

MINUTES

**MILWAUKIE CITY COUNCIL
OCTOBER 21, 2003**

CALL TO ORDER

Council President Larry Lancaster called the 1920th meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Deborah Barnes

Councilor Joe Loomis

Staff present:

Mike Swanson,
City Manager
Alice Rouyer,
Community Development/
Public Works Director

Jay Ostlund,
Civil Engineer

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Historic Moments

Councilor Barnes read quotes from "As We Remember It". Milwaukie Museum Curator Madalaine Bohl is preparing this series of historical notes in honor of the City's Centennial Year.

Announcements

Council President Lancaster, with the consensus of Council, appointed Harold "Sonny" Newson to the Park and Recreation Board.

Swanson announced the city attorney was excused from this meeting.

It was moved by Councilor Barnes and seconded by Councilor Loomis to postpone adoption of the Mayor/Council Communications agreement. Motion passed unanimously among the members present.

CONSENT AGENDA

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

- A. City Council Minutes of October 7, 2003; and
- B. The Bid Award for Jefferson Street Improvements.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Lisa Gunion-Rinker, 3012 SE Balfour Street, and **Nancy Matich**, 4144 SE Filbert Street, announced the Centennial Walking Tour of historic homes in the Ardenwald Neighborhood on October 25 and 26.

PUBLIC HEARING – None scheduled

OTHER BUSINESS

Repeal Milwaukie Municipal Code Chapter 2.44 – Sister City Relationships

City Manager Mike Swanson presented the staff report in which he requested the City Council adopt an ordinance repealing Municipal Code Chapter 2.44 relating to Sister City Relationships. This first came to his attention several weeks ago when he was contacted by John Littlehales saying he received a letter from the state attorney general regarding dissolution of the Sister City Foundation. In looking at the municipal code, Swanson found a code provision relating to the sister city relationship. Milwaukie and Iwaki have not been very active in recent years; however, the connection has remained. The City also continues to pay the \$310 annual membership fee to Sister Cities International. He discussed the code provisions relating to sister city selection and the criteria for establishing a non-profit organization. The final provision was that any such association would be advisory to council on international affairs. He felt it best to simplify the code and repeal that particular chapter. Swanson noted this action would not repeal the sister city relationship with Iwaki, Japan.

Council President Lancaster encouraged staff to look for unnecessary code provisions such as this.

It was moved by **Councilor Barnes** and seconded by **Councilor Loomis** for the first and second reading by title only and for adoption of an ordinance repealing Chapter 2.44 of the Milwaukie Municipal Code. Motion passed unanimously among the members present. The City Manager read the ordinance twice by title only.

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

ORDINANCE NO. 1927:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, REPEALING CHAPTER 2.44 OF THE MILWAUKIE MUNICIPAL CODE – SISTER CITY RELATIONSHIPS.

Mayor/Council Communication Agreements -- Resolution

By Council motion, this item is delayed until all Council members are present.

Other

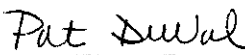
Councilor Loomis announced that three Milwaukie High School students were awarded National Merit Scholarships.

Councilor Barnes suggested Council establish criteria and implement a student recognition program. **Councilor Lancaster** liked that idea of looking for opportunities of recognizing youth when they achieve certain honors.

ADJOURNMENT

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

Council President Lancaster adjourned the regular session at 6:20 p.m.



Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL OCTOBER 21, 2003

MILWAUKIE CITY HALL
10722 SE Main Street

1920TH MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- 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 October 7, 2003**
 - B. **Bid Award for Jefferson Street Improvements**
- 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. **Repeal Milwaukie Municipal Code Chapter 2.44—Sister Cities Relationships – Ordinance (Mike Swanson)**
 - B. **Council Communication Agreement – Resolution (Mike Swanson)**

VII. INFORMATION

Center/Community Advisory Board Minutes, August 8, 2003

VIII. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment of the regular session pursuant to ORS 192.660.

All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making 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: 10/21/05

I wish to address City Council on Agenda Item #

IV Neighborhood Centennial Walk Invitation

Name Lisa Gunion-Rinker & Nancy Matich

Organization Ardenwald / Johnson Creek Neighborhood Assn.

Address 3012 S.E. Balfour Street

Phone 503-659-7807

Speaking in support Speaking in opposition

Raising questions Providing information

Comments



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: October 13, 2003
RE: FYI Memorandum for the Weeks of October 13 through October 24, 2003

OCTOBER 20, 2003 WORK SESSION

The Council work session will commence at 5:30 P.M. with a light dinner. Please come prepared to share information with your fellow Council members or to ask questions about items on the October 21, 2003 agenda. You also have an interview for a vacancy on the Park and Recreation Board, and there is an open public forum beginning at 6:10 P.M. Agenda items scheduled for the work session that evening are:

- 1. Public Works Operations Building:** Kelly will briefly report on the building and his plan to act as general contractor on the project. This building will replace the "temporary" modular structure that has been used as office space by the public works supervisors. It was discussed during the FY 2003-04 budget process and approved, with each of the affected departments contributing an equal share of the cost.
- 2. Update on Tri-Met Light Rail Working Group:** Adoption of the South Corridor locally preferred alternative included the relocation of the Milwaukie transit center from its current location to the Southgate area. That, together with the impacts of light rail (and former decisions by ODOT), are being addressed by a group which includes the City's neighborhood leaders, City staff, North Industrial Area business owners, and staff from Tri-Met and ODOT. This agenda item is a report on that process. No action is required.
- 3. Regionally Significant Industrial Lands Designation:** Recent changes in Metro's industrial lands policy call attention to Milwaukie's industrial lands. Metro has created a new, more protective land use designation called the Regionally Significant Industrial Area. It appears that much of land designated as industrial by the City does not meet Metro's

classification. Staff will describe the consequences and seek direction from Council on how to proceed.

- 4. Proposed House Move Regulations:** At my request staff has developed proposed changes to house moving regulations that are designed to ensure that issues are resolved rather than allowed to fester and escalate. The goal of the regulation is to reduce the possibility of conflict by requiring that the process be substantially complete before a move is attempted.

OCTOBER 21, 2003 COUNCIL MEETING

- 1. Bid Award for Jefferson Street Improvements:** As a condition of approval for an addition to their building, St. Johns Episcopal Church had to construct street improvements consistent with the Downtown Plan along Jefferson Street between Main and 21st. In order to maximize the benefits accruing from the project, the City partnered with the Church to complete improvements for the whole block. The portion attributed to the Church's required improvements together with those assumed by the City total \$83,015.90. City funds are made available from funds that were received when the City accepted jurisdiction over a portion of Johnson Creek Boulevard from Clackamas County.
- 2. Ordinance Repealing Chapter 2.44 of the Milwaukie Municipal Code:** Chapter 2.44 of the Municipal Code does the following: (1) sets forth the criteria for selecting a sister city; (2) requires a non-profit "association" to fund the sister city relationship and report annually to the City (failure to report automatically revokes the sister city status); and (3) appoints the "association" as an advisory body to the City Council for international affairs. It appears that the non-profit created to support the sister city relationship with the City of Iwaki, Japan has been inactive for some time. Pursuant to the City Code, the sister city status should be revoked. However, I recommend that we repeal the Code chapter. It was developed by the City of Portland for a more complex organization. I would rather we simplify the Code and include only those provisions that are necessary. If the sister city relationship serves no purpose, we can terminate it by terminating the agreement with Iwaki.
- 3. Mayor/Council Communication Agreements:** This action will result in the adoption of the Communication Agreements which each of you will then sign. We will provide copies with each agenda during future meetings.

OTHER ITEMS OF INTEREST

1. The Board of County Commissioners is holding a public forum at our Public Safety Building on Wednesday, October 15, 2003 from 5:00-7:00 P.M. This is part of a program of appearing in different geographical areas of the County to respond to questions. I have attached a press release they issued.
2. NDA meetings remaining this month are as follows:
 - October 14, Ardenwald/Johnson Creek NDA, 7 PM at Ardenwald Elementary
 - October 16, Island Station NDA, 6:30 PM at Milwaukie Grange
3. There are a few more questions and answers posted on the "Ask Mike" section of the web site. Also, take a look at the Human Resources Department section. Among the information that is available for everyone to access are the City's personnel policies and procedures and both collective bargaining agreements.
4. Alan Mauling of the sign shop will be retiring at the end of the month. We will be running an internal recruitment to fill that position. In addition, we are opening a Civil Engineer recruitment on October 21 to fill the position vacated by Paul Roeger. It will close on November 3.
5. The Library received a Ready to Read Grant in the amount of \$4,500 from the State Library. The funds will be used to purchase Russian and Spanish language materials, a free book for each Hispanic child at North Clackamas Head Start, and materials for the 2004 Summer Reading Program. In addition, a Russian language collection for the adult department will soon be shelf ready.
6. The Park and Recreation Board and the Riverfront Board will hold a joint meeting on October 14 to review the names submitted for the Riverfront Park. A list of three names will be circulated to the NDAs for comment, and a final list of three will be forwarded to Council for a final selection in December.
7. NDA leadership meeting will be held on October 22nd at 6:00 p.m. at Providence Milwaukie. An update on the transit center working group is among the agenda items.
8. 100 Centennial Dogwood Trees are expected to be delivered on November 8. Anyone interested in a Centennial Dogwood should contact his or her neighborhood chair.

- 9.** October 18 Sharing Milwaukie Memories will be at City Hall from 1 – 4 p.m. this will be a friendly gathering for anyone interested in talking about Milwaukie and its history.
- 10.** Ardenwald NDA will host an Historic Walk on October 25 and 26. Two full-length guided tours and one mini-tour will be conducted – all to begin at Ardenwald School at 10 a.m.
- 11.** Johnson Creek Boulevard will remain closed through Nov. 14 in order to allow the contractor to complete the project. There is a good chance that only the "base lift" of asphalt will be installed and that the 2" top lift will need to wait until spring. All driveway aprons will be completed, some sections of sidewalk may have to wait and signage and striping will be done along with the top lift in spring.
- 12.** The McLoughlin Boulevard design project officially started with a Partnering Session including stakeholders, City, ODOT, and the consultant team. The first Project Advisory Committee meeting is scheduled for October 31. Process to acquire west side properties cannot start until various environmental issues are addressed between now and April 2004.

From: Ron Oberg, Clackamas Co. Strategic Communications, 503-650-3554

Date: 10-1-03

Media and Interested Parties

*(Revised Agenda)

Clackamas County commissioners to hold open forum in Milwaukie October 15

The Clackamas County commissioners will hold an Open Forum October 15 at the Milwaukie Public Safety Building, 3200 SE Harrison in Milwaukie. The forum will be held from 5 p.m. to 7 p.m.

Open forums are held quarterly in different areas of the county. They are designed to give citizens the opportunity to discuss issues of importance informally with the commissioners about subjects related to county government. Topics at the open forums can cover a wide range of issues including general land-use issues, roads and transportation and health issues. The sessions are an opportunity for individuals to communicate their concerns or interests to elected officials.

Note: The Commissioners cannot discuss some topics, due to legal requirements. These include land use actions that the Board has yet to act on, litigation involving the county and confidential personnel issues.

For more information about the forum call Ron Oberg at 503-650-3554.

MINUTES**MILWAUKIE CITY COUNCIL
OCTOBER 7, 2003****CALL TO ORDER**

Mayor Bernard called the 1919th meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Deborah Barnes
Councilor Larry Lancaster

Councilor Joe Loomis
Councilor Susan Stone

Staff present:

Mike Swanson,
City Manager
Dom Colletta,
City Attorney
Paul Shirey,
Engineering Director

Tom Larsen,
Building Inspector
Brion Barnett,
Civil Engineer

PLEDGE OF ALLEGIANCE**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Mayor Bernard read a proclamation recognizing October 8, 2003 as *Walk a Child to School Day* and invited residents to meet at Lisac's on 32nd Avenue at 7:30 a.m. to walk Ardenwald Elementary students to school.

Mayor Bernard acknowledged Sharon and Sonny Phillips for their community work. Sharon has served as a member of the Center/Community Advisory Board since January 2002. The Phillips's interest in Milwaukie history resulted in their sponsoring the outdoor flicks at Waldorf School this summer and organizing numerous cable access events with State Representative Carolyn Tomei and Richard Beck in which long-time Milwaukie residents shared their reminiscences. He announced the Share the Memories event on Saturday, October 18 at City Hall from 1 p.m. to 4 p.m.

Historic Moments

Mayor Bernard read several Milwaukie newspaper headlines from 1959. Construction began on the Oak Grove Fred Meyer, Dieringer's King Road Shopping Center had its grand opening, Dr. Thomas Remly, Milwaukie physician since 1920, died, Massachusetts Senator John F. Kennedy made a stop at Perry's Pharmacy on his presidential campaign tour, the first pace-maker in the western United States was implanted in Wichita area resident John Scaife, and the first walls of the Rose Villa

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Retirement Community were erected. Milwaukie Museum Curator Madalaine Bohl is preparing this series of historical notes in honor of the City's Centennial Year.

Mayor Bernard introduced Scout Adam Ortiz with whom he participated in a recent Pinewood Derby event.

Mayor Bernard read a proclamation recognizing October as *Disability Awareness Month* in the City of Milwaukie.

AUDIENCE PARTICIPATION -- None

CONSENT AGENDA

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

- A. City Council Minutes of September 2, 15 and 16, 2003;
- B. Resolution No. 41-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Assessing the Costs of Abatement of the Nuisance Located at 4201 SE Meadowcrest and Entering the Same on the Docket of City Liens Pursuant to Milwaukie Municipal Code Section 8.04.200(D);
- C. Resolution No. 42-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Assessing the Costs of Abatement of the Nuisance Located at 12106 SE 21st and SE Bobwhite and Entering the Same on the Docket of City Liens Pursuant to Milwaukie Municipal Code Section 8.04.200(D); and
- D. O.L.C.C. Application for Libbies Too, 11094 SE Main Street.

Motion passed unanimously.

PUBLIC HEARING – None scheduled

OTHER BUSINESS

Electric Lightwave, LLC Franchise Agreement

Program Administrator JoAnn Herrigel presented the staff report. She requested the City Council approve an ordinance granting a 10-year nonexclusive franchise to Electric Lightwave, Inc. (ELI) to operate as a telecommunications provider within the City of Milwaukie. She noted several non-substantive changes to the document in the staff report.

ELI is a subsidiary of Citizens Utilities Company, which provides services in 500 communities and 14 states. It offers digital transmission services to banks, government agencies, hospitals, and other large companies. In Milwaukie she believes ELI provides

services to Providence Milwaukie Hospital. ELI both leases infrastructure from Qwest and has some of its own. It has operated in the Portland area since about 1990.

The proposed franchise has a ten-year term that would expire on October 31, 2013. ELI will pay a minimum franchise fee of \$1,000 per quarter or 5% of the gross revenue whichever is greater. There is also a requirement for a \$25,000 bond. Section 20 – Reservation of Rights allows the City to receive franchise fees from ELI pending the outcome of legal cases with the City of Portland. It further states the City of Milwaukie agrees to negotiate rather than litigate once the cases are settled.

Councilor Stone asked if a ten-year franchise was common.

Herrigel said other current City franchise agreements are for ten or more years. Under these conditions, the City does not have to negotiate too often, and the companies have an assurance they will operate within the City for that period of time.

Councilor Lancaster asked if, because of the provision of the \$1,000 per quarter or 5% of gross revenues, it would be advantageous to the City to have a longer term.

Herrigel said ten years is consistent with the City's other franchise agreements. The City may not wish to seek a longer term because of potential changes in technology, policy, or regulations.

Councilor Lancaster asked if there might be any circumstances that could trigger a desire to renegotiate.

Herrigel said there could be such a circumstance but did not have any examples at this time.

Councilor Lancaster said there might be a benefit to both parties if adjustments could be made within the framework.

City Attorney Dom Colletta said it might be possible to negotiate such items into the contract; however, a renegotiation clause could cut both ways and should be considered carefully before being adopted. It might also result in having to negotiate a number of the elements of the contract that have already been negotiated. While it is possible to do that, it is not necessarily advisable from a legal standpoint because of the inability to predict what might occur.

Councilor Barnes understands ELI is a voice and data company and asked for names of similar types of companies.

Dan Norfleet, ELI representative, explained, "competitive local exchange carrier" is another term to describe this type of company. The 1996 Telecommunications Act allowed start up companies to compete with incumbent local exchange carriers such as

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Qwest. ELI is comparable to Qwest and Integra. ELI is facilities based and uses existing fiber optics where available, but it also has its own facilities in the ground.

Councilor Barnes asked if people in Milwaukie could change their phone service.

Norfleet said ELI primarily serves businesses, hospitals, and government agencies not residential.

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 granting a nonexclusive franchise for ten years to Electric Lightwave, LLC and authorizing the city manager to sign an agreement. Motion passed unanimously. The City Manager 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. 1926:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, GRANTING ELECTRIC LIGHTWAVE, LLC. A NONEXCLUSIVE FRANCHISE FOR TEN YEARS TO OPERATE AS A TELECOMMUNICATIONS PROVIDER WITHIN THE CITY OF MILWAUKIE AND AUTHORIZING THE CITY MANAGER TO SIGN A FRANCHISE AGREEMENT WITH ELECTRIC LIGHTWAVE, LLC IN SUBSTANTIALLY THE FORM OF EXHIBIT A.

Intergovernmental Agreement Allowing Temporary or Long-Term Sharing of Building Inspection Staff with Other Jurisdictions in the Tri-Counties Area – Resolution

Building Inspector Tom Larsen presented the staff report. The proposal was a result of 23 jurisdictions in Clackamas, Washington, and Multnomah Counties working together to find a way to maintain staffing levels during the peaks and valleys of construction activity. The concept is to develop a standard form agreement that city managers could sign once adopted by the Council in each jurisdiction. Larsen envisioned Milwaukie's having agreements with 5 or 6 jurisdictions that would share resources on an as-needed basis. It is up to the "originating party" whether that jurisdiction would provide help to the "borrowing party." If, for example, Milwaukie contracts with a third party provider, that provider would expect to work full time for about \$500 per day. Under the proposed intergovernmental agreement, inspectors could be called in as needed and be paid on an hourly basis. Larsen has a tentative agreement with the City of Troutdale that a bank of hours would be built up and services would be reciprocated.

Mayor Bernard commented that Larsen was hired because of customer service concerns with the previous inspector. He would hope the City would not contract with that jurisdiction.

Swanson said customer service was one of the big issues when Milwaukie decided to do its own inspections. Adequate coverage during times the inspector is out of the office was also an issue of some concern. This is a problem many jurisdictions face, so several collaborated on this unique proposal. He noted complaints about inspection issues have dropped off sharply since Larsen was hired. There will always be peaks and valleys in the construction industry, and Swanson believes this is a good approach to taking care of coverage issues. For example, Larsen may need help when the King Road Safeway project begins, and another jurisdiction may be in a valley and able to lend some support.

Councilor Lancaster followed up on the customer service element of inspection services and asked if there could be verbiage that identifies Milwaukie's service standards.

Swanson said one of Larsen's strengths is his customer service ethic, so he feels assured these standards will be communicated. Milwaukie will not sign any agreements with the previous inspector since it is unlikely he will meet the City's expectations.

Larsen knows people from the other jurisdictions, and he would not anticipate any problems. Inspections are a small part of the building inspector's job. A big part of his job is plan reviews and simply communicating with people. He would not authorize others to make important building official decisions.

Councilor Lancaster experienced Larsen's service, and he was very happy with it. Based on Larsen's customer service standards, he suggested setting up a hierarchy call list so there will always be a good group of people from which to choose. He asked Larsen if he saw a problem in having a pool to provide a seamless level of service.

Larsen said this program is a work in progress. The time has come to do something like this, and it could prove to be very valuable over the next few years. It is up to the jurisdictions if they wish to participate in the program. Swanson, on behalf of the City of Milwaukie, will have the authority to sign, or not sign, agreements coming before him.

Councilor Stone understood there would be no exchange of money in this program and will be more like a barter system. What would Milwaukie do if it were not able to give back the hours someone from another jurisdiction worked?

Larsen said the reciprocal agreement he talked about was specific to Troutdale, and it is not set in stone. He and the Troutdale building official agreed on a threshold of hours, but other jurisdictions would probably be on a monetary basis.

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Councilor Stone asked if all the jurisdictions would be charging the same hourly fees and what would those fees be?

Larsen said the fee would be based on hourly wages and benefits, so there would be some differences between jurisdictions and possibly inspectors. The idea is not to make a profit but to cover expenses.

It was moved by Mayor Bernard and seconded by Councilor Loomis to adopt the resolution authorizing the city manager to sign intergovernmental agreements to share building inspection staff with other jurisdictions in the tri-county area. Motion passed unanimously.

RESOLUTION NO. 43-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO ENTER INTO INTERGOVERNMENTAL AGREEMENTS WITH OTHER JURISDICTIONS IN THE TRI-COUNTIES AREA, FOR THE SHORT OR LONG TERM SHARING OF BUILDING INSPECTION STAFF ON AN AS-NEEDED BASIS.

McLoughlin Boulevard Improvements Project, Intergovernmental Agreement for Right-of-Way Acquisition -- Resolution

Engineering Director Paul Shirey presented the staff report. He asked the City Council to approve two actions. One was an intergovernmental agreement with the state to negotiate acquisition of right-of-way to build improvements. The second action was to authorize the Oregon Department of Transportation (ODOT) to use the power of eminent domain to acquire the needed properties.

The scope of the project includes widening the road about 20 feet to the west. Two properties, Vic's Tavern and the Antique Mall, will be impacted, and the businesses will have to be relocated. Additional easements and increased curb radii will be needed on the east side, and there are potential impacts to driveway locations. Staff recommends ODOT be retained for the purpose of acquiring right-of-way because of the complexities in addition to the fact that McLoughlin Boulevard is under ODOT jurisdiction. Those property and business owners potentially impacted by the project have been contacted, and they are anxious to begin discussions and proceed. None of the affected parties attended the Council meeting. Although no one wishes to resort to eminent domain, Shirey recommended having the resolution for condemnation if it becomes necessary.

The preliminary design process has just begun and moves through final engineering and construction. It is a deliberative process that includes stakeholders such as business and property owners; downtown, neighborhood, riverfront, and boating interests; and the sewage treatment plant operators. The design will be further refined to determine precisely what additional property needs to be acquired. Staff will

introduce the project team and discuss the improvements in more detail on November 3. There will be Council updates at the 30% and 70% design stages.

Mayor Bernard has spoken with several business owners, and one indicated he had not been contacted. Staff, however, says this person has been contacted two or three times. He understands the Antique Mall owner would like to relocate. He asked if ODOT could simply condemn?

Colletta said ODOT does have power of condemnation but would be reluctant in this type of interjurisdictional project.

Councilor Lancaster understands this is a \$1.9 million project, and the City only has to come up with 10%.

Shirey said the first \$1.9 million is from one source of money, and \$2 million comes from another. The combined resources available to do the project are \$4.1 million. The City has a match requirement.

Councilor Lancaster understands the monies are coming out of the street fund.

Shirey said that is correct, and funds have been budgeted for the match.

Swanson believes general fund money is being transferred into the street fund, and these transfers have gone through the budget process.

Councilor Barnes referred to the staff report section on fiscal impact. The City budgeted \$60,000 from the general fund to cover this one-time cost. She asked Shirey to explain further.

Shirey said those portions of the properties including the buildings required to construct the roadway are considered by the federal government and ODOT to be participating costs. Federal funds are used for those costs, and the City is responsible for a 10% match. It is the City's responsibility to fund the purchase of the underlying land that is not in right-of-way. This is considered a non-participating expense.

Councilor Barnes asked who pays Vic's and the Antique Mall for the building.

Shirey explained participating expense are the building costs, that portion of the underlying land that will become right-of-way, and relocation expenses.

Councilor Barnes asked how much money would have to be offered because she does not want to go through the condemnation process.

Shirey said the piece Milwaukie would have to pay is for the land that is not in the right-of-way. The City's budget is \$90,000.

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Councilor Stone asked, in terms of negotiating the costs, what is the typical timeframe before going to condemnation?

Shirey replied federal government has a time frame that includes an appraisal procedure and property owner response time.

Councilor Stone agreed with Barnes and does not wish to go down the road of condemning those properties. She asked what would be the impacts if the Council does not adopt the resolution at this meeting. If it came to condemnation, when would that effective date be?

Colletta responded it would require adoption of a resolution of necessity by the Council. He is not certain of the timeframes, but after adoption of the resolution of necessity, typically an appraisal is performed and delivered to the property owner for review. This is done in conjunction with an offer to purchase supported by the appraisal. There is a period of time for negotiation. Realistically, he believes there would be about 120 days before litigation were initiated.

Councilor Stone understands that scenario would play out if the resolution was not passed at this meeting and could just be kept in the City's back pocket if needed. She wishes to avoid going down that road. Would the property have to be reappraised if negotiations failed?

Colletta said it depends on the amount of time that has gone by. The appraisal would remain good if it were done, for example, in the last six months. The resolution, as he reads it, declares these properties are necessary and is the first step in the condemnation process.

Shirey said the appraisals have not started because the agreement with ODOT to act as the City's agent has not been signed. There is 120-day letter if efforts fail and legal action needs to be taken. The state has a program to resolve cases where there is no agreement. Under the law, if there is no agreement, the state can deposit the appraisal value with the court for the property in question. Construction can proceed, and during that period of time, the state works very hard to come to an agreement and avoid moving to condemnation. The losing party must pay the prevailing party's legal expenses, so it is not unusual to see these cases settled before going to court because of the risk involved.

Councilor Stone asked if it is his sense ODOT may not agree to be the City's agent if the resolution is not passed at this meeting.

Shirey did not now, but it is common practice for this type of resolution to accompany the agreement to start the process.

Colletta added that it usually makes the negotiation process much more effective when there is some recognition that action will be taken if negotiations are not successful.

CITY COUNCIL MEETING OCTOBER 7, 2003

DRAFT MINUTES

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Mayor Bernard commented this project definitely needs to be done, and access to the riverfront must be improved. On the west side of McLoughlin Boulevard there are only two privately-owned properties. On the east side there are numerous properties and many businesses would have to be closed. He believes this is the best way to go. A lot of City property is being offered up for this project. Condemnation is not something any jurisdiction desires, but sometimes it is necessary.

Councilor Loomis understands the City is responsible for hazardous material clean up and asked how the City would pay for that if clean up is required.

Shirey explained that is standard language in that the state requires cleanup before it accepts the property as right-of-way. To his knowledge there have been no past practices that would have contaminated those sites.

Councilor Loomis asked if the occupants of the two subject buildings were also the property owners.

Swanson understands Vic's Tavern is a lessee, but he is not sure about the Antique Mall.

Councilor Loomis asked if business owners are compensated.

Shirey said there is a compensation package for the business and noted this project has been in progress for several years.

Mayor Bernard pointed out no business or property owners were present at this meeting.

It was moved by **Councilor Lancaster** and seconded by **Councilor Stone** to authorize the Mayor to sign an intergovernmental agreement with ODOT for right-of-way services. Motion passed unanimously.

It was moved by **Mayor Bernard** and seconded by **Councilor Stone** to adopt the resolution declaring the need to acquire property for right-of-way. Motion passed unanimously.

RESOLUTION NO. 44-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE NEED TO ACQUIRE PROPERTY FOR RIGHT-OF-WAY.

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Other

Councilor Loomis thanked Planning Director John Gessner for clarifying issues at recent stakeholder meetings regarding downtown development and the riverfront. The welfare of the community needs to be considered in these projects.

A member of the audience had questions regarding property owners on the east side of McLoughlin Boulevard, and Mayor Bernard indicated Shirey and Barnett would be available to answer questions after the meeting.

Councilor Loomis serves on the Milwaukie High School Advisory Board and recently met with the principal and some citizens. There are a lot of good things going on in the high school just as there are in the City, and he looks forward to building a good relationship with the high school.

Mayor Bernard said staff consistently tells developers to work with the neighborhoods and then work with Council and staff. Ed Zumwalt, for example, worked closely with ODS on its renovation project.

Councilor Loomis thanked staff for looking after its citizens when consultants share their ideas with the community.

Councilor Barnes attended the Police Officer of the Year Banquet and congratulated Officer Kevin Krebs on his accomplishments. She wished him well in the state and national competition.

Mayor Bernard announced the City Council would meet in executive session immediately following adjournment of the regular session to discuss real property transactions to ORS 192.660 (h).

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 7:03 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

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

From: Jack R. Ostlund Jr., Associate Engineer
Paul Shirey, Engineering Director

Subject: Jefferson Street Improvement Bid Award

Date: October 6, 2003 for October 21, 2003 City Council Meeting

Action Requested

Authorize the City Manager to sign a contract for the Jefferson Street Improvement with D & D Concrete & Utilities, in the amount of \$83,015.90. This amount includes a 10% project contingency.

Background

In Spring 2003 the St. Johns Episcopal Church at 2036 SE Jefferson received a building permit for an addition to their building. One of the conditions of approval was the requirement to construct street improvements along the frontage of their property.

Since the church's frontage consumes most of the Jefferson Street section between Main and 21st, city staff worked this summer to estimate how much it might cost the City to partner with the church to complete Downtown Plan street improvements for the entire block. The benefit of completing the improvements all at once is the ability to change parking from parallel to a diagonal arrangement, as called out in the Downtown Plan. This will increase the on-street parking supply in this part of downtown. In June 2003, the City and the church signed a partnership agreement to complete the full block of street improvements. The cost of the church's portion of the improvements was estimated to be \$35,000. The church has deposited this amount with the City. The City

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proposes to contribute the remaining \$48,015.90 (including contingency) to complete the project. The City will manage the construction of the project.

A project vicinity map is attached. Project bid advertising was completed as required. Nine sets of plans went out to contractors for bidding, and five bids were received for the August 23, 2003, bid opening. A brief bid summary follows, including the engineer's estimate.

Contractor	Bid (does not include 10% contingency)
D & D Concrete & Utilities	\$ 75,469.00
Civil Works NW Inc	\$ 76,239.00
Parker NW Paving Co.	\$ 84,993.95
Portland Road & Driveway	\$ 87,083.00
Wayne Jeskey Construction	\$ 94,815.00

Concurrence

Engineering staff coordinated with the Director of Community Development and Public Works Operations staff on this project.

Fiscal Impact

The project is not part of the 2003-04 CIP. Staff proposes to add this project to the list of fiscal year 2003-04 capital projects. This project offers an excellent cost-sharing opportunity to complete new parking and street improvements in accordance with the Downtown Plan.

The total cost for this project is estimated at \$87,200. Approximately \$4,200 was spent to cover engineering costs and advertising. The \$83,015.90 bid amount will cover construction costs and a 10% project contingency.

While this project was not budgeted, the Street fund has received additional revenue to cover the \$48,015.90 contribution.

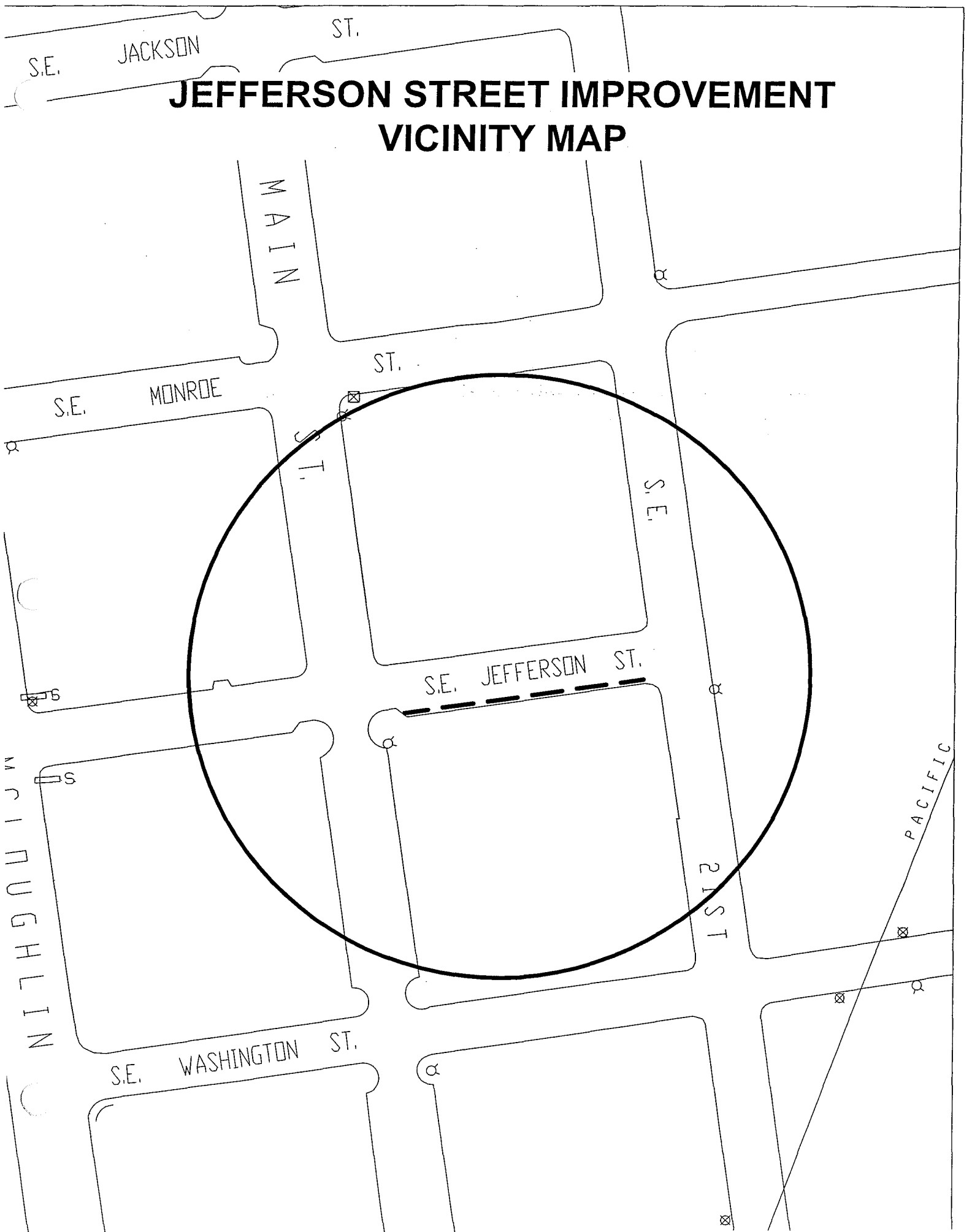
Work Load Impacts

The workload impacts would be the amount of time spent doing normal project management duties. This project is in the Engineering Department and Street Department annual work program.

Alternatives

1. Authorize the City Manager to approve the bid as proposed.
2. Elect to defer the project to a later date.
3. Take no action.

JEFFERSON STREET IMPROVEMENT VICINITY MAP





TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DAYE: October 8, 2003
RE: Proposed Ordinance Repealing Milwaukie Municipal Code Chapter 2.44—Sister Cities Relationships

ACTION REQUESTED

Enact the proposed ordinance which repeals Chapter 2.44 of the Milwaukie Municipal Code.

BACKGROUND

On March 2, 1993 the City Council adopted Ordinance No. 1734 which created Chapter 2.44 of the Milwaukie Municipal Code (attached). That chapter has three pertinent parts. The first is a list of selection criteria for choosing a sister city(ies). The second requires citizen support and the creation of an "association" in the form of an Oregon non-profit organization that would "undertake the financial and staffing requirements necessary to properly administer ... a relationship." The failure of the "association" to meet any of its obligations results in "revocation of [the] sister city status." The third is the appointment of any such "association" as an "advisory committee to the City for international relations."

It appears from the record that the ordinance was adopted in anticipation of a visit by the Mayor of Iwaki, Japan and creation of a sister city relationship between Milwaukie and Iwaki. The ordinance was taken from the City of Portland, which had adopted one on February 5, 1986. Theirs appears to have been necessitated by the fact that they had been approached by "dozens of cities" desiring to establish a sister city relationship, and they had to seek a way in which to limit their participation. In a letter from the Office of Portland Mayor Bud Clark explaining Portland's policy, he explains that "[i]t is not the goal of the City of Portland to accumulate as many sister cities as possible, but rather to establish dynamic, viable, long-term relationships that will be mutually beneficial to the citizens of Portland and to the citizens of her sister cities." It appears that

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they had a specific need for an ordinance controlling the selection of sister cities.¹

Ordinance 1734 was enacted, and the sister city relationship between the cities of Milwaukie and Iwaki were established and recognized by Sister Cities International. Milwaukie Sister Cities Foundation, Inc., a non-profit corporation organized for the purpose of supporting such efforts, was established. Since 1993 there has been activity of varying levels between the sister cities. There have been visits prior to this and the immediately past Council. Most recently, Professor Kodachi has assumed responsibility for taking the initiative for maintaining communication between the cities. He has been a supporter of this relationship for some time and is in periodic contact with me when he travels between the States and Japan. We also maintain our annual membership of \$310 in Sister Cities International.

However, the non-profit has been inactive for some time, and that inactivity leads to an "administrative dissolution" pursuant to ORS 65.647 (attached). Notice of the administrative dissolution of the Milwaukie Sister Cities Foundation, Inc. has been served. The only activity has been a monthly bank charge that has been depleting their original balance of \$500. The annual reports and other requirements of Milwaukie Municipal Code Chapter 2.44 have not been delivered.

Given the record, the sister city status should be revoked pursuant to Milwaukie Municipal Code Section 2.44.020. However, I am recommending that we delete the requirement that leads us to that conclusion.

Chapter 2.44 imposes obligations that are not otherwise required under State law. The policies and procedures outlined in Chapter 2.44 benefit a large city like Portland who is faced with a plethora of sister city requests and the administrative burden of keeping track of those it chooses to work with. If Chapter 2.44 is deleted, we lose nothing. Given current budget constraints, I would certainly not recommend expenditures for sister city purposes in excess of that currently made to maintain our membership in the international organization. Other than that, the sister city relationship demands little time and no financial resources. I recommend retaining the sister city relationship for its future potential and eliminating Chapter 2.44.

In closing, I want to emphasize that this recommendation is to continue the sister city relationship that so many—including the incorporators of the non-profit—have worked hard to create. To be sure, the relationship has been dormant, with only periodic contacts, for some time. Both countries are experiencing economic difficulties, our attentions are turned elsewhere. One day there will again be an opportunity to invest some time in this effort.

¹ The legal opinion from the City Attorney accompanying Milwaukie Ordinance No. 1734 notes that they checked with other cities but found that "none of them have codified sister city provisions."

FINANCIAL IMPACT

The financial impact of this action would be a continuation of the \$310 annual membership fee in Sister Cities International.

ALTERNATIVES

Alternatives you might consider are the following:

- ❖ You could take no action and leave Chapter 2.44 intact. The result would be to revoke the sister city status between the City of Milwaukie and Iwaki, Japan.
- ❖ You could choose to eliminate only Sections 2 and 3 of Chapter 2.44, leaving Section 1, which outlines selection criteria, intact. I considered this alternative. However, I also believe that we will not have many requests, and I do not believe it necessary to overload the Code unnecessarily.
- ❖ You could ask that the non-profit exercise its option to reinstate itself and comply with the provisions of Chapter 2.44. However, it has not been very active throughout this process—well meaning, but not very active. If the time comes for reenergizing the sister cities process, we could use an existing group such as Rotary to provide community support.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON REPEALING CHAPTER 2.44 OF THE MILWAUKIE MUNICIPAL CODE-SISTER CITY RELATIONSHIPS

WHEREAS, Chapter 2.44 imposes requirements for the selection of sister city participants; and

WHEREAS, Chapter 2.44 requires a community non-profit association and annual reporting requirements; and

WHEREAS, there is insufficient demand of the City of Milwaukie for sister city relationships; and

WHEREAS, the City's present sister city relationship with the Iwaki, Japan does not require a great deal of administrative support and reports; and

WHEREAS, the policies and procedures underlying Chapter 2.44 of the Milwaukie Municipal Code anticipate more complex sister city relationships; and

WHEREAS, the City Council wishes to continue the present sister city relationship with the City of Iwaki, Japan.

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

Section 1. Chapter 2.44 of the Milwaukie Municipal Code is repealed.

Section 2. This action does not affect the sister city relationship with the City of Iwaki, Aomori-Ken Prefecture, Japan, entered into on June 4, 1993.

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

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney

Chapter 2.44 SISTER CITY RELATIONSHIPS

Section 2.44.010 Selection criteria.

- A. All cities chosen to affiliate with the city as a sister city must be located in a country that has established diplomatic relations with the United States.
- B. Preference shall be given to the city requesting a sister city relationship with the city where such city has no other sister city in the United States.
- C. The city shall establish a sister city relationship with only one city per country.
- D. The city shall give preference to cities in those nations that maintain a consulate or trade mission office in the United States.
- E. The city and the proposed sister city shall be of similar size and role, either absolutely or in relation to their regions.
- F. The city shall have cultural, educational, economic, governmental, and social interests in common with the proposed sister city. (Ord. 1734 Exh. A §1, 1993)

Section 2.44.020 Requirements for independent funding and citizen involvement.

- A. There exists in the Milwaukie community substantial long-term, broad-based interest in establishing the relationship, interest that transcends political or social concerns and that reflects ongoing community involvement with the sister city's region or people.
- B. An association has been formed as a nonprofit entity under Oregon laws and is prepared to undertake the financial and staffing requirements necessary to properly administer such a relationship.
- C. The association has presented a plan of action for the first year of such a relationship that demonstrates, whether through volunteer or professional time commitment, the ability to respond in a timely fashion to requests from the sister city organizations, in furthering the relationship, and to represent the city with competence and integrity.
- D. The association has demonstrated a financial capability sufficient to fully fund its operations and the various visits, receptions, delegations and other similar functions such a relationship entails, without financial contribution from the city. Financial capability need not mean exclusive cash in hand, but may include commitments to contribute materials, services or time.
- E. Every December each association shall submit an annual summary of programs held and a plan of action for the next year to the mayor's office. The report will include such data as may be requested by the city.
- F. Failure to meet requirements of subsections A through E, above, shall result in the revocation of sister city status. (Ord. 1734 Exh. A §2, 1993)

Section 2.44.020 Requirements for independent funding and citizen involvement.

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- C. The association has presented a plan of action for the first year of such a relationship that demonstrates, whether through volunteer or professional time commitment, the ability to respond in a timely fashion to requests from the sister city organizations, in furthering the relationship, and to represent the city with competence and integrity.
- D. The association has demonstrated a financial capability sufficient to fully fund its operations and the various visits, receptions, delegations and other similar functions such a relationship

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entails, without financial contribution from the city. Financial capability need not mean exclusive cash in hand, but may include commitments to contribute materials, services or time.

E. Every December each association shall submit an annual summary of programs held and a plan of action for the next year to the mayor's office. The report will include such data as may be requested by the city.

F. Failure to meet requirements of subsections A through E, above, shall result in the revocation of sister city status. (Ord. 1734 Exh. A §2, 1993)

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A. There exists in the Milwaukie community substantial long-term, broad-based interest in establishing the relationship, interest that transcends political or social concerns and that reflects ongoing community involvement with the sister city's region or people.

B. An association has been formed as a nonprofit entity under Oregon laws and is prepared to undertake the financial and staffing requirements necessary to properly administer such a relationship.

C. The association has presented a plan of action for the first year of such a relationship that demonstrates, whether through volunteer or professional time commitment, the ability to respond in a timely fashion to requests from the sister city organizations, in furthering the relationship, and to represent the city with competence and integrity.

D. The association has demonstrated a financial capability sufficient to fully fund its operations and the various visits, receptions, delegations and other similar functions such a relationship entails, without financial contribution from the city. Financial capability need not mean exclusive cash in hand, but may include commitments to contribute materials, services or time.

E. Every December each association shall submit an annual summary of programs held and a plan of action for the next year to the mayor's office. The report will include such data as may be requested by the city.

F. Failure to meet requirements of subsections A through E, above, shall result in the revocation of sister city status. (Ord. 1734 Exh. A §2, 1993)

Section 2.44.030 Recognition as advisory board.

Each association formed under Section 2.44.020 shall be recognized as an advisory committee to the city for international relations. (Ord. 1734 Exh. A §3, 1993)

Section 2.44.040 No retroactive effect.

Existing sister city relationships shall continue in force and need not pass through the initial approval process set forth herein. They are, however, subject to all other requirements of this chapter. (Ord. 1734 Exh. A §4, 1993)

ORS 65.647, ORS 65.651, and ORS 65.654

65.647 Grounds for administrative dissolution. The Secretary of State may commence a proceeding under ORS 65.651 to administratively dissolve a corporation if:

- (1) The corporation does not pay when due any fees imposed by this chapter;
- (2) The corporation does not deliver its annual report to the Secretary of State when due;
- (3) The corporation is without a registered agent or registered office in this state;
- (4) The corporation does not notify the Secretary of State that its registered agent or registered office has been changed, that its registered agent has resigned, or that its registered office has been discontinued; or
- (5) The corporation's period of duration, if any, stated in its articles of incorporation expires. [1989 c.1010 §138]

65.651 Procedure for and effect of administrative dissolution. (1) If the Secretary of State determines that one or more grounds exist under ORS 65.647 for dissolving a corporation, the Secretary of State shall give the corporation written notice of that determination.

(2) If the corporation does not correct each ground for dissolution or demonstrate to the reasonable satisfaction of the Secretary of State, within 45 days after notice is given that each ground determined by the Secretary of State does not exist, the Secretary of State shall administratively dissolve the corporation, and in the case of a public benefit corporation shall notify the Attorney General in writing.

(3) A corporation administratively dissolved continues its corporate existence but may not carry on any activities except those necessary to wind up and liquidate its affairs under ORS 65.637 and notify its claimants under ORS 65.641 and 65.644.

(4) The administrative dissolution of a corporation does not terminate the authority of its registered agent. [1989 c.1010 §139; 1993 c.190 §6]

65.654 Reinstatement following administrative dissolution. (1) A corporation administratively dissolved under ORS 65.651 may apply to the Secretary of State for reinstatement within five years from the date of dissolution. The application must:

(a) State the name of the corporation and the effective date of its administrative dissolution; and

(b) State that the ground or grounds for dissolution either did not exist or have been eliminated.

(2) If the Secretary of State determines that the application contains the information required by subsection (1) of this section, that the information is correct, and that the corporation's name satisfies the requirements of ORS 65.094, the Secretary of State shall reinstate the corporation.

(3) When reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the corporation resumes carrying on its activities as if the administrative dissolution had never occurred. [1989 c.1010 §140; 1995 c.215 §14]



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: October 8, 2003
RE: Mayor/Council Communication Agreements

ACTION REQUESTED

Adoption of a resolution approving the Mayor/Council Communication Agreements as presented.

BACKGROUND

It has become the practice of recent past Mayors and Councils to develop and adopt behavioral guidelines—or Mayor/Council Communication Agreements—that govern relationships with each other, the staff, and the public.

These Agreements differ from the Council rules authorized by Section 20 of the Milwaukie Charter of 1975 and found in Chapter 2.04 of the Milwaukie Municipal Code in that they focus on behaviors and relationships, while the rules are procedural. In addition, the former have been reviewed by each new Council and tailored to its needs, while the latter experience fewer changes. Finally, the former are “enforced” by the active compliance of the participants. Private, timely action is the first course of action. A failure to follow the Council rules carries immediate, public consequences. For example, Section 2.04.080 of the Milwaukie Municipal Code prescribes the conditions under which a special meeting may be called. Absent an “emergency involving danger to life or property,” one simply cannot convene a special meeting without meeting certain procedural preconditions. Once having met those, only limited business may be conducted.

The Mayor/Council Communication Agreements before you retain much of the substance of the work done by past Mayors and Councils. The three biggest changes are: (1) to emphasize the contribution of these Agreements to good public information and effective public process; (2) to make very clear each

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individual's responsibility to support a decision once the process had been completed; and (3) to restructure presentation of the Agreements to emphasize the varied relationships.

In the past the Agreements have been posted on the back wall of the Hearing Room. Rather than doing this, I am planning on obtaining the signature of each of you once these are approved and including a copy with each agenda.

FISCAL IMPLICATIONS

There are no fiscal implications from adoption of the proposed resolution.

ALTERNATIVES

The alternatives available are:

- You may choose not to adopt the resolution, which has the effect of not adopting the Agreements. There is no requirement in law that you adopt these Agreements.
- You may choose to alter any or all of the individual provisions of the Agreements.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ADOPTING THE MAYOR/COUNCIL COMMUNICATION AGREEMENTS.

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them and the staff and public is critical to ensuring clear and easily understood public information; and

WHEREAS, open, direct, and positive communication among the Mayor and Councilors and between them and the staff and public is essential to a healthy community debate on issues; and

WHEREAS, the Mayor/Council Communication Agreements as proposed are intended to ensure an open public process that leads to closure.

NOW, THEREFORE, BE IT RESOLVED, by the City Council, that the Mayor/Council Communication Agreements be adopted.

This resolution is effective immediately upon adoption.

Introduced and adopted by the City Council on _____.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach LLP

MAYOR/COUNCIL COMMUNICATION AGREEMENT

Guaranteed access to clear and easily understood information is a value of the City of Milwaukie. These agreements are intended both to foster conduct that realizes that value, while ensuring a healthy debate about competing ideas. Finally, they seek closure and a community that moves forward together, secure in the knowledge that decisions were made openly and fairly.

The agreements have one common behavioral thread—mutual respect. Thus, if the list does not anticipate a situation, a response that is respectful of all concerned should suffice.

1. In all Council events, work sessions, and meetings:
 - I demonstrate respect for all who are involved;
 - I respect all thoughts and ideas;
 - I clarify facts and opinions to ensure understanding;
 - I do not personalize my comments;
 - I clearly state my own opinion as being mine;
 - I look for ways to praise efforts and accomplishments; and
 - I stay focused and participate.

2. In working with the Mayor and Councilors:
 - I provide them with reasonable notice of matters I am introducing at meetings;
 - I always represent the City's position before other jurisdictions unless none has been adopted, in which case I inform the Mayor and Council in a timely manner of the position(s) I have taken;
 - I work toward consensus;
 - Once the group has acted, I accept and respect the decision, and I do not publicly ridicule the Council, any individual member or participant, or the decision; and
 - I first address a concern about either a violation of these agreements or any other matter in a direct, appropriate, private, and timely manner.

3. In working to seek broad-based community support:
 - I communicate with the community to gather information; and
 - I engage the community in a shared dialogue.

4. In working with staff:
 - I communicate with staff to gather information; and
 - I exchange ideas with staff and give direction through the City Manager with the concurrence of the Mayor and Council.

James Bernard, Mayor

Larry Lancaster, Council President

Deborah Barnes, Councilor

Joe Loomis, Councilor

Susan Stone, Councilor

**MILWAUKIE CENTER
CENTER/COMMUNITY ADVISORY BOARD
August 8, 2003**

Members Present: Kim Buchholz, Jim McCready, Joan Newman, Sharon Phillips, Joan Staley, Ben Tabler, Janet Witter, Lynn Wright

Members Excused: Jane Hanno, Molly Jo Hanthorn, Katie Rudfelt, Carol Storment

Guests Present: Alan Brunk, Charles Ciecko, Laura Zentner

Staff Present: Cheryl Nally, Joan Young

Call to Order: Chairman Kim Buchholz called the meeting to order at 10:03 a.m. The minutes were corrected to show that Molly Hanthorn, Jane Hanno and Joan Staley were present at the Program Services meeting. The minutes were approved as corrected.

Special Topic: Laura Zentner, Administrative Services Manager for the North Clackamas Parks and Recreation District, gave an overview of the budget process, explaining the legal requirements. She provided each member a copy of the 2003-04 Adopted Budget and a paper copy of the slides used in her presentation. Laura's explanation was informative and she answered questions posed by members. Laura gave her direct phone number (794-8012) and said would be pleased to speak with anyone having additional questions. Charlie Ciecko complimented Laura on her skills and abilities.

There was no correspondence.

Board/Committee Reports:

Executive Committee: Did not meet. There will be a public District Advisory Committee meeting here at the Milwaukie Center on July 26 at 6:30 p.m. Additional meetings will be held at the Aquatic Park on Tuesday August 14 and Thursday August 26 at the Sunnyside Community Center. All meetings are scheduled for 6:30 p.m.

Charlie said there are a number of ways to make your opinions known. Responding to the mailer is one. It is also helpful for the DAB to hear from citizens as to how they feel and why they feel that way and he encourages everyone to attend those meetings.

Nutrition and Transportation: The meeting is scheduled for next Wednesday.

Building Review Committee: Will meet in September.

History Committee: Joan Young said Pat Kennedy has completed the project. The Friends have donated \$250 for publishing costs. The Board expressed special thanks to Janet and to Joan and her staff for the hard work.

Milwaukie Centennial: Sharon said that there were approximately 200 people attending "Catch the Flicks" evening. The Friends sold popcorn, candy and pop and made \$70.00. Sharon said Joanne at 786-7508 is helping to find a name for the riverfront park. Anyone may call with name suggestions. Centennial dogwood trees are available for purchase by Milwaukie residents. The trees are 5-6 feet tall and sell for \$50. Call Kathi Buss at 786-5148.

Director's Report: Upcoming events sponsored by the Friends are:

September 7, 14, and 21 at 2:00 p.m.– Scents and Sounds – an outdoor concert in partnership with Willamette Falls Symphony.

September 25 – Artist's reception. Ann Hinds who is an author as well as an artist, studied with Ansel Adams. She is donating photos to the Friends. These will be sold as a fundraiser.

Entertainment Books are in – cost is \$30.00, \$6.00 of the cost goes to the Friends Endowment Fund.

Today is "Banana Split Day."

Kim distributed a sheet on Ground Rule Tools for meetings that Joan put together.

The September Special Topic presentation will be on the Friends.

There being no further business, the meeting was adjourned at 11:04 a.m.

Joan Staley
Acting Secretary

North Clackamas Parks and Recreation District
MILWAUKIE CENTER DIVISION
Monthly Report for August, 2003

Programs & Services:

Knee and hip replacement surgeries are becoming more common for older adults, enabling them to regain mobility, experience pain free movement and increased independence. The Center's Health Equipment Loan program regularly loans several items of health equipment which are in great demand. In the month of August we provided 6 wheelchairs, 6 walkers, 1 pair of crutches and 4 pieces of bathroom equipment.

Forty older adults from the Milwaukie Center joined us for Senior Day at the Clackamas County Fair. The Travel Desk signed up participants and the Transportation Program provided the busses and drivers. Darlene and Harold Potter, who have been married for over 60 years, were the Milwaukie Center's representatives in the fun Wedding Game event – and they got second place!

A Place at the Center, the respite program for people with memory loss, has been doing a number of summer projects. They are growing their own vegetable snacks in the community garden. They also had an old-fashioned picnic in the park, barbecuing hotdogs and roasting marshmallows for s'mores.

Registrations are coming in rapidly for the 33 class and workshop offerings for Fall term at the Milwaukie Center that start the week of September 25...in the areas of Arts & Crafts, Dance and Music, Fitness, Language, Writing and Computers.

The Friends have been busy out in the community during the month of August: They participated in the City of Milwaukie Centennial "Catch the Flicks" event at the Waldorf School and sold snacks. Over 100 people attended this event to watch old time movies. The Friends helped man the County booth at the Clackamas County Fair. Volunteers helped spread the word about the Milwaukie Center and the Parks District.

Fund-raising:

The Milwaukie Center had a GREAT turnout for the annual Banana Split Ice Cream Social and Beach Bum Contest. Some great summer outfits were sported, while nearly 130 Banana Splits were served with the net proceeds supporting Meals on Wheels services for North Clackamas County through the Milwaukie Center. Thanks to all who supported the event!

Upcoming Events:

The Friends of Milwaukie Center are gearing up for a very busy Fall with numerous events planned: Senior Expo September 5 & 6, Scents and Sounds Concerts Series with the Willamette Falls Symphony September 7, 14, 21 at 2 pm in the Sara Hite Memorial Rose Garden, Anne Hinds photo display and sale during September, Bridge Tournament October 18 and the Bridal Fair November 15.

The 10th Annual Art Exhibit and Sale is September 19, 20 & 21, co-sponsored by North Clackamas Parks and Recreation District and North Clackamas Art Guild.

The "Best in the West" Bazaar is October 24 & 25, with over 45 vendors, a huge bake sale and snack bar. This event is a fund-raiser for Milwaukie Center Nutrition Program.