

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION NOVEMBER 2, 2004

Mayor Bernard called the work session to order at 6:00 p.m. in the City Hall Conference Room.

Councilors present: Stone, Lancaster, and Loomis.

Staff present: City Manager Mike Swanson, Finance Director Stewart Taylor, and Engineering Director Paul Shirey.

Sewer Extension Strategy

Ms. Rouyer was ill, so the item was postponed to a future work session.

City Council Meeting Schedule

Mr. Swanson discussed the feasibility of changing the regular session meeting time to 7:00 p.m. to allow for a longer work session to cover all of the scheduled items. The Council concurred, and Mr. Swanson will prepare a resolution establishing the start time for work sessions at 5:30 p.m. and a start time for the regular session of 7:00 p.m. beginning January 2005.

Agreement between the City and Milwaukie Pioneer Cemetery Association Regarding the Leona Knutson Trust Fund

Mr. Swanson said after he started digging into the issues, he found that the Cemetery was created in the mid-19th century by a deed from two families forming a cemetery and three trustee positions to manage it. The line of trustees was kept whole until the mid-1980s when the last trustee passed away. The City took over maintenance of the Cemetery, but there was never any formal agreement. In 1992, the North Clackamas Parks and Recreation District assumed the maintenance. Mr. Swanson discussed the recent formation of the Pioneer Cemetery Association and appointment of the Board of Trustees. In the 1990's, Leona Knutson left the City \$36,000 for Cemetery maintenance. The money was in a trust fund and was part of the City's budget. The City keeps the principal amount of \$36,000. He proposed an agreement that would retain the City's fiduciary responsibility under the trust but would give the Association a greater voice in trust issues. He would bring this before the City Council for action at a future Council session.

Mr. Swanson announced there would be an executive session on 192.660(2)(f) – records exempt from public disclosure.

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Mayor Bernard adjourned the work session at 6:12 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL WORK SESSION NOVEMBER 2, 2004

MILWAUKIE CITY HALL

Second Floor Conference Room
10722 SE Main Street

WORK SESSION – 5:30 p.m.

A light dinner will be served.

Discussion Items:

	<u>Time</u>	<u>Topic</u>	<u>Presenter</u>
1.	5:30 p.m.	Sewer Extension Strategy	Alice Rouyer
2.	6:10 p.m.	City Council Meeting Schedule	Mike Swanson
3.	6:15 .m.	Agreement Between City and Milwaukie Pioneer Cemetery Association Regarding the Leona Knutson Trust Fund	Mike Swanson
4.	6:25 p.m.	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 preceding items.
- 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.
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To: City Council

Through: Mike Swanson, City Manager

From: Alice Rouyer, Director of Community Development & Public Works

Subject: Strategy for extending City sewer service to unsewered areas in the Urban Growth Management Area.

Date: September 24, 2004 for the October 5, 2004 work session

Action Requested

Discuss strategies for extending City sewer service to areas in the Urban Growth Management Area. Strategies include discussion of recent sewer basin master planning in the unsewered area east of the City and phased annexations that would help accomplish future public sewer extensions.

Background

Following the recent Hill Street annexation, staff met with counterparts at Water Environment Services (WES). The City needed to clarify roles with the County when reviewing building permits for new development in annexation areas. During that conversation, City staff sought a status report from the County regarding plans for sewer extensions in the area south of Johnson Creek Blvd., north of King Road and east of the City limits to Bell Avenue. The City has long desired to be the sewer provider in this area. This was memorialized in a County/City Urban Growth Management Agreement (UGMA) signed in July 1990. This area is identified in that agreement as Dual Interest Area "A" and is generally understood to be the City's first priority area for future annexation. Council approved three small annexations in this area in the past four years. The annexations were all requested by private property owners, and all have been completed.

Staff from WES indicated that they have consistently not permitted new sewer extensions into the area in order to reserve it for future City sewer service and annexation in accordance with the UGMA. They have no intention of reversing that policy. County staff did mention that they frequently get calls from residents with failing septic tanks or cesspools asking when public sewer might be available. This led to a conversation about

the City's plans for providing sewer service to this area in the future. Options are provided for sewer extension into Dual Interest Area "A" in the draft Sewer Master Plan update. The Council will be considering the Master Plan this fall. Staff will be prepared to discuss strategies for sewer service extensions into this area such as basin master planning and phased annexations in more detail at the October 5, 2004 work session.



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: October 22, 2004
RE: City Council Meeting Schedule

Action Requested

The action requested is a change in the work session and regular session schedules to a 5:30 P.M. start time for work sessions and a 7:00 P.M. start time for regular meetings.

Background

Chapter VI, Section 20, Milwaukie Charter of 1975 provides that “[t]he council shall hold a regular meeting at least twice each month in the city at a time and place which it designates.”

Section 2.04.070, Milwaukie Municipal Code provides that “[r]egular meetings shall be held on the first and third Tuesday of each month at seven p.m. in the council chambers at City Hall, 10722 SE Main. Regular meetings may be held at a different time and place by giving appropriate notice at least twenty-four hours in advance. Two regular meetings shall be held each month.”

At your December 16, 2003 regular meeting you adopted Resolution No. 50-2003, which changed the Council’s meeting schedule from two evenings every other week to each first and third Tuesday of the month. It further set the work session starting time at 5:30 P.M. and the regular meeting start time at 6:30 P.M.

My experience during the past year has been that this schedule does not provide adequate time for work sessions. Many work session items during the past year have had to be continued to another date, and the past two regular meetings have begun late because of the work session. In fact, one item has been continued at each of those past two meetings.

I am recommending that the Council reconsider a later, 7:00 P.M. start time for the regular session. The addition of a half hour will allow for complete consideration of work session items, and it will better enable us all to finish in order to begin the regular session on time.

If any change is made in the schedule, a resolution will be prepared for action before the end of the year in order to provide notice of the change.



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: October 22, 2004
RE: Agreement Between City and Milwaukie Pioneer Cemetery Association re Leona Knutson Trust Fund

Action Requested

The action requested is adoption of a resolution approving the proposed agreement between the City and the Milwaukie Pioneer Cemetery Association and Cemetery trustees (Association) with respect to establishing rules governing the Leona Knutson Trust Fund (Trust).

Background

Earlier this year the City Council took two significant actions affecting the City's future relationship with the Cemetery. One was adoption of an amendment to the original agreement with the North Clackamas Parks and Recreation District (District). The amendment adopted in 2004 omitted the Cemetery from the list of parks and open spaces transferred to the District in 1992. The second was an agreement between the City and the Association setting forth certain understandings, including use of the Trust.

In late 2003 the Council authorized the City Attorney to file an action in the Circuit Court to appoint successor trustees to manage the Cemetery. The deed that created the Cemetery in the latter half of the 19th century also appointed trustees to manage the Cemetery. Successor trustees were appointed until the last one passed away in 1985. The appointment of successor trustees once again provided the management function as envisioned by the original grantors.

With the appointment, the City's only role was to administer the funds given to the City in 1995 pursuant to the estate of Leona Knutson. Those funds were to be used "for care and upkeep of [the] Milwaukie Pioneer Cemetery." Given this very limited role, I asked the City Attorney whether or not the City could assign the Trust to the Association. It was not possible to do so without both

endangering future use of the funds and without incurring significant costs that would be borne by the Trust. Thus, the City must continue to administer the Trust.

In conducting this review, I thought it best to further define roles with respect to the Trust. For example, if the Cemetery trustees are responsible for management of the Cemetery, they should have a major voice in the projects that are undertaken. The City's interest should be to ensure that the funds are expended for the broad purpose envisioned by Ms. Knutson. Thus, the proposed Agreement defines the City's and the Association's roles and responsibilities as well as limitations upon both parties.