tax lot numbers. The City has been able to realize greater financial benefits by selling the two lots separately.

An appraisal prepared in November valued the lot without the house at \$65,000, and valued the lot with the house at \$150,000. The vacant lot was sold on March 21, 2005 for \$65,127. The lot with the house did not sell at that time.

The City received several inquiries from interested parties for the lot with the house. After they investigated the condition of the house they felt it was not salvageable and no bids were received. Staff is now requesting approval to demolish the house and offer the vacant lot for sale.

Staff is recommending the newly created vacant lot be sold in a public bid process. The minimum bid should be set at \$50,000 to allow for additional public improvements required for a corner lot.

### Concurrence

The City Manager, Public Works Operations Director and City's legal counsel all support this resolution.

### Fiscal Impact

The City will incur some administrative costs, including advertising costs and attorney time, in conducting the sale. These costs are expected to be within the City's existing administrative and legal budget. The sale proceeds are expected to substantially exceed the administrative costs of the sale.

Demolition of the existing house will be put out to bid; the cost of this will be offset by the sale of the property. We estimate the demolition cost to be approximately \$10,000.

### Work Load Impacts

Approximately 10-20 hours of staff time.

### Alternatives

1. Approve demolition of the house and sell the property as a vacant lot.
2. Put the property back out to bid with the house intact.
3. Retain the property.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING PROPERTY LOCATED AT 12125 SE 21<sup>ST</sup> AVENUE TO BE SURPLUS, DIRECTING THE SALE OF THE PROPERTY, AND DETERMINING MINIMUM ACCEPTABLE TERMS.**

**WHEREAS**, the City acquired property located at 12125 SE 21<sup>st</sup> Avenue (the "Property" by foreclosing a judgment lien on the property; and

**WHEREAS**, the City owns the Property free and clear of all liens; and

**WHEREAS**, litigation over the ownership of the property has been decided in the City's favor; and

**WHEREAS**, the City Council held a public hearing on April 19, 2005, after publishing notice of the hearing in the Oregonian at least 5 days before the hearing and after delivery of notice to property owners within 300 feet of the property; and

**WHEREAS**, a structure currently located on the lot will be demolished, and the lot will be sold as surplus;

**NOW, THEREFORE, BE IT RESOLVED THAT:**

SECTION 1: The property located at 12125 SE 21<sup>st</sup> Avenue, consisting of Tax Lot 1401 containing 5,000 square feet, is declared surplus to the City's needs and an offer to sell the property is authorized.

SECTION 2: City Staff is directed to sell the property located at 12125 SE 21<sup>st</sup> Avenue, consistent with Milwaukie Municipal Code Section 3.15.015. For Tax Lot 1401, the minimum sale price is \$50,000.

SECTION 3: The sale shall be by the procedure set forth in Milwaukie Municipal Code 3.15.015.F.

SECTION 4: The resolution is effective upon adoption.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on  
April 19, 2005

This resolution is effective on April 19, 2005.

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James Bernard, Mayor

ATTEST:

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

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Pat DuVal, City Recorder

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City Attorney



# Ledding Library Board

## February minutes

February 28, 2005; 6:30 PM  
Ledding Library

**Meeting called by:** Sue Trotter

**Attendees:** Attendees: Mark Docken, Pat Healy, Tom Hogan, Pat Lent, Sue Trotter, and Ed Zumwalt.

**Absent:**

Staff: Cynthia Sturgis

### Agenda topics

Approval of minutes

Accepted as corrected.

The time for the February 23 Foundation Task Force meeting was incorrectly stated as 1:00 AM instead of 1:00 pm.

### Librarian's report

There will be a meeting of the LNIB on March 3, 1:30 pm at the Network office. Further discussions about MIX and reduction of county funds are on the agenda. Board member are encouraged to attend.

Sue Trotter's last meeting as a Library Board member will be in March. As is the custom, board and staff take the retiring member out for a farewell celebration after the last meeting. Cynthia will make arrangements after the group decides where to meet.

### Foundation and fundraising

Greg Chaimov presented copies of the revised foundation by-laws. Greg has agreed to provide pro bono legal work for the formation of the library foundation.

The next meeting of the Task Force will be March 9 at 10:00 am.

### 2005-06 Budget

The requested library budget for 05-06 was reviewed and discussed by Board members.

- Questions were raised about general administrative and facility costs.
- It was generally agreed that returning the library budget to the city general fund was a positive change.
- Board co-chairs will work on a presentation for the Budget Committee. It was agreed that Council Goals should be considered when writing the presentation. Pat Healy will act as the clearinghouse for any points that board members want to include.

The first budget meeting will be held on March 29. The format is unknown at that point. There is a possibility that department heads will not make presentations this year. Cynthia will notify the Board of any decisions concerning the upcoming meeting.

### Strategic planning

Mark Docken would like to see this topic on the board agenda each month. There is need for a strategy to publicize the need for library funding, and to look at different ways to raise funds.

### City Volunteer Appreciation event

Jason Wachs is asking each board and commission to provide a list of accomplishments from last year and goals for the new year. Library Board members asked for clarification if he means calendar or fiscal years. Cynthia will contact him.

## **PUBLIC SAFETY ADVISORY COMMITTEE MEETING NOTES**

March 24, 2005

Present:

Larry Kanzler, Chief of Police

Karen Martin – Campbell Neighborhood Association

Ray Bryan – Historic Milwaukie Neighborhood Association

Dolly Macken-Hambright – Linwood Neighborhood Association

Cheryl Ausmann-Moreno – Ardenwald Neighborhood Association

Marie Watkins – Island Station Neighborhood Association

Susanna Pai – Lake Road Neighborhood Association

Julie Wisner – New Member

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The meeting was called to order at 6:05 p.m.

Chief handed out information on the budget. He did a summary of all the grants we have applied for and/or received.

Karen asked if everyone had a chance to review the minutes from the previous meeting. Dolly made a motion to accept the minutes as written. Ray seconded the motion. Approved unanimously.

The Chief would like to finish up the Traffic Management Plan. Julie asked what was being done to the plan. She was provided with copies of what has been changed so far and the document the group is working from. It was agreed that the group will work on the plan at the next meeting.

Work plan – Karen will contact Pat DuVal and come up with a rough draft to present to the group at the next meeting. Ray suggested that the committee choose a problem intersection to work on. The group discussed the confusing intersection at 42<sup>nd</sup>/Harrison. The Chief will have Officer Giddings attend the next meeting to discuss traffic accidents and problem intersections. The group discussed photo radar. The Legislature still has not voted on the issue. Marie suggested writing to Senator Verger. Susanna asked if citizens used a radar gun and wrote down the license plate numbers of speeders could they notify the registered owners? The Chief said it would have to go through the Police Department because the neighborhood associations wouldn't have access to DMV records. Julie said there used to be "Slow Down" banners that were strung across the street near schools. She will try to find out where they are. The Chief said we recently received a grant to do cross walk enforcement. Everyone thought it would be a good idea to make up an informational video regarding traffic laws/awareness to broadcast on the local cable show. A crosswalk archived cable T.V. community awareness video was aired in 2003. The Chief recommended we use the archived video for current awareness.

The Chief gave out copies of some recent articles – one regarding a new armor-piercing weapon and ammo, one regarding the use of tasers, and one regarding the need for general orders/policies to support the officers and define their job.

The Chief will not be at the next meeting – Captain Colt will be coming in his stead.

Cheryl asked if there was information on how to identify a drug house/meth lab. The Chief said that it will be covered in the Citizen's Academy.

Meeting was adjourned at 7:30 p.m.

Next meeting is scheduled for April 28<sup>th</sup>, 2005.