

MINUTES

MILWAUKIE CITY COUNCIL AUGUST 19, 2003

CALL TO ORDER

The 1916th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Deborah Barnes	Councilor Joe Loomis
Councilor Larry Lancaster	

Staff present:

Pat DuVal, Acting City Manager	Larry Kanzler, Police Chief
Gary Firestone, City Attorney	John Gessner, Planning Director
Alice Rouyer, Community Development/ Public Works Director	Steve Campbell Code Compliance Coordinator
Steve Smith, Finance Director	

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard read brief summary of the eleventh Milwaukie City Council meeting held in October 1903. Milwaukie Museum Curator Madalaine Bohl is preparing this series of historical notes in honor of the City's Centennial Year.

Mayor Bernard expressed his appreciation to Centennial Committee members Ed Zumwalt, Kathy Rose, Wilda Parks, Kelly Howell, Jim Newman, Kathy Buss, Madalaine Bohl, and Gloria Totten. The Mayor has a very long list of volunteers to thank and will continue at subsequent meetings.

The City Council interviewed Pat Lent and David Colpo for a vacant position on the Library Board; Ray Bryan for the Historic Milwaukie Neighborhood Association position on the Public Safety Advisory Committee; and Richard McConnell for the Cable Access Studio Ad Hoc Committee.

AUDIENCE PARTICIPATION

Roger Weidner, 3526 SE Franklin, Portland. He indicated he was a former attorney and public prosecutor who ran the consumer fraud department in the Multnomah County District Attorney's Office 25 years ago. For the last 15 years he has been fighting pervasive corruption in the State of Oregon court system by dealing with people who have had their property, children, or lands taken in sham proceedings. For attempting to speak in court like he is speaking to Council, he has been repeatedly arrested and jailed for contempt because he insisted on making a record in the courtroom about the criminal conduct of attorneys, judges and bureaucrats in stealing innocent people's property. He thought it was focused just in Multnomah County, but he started getting calls from people around the state. He is finding that people are having their children, their lands, and properties taken from them, and then they cannot get into a courtroom to be heard on the record in front of a jury as the law provides. Cases are dismissed on one pretense or another.

The reason Weidner is speaking to Council is because the Heckmann's, who are property owners in this community, had a piece of property worth \$100,000. They were issued some fines for code violations. Council drafted the code violations, hired a public contractor judge and a public contractor prosecutor who prosecuted and took judgment against the Heckmann's for \$100,000, and then forcibly removed them from their property. The Heckmann's retained an attorney, Mr. Henry, who, without their knowledge or consent, stipulated to these horrific fines totaling \$100,000 against Mr. Heckmann and Dannie Heckmann and his wife. They have serious health problems. They went ahead and imposed these and prepared a supporting document, went into circuit court, and got Judge Selander to sign off allowing seizure of the property.

When property of that value is taken in that manner, you are basically turning those code violations into felony violations. Imposing a \$100,000 fine on people is not a code violation; it is a felony violation when a government does that. As an historian, he is also very well versed in the Constitution. In this county, this city, and this state, we have one class of citizen - equal. Councilmen are public employees who work for a corporate entity. The State of Oregon is a corporate entity. No corporate entity, whether the City of Milwaukie or the State of Oregon has authority to take from a sovereign citizen property without affording that citizen equal protection of the law and due process of the law.

He asked the Council to look at this case again. It is scandalous that a city would take as a fine everything. The City has taken the entire property. Judge Gray is employed by the Council and the prosecutor who is employed by the City Council took action and took that property away. Now who does it belong to? It belongs to the City of Milwaukie. He has filed an action in Clackamas County to quiet title on that property. The Heckmann's have quit claimed their interest to him. He wanted to bring that matter to the Council's attention. This is not an isolated incident. It is going on around the state. He has appeared before the Supreme Court, not seeking favor, but to expose

corruption. He has had 9 county judges on the stand as adverse witnesses charging them; they have not denied it. Four of them he has charged on the bench, and they have run out of the courtroom. He has been going into the courts with 60, 70, 80, 90 people because he was forced to do that. When he came in with 1 or 2 he was being arrested to be kept from speaking. Now with crowds, the judges are sitting, like the Council, listening and letting a record be made. He is seeing a big change in the behavior of the judicial system because the citizens will simply not and cannot tolerate it. He wanted to raise this issue and ask the City Council to look very seriously at this Heckmann issue and this property and come to some reasonable sort of fine that may be a deterrent. To take absolutely everything for some code violation is draconian at best. He asked Council for its consideration and thanked them for their time.

There were no questions or comments from any City Council member.

CONSENT AGENDA

It was moved by Councilor Lancaster and seconded by Councilor Barnes to adopt the consent agenda, which consisted of:

- A. City Council Minutes of August 5, 2003; and**
- B. Resolution No. 34-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Amending the Local Contract Review Board Administrative Rules to Reflect Laws Recently Adopted by the State Legislature.**

The motion to adopt the consent agenda passed unanimously.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Amend Municipal Code Section 5.08.110 to Clarify and Simplify the Business Tax Exclusion Afforded Construction and Landscape Contractors – Ordinance

Finance Director Steve Smith provided the staff report in which the City Council was asked to approve an ordinance that would amend the section of the municipal code relating to business tax exclusions afforded construction and landscape contractors who hold a Metro license.

Councilor Lancaster was curious how the City ever got to having these things on the books. What is the benefit to the City of a Metro-issued license?

Smith said the City sends a monthly report to Metro and receives money based on the number of permits issued to these contractors. Last year Metro sent Milwaukie for a little over \$4,000.

It was moved by Mayor Bernard and seconded by Councilor Barnes for the first and second reading by title only and for adoption of an ordinance amending Municipal Code Section 5.08.110.1 – Exclusions. Motion passed unanimously among the members present. The City Attorney read the ordinance twice by title only.

The City Recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, Councilor Loomis, Councilor Barnes aye; no nays; no abstentions.

ORDINANCE NO. 1924:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE SECTION 5.08.110.1 TO CLARIFY AND SIMPLIFY THE BUSINESS TAX EXCLUSION AFFORDED CONSTRUCTION AND LANDSCAPE CONTRACTORS.

Amend Municipal Code Section 10.50.030.C (3) Relating to Inventories of Impounded Vehicles – Ordinance

Police Chief Larry Kanzler presented the staff report in which the City Council was requested to adopt an ordinance authorizing the Milwaukie Police Department to conduct vehicle inventories in accordance with contemporary Oregon State law and current court rulings when impounding vehicles. When officers take a vehicle into custody and tow it, they are prohibited from taking a complete inventory of the contents of that vehicle. As a result, there have been questions about whether or not what was in the vehicle was there when they went back to pick it up. Adopting this ordinance would allow officers to check containers that are capable of containing money or items of value. This would eliminate a false claim for property that was reportedly stolen that was in fact never there to begin with.

Councilor Lancaster said it makes perfect sense to expand the inventory to containers and allow a thorough search of a vehicle. Does this amendment address containers that might be attached to the outside of a vehicle?

Kanzler said an officer can ask for consent to search closed containers, and there are some circumstances that allow for an immediate search based on weapons and reported criminal activity. The proposed code amendment relates to more routine, administrative vehicle tows such as driving with a suspended license or driving while impaired. It is meant to be an inventory of the contents of the vehicle in order to accurately record property of value and/or money left in the vehicle when it goes to the

tow yard. This amendment is intended to be an administrative tool rather than an investigative tool with a focus on the interior of the vehicle.

Councilor Lancaster asked if the City is using liberal construction on the interpretation of container.

Kanzler said it is interpreted as a container is capable of holding items of value. The container could be small holding a diamond ring for example or a container as large as a backpack or suitcase. If a container were capable of carrying items of value, the officers would look in it to assure that items of value are recorded.

City Attorney Gary Firestone explained the language contained in the proposed ordinance is designed for carrying money and/or valuables. The reason for that language is because that is what the courts allow. Courts have held there are restrictions on searches of opaque containers that do not appear to be designed for carrying valuables or are not of the kind that usually carry valuables. The words in the text are essentially dictated by the court rulings. "Designed for" does include things like briefcases, backpacks, closed fanny packs, as well as some of the more obvious items. Responding to a question about looking in an Altoid box, Firestone responded though a box such as that could contain money, it is not designed for that purpose and is something the courts would have to decide later.

Kanzler added, if during the course of taking this person into custody, another Altoid container was found in his/her pocket full of money, one would be justified in believing another Altoid container in the vehicle might also contain money.

Councilor Barnes asked if this might include something like a film canister. Does the police officer on the scene make the decision or does a ranking officer make it once the vehicle is impounded?

Kanzler said the car is not being impounded as a result of a criminal action. This is an administrative procedure.

Councilor Barnes asked if an officer stopping someone and noticing a film canister on the floor of the car could open that film canister.

Kanzler said this code would be used, for example, when a vehicle is stopped and it is determined the driver's license is suspended or revoked, when the driver is under the influence and the police take that person into custody, or if there is a warrant. The car is not abandoned on the street. The police take possession of that vehicle administratively. There will likely be items of property in clear view in the car. The officer looks in those containers that can hold money or items of value and inventories them. This is routine practice. The City's current ordinance does not provide for the expansion the courts have now ruled is appropriate. If there is a film container in the car, it will be inventoried, but there is no reason to think it contains any items of value. If at some point, someone alleges the film container held a thousand dollar bill, then the

burden will be on the claimant because the officer's inventory was reasonable in that it safeguarded the inventory in the car. The intent is not to detect or identify evidence for another crime. It is to protect the property that is in the vehicle and to protect the City from liability should something disappear from the car. It is an administrative procedure, not a criminal investigation.

It was moved by Councilor Lancaster and seconded by Councilor Loomis for the first and second reading by title only and for adoption of an ordinance amending Municipal Code Section 10.50.030.C(3) – Inventories of Impounded Vehicles. Motion passed unanimously among the members present. The City Attorney read the ordinance twice by title only.

The City Recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, Councilor Loomis, Councilor Barnes aye; no nays; no abstentions.

ORDINANCE NO. 1925:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE SECTION 10.50.030 SECTION C, SUBSECTION 3 – TO ALLOW PROPER INVENTORY OF IMPOUNDED VEHICLES.

Consider Lien in Amount of City Costs for Abating the Nuisance on Certain Real Property Owned by Union Pacific Railroad – Resolution

Firestone presented the staff report in which the City Council was requested to consider a resolution setting a lien amount on property owned by Union Pacific Railroad. Anyone with an interest has the right to make a statement, and Firestone explained a procedure the City Council might wish to consider.

The City declared a nuisance on property owned by the Union Pacific Railroad located west of 21st Avenue, north of Lake Road, and east of the railroad tracks having first complied with all applicable code requirements. After the nuisance was declared and the nuisance was not abated, the City took steps to abate the nuisance which was an unpermitted house temporarily stored in violation of various regulations. The abatement consisted of demolishing the building and restoring the site to a reasonable condition. As required by Milwaukie Municipal Code section 8.04.200, the city recorder provided notice of the cost of abatement. In response to that notice, the property owner, Union Pacific Railroad, filed a timely objection to the amount. Another objection was filed as well. Comments have been received on behalf of Mr. Peterson who at one point had an interest in the property.

Code Compliance Coordinator Steve Campbell explained 2 adjustments to the abatement amount. The Metro disposal fee was adjusted to \$17.10 less. The abatement survey was actually \$50 instead of \$55. The total abatement cost with these adjustments would be \$22,500.87. The City contracted for an asbestos survey in the

amount of \$1,075 and lead-based paint survey in the amount of \$50. These are typical surveys in a demolition scenario.

Firestone said the City is authorized to include administrative costs in abatement costs under Code section 8.04.200.A.1. This is a quasi-judicial proceeding, and the Council's role is to decide on the objections and to set the abatement assessment amount. Staff requests that the City Council adopt the proposed resolution but adjusting the cost downwards by \$22.10 for a total amount of \$22,500.87.

Jack Hammond, 21790 Willamette Drive, West Linn, attorney representing Rich Peterson. There is a long record of this proceeding, and he sympathizes with the City Council on its perseverance on this epic. Hammond first got involved in this process last year. Mr. Peterson was trying to work through setback issues. He had an option from Union Pacific Railroad to relocate the property from another location where he had a temporary lease from Southern Pacific. Peterson tried to work through those setback requirements but was unable to do so. The City was pressing ahead at that point with a nuisance abatement, and Mr. Peterson was advised to commence abatement of the building. He was, in fact, negotiating in September and October with the individual with whom the City finally contracted to demolish the building. Mr. Peterson was prepared to go ahead. Historically, there were issues coming up about preservation of the building because of its historic nature.

Sometime in the timeframe of September/October of last year, Terry Emmert of Emmert International approached the City. Peterson and Hammond had not solicited Emmert to do so. Emmert approached the City and indicated he had several building lots where he could move the house and preserve it. Peterson and Hammond were contacted by the City as to whether or not they wished to participate in that process and convey interest in the building to Mr. Emmert. In the past Hammond has dealt with Mr. Emmert and his company, and sometimes those involvements were relatively complex. Peterson and Hammond felt it was important for all parties concerned that there be an agreement that set forth precisely the obligations of all the parties. An agreement was entered into on October 31, 2002, with the City and Mr. Emmert conveying Peterson's interest in the building to Mr. Emmert. Mr. Peterson was absolved of any liability or responsibility from the building by both the City of Milwaukie and Mr. Emmert. The City of Milwaukie agreed not to institute any abatement proceedings in relation to the nuisance. Emmert assumed all responsibilities for moving the building from the site. At that point, Peterson and Hammond thought that things were done. Obviously they were not done, and things went on for some time with the City's ultimately being forced to abate the nuisance. Hammond does not argue there was a nuisance and was something that should be abated.

Hammond does not think it is proper to place a lien on Union Pacific property. Its only privity was in relation to Mr. Peterson who had a lease and an option to move the house. Once Mr. Peterson was absolved of any ownership or responsibility for abatement in relation to the house whatsoever, it seemed clear that that relief was passed through to Union Pacific, which has no privity or relationship to Mr. Emmert.

After Mr. Emmert assumed responsibility for the building, he did not, as Mr. Peterson had done, go to Union Pacific and ask for permission to have the building sited there. There has been a long litany of the City's relationship with Mr. Emmert and how everyone got to this point. Hammond does not think it is appropriate to impose the lien on Union Pacific. If the City does that, the concern is that Union Pacific is an innocent party. There are all manner of things that could happen as far as the relationship between Union Pacific and the City of Milwaukie goes. If Union Pacific takes action against Mr. Peterson, he asserts as a result of the contract with the City that there is a contractual bar from the City's imposing a lien that would have liability repercussions on Mr. Peterson. There is an indemnity agreement with Mr. Emmert. If there is another way to deal with the problem, the City Council may wish to seriously consider other options. He has been a city attorney himself for 30 years, and he freely admits this is a very unusual situation because of the contract between the three parties. Usually if there is a nuisance abatement, there is no question a lien is imposed on the property. The owner always has some significant involvement as to why the nuisance was there with derivative responsibility that does not occur in this case. The City has spent money, and it is the responsibility of the City Council to look for a way to become whole. He believes there is a way to do that. He got a copy of the entire record a couple of days ago and subsequently requested a deferral of the action to come up with another avenue. He was not granted that deferral. He has come up with another option, which he hopes the City Council would allow Firestone to consider.

The notice of assessment and placement of the lien was sent only to Union Pacific. However, under the City's ordinance, it could have gone to either the owner, which is Union Pacific, or to the person in charge of the property itself. There is no question from the contract between the City, Emmert, and Peterson that Emmert is in charge of the building and had the sole responsibility for the movement of the building from that location. The resolution imposing the nuisance in January 2003 identified Mr. Emmert and Emmert International as the person in charge of the building. It is replete throughout the correspondence between the City, through Mr. Swanson and other staff members, and Mr. Emmert that he was continually treated as the person in charge and asked to abate the nuisance. One way the deal with this is to defer action this evening on the request for the imposition of the lien, which identifies only Union Pacific, and ask the city recorder to issue another assessment order to Mr. Emmert as the person in charge of the building and propose to assess the amount of the abatement costs against Mr. Emmert and Emmert International. He would then have 10 days to file an objection. The City Council would deal with this at a subsequent hearing. If the City Council goes through that process and determines the assessment should be made against Mr. Emmert and enters it by resolution, Mr. Emmert would have 60 days to challenge that assessment or writ of review in circuit court. If he did not do that, the matter would be factually over, and that assessment would be legally in place. If that were the case, there would be no lien on the property, which is the traditional way of dealing with this type of situation. ORS 221.915 indicates that matters may be docketed in municipal court for enforcement purposes and can include execution and garnishment powers. The Milwaukie Charter indicates the municipal court has original jurisdiction over all actions to recover penalties as defined by the code. It seems to

Hammond the interplay of ORS 221.915 and Charter Section 28 would allow the municipal court to execute on the judgment, which is a quicker way of resolving the issue rather than placing a lien on property that would probably result in a complicated lawsuit. He understands this is a complicated option, but is a clear way to go after the responsible person. This is the only way Hammond sees the City can actually get to that responsible person without placing a lien on an innocent property owner and derivatively bringing in other parties on a complicated lawsuit. This option seems a more direct way to deal with it.

Councilor Loomis asked if Mr. Peterson had to pay anything to lease the property from Union Pacific.

Hammond said the amount was nominal. Union Pacific was looking at the option of selling surplus property to Mr. Peterson. Unfortunately Mr. Peterson had not consulted Hammond before taking the first step. He spent an enormous amount of money on plans, engineers, planners, and attorneys. This has been a nightmare for Peterson as well as for the City.

Councilor Barnes asked if Mr. Peterson informed Union Pacific on October 31, 2002, that he felt he was no longer the property owner.

Hammond said Mr. Peterson did not inform Union Pacific and did not know why. Things were moving quickly at that point. Peterson was under the gun for the abatement and was ready to destroy the building. He was dealing with a railroad company on Omaha, which probably had a lot to do with it.

Jill Schneider, Kilmer, Voorhees & Laurick, 732 NW 19th Avenue, Portland, representing Union Pacific. Union Pacific did not know the property had been sold and, in fact, did not know until June 2003 when all of the abatement stuff became public. Union Pacific was quite surprised because this October 2002 contract relieved the client of any kind of remedy whatsoever. The contract the City apparently negotiated and certainly executed says that any costs for the nuisance are not to be directed to Mr. Peterson. The contract between Union Pacific and Mr. Peterson says he is responsible for the nuisance. What is Union Pacific's role? Perhaps if it had been involved with negotiating the contract, Union Pacific might think the nuisance and abatement a little bit more just. Union Pacific understands the problem with the nuisance and the costs of trying to get rid of the building. She has not been privy to the entire file but understands the City Council is extremely frustrated. Imagine Union Pacific's frustration when it gets legal papers saying it is responsible for a building it does not own and apparently its tenant no longer owns. Union Pacific seems not to be able to do anything about it because of a contract that was executed by the City. Now the City is saying Union Pacific is responsible for something for which it no longer had any way to remedy. It is very frustrating and leads Union Pacific to believe this nuisance abatement assessment should not be properly directed in the form of a lien on Union Pacific's property. It clearly belongs to Mr. Emmert. He is responsible for relieving this nuisance by the contract that the City negotiated and executed. Union Pacific is at the position that it will

consider a slander on title. It is not in Union Pacific's hands; there is no remedy even though it had contractual rights. The contractual rights have been taken from Union Pacific by a contract to which it was not a party and had no input. Union Pacific does not believe this lien is proper.

Councilor Barnes asked if Union Pacific knew of this building being on the property.

Schneider said Union Pacific knew the building was on the property. It was inserted in the contract that the property was not allowed to be a nuisance and that Mr. Peterson would be responsible for any abatement if the property was determined to be a nuisance. It was Mr. Peterson's legal responsibility. The October 2002 contract says, however, it is not his responsibility.

Firestone said the property owner is always responsible for a nuisance whether or not created by some third party and has an obligation to ensure there is no nuisance on the property. The municipal code clearly requires the Council to determine the amount. After that, the code provides procedures for the amount to become a lien. One place where the code does allow some leeway, is that the Council can provide some direction as to when the lien is recorded. Council can provide some time for staff to determine if the matter can be resolved otherwise. He believes it is worth talking to Hammond and Union Pacific as to what could possibly be worked out in this situation. Ultimately, under the code, the owner of the property is responsible, and his initial reading is that is the owner of the real property.

Firestone did disagree that Union Pacific cannot do anything about the situation. It can bring a claim against Mr. Peterson who can turn it over to Emmert International. The City could impose the lien, Union Pacific goes after Mr. Peterson, and Mr. Peterson goes after Emmert International. That way the matter would be resolved with the least amount of City involvement. To clarify, the City did not draft the October 2002 agreement. There was a nuisance proceeding against the property at the time Mr. Peterson had an interest. The City declared the nuisance. Mr. Peterson and Emmert International came up with the plan to transfer the structure to Mr. Emmert. The City, at that time and for as long as possible, was trying to preserve the house, so it agreed to this agreement that basically took Mr. Peterson off in return for getting commitments from Mr. Emmert that the house would be moved. The house was not moved. Firestone agreed with Hammond and Schneider that ultimately Emmert International is responsible and should pay. However, nuisances are matters that arise from a real property, and the owner of the real property is responsible. Hence, the lien is filed against the real property.

Mayor Bernard felt the issue should be negotiate further. He has no problem with the lien price. He would direct counsel and staff to talk to parties to consider options.

Firestone outlined the options if the City were to follow that approach. One is to continue this matter to a future meeting to let all of the issues be resolved. The other

option is to set the amount of the lien and essentially delay implementation to some future date. In either case there would be discussions and negotiations in the interim.

Councilor Barnes asked if the interest can be continued even if the issue were on hold.

Firestone responded the clearest way to do that would be to set the amount at this meeting and state that interest begins to accrue in a certain number of days. The implementation and at least the lien could be on hold.

The counsels for Union Pacific, Peterson, and the City of Milwaukie, agreed 30 days should be sufficient to discuss the issues.

Councilor Loomis was in favor of seeking another option. He agreed the lien was probably not fair to Union Pacific.

Firestone said because the lien amount must be set by resolution, the draft resolution would have to be amended as to the total amount. Section 2 would have to be amended to read, "the amount of the abatement shall not be assessed and shall not be entered as a lien in the City's lien docket until a further meeting on this issue by the City Council."

Councilor Lancaster suggested just holding the decision for the 30-day period.

Councilor Barnes wants the interest to continue on this bill.

Firestone said statutory interest is about 9%. Parties have a certain amount of time to pay, so the interest probably would not be triggered immediately. Typically, the City would give 30 days to pay, but the City Council could say at the next meeting at which this is considered that interest shall start immediately.

It was moved by Mayor Bernard and seconded by Councilor Loomis to continue this matter to September 16, 2003. Motion passed unanimously among the members present.

Milwaukie Downtown Implementation Grant

Community Development/Public Works Director Alice Rouyer said last year the City received an unanticipated \$15,000 grant from the Oregon Downtown Development Association (ODDA) to help with downtown redevelopment. After some meetings with community leaders, it became clear people were interested in determining what to do after the North Main Project. There are plans underway for McLoughlin Boulevard, the riverfront park, as well as several other projects, but the question is sequencing. The ODDA grant of \$15,000 along with a \$5,000 match will help Milwaukie embark on this "next projects" phase. The grant funds must be used by October 31, 2003. The scope of work is designed in a way that there will not be a lot of meetings and process. Staff believes a core group of people can be interviewed and a final report prepared by

October with the help of a small consultant team. Milwaukie already has a good downtown plan, and now all that needs to be done is putting the pieces together.

Councilor Lancaster suggested giving Ed Zumwalt credit for this grant.

Councilor Barnes asked if money from this grant would be spent on consultants.

Rouyer said this type of ODDA grant typically pays for a consultant team to do the work. The grant will pay for the team along with a \$5,000 match from the funds budgeted in the Community Development Administration fund. Project Manager Jeff King will be working directly with the consultant to ensure a good product that relates to the downtown.

Milwaukie Light Rail Working Group

Gessner provided a status report on the Tri-Met light rail working group. In April 2003, the City Council forwarded a recommendation to Metro in support of the Locally Preferred Alternative (LPA) for light rail in Milwaukie which runs along Main Street in the North Industrial area then crosses and follows the Tillamook Branch into downtown Milwaukie. Prior to City Council consideration, the Planning Commission forwarded its recommendations. Two of these had to do with increased public involvement and additional examination of relocation of a park-and-ride and the transit center. Tri-Met heard the message in the resolution passed by the Milwaukie City Council and has been organizing a working group comprised of City staff, neighborhood leaders, and North Industrial business and property owners. He understands the working group will hold its first meeting on September 4.

The City team is composed of Grady Wheeler, Jason Wachs, Paul Shirey, and Gessner who will do the trench work with the group in support of the Council resolution and the Planning Commission's concerns. The project schedule is relatively aggressive. Tri-Met is hoping to come before the Planning Commission and City Council in November or December. It is anticipated North Industrial and neighborhood representatives will have technical and other issues that will have to be addressed. The result of this process is to hopefully come up with a consensus-based outcome for Planning Commission and City Council review to be forwarded to the Metro Council. There is some uncertainty as to how these recommendations are going to fit into the Metro process for finalizing the South Corridor light rail decision. He has 3 dates scheduled over the next several months to update Council on issues and process. He noted City staff, the neighborhoods, and North Industrial interests are equal participants in this process. This is a Tri-Met organized process with a great deal of input from the City.

Michael Fisher, Tri-Met, and **Michelle Gregory**, Soapbox Enterprises, were available to respond to questions from Council.

Mayor Bernard said he is an alternate on the Joint Policy Advisory Committee on Transportation (JPACT) and had an opportunity to vote on the LPA resolution. This

virtually guaranteed money for the Southgate redevelopment project. Million of dollars could be invested in this, but unless the Oregon Department of Transportation (ODOT) is at the table, we will get nothing. He understands the legislature has asked ODOT to be more responsive, and some of the registration money is for projects exactly like this one that provides better access to industrial areas. He hopes ODOT will be engaged in this process to move it forward.

Gregory felt it was safe to say ODOT is at the table. There is a good balance of North Industrial business and property owners as well as neighborhood representatives. The ODOT representative will be Bill Adams who has had experience with both Milwaukie and regional issues.

Councilor Lancaster asked if there were anything that would keep ODOT from being at the table or being cooperative.

Fisher said Tri-Met will do its best to have ODOT at the table. Adams is a planner and a good point person who has connections with the different departments and design teams in Salem and Portland. Robin McArthur-Phillips is involved, and Tri-Met can lean on her if things get difficult. Engaging ODOT will, without a doubt, be a challenge, and this is a very technically complex situation. The Planning Commission's points that were adopted by the City Council provide the guiding light in terms of specific issues along with future conversations with the neighborhoods and North Industrial interests. This level of detail work is normally done later in a light rail project, but this is being done several years in advance of the Final Environmental Impact Statement (FEIS) in order to firm up the location of the bus transit center. The goal is to reach consensus on a long-range plan for light rail, the stations, and the bus transit center and related facilities. Having that consensus, parties can get down to the implementation process of making it happen.

Mayor Bernard understands the transit center is not necessarily tied to light rail; however, it is tied to phase 1 of the I-205 project.

Fisher agreed with that statement in terms of implementation. In the long term, the bus transit center should be where light rail is built.

Councilor Lancaster commented that when dealing with the legislature, which is very distracted and dysfunctional, it would be helpful to know who the City could lean on to help keep the players focused.

Mayor Bernard said the Community Solutions group has been helpful by interceding in certain ODOT projects when communications have faltered.

Ed Zumwalt said Lancaster touched on what he wanted to talk about. Who does the City lean on to keep the process moving? Between April 2001 and April 2003, many neighborhood people worked a lot of hours with Metro and Tri-Met but came out with nothing. When it came right down to it, a few people snapped their fingers, and the

route went elsewhere. This was not right. Neighborhood representatives were still called to participate in meetings when everyone knew it was a done deal. This is very insulting. Who are people kidding that they want neighborhood input? This is just window dressing, a dog and pony show. He urged getting to the heart of the matter. It is Zumwalt's feeling they just want to take care of their obligations for a park-and-ride and a transit center, and then get out of here. The South Corridor would be taken care of by the I-205 alignment. Metropolitan government and transportation go where light rail can politically and financially work such as Vancouver. Here, they may have to go to an election. He urged the City Council to push those at the higher levels to do something for this town.

Other Discussion Items

Mayor Bernard discussed the Johnson Creek Boulevard improvement project. Traffic has been very difficult to manage particularly since so many jurisdictions are involved. He read an e-mail that indicated concrete barriers would be installed on August 20. The police department has been writing a lot of citations. Since a lot of traffic will be diverted to 32nd Avenue during construction, patrols will be increased once school begins. Crime is increasing in the community, as it is everywhere. It has been hot, and people are unemployed. Crime in Milwaukie is up by about 40%, and that is fairly common throughout the region. The Milwaukie police department has had to prioritize calls because of budget constraints. Milwaukie is partnering with other agencies to battle the increased criminal activity throughout the metropolitan area. Chief Kanzler assured him the police department will respond with the same great service residents expect and deserve, but it may take a little extra time on low priority crimes. Mayor Bernard particularly thanked Kanzler for his efforts in building strong partnerships and obtaining law enforcement grants.

Kanzler thanked the City Council for its support. He clarified one comment. The call load has increased about 40% with crime rate going up about 17%, which is comparable to Portland. Many of the problems Milwaukie sees has to do with being so closely aligned to Portland. Milwaukie and Portland work hard to maintain a relationship between its officers to get the biggest bang for their bucks. He is proud of what the department is doing on limited resources. The 9-1-1 transition is not complete, but the department is close to being able to write reports in the patrol vehicles. He hopes full implementation will take place in about 60 days, and this will help tremendously in saving driving time. Kanzler asked residents to be patient when asking for police assistance in cases where life and property are not in immediate danger.

Councilor Lancaster commented he is concerned when he hears these types of statistics. If demand for police services goes up 40%, what does that do to the department? He is concerned resources are being cut too thin in trying to over perform and putting people at risk. He trusts Kanzler's judgment but wanted to express his concern.

Kanzler is hoping that things will slow down as winter comes on and local investigations with federal partners wind down. Resources have been stretched to the maximum. He has the absolute committed support from the men and women doing the job. They are doing a fine job, but they are tired. Still the officers are willing to continue carrying the torch and running the race.

Councilor Lancaster asked if there was anything City Council could do to get the computers up.

Kanzler explained the computers are installed, but some of the report forms are not completed yet.

Councilor Barnes asked for an overview of the 40% increase in calls.

Kanzler said the period is from January to the first of July. There was an immediate spike in the call load after the transition to Lake Oswego Dispatch. It could have been that the tracking technology was not there in the Milwaukie dispatch center. It is not an epidemic issues, and most calls are property related crimes rather than crimes against people. He added there has been about an 80% increase in commercial burglaries. Jails are not operating at capacity, and people are out of work. Generally, in repose to Barnes's question, there is a global rise in activity.

Mayor Bernard announced the City Council would meet in executive session immediately following adjournment to consult with legal counsel on litigation pursuant to ORS 192.660(g).

ADJOURNMENT

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

Mayor Bernard adjourned the meeting at 7:45 p.m.



Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL
AUGUST 19, 2003

MILWAUKIE CITY HALL
10722 SE Main Street

1916TH MEETING

REGULAR SESSION - 6:00 p.m.

I. **CALL TO ORDER**
Pledge of Allegiance

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

Appointed Advisory Board Interviews

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.)*

A. **City Council Minutes of August 5, 2003**

B. **Amendments to the City of Milwaukie's Local Contract Review Board Rules to Comply with Current State Statutes -- Resolution**

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. **Amend Municipal Code Section 5.08.110.1 to Clarify and Simplify the Business Tax Exclusion Afforded Construction and Landscape Contractors – Ordinance (Steve Smith)**

B. **Amend Municipal Code Section 10.50.030.C (3) Relating to Inventories of Impounded Vehicles – Ordinance (Larry Kanzler)**

- C. **Consider Lien in Amount of City Costs for Abating the Nuisance on Certain Real Property Owned by Union Pacific Railroad – Resolution (Gary Firestone)**
- D. **Milwaukie Downtown Implementation Grant (Alice Rouyer/Jeff King)**
- E. **Milwaukie Light Rail Working Group (John Gessner)**

VII. INFORMATION

- A. **Park and Recreation Board Minutes, April 22, 2003**
- B. **Library Circulation Statistics**
- C. **Portland Commissioner of Public Safety Randy Leonard Increases Services in Neighborhood Bureau**

VIII. ADJOURNMENT

Public Information

- **Executive Session:** The Milwaukie City Council will go into Executive Session immediately following adjournment of the regular session. Council will consult with legal counsel regarding litigation pursuant to ORS 192.660(g).

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 and 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.

Date 1/10/11

I wish to address City Council on Agenda Item # audience Participation

Name Roger Waidner (Waidner)

Organization Oregon Judicial Watch

Address 3526 S.E. Franklin

Phone 503-232-6691

Speaking in Support

Speaking in Opposition

Raising Questions

Providing Information

Comments _____

Date: 8/19/05

I wish to address City Council on Agenda Item #

C

Organization WPRR (Kilmer, Voorhees + Lannick)

Address 732 NW 19th Ave. Portland 97209

Phone 224-0055

Speaking in support _____ Speaking in opposition

Raising questions _____ Providing information _____

Comments

Date: 8/19/2005

I wish to address City Council on Agenda Item #

VI C Lien Abatement

Organization Jack Hammon

Address 21790 Willamette Drive, WL

Phone 656-1694

Speaking in support _____ Speaking in opposition

Raising questions _____ Providing information _____

Comments

Replant Rich Meter / en of
Canby

Date: 8/19/08

Zumwalt

I wish to address City Council on Agenda Item #

V6 E LT RAIL WORKING GROUP

Organization PERSONAL

Address 10888 S.E 29TH

Phone 654-2490

Speaking in support

Speaking in opposition

Raising questions

Providing information

Comments



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: August 11, 2003
RE: FYI Memo for the Weeks of August 11, 2003 through August 22, 2003

Please note that due to the small number of agenda items, there is no work session scheduled for this time period. In addition, my family and I are going to take some vacation time prior to the start of school from Thursday, August 14, through Friday, August 22.

AUGUST 19, 2003 REGULAR COUNCIL MEETING

The regular meeting of the Council will commence at 6:00 P.M. at City Hall. Agenda items include:

- 1. Amendments to the City of Milwaukie's Local Contract Review Board Rules to Comply with Current State Statutes:** By ordinance the City Council is the Local Contract Review Board. Among its powers is the power to adopt rules. From time to time those rules require amendment due to actions of the State Legislature. The proposed amendments before you incorporate changes made during the current session. The first changes the amount at which bidders must comply with the State prevailing wage law from \$10,000 to \$25,000. The second changes the time within which bidders for contracts in excess of \$75,000 must submit first tier contractor disclosure sheets from four to two hours.
- 2. Amend Municipal Code Section 5.08.080 to Clarify and Simplify the Business Tax Exclusion Afforded Construction and Landscape Contractors:** The City Code presently exempts contractors and landscape contractors from obtaining a business license if: (1) they are located outside of the City and have less than \$125,000 in annual gross receipts from work within the City; or (2) they are located outside of the City and they have obtained a business license from Metro. The proposed ordinance before you eliminates the first exemption.

3. **Amend Municipal Code Section 10.50.03(C)(3) Relating to Inventories of Impounded Vehicles:** This proposed ordinance authorizes the police to expand their inventory of items in an impounded vehicle to items that are within closed containers capable of carrying or storing money or items of value. The current Code provision permits an inventory of only those items openly identified.
4. **A Resolution Authorizing a Lien in the Amount of City Costs for Abating the Nuisance on Certain Real Property Owned By Union Pacific Railroad:** Upon failure of an owner to abate a nuisance within the prescribed time period, the City abates the nuisance and assesses the cost to the owner of the property. The abatement of the Marinos house has been assessed to the Union Pacific Railroad. The Railroad has protested that assessment, and the process then moves to a hearing before Council at which it considers and determines the assessment.
5. **Milwaukie Downtown Implementation Grant:** This agenda item is intended to present information and seek Council feedback relative to a downtown-planning grant that will identify specific next step projects and priorities. These next steps will help the City move forward in implementing the Milwaukie Downtown and Riverfront Plan.
6. **Milwaukie Light Rail/Transit Center Working Group:** Tri-Met is convening a working group of neighborhood leaders, property owners and businesses in accordance with Council Resolution 12-2003 in support of the South Policy Committee's recommendation on light rail in Milwaukie. That Resolution adopted the South Corridor Locally Preferred Alternative and incorporated Planning Commission mitigation concerns for the North Industrial Area. Tri-Met staff will be present at the August 19, 2003 Council meeting for Council questions.

ADDITIONAL ITEMS OF INTEREST

1. Included with this packet is a copy of the Council Communication Agreement. The Agreement principles were first developed a number of years ago and revisited and revised by the immediate past Council. I am going to schedule time at a work session in September at which you will discuss them with the goal of adopting a like agreement. The purpose of these principles is simple: to facilitate open, honest communication within the group.
2. This past week has seen a great deal of activity on Johnson Creek Boulevard. With construction in full swing, we found that the signage limiting traffic to local movement only was not being observed. Because of a concern for safety, I signed a traffic warrant that lent force to the restriction. We have maintained an officer presence, and they have written a number of tickets. We will continue to consider this an enforcement priority, but our officers are also responsible for the rest of the City. When they are called away or are absent to cover other areas, we hear quickly from residents along JCB.

City-Wide Barbecue

Come One-Come All

- * *End of Summer Barbecue*
- * *Thursday, September 4*
- * *11:30 a.m. - 1:30 p.m.*
- * *JCB back lot*
- * *Barbecue and all the fixins provided.*
- * *Desserts Welcome*





To: Mayor and City Council
From: Pat DuVal, City Recorder
Subject: Advisory Board Interviews
Date: August 12, 2003

Action Requested

Interview applicants for vacant advisory board positions.

Background

Applications have been received from Pat Lent and David Colpo for the Library Board, Ray Bryan for the Historic Milwaukie Neighborhood Association representative on the Public Safety Advisory Committee, and Richard McConnell for the Cable Access Studio Committee.

Attachments:

1. Applications
2. Description of advisory group duties
3. Current rosters

Lib.

II. 1-1 Left mess 7/21
9:39a

CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION

Left mess 7/24 3
that was to cancel
sent 7/27.

Name: PATRICIA L LENT Date: _____

Street address: 11355 SE 27th

Mailing address if different than home address: _____

Business Phone: _____ Home Phone: (503) 654-6826

E-mail address: plent@earthlink.net

How long have you been a Milwaukie resident?
16 YRS.

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. No

Are you a registered voter in Milwaukie? Yes

How did you hear about the position?
The Ledding Newsletter

Occupation: RETIRED Employer: _____

Employer's Address: _____ Phone: _____

Please list any prior civic or professional activities. 7 YRS - PLANNING COMMISSION;
1 AS CHAIR; 1 AS VICE-CHAIR; HISTORIC REVIEW; BUDGET (ALL MILWAUKIE)
2 YRS AS CITY OF PORTLAND TOWING BD OF REVIEW MEMBER.

Why have you applied for this position? I'M RECENTLY RETIRED AND WOULD LIKE
TO SERVE MY CIVIC DUTY WITH THE FREE TIME.

What special training, skills, or experience have you had that would be pertinent to this application? THE LIBRARY EXTENSION MAY USE MY PLANNING COMMISSION
EXPERIENCE; ALSO MY LIMITED BUDGET COMMITTEE EXPERIENCE. I WAS
A MANAGER FOR PACIFIC NW BELL FOR 10 YEARS, REQUIRING ORGANI-
ZATIONAL & COMMUNICATIONS SKILLS.

Board(s) or Commission(s) in which you are interested. LIBRARY

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

Copy message w/ wife
will be of unavail.

II. 1-2

CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION

Name: DAVID COLPO Date: 7/30/03

Street address: 11625 SE 27th AVE

Mailing address if different than home address: _____

Business Phone: 654 5400 Home Phone: 659-0159

E-mail address: DAVE-COLPO@PSMFC.ORG

How long have you been a Milwaukie resident? 1 year

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. NO

Are you a registered voter in Milwaukie? yes

How did you hear about the position?
LIBRARY BOOK SALE

Occupation: PROGRAM MANAGER Employer: PACIFIC STATES MARINE FISH

Employer's Address: 45 SE 82nd DRIVE Phone: _____
GLADSTONE COMMISSION

Please list any prior civic or professional activities. MATH / LANGUAGE TUTOR
IN SEATTLE; SOLID WASTE ADVISORY CITIZENS BOARD
IN SEATTLE

Why have you applied for this position? I'm a library user who's
CONCERNED ABOUT ITS POSITION, PARTICULARLY IN THESE
BUDGET TIMES.

What special training, skills, or experience have you had that would be pertinent to this application? I'm SMART, AVAILABLE AND INTERESTED.

Board(s) or Commission(s) in which you are interested. LIBRARY

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

Received by City _____
Interviewed _____
Commission _____

Information Sent _____
Appointed _____
Term Expires _____

CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION

left mess 7/24 3pm
WS cancelled
cancel date 8/19
left mess 8/16 1pm

Name: Ray Bryan Date: June 10, 2003

Street address: 11416 SE 27th Ave

Mailing address if different than home address:

Business Phone: 503-655-0908 Home Phone: 503-794-9354

E-mail address: _____

How long have you been a Milwaukie resident?
4 years

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. No

Are you a registered voter in Milwaukie? yes

How did you hear about the position?
Ed Zumwalt

Occupation: Warehouse Manager Employer: Fred C. Gloeckner Co.
Employer's Address: 12700 SE Hwy 212 Phone: 655-0908
Clackamas, OR 97015

Please list any prior civic or professional activities.
Treasure Historic Milwaukie NOA

Why have you applied for this position? 1. I would like to be involved in a positive way. 2. I have attended 3 meetings of the Public Safety Advisory Committee and I find the issues very interesting.

What special training, skills, or experience have you had that would be pertinent to this application? I attend nearly every Historic Milwaukie NOA meeting, so I have a good link to the community. I think we have an excellent police department. I have needed them twice and I could not be more impressed.

Board(s) or Commission(s) in which you are interested. Public Safety Advisory Committee.

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

CITY OF MILWAUKIE
APPOINTED ADVISORY BOARD APPLICATION

Name: Richard McConnell Date: 7/18/03
Street address: 4616 SE Roxthe Rd #80
Mailing address if different than home address: Milwaukie, OR 97267
Business Phone: _____ Home Phone: 503-659-3647
E-mail address: richmrichard@yahoo.com
How long have you been a Milwaukie resident? not one

Are any members of your household currently serving on a City of Milwaukie Advisory Board or Commission? If so, which one. NO

Are you a registered voter in Milwaukie? _____

How did you hear about the position?
announcement @ library

Occupation: Retired Mngmt Anal Employer: UD of Energy
Employer's Address: _____ Phone: _____
Bonneville Power

Please list any prior civic or professional activities. Clackama Cnty Library
Board

Why have you applied for this position? Really interested in
potential of cable access TV.

What special training, skills, or experience have you had that would be pertinent to this application? local radio station (KPBS), produced
video for Bonneville

Board(s) or Commission(s) in which you are interested. possibly - if ^{ok to} ~~if~~

Please complete this form fully so City Council can evaluate your application. Thank you for the extra time and effort. Please return to City Recorder's Office, 10722 SE Main Street, Milwaukie, OR 97222, or fax to 653-2444. If you need additional information, please call 786-7502.

Received by City _____
Interviewed _____
Commission _____

Information Sent _____
Appointed _____
Term Expires _____

LIBRARY BOARD

Section 2.28.010 Designated.

The Ledding Library of Milwaukie is designated the city public library according to the provisions of ORS 357.400 to 357.621. (Ord. 1800 § 2 (part), 1996)

Section 2.28.020 Established--Purpose.

The library board is established for the purpose of advising the city council and the Ledding staff regarding library patrons' needs. The board shall be responsible for, but not limited to, the following activities:

- A. Reviewing and commenting on rules and policies for the operation of the library;
- B. Commenting on the acceptance or rejection of donations of real or personal property of funds donated to the library;
- C. Commenting on the annual operating budget for the library;
- D. Commenting on sites for public library buildings or for location of library facilities; and
- E. Such other activities as the council may assign. (Ord. 1800 § 2 (part), 1996)

Section 2.28.030 Membership--Qualifications.

A. The board shall consist of seven members, with a majority of members of the board being city residents.

B. It is desirable that an applicant be familiar with and willing to support the library and its programs; understand the needs of the Milwaukie area library patrons and the general community relative to the library programs; have the ability to gather information regarding needs; and have experience in working with committees or other task groups. (Ord. 1800 § 2 (part), 1996)

PUBLIC SAFETY ADVISORY COMMITTEE

Section 2.24.010 Established--Purpose.

The public safety advisory committee is established for the purpose of advising and making recommendations to the chief of police and the city council regarding public safety needs in the city and its urban growth boundary. The board shall be responsible for, but not limited to, the following activities:

- A. Review and make recommendations on community livability concerns related to crime prevention and traffic safety issues that affect public safety and neighborhood livability in Milwaukie and within its urban growth boundary.
- B. Review and make recommendations for police-community partnerships to mitigate the negative influence of crime and traffic on the community.
- C. Promote public education and awareness of the effects of crime and the fear of crime on the community.
- D. Collaborate with local, county, and state government agencies to develop strategies to mitigate negative community livability concerns by focusing partnership agency resources to reduce or eliminate specific crime, problem areas, or concerns.
- E. Such other activities as the council may assign. (Ord. 1906 § 2, 2002: Ord. 1869 § 3, 2000: Ord. 1797 § 3 (part), 1996)

Section 2.24.020 Membership--Qualifications.

- A. The committee shall consist of one voting member representing each of the city's neighborhood associations plus four (4) at-large members. It is desirable that committee members have an interest in solving community problems through active involvement with the police department, the chief of police, and various citizen/police/government workgroups.
- B. Members will be appointed to the public safety advisory committee by the city council for two- (2)-year terms, but half of the initial board shall be appointed for one- (1)-year terms. Up to two additional two- (2)-year terms for a total of four (4) additional years past the member's original appointment may be approved by the city council. The members representing the neighborhood associations shall be appointed by the council after nomination by the neighborhood association that the person will represent. The council shall have discretion whether to appoint any person nominated by a neighborhood association. At-large members shall be appointed by the council. The council shall consider the recommendation of the chief of police in making appointments to the committee.
- C. A quorum consists of one-half (1/2) of assigned members to the public safety advisory committee. (Ord. 1906 § 3, 2002: Ord. 1869 § 4, 2000: Ord. 1797 § 3 (part), 1996)



To: Mayor and City Council
Through: Mike Swanson, City Manager
From: JoAnn Herrigel, Program Services Coordinator *JH*
Subject: Public Access Studio – Ad Hoc Board
Date: December 26, 2001

Action Requested

Review and approve the proposed term and tasks for an Ad Hoc Public Access Studio Board.

Background

The Public Access studio has been operating under the direction of Videobeck since January 2001. The transition from the International Way site to the Lake Road location went very well, and the studio is functioning adequately. Now that the transition is complete, staff, studio users and the operator feel that there is a need for some technical, financial and policy guidance to enhance the operation of the studio. In order to meet this need, staff is proposing to convene an ad hoc Board of five members for a one-year term to provide the City and its studio operator with guidance. The issues staff has proposed that the Board address are very specific and many can be completed in a short period of time. For these reasons, staff feels an informal group, appointed for a short term will suffice.

Following is a preliminary list of tasks for the Board to tackle:

- Develop a mission statement for Milwaukie's public access program.
- Develop a long term financial plan for the studio.
- Review and comment on an equitable scheduling system for studio users.
- Review and comment on a studio User Training Manual and Schedule.

II. 2-4 report -- (Public Access Studio – Ad Hoc Board)

- Review and comment on a tracking system for production and broadcast. (What is taped and how often it is shown on a weekly basis.)
- Develop fund raising options for the studio (tape sales, rates for additional hours, adding studio partners, etc.)
- Review and comment on studio equipment upgrade plan(s).
- Oversee a studio inventory report.
- Develop and implement studio operating and use policies (develop guide book.)
- Develop a proposal for City Council consideration to transition studio operation to a non-profit status or at least have it function independently with control of its own budget.

Two individuals had submitted applications for the Ad Hoc Studio Board membership by the date this staff report was submitted. At least three more applicants are expected within the next month.

Concurrence

The studio operator, staff and studio users agree to the need for a Board.

Fiscal Impact

None.

Work Load Impacts

The Board's work will result in documents and policies that should make the studio run more efficiently. Staff will review products the Board produces and attend meetings once a month.

Alternatives

Deny establishment of the Ad Hoc Board.

Current Roster for the Library Board

As of 08/12/2003

<i>Name / Position/ Term</i>	<i>Address (if avail.)</i>	<i>Phone/Fax/Email</i>
<p style="text-align: center;">Pat Healy</p> <p>Title: Member (Pos#: 1 Appt. 05/04/1999 Exp. 03/31/2007) Company:</p>	<p>8831 SE 41st Ave Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-654-6176 Wk) 503-653-3674 Fax) Cell) pvhealy@attbi.com</p>
<p style="text-align: center;">Mark Docken</p> <p>Title: Member (Pos#: 2 Appt. 10/02/2001 Exp. 03/31/2007) Company:</p>	<p>12447 SE 41st Ct Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-654-0752 Wk) 5033810404 Fax) Cell)</p>
<p style="text-align: center;">Ed Zumwalt</p> <p>Title: Member (Pos#: 3 Appt. 05/05/1998 Exp. 03/31/2006) Company:</p>	<p>10888 SE 29th Ave Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-654-2493 Wk) Fax) Cell) pemczum@aol.com</p>
<p style="text-align: center;">Susan Trotter</p> <p>Title: Member (Pos#: 5 Appt. 07/07/1998 Exp. 03/31/2005) Company:</p>	<p>12102 SE 36th Ave Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-659-5678 Wk) Fax) 503-794-9215 Cell) dstrotter@attbi.com</p>
<p style="text-align: center;">Michael Welling</p> <p>Title: Vice Chair (Pos#: 6 Appt. 11/05/2002 Exp. 03/31/2006) Company:</p>	<p>2323 SE Harrison Street #36 Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-786-4873 Wk) 503-765-3475 ext 235 Fax) Cell) mewelling@webtv.net</p>
<p style="text-align: center;">Tom Hogan</p> <p>Title: Chair (Pos#: 7 Appt. 01/02/2001 Exp. 03/31/2004) Company:</p>	<p>15599 SE Oatfield Rd Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 5037949810 Wk) 503-819-8367 Fax) Cell)</p>
<p style="text-align: center;">Cynthia Sturgis</p> <p>Title: Staff Liaison (Pos#: 8 Appt. 05/21/1996 Exp.) Company: City of Milwaukie</p>	<p>10660 SE 21st Ave Milwaukie OR 97222 Primary Email:</p>	<p>Hm) Wk) 503-786-7584 Fax) 503-659-9497 Cell) cynthias@lincc.lib.or.us</p>

II. 3-2

**Current Roster for the Public Safety Advisory Committee
As of 08/12/2003**

Name / Position/ Term	Address (if avail.)	Phone/Fax/Email
<p align="center">Dolly Macken Hambrig</p> <p>Title: Member from Linwood (Pos#: 1 Appt. 11/05/2002 Exp. 09/07/2004) Company:</p>	<p>12258 SE Grove Lp Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-659-7582 Wk) 503-659-8908 Fax) Cell) DHambri698@aol.com</p>
<p align="center">Gene Covey</p> <p>Title: Member from Lewelling (Pos#: 2 Appt. 11/05/2002 Exp. 09/07/2003) Company:</p>	<p>4952 SE Mason Ln Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-786-2805 Wk) 503-692-5012x233 Fax) Cell) wngwkr@aol.com</p>
<p align="center">Rick Bantz</p> <p>Title: Member from Lake Road (Pos#: 3 Appt. 11/19/2002 Exp. 09/07/2004) Company:</p>	<p>4439 SE Pennywood Dr Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-654-9353 Wk) Fax) Cell)</p>
<p align="center">Karen Martin</p> <p>Title: Member from Hector Campbell (Pos#: 4 Appt. 11/19/2002 Exp. 09/07/2003) Company:</p>	<p>10912 SE 52nd Avenue Milwaukie OR 97222 Primary Email:</p>	<p>Hm) 503-652-3980 Wk) 503-224-3507 Fax) Cell) karen.martin@pacifielife.com</p>
<p align="center">Larry Kanzler</p> <p>Title: Staff Liason (Pos#: 12 Appt. 11/05/2002 Exp.) Company: City of Milwaukie</p>	<p>3200 SE Harrison St Milwaukie OR 97222 Primary Email:</p>	<p>Hm) Wk) 503-786-7405 Fax) 503-786-7426 Cell) 503-942-5037 kanzlerl@ci.milwaukie.or.us</p>

Current Roster for the Cable Access Studio Ad Hoc Committee

As of 08/12/2003

Name / Position/ Term	Address (if avail.)	Phone/Fax/Email
Mr. Scott Griffith Title: Member (Pos#: 1 Appt. 01/15/2002 Exp.) Company: Galaxy Productions, Inc.	11630 SE 27th Ave. Milwaukie OR 97222 Primary Email:	Hm) 503-794-1623 Wk) Fax) Cell)
Mr. Roman Moreno Title: Member (Pos#: 2 Appt. 01/15/2002 Exp.) Company:	PO Box 22953 Milwaukie OR 97269 Primary Email:	Hm) 503-653-7800 Wk) 503-692-5800 Fax) Cell)
Mr. Al Dorsey Title: Member (Pos#: 3 Appt. 03/05/2002 Exp.) Company:	PO Box 22062 Milwaukie OR 97269 Primary Email:	Hm) 503-659-3541 Wk) 503-513-5557 Fax) Cell) itaekwondo2@aol.com
Sherri Campbell Title: Member (Pos#: 4 Appt. 03/05/2002 Exp.) Company:	3803 SE Filbert St Milwaukie OR 97222 Primary Email:	Hm) 503-659-7011 Wk) Fax) Cell) SCampb1414@aol.com
JoAnn Herrigel Title: Staff Liason (Pos#: 6 Appt. 01/15/2002 Exp.) Company: City of Milwaukie	10722 SE Main St Milwaukie OR 97222 Primary Email:	Hm) Wk) 503-786-7508 Fax) 5036524433 Cell) herrigelj@ci.milwaukie.or.us

MINUTES

MILWAUKIE CITY COUNCIL NEIGHBORHOOD NATIONAL NIGHT OUT CELEBRATION AUGUST 5, 2003

CALL TO ORDER

The 1915th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:25 p.m. at the Neighborhood Association National Night Out Event on the Milwaukie riverfront. The following Councilors were present:

Councilor Barnes
Councilor Lancaster

Councilor Loomis
Councilor Stone

Staff present:

Mike Swanson,
City Manager

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard recognized former Milwaukie Mayor Bill Hupp.

CONSENT AGENDA

It was moved by Councilor Lancaster and seconded by Councilor Stone to approve the consent agenda that consisted of:

1. City Council minutes of June 30, July 1, 14 and 15, 2003;
2. Resolution No. 33-2003: A Resolution of the City of Milwaukie, Oregon, Adopting Fiscal Year 2003/2004 (Year Fourteen) Annual Waste Reduction Plan and Authorizing the City Manager to Sign an IGA with Metro.
3. Authorize Vehicle Purchases.

Motion to adopt the consent agenda passed unanimously.

AUDIENCE PARTICIPATION

None.

OTHER BUSINESS

None.

III. A. 2

ADJOURNMENT

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

Mayor Bernard adjourned the meeting at 7:27 p.m.

Pat DuVal, Recorder



To: Mayor and City Council
Through: Mike Swanson, City Manager
From: Steve Smith, Finance Director
Pat DuVal, City Recorder
Subject: Amend Local Contract Review Board Rules
Date: August 4, 2003

Action Requested

Adopt a resolution amending the City of Milwaukie's Local Contract Review Board Rules.

Background

Milwaukie Municipal Code Chapter 3.05 (Ordinance. 1771 § 2, 1994) designates the City Council as the Local Contract Review Board for contractual matters relating to the City. In addition to the Board's powers granted by state law, it also has the authority to adopt rules governing the awarding of public contracts.

The Council, acting as the Local Contract Review Board, exercised this authority in 2002 by approving Resolution 8-2002 on April 2 and Resolution 21-2002 on August 20, which adopted Milwaukie's Public Contracting Rules (PCR). From time to time, these Rules will need to be amended to reflect current statutes, and this is one of those instances.

The proposed resolution amends two sections of Rule 40.00 – Public Improvement Contracts:

1. Rule 40.010 (3) – Prevailing Wage Rate Notice. Bidders must comply with Oregon's prevailing wage law (ORS 279.348 – 279-365) if the contract

III. B. 2

price for the project exceeds \$25,000. The proposed amendment would change the contract amount from the current \$10,000 to \$25,000.

2. Rule 40.012 (1) – First Tier Subcontractor Disclosure – HB 2341 requires that bidders or proposers for contracts with a value of \$75,000 or more must submit their first tier contractor disclosure sheets within two hours of the deadline for submitting the bid or proposal. The proposed amendment would change Milwaukie's rule from four hours to two hours to comply with legislation that went into effect August 1, 2003.

Concurrence

The city attorney's office advises city staff to amend the Milwaukie PCRs to be in compliance with state statutes.

Fiscal Impact

None.

Work Load Impacts

None.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE LOCAL CONTRACT REVIEW BOARD ADMINISTRATIVE RULES TO REFLECT LAWS RECENTLY ADOPTED BY THE STATE LEGISLATURE.

WHEREAS, the City of Milwaukie determined it would be beneficial to adopt administrative rules for entering into public contracts; and

WHEREAS, the Milwaukie City Council, acting as the Local Contract Review Board pursuant to Municipal Code Chapter 3.05 (Ord 1771 § 2, 1994), adopted Public Contracting Rules in Resolutions 8-2002 and 21-2002; and

WHEREAS, these Rules must be amended from time to time to comply with changes to state public contracting statutes; and

WHEREAS, the state legislature recently adopted certain laws amending public improvement contract laws which must be reflected in Milwaukie's Public Contracting Rule 40;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board:

Section 1: Resolutions 8-2002 and 21-2002, Exhibit A, Rules 40.010.3.c and 40.012.4 are amended by this resolution.

Section 2: Rule 40-010.3 – Prevailing Wage Rate Notice is amended to read:

c. The contract price for the project exceeds \$25,000.

Section 3: Rule 40.012.4 -- First Tier Subcontractor Notice is amended to read:

4. If the public contract may be for more than \$75,000, the solicitation documents must provide notice that the contractors must disclose first-tier subcontractors who will furnish labor or materials greater than five percent of the total bid or \$15,000, whichever is greater, or \$350,000 regardless of the percentage of the total bid within two (2) working hours after the deadline for bid submission. The disclosure must state the name of each subcontractor and the category of work the subcontractor will perform.

Section 4: This resolution is effective immediately upon adoption.

III. B. 4

Introduced and adopted by the City Council of the City of Milwaukie,
Oregon, on _____ 2002.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach, LLP



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Steve Smith, Finance Director

Subject: Amend Municipal Code Section 5.08.110.1 – Clarify and Simplify the Business Tax Exclusion Afforded Construction and Landscape Contractors

Date: July 15, 2003

Action Requested

Adopt an ordinance amending Municipal Code Section 5.08.110.1 – Exclusions.

Background

The municipal code currently states that contractors and landscape contractors are not excluded from the requirement to pay the City's business tax if: (1) their principal place of business is outside the City and their gross receipts from business conducted within the boundaries of the City during the calendar year for which the business license tax is owed is less than \$125,000.00; or (2) if their principal place of business is outside the City and they have obtained a business license from Metro.

Proposed Amendment

The proposed amendment would limit the exemption so that only construction and landscape contractors based outside the City and who have Metro licenses would be exempt. The purpose of the amendment is to recognize that the Metro licensing program provides a regional license for construction and landscaping contractors who do work throughout the metropolitan area. Because of different ways that business taxes and business license fees can be imposed, requiring

each construction and landscape contractor doing business in the Metro area to obtain a license from each jurisdiction would be burdensome. However, there is no reason to exempt those who do not have a Metro business license.

Concurrence

City Attorney has reviewed the proposed amendment.

Fiscal Impact

None.

Work Load Impacts

None.

Alternatives

None.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE SECTION 5.08.110.I TO CLARIFY AND SIMPLIFY THE BUSINESS TAX EXCLUSION AFFORDED CONSTRUCTION AND LANDSCAPE CONTRACTORS.

WHEREAS, the City Council of the City of Milwaukie wishes to simplify the identification of certain contractors who are qualified for exclusion from the city's business tax; and

WHEREAS, the exclusion in Subsection I is intended for construction and landscape contractors, and not necessarily for others who contract with the city;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1 Section 5.08.110.I of the Milwaukie Municipal Code is amended to read:

I. Construction contractors or landscape contractors when their principal place of business is outside of the city and they have proof that they have obtained a business license from the Metropolitan Service District.

Read the first time on _____, 2003, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the Council on _____, 2003.

Signed by the Mayor on _____, 2003.

Mayor

ATTEST:

Pat DuVal, City Recorder

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

City Attorney

g:\muni\Milwaukie\amend tax exclusion ordinance.doc

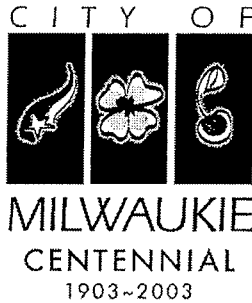
Ordinance No. _____

Chapter 5.08 BUSINESS TAXES GENERALLY

Section 5.08.110 Exclusions.

The following situations are specifically excluded from the requirement of paying a business tax:

- A. Wholesalers selling or delivering goods to merchants of the city for the purpose of resale. This exclusion pertains only if the wholesaler does not maintain a place of business within the city and also does not engage in retail trade within the city;
- B. Nonprofit organizations;
- C. Persons engaged in delivery of goods or services from points outside the city, providing sales contacts and actual sales take place outside the city;
- D. Newspaper carriers;
- E. Representatives of public utilities;
- F. Garage sales, yard sales, and other similar activities. Such exclusion shall not apply, however, if either of the following conditions is met:
 - 1. More than two (2) such sales take place within any one calendar year at the same location;
 - 2. The sale has a duration of more than seventy-two (72) consecutive hours.
- G. The sale of personal assets such as a personal automobile, residence, appliance, or other articles. Such exclusion shall not apply when such sales are conducted on a regular and continuing basis. That will be assumed to be the case if an individual or family sells its personal residence more than twice or his personal automobile more than four (4) times in any given calendar year. Other items shall be determined by the city manager on the basis of reasonableness on a case-by-case basis.
- H. Licensed real estate salespeople or associate real estate brokers who engage in professional real estate activity only as an agent of a real estate broker or real estate organization.
 - I. Contractors or landscape contractors when:
 - 1. Their principal place of business is outside of the city and their gross receipts from business conducted within the boundaries of the city during the calendar year for which the business license tax is owed is less than one hundred twenty-five thousand dollars (\$125,000.00); or
 - 2. Their principal place of business is outside of the city and they have proof that they have obtained a business license from the metropolitan service district. (Ord. 1863 § 7, 1999; Ord. 1349 § 11, 1976)



VI. B. 1

TO: Mayor and City Council

THROUGH: Mike Swanson, City Manager

FROM: Larry Kanzler, Chief of Police

DATE: July 31, 2003

SUBJECT: Amend Municipal Code Chapter 10.50.030 Section C, subsection 3
– *“Inventories of Impounded Vehicles”*

Action Requested

Adopt an ordinance amending Municipal Code Chapter 10.50.030, Section C, subsection 3 authorizing the Milwaukie Police Department to conduct vehicle inventories in accordance with Oregon State law and contemporary court rulings when impounding vehicles.

Background

Current Milwaukie Municipal Code restricts vehicle impound inventories to open containers and fails to provide safeguards to prevent misrepresentation of losses that may be attributed to procedural or operational errors by the police department. Recent court rulings now provide and recommend that inventorying vehicles with containers that are capable of carrying, storing, or securing money or items of value (rings, watches, etc.) should be inventoried by police when the vehicle transporting the container is taken into custody by the police (towed). The current Milwaukie City Code does not take these recent court rulings into account, thus unnecessarily exposing the City to loss claims because the contents of the containers were never identified or inventoried.

MILWAUKIE POLICE DEPARTMENT
3200 SE Harrison
Milwaukie, Oregon 97222
PHONE: 503-786-7400 • FAX: 503-786-7426

To remedy the error and limitation established by the current ordinance the following amendment is recommended:

Section 10.50.030.C.3 of the Milwaukie Municipal Code is amended to read as follows:

“Closed containers located either within the vehicle or any of the vehicle’s compartments will have its contents inventoried only when the closed container is designed for carrying money and/or valuables. Such containers include but are not limited to; closed purses, closed coin purses, closed wallets, closed backpacks, closed briefcases, and closed fanny packs.”

Concurrence

Staff
Clackamas County District Attorney’s Office
City Attorney

Fiscal Impact

None

Work Load Impacts

The additional time to properly inventory cars taken into custody by the police department is necessary to adequately protect the financial interests of the City. It should be considered as just the cost of properly doing business.

Alternatives

By not properly inventorying vehicles the current ordinance prevents police officers from deterring false claims of loss when their authority to inventory the contents of vehicles is limited beyond the scope authorized by the courts. By not amending this ordinance the flaw in Milwaukie City Ordinance 10.50.030, Section C, Subsection 3 will not be corrected.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE SECTION 10.50.030 SECTION C, SUBSECTION 3 – TO ALLOW PROPER INVENTORY OF IMPOUNDED VEHICLES.

WHEREAS, the City Council of the City of Milwaukie recognizes that a complete inventory of impounded vehicles will safeguard the vehicles contents and reduce improper claims of property loss while the vehicle was impounded and will create a greater deterrent for false claims;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 10. Section 10.50.030.C-3 of the Milwaukie Municipal Code is amended to read as follows:

10.50.030 SECTION C, SUBSECTION 3 – Inventories Of Impounded Vehicles.

C-3 Closed containers located either within the vehicle or any of the vehicle's compartments will have its contents inventoried only when the closed container is designed for carrying money and/or valuables. Such containers include but are not limited to; closed purses, closed coin purses, closed wallets, closed backpacks, closed briefcases, and closed fanny packs.

Read the first time on _____, 2003, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the Council on _____, 2003.

Signed by the Mayor on _____, 2003.

Mayor

ATTEST:

Pat DuVal, City Recorder

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

City Attorney

Ordinance No. _____



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: August 11, 2003
RE: Resolution Authorizing a Lien in the Amount of City Costs for Abating the Nuisance on Real Property Owned by the Union Pacific Railroad

ACTION REQUESTED

Approval of the proposed resolution, which assesses the costs of the nuisance abatement, including administrative overhead, pursuant to Milwaukie Municipal Code Section 8.04.200.

BACKGROUND

Property owned by the Union Pacific Railroad located west of 21st Avenue, north of Lake Road, and east of the Union Pacific tracks in the City was cited for maintaining a nuisance pursuant to Milwaukie Municipal Code Sections 8.04.020 and 8.04.135.

In a hearing before Council on January 21, 2003, it was determined that a nuisance existed on the property, but the finding was held in abeyance until April 28, 2003. The Council further found that should the nuisance be abated by that date, the finding would be vacated. The nuisance was not abated by the date specified in the Council's January 21 decision.

Pursuant to Milwaukie Municipal Code Section 8.04.190, if a nuisance has not been abated "within the time allowed, . . . the city manager may cause the nuisance to be abated." Therefore, a Request for Proposals (RFP) was drafted to retain a qualified demolition/deconstruction contractor to effect abatement by the City. The RFP was advertised and distributed on May 12, 2003, and one qualified bid was received. The bid proposed two alternatives. On the one hand was the demolition alternative proposed at a cost of \$9,800; on the other hand was a deconstruction bid at a cost of \$17,000. The bid was reviewed by a committee, and Dan Obrist Excavation was selected to perform the demolition. Demolition was the option selected as being the least costly alternative.

Milwaukie Municipal Code Section 8.04.190(C) requires that an "accurate record of the actual cost incurred by the city in abating the nuisance, including any administrative expense," be kept. Milwaukie Municipal Code Section 8.04.200(A)(1) provides that the City Recorder, "by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating . . . [t]he total cost of abatement including administrative overhead . . ." The owner or person in charge of the property may file a notice of objection to the cost of the abatement, and that objection is heard and determined by Council.

CONCURRENCE

The City Manager and City Attorney concur with the recommended action.

FISCAL IMPACT

If the recommended action is not taken as it relates to the non-administrative costs, the City will lose the amount of those costs. If the recommended action is taken as it relates to the non-administrative costs, the City will enter a lien against the property which may be satisfied in the near or far term as the property owner determines. In any event, it will accrue interest at the rate of six percent per annum from the date of entry of the lien in the lien docket pursuant to Milwaukie Municipal Code Section 8.04.200(D).

If the recommended action is not taken as it relates to the administrative costs, the City will not be reimbursed for those costs, which have been budgeted. If the recommended action is taken as it relates to the administrative costs, the effect will be the same as stated above with the non-administrative costs.

Attachments:

1. July 16, 2003 Letter from City Recorder Pat DuVal to Union Pacific Railroad
2. July 24, 2003 Letter from Lisa L. Burnside, Union Pacific Railroad to Pat DuVal
3. July 24, 2003 Letter from Lisa L. Burnside, Union Pacific Railroad to Rich Peterson
4. Milwaukie Municipal Code Sections 8.04.190 and 8.04.200

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING A LIEN IN THE AMOUNT OF CITY COSTS FOR ABATING THE NUISANCE ON CERTAIN REAL PROPERTY OWNED BY UNION PACIFIC RAILROAD.

WHEREAS, the City of Milwaukie abated a nuisance located on property owned by the Union Pacific Railroad located west of 21st Avenue, north of Lake Road and east of the Union Pacific Railroad tracks, having first complied with all requirements to declare the nuisance and enter onto the property;

WHEREAS, on July 16, 2003, the City Recorder provided notice of the costs of abatement as required by MMC 8.04.200A;

WHEREAS, Union Pacific timely filed a notice of objection to the amount of the costs of abatement on July 25, 2003;

WHEREAS, the City Council held a public hearing on August 19, 2003 to hear the objections to the costs;

NOW, THEREFORE, BE IT RESOLVED:

Section 1. The total cost of the abatement is \$22,522.97. The notice of costs of abatement accurately reflected the City's costs. This amount includes administrative overhead as allowed by MMC 8.04.200A.1. The amount expended is reasonable given the extent of the nuisance. The administrative costs reflect the City's actual costs.

Section 2. The amount of \$22,522.97 shall be assessed as costs for the abatement and entered as a lien in the City's lien docket.

Section 3. Because the matter was not heard by City Council within 30 days of the original notice, the assessment for costs shall not be docketed as a lien until 15 days after adoption of this resolution and shall not be docketed as a lien if the amount is paid in full within 15 days.

Section 4. This resolution shall take effect immediately upon adoption.

VI. C. 4



L.L.B.
JUL 2 2003

July 16, 2003

Union Pacific Railroad
Attention: Lisa Burnside
1800 Farnam Street
Omaha, NE 68102

Pursuant to Milwaukie Municipal Code Section 8.04.200, notice is hereby given that the total cost of abatement at the property located west of 21st Avenue, north of Lake Road and east from the Union Pacific Railroad tracks on the Union Pacific property, within the City of Milwaukie, County of Clackamas, State of Oregon is, \$22, 522.97 This amount includes Legal fees and administrative overhead. The costs are itemized as follows:

Abatement Services July 3, 2003

Dan Obrist Excavation	\$ 9,800.00
Metro Solid Waste Transfer Station (disposal)	\$ 3,555.77
Abatement Surveys	\$ 1,075.00
	\$ 55.00
Total	\$ 14,485.77

Administrative Costs

City Services	<u>Hours</u> 182 hrs
	Total Cost \$ 5,228.20
Legal Services	\$ 2,809.00
Total	\$ 8,037.20

<u>Total Abatement and Administrative/Legal</u>	<u>Total</u>	<u>\$ 22, 522.97</u>
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The City of Milwaukie declared nuisances to exist on your property as described in sections 8.04.135 on January 21, 2003. The City abated these nuisances on July 3, 2003, after you failed to do so.

If the costs of abatement are not paid within thirty days from the date of this notice they will become a lien against the property. If you, as owner or person in charge of the property, object to these costs, you may file a Notice of Objection with the City Recorder not more than ten days from the date of this notice. Upon expiration of the ten days, the City Council will consider your objections during the course of regular business and shall make a final lien determination. Once the lien amount is determined and activated it shall bear interest at the rate of 6 percent per annum. If you have further questions please contact me at 786-7502.

Sincerely,
Pat DuVal
Pat DuVal,
City Recorder

VI. C. 5

July 24, 2003

File 1979-63

SENT VIA UPS NEXT DAY AIR DELIVERY

PAT DUVAL
CITY RECORDER
CITY OF MILWAUKIE
10722 SE MAIN ST
MILWAUKIE, OR 97222

NOTICE OF OBJECTION

Dear Ms. DuVal:

This is in response to your letter dated July 16, 2003, concerning abatement at property located at approximately 21st Avenue and Lake Road in Milwaukie, Oregon.

Union Pacific Railroad Company objects to the lien proposed to be filed against our real property. The house that was removed from the premises was personal property of Rich Peterson, who leases the property from us. The house was not attached to the land and was not part of the realty. It did not belong to the Railroad. As Mr. Peterson is the cause of the nuisance, relief for the costs of abatement should be sought from Mr. Peterson.

The Railroad strongly believes it is not responsible for these costs. However, in the event it should be determined the Railroad is liable for these costs, the Railroad also objects to the amount the City claims as the cost of abatement. If it should be determined the Railroad is responsible, we will not pay for the \$8,037.20 of the City's "Administrative Costs." Those costs are part of the job of employees of the City. The Railroad will not pay for an "overhead" charge. Also, the Railroad objects to the \$55.00 amount listed in your letter as there is no identification of what it covers.

Union Pacific Railroad respectfully requests the City not to file a lien against our property but to seek damages from Rich Peterson, the responsible party.

Sincerely,

A handwritten signature in black ink, appearing to read "LLB", written over the word "Sincerely,".

Lisa L. Burnside
Senior Manager - Real Estate
(402) 997-3596

e-mail: LLBURNSI@up.com

Real Estate

UNION PACIFIC RAILROAD
1800 Farnam Street, Omaha, Nebraska 68102
fx. (402) 997-3601

VI. C. b



July 24, 2003

File 1979-63
Audit No. 220773

SENT VIA UPS NEXT DAY AIR DELIVERY
and FAX TO (503) 266-3654

RICH PETERSON
714 NW TERRITORIAL ROAD
CANBY, OR 97013

Dear Mr. Peterson:

This is in regard to the Lease between Union Pacific Railroad Company ("Railroad," "Lessor") and you, Rich Peterson ("Lessee"), covering your use of certain Railroad-owned real property in Milwaukie, Clackamas County, Oregon.

Attached is a copy of a letter dated July 16, 2003, from Pat DuVal, City Recorder for the City of Milwaukie. The City is demanding payment of \$22,522.97 for the abatement of a public nuisance caused by the house you placed on the leased Premises.

Your attention is specifically called to certain sections of the Lease:

Section 1 of Exhibit B states "No improvements placed upon the Premises by Lessee shall become a part of the realty."

Section 6 of Exhibit B states in part "Lessee shall not use or permit the use of the Premises for any unlawful purpose, maintain any nuisance, permit any waste, or use the Premises in any way that creates a hazard to persons or property. Lessee shall keep the Premises in a safe, neat, clean and presentable condition, and in good condition and repair" and "Lessee shall comply with all governmental laws, ordinances, rules, regulations and orders relating to Lessee's use of the Premises."

Section 9 of Exhibit B states "Lessee shall not allow any liens to attach to the Premises for any services, labor or materials furnished to the Premises or otherwise arising from Lessee's use of the Premises. Lessor shall have the right to discharge any such liens at Lessee's expense."

Real Estate

UNION PACIFIC RAILROAD
1800 Farnam Street, Omaha, Nebraska 68102
fx. (402) 997-3601

In the event you may have sold your personal property, the house, to another party, your attention is also called to Section 18 of Exhibit B which states in part "Lessee shall not sublease the Premises, in whole or in part, or assign, encumber or transfer (by operation of law or otherwise) this Lease without prior consent of Lessor, which consent may be denied at Lessor's sole and absolute discretion. Any purported transfer or assignment without Lessor's consent shall be void and shall be a default by Lessee.

As evidenced by the City's letter demanding payment for the costs to abate a public nuisance (removal of your house), you have violated several sections of the Lease.

The Railroad demands you take the appropriate action to prevent the City from filing a lien against the Premises. In the event the City files a lien against the Railroad's property, the Railroad will use all of its legal remedies to collect from you said lien payment and all related legal expenses incurred by the Railroad.

Your immediate attention to this matter is required.

Sincerely,



Lisa L. Burnside
Senior Manager - Real Estate
(402) 997-3596

e-mail: LLBURNSI@up.com

CC: Pat DuVal, City Recorder – via UPS Next Day Air
John H. Hammond, Jr., Hutchison, Hammond & Walsh – via FAX to (503) 656-1092
Ted Stenstrom, UPRR Director-Real Estate
Brian Morrissey, UPRR General Director-Real Estate

Section 8.04.190 Abatement--By city.

A. If, within the time allowed, the nuisance has not been abated by the owner or person in charge of the property, the city manager may cause the nuisance to be abated.

B. No abatement shall occur under this section unless preceded by issuance of a judicial warrant authorizing entry, search, seizure and abatement, or in the alternative, written consent and release of liability by the property owner or person in charge of the property.

C. The city recorder shall keep an accurate record of the actual cost incurred by the city in abating the nuisance, including any administrative expenses. (Ord. 1722 § 2, 1992; Ord. 1028 § 20, 1964)

Section 8.04.200 Assessment of costs.

A. The city recorder, by registered or certified mail, postage prepaid, shall forward to the owner or person in charge of the property a notice stating:

1. The total cost of abatement including the administrative overhead;
2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty days from the date of the notice;
3. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he may file a notice of objection with the city recorder not more than ten days from the date of the notice.

B. Upon the expiration of ten days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.

C. If the costs of the abatement are not paid within thirty days from the date of the notice, an assessment of the costs as stated or as determined by the council shall be made by resolution and shall thereupon be entered in the docket of city liens, and upon such entry being made shall constitute a lien upon the property from which the nuisance was removed or abated.

D. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at the rate of six percent per annum. Such interest shall commence to run from date of entry of the lien in the lien docket.

E. An error in the name of the owner or person in charge of the property shall not void the assessment nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property. (Ord. 1028 § 21, 1964)



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director *AR*

From: Jeffrey King, Project Manager *JK*

Subject: Milwaukie Downtown Implementation Grant

Date: August 4, 2003 for August 19, 2003 meeting

Action Requested

Feedback on proposed downtown project implementation grant program.

Background

The City of Milwaukie was awarded a \$15,000 grant from Oregon Housing & Community Services (OHCS) to further downtown planning projects. The grant would be matched by \$5,000 from the City. Oregon Downtown Development Association (ODDA) will administer the grant.

The proposed grant project will develop specific "next steps" action plan in implementing the *Milwaukie Downtown & Riverfront Plan*. The intent is to provide focused project action steps that the City can follow during and after completing the North Main and McLoughlin projects. The hope is to have steps that leverage energy from the private sector to redevelop the downtown. Elements of the grant will include:

- Interviews with key stakeholder groups.
- Creation of a phased downtown project implementation plan that include projects most likely to leverage private sector development.

- Provide information of locally initiated funding mechanisms and tag them to specific projects.
- Presentation of findings at a public meeting (possibly at a City Council meeting) for feedback and refinement.
- Produce a final report that will include proposed projects for implementation, their phasing for next step feasibility design and engineering and discussion of final funding sources.

The project is projected to start in late August and be completed by the end of October, 2003.

Concurrence

Community Development staff including Planning and Engineering support the grant project.

Fiscal Impact

The required \$5,000 match will come from approved funds in the Community Development Administration budget. Existing Community Development staff will provide project management.

Work Load Impacts

This project is being managed by existing staff. The project is part of existing Community Development staff work plan.

Alternatives

- Accept grant project and work scope as proposed
- Accept grant but with modifications to work scope.
- Decline grant and project at this time.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director *ACR*

From: John Gessner, Planning Director *JG*

Date: August 19, 2003

Subject: Milwaukie Light Rail Working Group

Action Requested

None. Review and comment on Tri-Met proposed work program.

Background

On April 1, 2003, the City Council adopted Resolution 12-2003 in support of the South Corridor Policy Committee's recommendation for light rail, which includes the Milwaukie Crossover and I-205 alignments. The adopted resolution includes findings, observations, and considerations for future design and mitigation along the Milwaukie segment as recommended by the Milwaukie Planning Commission.

The Council resolution contains specific suggestions for additional public outreach with affected property owners, businesses, and neighborhoods to ensure full community participation in the discussion of identified concerns with the Crossover alignment. (See Attachment 1 - Resolution 12-2003.)

Tri-Met has contacted neighborhood leaders, North Industrial businesses, property owners, and staff for the purpose of convening a working group as requested by the Council. (See Attachment 2 - Tri-Met Work Program.) The working group process will be lead by Tri-Met. Milwaukie Planning and

Tri-Met staff will be present at the August 19, 2003 worksession to address any questions the Council may have.

Fiscal Impact

The project will commit staff time over the next 4 to 6 months.

Work Load Impacts

Workload will vary based on the complexity of issues involved and the level of effort required to resolve them. The likely commitment of staff time has not yet been estimated.

RESOLUTION NO. 12-2003**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON ENDORSING THE RECOMMENDED LOCALLY PREFERRED ALTERNATIVE FOR THE SOUTH CORRIDOR PROJECT**

WHEREAS, the South Corridor Supplemental Draft Environmental Impact Statement (SDEIS) addressing potential transit improvements in the southeast metropolitan area was published on December 20, 2002; and

WHEREAS, the SDEIS evaluates a No-Build Alternative, a Bus Rapid Transit Alternative, a Busway Alternative, A Milwaukie Light Rail Alternative, an I-205 Light Rail Alternative, and a Combined Light Rail Alternative including bus and light rail improvements; and

WHEREAS, the public was invited to comment on the study alternatives and the SDEIS through an extensive process, including the public comment period that ran from December 20, 2002 through February 7, 2003; and

WHEREAS, the City of Milwaukie has participated in the preparation of the SDEIS; and

WHEREAS, after consideration of public comments, on February 13, 2003 the South Corridor Policy Committee concluded that a phased Light Rail option was the preferred alternative to serve the future transit needs of the South Corridor; and

WHEREAS, the South Corridor Policy Committee concluded that construction of the I-205 alignment would be accomplished during Phase 1, together with the construction of a park and ride at Southgate beginning November 2003 and relocation of the transit center from downtown Milwaukie to the Southgate area by April 2006; and

WHEREAS, the South Corridor Policy Committee concluded that construction of the Milwaukie alignment would be accomplished during Phase 2; and

WHEREAS, on March 11, 2003 the Milwaukie Planning Commission considered the Locally Preferred Alternative (LPA) as adopted by the South Corridor Policy Committee; and

WHEREAS, the Planning Commission recommended approval of the LPA together with certain considerations for future design and mitigation measures for the Phase 2 Milwaukie alignment attached as Exhibit A and incorporated herein.

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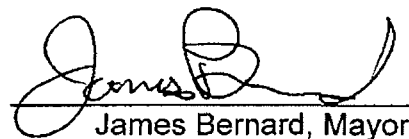
NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON.

Section 1. That the City Council adopts the South Corridor Locally Preferred Alternative recommended by the South Corridor Policy Committee on February 13, 2003 as the City's preferred alternative and recommends its adoption to the Metro Council.

Section 2. That the City Council requests that the Metro Council adopt the design and mitigation measures for the Phase 2 Milwaukie alignment as set forth in the attached Exhibit A.

Section 3. The resolution becomes effective upon its adoption.

Introduced and adopted by the City Council of the City of Milwaukie on the 1st day of April 2003.


James Bernard, Mayor

ATTEST:



Pat DuVal, City Recorder

APPROVED AS TO FORM:



Ramis, Crew, Corrigan & Bachrach, LLP

Recommended Findings, Observations, and Considerations for Future Design and Mitigation as Adopted by the Planning Commission.

1. Relocate the transit center from downtown Milwaukie as soon as possible.
2. A public involvement strategy that includes affected property owners and business operators that ensure adequate and thorough participation should be implemented.
3. TriMet is strongly encouraged to work with the Oregon Department of Transportation to commit to satisfactory transportation solutions in the North Industrial Area at McLoughlin intersections, including but not limited to the McLoughlin/Milport intersection. Satisfactory transportation solutions shall include, but not be limited to:
 - a. Protection of truck access.
 - b. Intersection capacity and stacking distance.
 - c. Preservation and enhancement of cross movements on McLoughlin Boulevard.
 - d. Protect and improve, where possible, access to the interior of the industrial area from McLoughlin Boulevard.
4. The light rail project should be designed to minimize adverse impacts on area businesses.
5. TriMet and Metro should form a Milwaukie working group for the Transit Center and Park & Ride relocation effort, so that representatives of the community, its residential neighborhoods and its industrial/commercial districts, can be involved in the interim and final designs of this transit center.¹
6. Milwaukie is concerned that property owner decisions made between now and the time at which final Phase 2 light rail design issues are resolved, may result in design changes to the presently proposed alignment and related facilities.
7. The Main Street alignment has potentially significant impacts to area business and therefore may not be the best alignment considering that the Tillamook alignment has far fewer potential impacts. Successful mitigation efforts, as outlined throughout this document, must be implemented in order to address the strong North Industrial Area business concerns expressed about the Crossover alignment.
8. The Milwaukie North Industrial Area is an important regional warehousing and distribution center that is supported by highway and freight rail service. In addition, Milwaukie is presently evaluating development potential of the area under a grant from the Transportation and Growth Management Program. Highway and local access is important to the continuing and future economic vitality of the area and Milwaukie's jobs and tax base. The Milwaukie Crossover has the following elements that warrant further design considerations and

¹ This item was adopted from the March 10, 2003 Memo of Michelle Gregory, Neighborhood Services Manager on behalf of the Neighborhood leadership.

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mitigation prior to construction. It is noted that some of the issues below may already have been addressed in the Supplemental Draft Environmental Impact Statement.

- a. The closure of Moores Street reduces access options to northbound McLoughlin Boulevard and will add additional vehicle loading to the Ochoco/McLoughlin Boulevard intersection. Consideration should be given to ensuring adequate capacity at Ochoco Street intersection needed to accommodate the closing of Moores Street.
 - b. The redesign of the Beta Street intersection with Main Street as shown on Drawing C15C203 (South Corridor Transit Study, Milwaukie Max Alignment) is incomplete. The Beta Street intersection is an important access for nearby warehousing and distribution firms. Any redesign should minimize operational impacts to freight access.
 - c. Light rail construction will take more than 80 parking spaces along Main Street. This count excludes the Iridio site just north of the theatre, which also lose parking. Future design consideration should minimize the loss of parking and ensure the future success of businesses by replacement of parking displaced by light rail and related facilities.
 - d. The intersection of Mailwell Drive and Main Street serves major warehousing and distribution businesses and other commercial uses. Inbound and outbound traffic movements at this intersection should be protected to ensure the continued viability of area businesses.
 - e. The proposed site design at the Southgate Park & Ride and Transit Center should be reconsidered due to its impact on the Milport/Main and Milport/McLoughlin intersection. Additional stacking length is needed to ensure proper intersection functioning and adequate access to and from the industrial area.
8. Considerations for future design and mitigation at the Harrison site include the following:
- a. Visual and noise barriers to protect nearby residential properties.
 - b. Traffic impact analysis at the site and at Harrison Street intersections with McLoughlin Boulevard and Expressway 224.
 - c. Replacement of any loss of Waldorf School parking.
 - d. Neighborhood parking management including means to offset the cost of city parking enforcement.
9. Recommended considerations for future design and mitigation at the Lake Road and Washington Avenue sites include the following:
- a. Visual and noise barriers to protect nearby residential properties.
 - b. Neighborhood parking management including means to offset the cost of city parking enforcement.
 - c. Avoidance and mitigation of Water Quality Resource impacts to Kellogg Lake.

Milwaukie Transit Center Working Group

Draft Work Program

August 5, 2003

Introduction

In adopting the South Corridor Locally Preferred Alternative (LPA) in April 2003, the Milwaukie City Council requested that design mitigation measures be identified related to the LPA light rail alignment. The Council's request was based on findings adopted by the Planning Commission on March 11, 2003. The Planning Commission's findings largely addressed potential impacts of the Southgate Crossover Light Rail alignment on future access to the North Milwaukie Industrial Area. A summary of concerns and potential impacts to the North Milwaukie Industrial Area are listed below:

- Protect, and where possible, improve truck and vehicular access to the North Milwaukie Industrial Area.
- Minimize impacts to area businesses including loss of employee parking and truck access.
- Address the following design issues related to the Locally Preferred Alignment (via Main St with Southgate Crossover):
 - Ensure adequate capacity at Ochoco Street to accommodate the closing of Moores Street
 - Minimize operational impacts to freight access at the Beta Street intersection.
 - Replace the 80 parking spaces displaced by the light rail alignment and related facilities.
 - Protect inbound and outbound truck movements at the Mailwell/Main intersection.
 - Redesign the Southgate Transit Center and Park and Ride to ensure proper function of the Milport/McLoughlin and Milport/Main intersections.
- Address concern about timing of local property owner decisions and implementation of the LPA.
- Successful mitigation must be identified and implemented that address the strong concerns raised by North Milwaukie Industrial Area about the Crossover alignment.
- Form a Working Group with representatives of residential neighborhoods and the industrial area to be involved in the interim and final designs of the transit center

Objectives

Objectives of the Milwaukie Transit Center Working Group effort are as follows:

- Develop a mitigation plan for the Locally Preferred Alternative that minimizes impacts to access, circulation and parking within the North Milwaukie Industrial Area.

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- Seek consensus within the Working Group for a mitigation plan that can become a recommendation for consideration by the Milwaukie Planning Commission and Milwaukie City Council.
- Ensure that the mitigation plan meets the functional requirements for transit-related facilities in Milwaukie and allows for phased implementation.

Working Group Charge

The Working Group is charged with developing a recommendation or set of recommendations for resolution of design issues related to the transit center, future light rail alignment, and park and ride facilities proposed in the Locally Preferred Alternative in Milwaukie. The group is to be comprised of North Milwaukie Industrial area stakeholders and Milwaukie neighborhood representatives. They will package their proposal for consideration by the Milwaukie Planning Commission, the Milwaukie City Council and the South Corridor Project team and Policy Group. The Working Group is being asked to accomplish their work by mid November of 2003 in order to further progress toward implementation of a new Milwaukie Transit Center at the earliest possible time.

Support Staff

Staff and consultants from TriMet, the City of Milwaukie, ODOT and Metro will provide technical support to the Working Group. John Gessner will be the lead person from the City of Milwaukie. Michelle Gregory will have overall responsibility for the organization and flow of the Working Group. Michael Fisher of TriMet will assume overall project management responsibility. Other key staff participants will include Dave Unsworth of Metro, Bill Adams of ODOT, and Randy McCourt of DKS (traffic consultants).

Schedule Summary

The overall schedule objective is to firm up a draft recommendation from the Working Group before Thanksgiving. The schedule for review and approval by the Milwaukie Planning Commission, Milwaukie City Council, TriMet and Metro will be determined.

Milestone	Week of:
Launch project	August 4
Working Group Meeting #1	September 1
Working Group Meeting #2	September 15
Working Group Meeting #3	September 29
Interim Assessment	September 29
Working Group Meeting #4	October 13
Community Open House	October 27
Final Working Group Meeting #5	November 8



Park & Recreation Board

PARB

Tuesday, June 24, 2003

7:00 PM to 9:00 PM

Conference Room – City Hall

MINUTES

Attendees: Mart Hughes, Kathy Buss, Kate McCready, Ray Harris, Rob Gabrish
Staff: JoAnn Herrigel
Absent: Joan Young , Sherri Dow

Meeting called to order by Chair Hughes at 7:00 PM

Herrigel played a tape of the Inside Clackamas County featuring Milwaukie.

Open Period: No audience

Minutes:

Minutes of the May meeting were approved as written.

District Meeting:

Herrigel shared the details of a meeting with Charlie Ciecko, Don Trotter, Bill Kennemer, James Bernard that she'd attended regarding the future of the Park District. After some discussion, the group requested that Herrigel draft a letter for Council to sign stating the following:

- PARB and Council request a 6-month extension of the Charlie's contract to ensure consistency of management at the District.
- The City would like to keep an active role in District management and operation through Mart's participation AND through Council's attention to the District.
- PARB and Council encourage the establishment of a task force or committee that would review the operation of Aquatics Center and discuss options for its future and further encourage the hiring of a technical consultant to assist with this review

Herrigel noted that the mayor had mentioned at the above meeting that there were several neighborhood people who have expressed interest in "taking over" maintenance of the parks in their neighborhoods. Herrigel proposed that the City wait until the District had established a volunteer coordinator (expected soon) and then ask all the NDAs in Milwaukie what they were willing and able to take on regarding maintenance and operation of the City's parks. All agreed that this was a good approach.

Other

Herrigel said she had asked Metro to do presentation at the next PARB meeting on the Trolley Tail. She said she would get PARB members advanced copies to review before the meeting.

CIRCULATION STATISTICS Fiscal Year 2002-2003

2002-2003
Fiscal Year

354
Days open

	% change from prv. yr		% change from prv. yr		% change from prv. yr		% change from prv. yr
12,720	-17%	314,247	15%	191,016	23%	505,263	18%
Telecirc Renewal (Included in Adult and Juvenile Totals)		Adult Materials		Juvenile Materials		Grand Total	

Library Revenues	Current year	% change from prv. yr	New Library Users Added	Current year	% change from prv. yr
Fines & Fees:	\$36,239.55	22%	Milw.residents	1,593	18%
Copy Machine:	\$2,506.73	33%	Unincorp. residents.	591	40%
Total:	\$38,746.28	23%	Mult Co. residents.	507	57%

Reference Questions	Current year	% change from prv. yr	Volunteers	Current year	change from prv. yr
Research	14,421		4% Number	58*	78%
Directional	15,985		4% Hours worked	4,524	83%

*Average per month

Interlibrary Loan

Loaned:	Current year	% change from prv. yr	Borrowed:	Current year	% change from prv. yr
In state	330	40%	In state	229	-9%
Network	92,486	49%	Network	61,938	29%
Out of state	454	114%	Out of state	219	50%
			OSL	0	----
Total	93,270	49%	Total	57,176	18%

Items circulated to:	Current year	% change from prv. yr	Adult Programs	Current year
Milwaukie residents	195,120	16%	Number	31
Unincorp. res.	198,622	26%	# of people attend.	1,923
Mult. Co. res	65,574	7%		

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Collection	FY totals	% change	% adult circ	# in ad. coll (Circulating)	% adult coll	Circ per item
Nonfiction	54,677	13%	17%	23,608	35%	2.32
Fiction	25,593	16%	8%	9,209	14%	2.78
Mystery	7,165	-12%	2%	3,832	6%	1.87
Sci. Fic	2,467	13%	1%	1,106	2%	2.23
Young Ad	5,399	59%	2%	1,152	2%	4.69
Paperback	17,479	-11%	6%	5,377	8%	3.25
Magazines	9,710	-3%	3%	6,010	9%	1.62
Videos	85,976	13%	27%	3,870	6%	22.22
Vert. File	70	-48%	.02%	209	.31%	.33
Large Print	2,740	1%	1%	1,230	2%	2.23
New Fiction	15,318	7%	5%	877	1%	17.47
New Nonfic.	4,124	-6%	1%	647	1%	6.37
Westerns	529	6%	.17%	489	1%	1.08
Spanish	1,021	First year	.32%	242	.36%	4.22
Short stor.	307	-11%	.1%	218	.32%	1.41
Talk. Bks.	14,036	7%	4%	1,979	3%	7.09
Talk Bk CD	287	395%	.09%	20	.03%	14.35
Comp Dis	39,399	18%	13%	5,112	8%	7.71
Equipment	29	164%	.01%	28	.04%	1.04
Biography	1,823	-1%	.58%	1,885	3%	.97
CDROM/Soft	1,497	129%	.48%	96	.14%	15.59
DVDs	19,320	457%	6%	484	.72%	39.92

Column 1 lists the collections in the Adult Library.

Column 2 lists the circulation totals by collection for FY 2002-2003.

Column 3 lists the percentage increase or decrease in circulation for each collection.

Column 4 lists the percentage of the total adult circulation accounted for by each collection.

Column 5 lists the number of items in each of the adult collections.

Column 6 lists the percentage of the items in the Adult Library accounted for by each collection.

Column 7 lists the average number of times that items in each collection circulated during FY 2002-2003.

DuVal, Pat

From: ONINotification [oninotification@ci.portland.or.us]
Sent: Thursday, July 17, 2003 4:22 PM
Subject: Leonard Announces Increased Services in Neighborhood Bureau

For questions regarding the content of this email, please reply to the contact person listed.

Please use oninotification@ci.portland.or.us <mailto:oninotification@ci.portland.or.us> to be added or removed from the distribution list. Thank you!

NEWS RELEASE
 For Immediate Release
 July 17, 2003

Contact:
 Brent Canode, Commissioner Randy Leonard's Office, 503-823-4686

Leonard Announces Increased Services in Neighborhood Bureau
 --Name change for Bureau also proposed

PORTLAND-To provide better services at the neighborhood level, the City has moved the noise control office and the neighborhood inspection staff into the Office of Neighborhood Involvement (ONI) at City Hall beginning July 1, 2003.

This consolidation of neighborhood involvement services, neighborhood inspections, and noise control into one bureau is part of Leonard's vision to provide better services to neighborhoods. "The move brings many of the direct services of interest to neighbors together under one bureau," says Commissioner Randy Leonard who spearheaded the proposal. "It will make it easier for neighbors to work together at the local level with their neighborhood associations, neighborhood offices, and city staff to get enforcement action on noise, substandard housing, and other eyesores in their neighborhoods."

Leonard is also proposing to change the name of the bureau to "Neighborhood Services Bureau" to better reflect the importance of providing direct neighborhood services. "I want our citizens to know exactly where to call when they are looking for services and support for their neighborhood issues," comments Leonard.

Neighborhood Inspections and Noise Control had been part of the city's Bureau of Development Services (BDS) at the 1900 Building at 1900 SW 4th Avenue until Leonard suggested the move last Spring.

"This change brings many positive things to ONI," said ONI Director Dr. David Lane. "I am excited about the range of tools that we'll be able to provide to our neighbors. We'll be working to implement Commissioner Leonard's vision of out-placing services and staff, wherever possible, into the neighborhoods to increase our capacity to solve problems that most affect our neighborhoods."

It's the biggest change in ONI since its inception as a bureau in 1974, said Lane as he welcomed 22 staffers into ONI, some of whom will be moving to City Hall. No new funds were allocated for the transition and no new administrative costs are planned. "I have been extremely impressed with the neighborhood inspectors and noise control staff's dedication to neighborhoods and their enthusiasm for providing fair and competent services," said Lane.

More than just a physical move of staff, the new setup will streamline services under one administrative umbrella. ONI already provides an array of services to neighborhood such as supporting the internationally

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recognized neighborhood system, crime prevention, graffiti abatement, and information and referral.

The Neighborhood Inspection Center administers Title 29 of the Portland Code. It consists of two main parts: nuisance regulations and property maintenance standards. The standards have to do with minimum housing standards, abandoned vehicles, trash and garbage in yards, tall grass and weeds, illegal dumping, fences, pools and sidewalk obstructions. The Noise Control Ordinance, administered by Noise Control Officer Paul Van Orden, regulates loud music, stationary mechanical equipment, construction activities, power tools, noise variances, and other activities.

ONI E-Notification

oninotification@ci.portland.or.us <<mailto:oninotification@ci.portland.or.us>>

Office of Neighborhood Involvement

David Lane, Ph.D., Director

Randy Leonard, Commissioner