

**MILWAUKIE CITY COUNCIL
REGULAR SESSION
JULY 20, 1999**

The one thousand eight hundred and nineteenth meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:00 p.m. in the Public Safety Building Community Meeting Room. The following Councilors were present:

Rob Kappa
Mary King

Jeff Marshall

Also present:

Charlene Richards,
Assistant City Manager
Jim Coleman,
City Attorney
Mike Swanson,
Acting Public Works
Director

Alice Rouyer,
Planning Director
JoAnn Herrigel,
Program Services Coordinator

CONSENT AGENDA

It was moved by Councilor King and seconded by Councilor Kappa to adopt the Consent Agenda that consisted of:

1. City Council Minutes of July 6, 1999;
2. Professional Services Agreement with Montgomery Watson to Complete a Water Master Plan;
3. Sunrise Water Authority Representation; and
4. Resolution No. 29-1999: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the First Regular Session of August Will Be Held on August 3, 1998, at the Island Station Neighborhood District Association's National Night Out Event.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Richard Cayo, 4203 SE Johnson Creek Blvd., completed the letter to Council he began reading at the July 6, 1999 meeting. He suggested that terminating Bartlett, Richards, Bennett, and Gregory would save the City over \$352,000 annually. He further recommended hiring a professional City Manager and paying the Neighborhood District Association (NDA) presidents a monthly salary of up to \$2,000 to attract qualified people. One of the NDA presidents would be elected as chairman of the board, and the City Council would not have to work for next to nothing. This would make life better for the taxpayers because of the

savings. Citizens tell their problems to the City Council and by the time the word gets down to the people who really do the work the project does not resemble the original request. If citizens could get rid of one layer of government, the City Council and the staff that does not accomplish much for the amount of money it is paid, they would be that much better off. How much does the City Attorney make? Maybe the work done by City employees should be contracted. He suggested all of the salaries and total compensation package for each employee be published annually in *The Pilot*.

Linda Hatlelid, 8617 SE 36th Avenue, read a response to Martha Bennett's information to Council dated June 23, 1999. She urged the City Council to support the Traffic Safety and Transportation Board (TSTB) recommendation to mark the both 40- and 44-foot boundaries of the proposed Johnson Creek Blvd. improvements. Marking these would definitely indicate how this four-foot difference would impact people's properties. It would also clarify the boundary issues pertaining to the properties at 42nd and 43rd Avenues. During phases 1 and 2, officials indicated that unstable soil conditions could be addressed with simple engineering solutions, and she asked why that had changed. It seemed to her that the issues could be dealt with more effectively in the 40-foot right-of-way. People need to know exactly how these boundaries will affect their properties. They do not need more work sessions and neighborhood meetings. Why procrastinate by scheduling more meetings? The NDA, TSTB, and property owners all support the 40-foot right-of-way. Only City of Milwaukie staff supports the 44-foot right-of-way. She respectfully suggested that a survey crew be directed to mark the boundaries as promised.

PUBLIC HEARING

Waste Management Internal Merger Request -- Resolution

Mayor Tomei called the public testimony portion of the hearing to order at 6:05 p.m.

The purpose of the hearing was to consider public comment on the proposed merger of Waste Management of Oregon, Inc. with USA Waste of Oregon, Inc. She reviewed the conduct of the hearing.

Staff Report: **Herrigel** presented the staff report in which the City Council was requested to adopt a resolution consenting to the merger. In August 1998, Waste Management notified the City of its parent corporation's intent to merge with USA Waste, Inc., and legal counsel advised that local consent was not necessary. On June 29, 1999, the City was notified by Waste Management, Inc. that it intended to merge with Waste Management of Oregon, Inc., a City of Milwaukie franchise holder. This merger request does require Council action pursuant to the City's solid waste ordinance number 1752. Staff met with the

Waste Management administrative team and was assured that the merger of local companies would not result in any negative impacts to Milwaukie residents. The newly merged company would operate under the terms and conditions of the current solid waste franchise.

Councilor King asked, since this is such a huge corporation, if the haulers would continue to charge the same fees.

Herrigel responded that each hauler in Milwaukie charges the same rate. The current franchise is not due for negotiation until 2004. The City of Portland is considering a limit on the number of customers any one hauler could serve.

Correspondence: None.

Public Comment: None.

Closure of Public Hearing: **Mayor Tomei** closed the public testimony portion of the hearing on the proposed Waste Management/USA Waste merger at 6:15 p.m.

Discussion and Decision by Council: **It was moved by Councilor Kappa and seconded by Councilor Marshall to adopt the resolution consenting to the merger of Waste Management of Oregon, Inc. with USA Waste of Oregon, Inc. Motion passed unanimously among the members present.**

RESOLUTION NO. 30-1999:

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF MILWAUKIE, OREGON, CONSENTING TO THE MERGER OF WASTE MANAGEMENT OF OREGON, INC. WITH USA WASTE OR OREGON, INC.

OTHER BUSINESS

Consider Order Remanding the Appeal of a Planning Commission Decision for MLP-98-06/NCU-98-04 Located at 3406 SE Olsen Street

Rouyer presented the staff report in which the City Council was requested to adopt an order remanding the appeal of a Planning Commission decision for a minor land partition (MLP-98-06) and non-conforming use NCU-98-04 located at 3406 SE Olsen Street. The City Attorney drafted the order to reflect the Council's July 6, 1999 direction.

Councilor Kappa referred to staff report VI.A.2, second paragraph: "*The matter is remanded because the Council wants the Planning Commission*

to have the opportunity to evaluate the merits ..." He did not believe the word "evaluate" accurately reflected the Council's intent.

Coleman suggested replacing "evaluate" with "consider."

Councilor Kappa felt that would be more appropriate and referred to staff report page VI.A.3, Remand Instructions -- "*The site is to be considered as a whole.*"

Rouyer suggested Council's intent could be further clarified in a cover memo to the Planning Commission, and **Councilor Kappa** agreed .

Mayor Tomei stated her intent to vote against adoption of the order because she felt the Planning Commission made the correct decision.

It was moved by Councilor Marshall and seconded by Councilor Kappa to adopt an order remanding the appeal of a Planning Commission decision for a minor land partition (MLP-98-06) and non-conforming use NCU-98-04 located at 3406 SE Olsen Street. Motion passed 3 – 1 with the following vote: Councilor Kappa, Councilor King, and Councilor Marshall aye; and Mayor Tomei nay.

Traffic Safety and Transportation Board (TSTB) Mini Grant Letter of Support

Swanson presented the staff report in which the City Council was requested to authorize the Mayor to sign a letter supporting the Traffic Safety and Transportation Board's application to the Alliance for Community Traffic Safety for a mini grant.

The grant, not to exceed \$4,000, would be used to support community-based traffic safety efforts. The project, done in partnership with Clackamas Fire District #1, must be completed by September 30, 2000. The Fire Department is currently working on a "Helmets Are Cool!" campaign. Elements of the grant proposal include using a series of existing public service announcements, assisting with the "Helmets Are Cool" campaign, and purchasing and distributing helmets to children who cannot afford them. One of the grant application requirements is a letter of support from the governing body.

It was Council consensus for the Mayor to sign the letter of support.

Property Acquisition

Richards presented the staff report in which the City Council was requested to approve a resolution authorizing the City Manager and City

Attorney to negotiate the purchase of property for future park development to serve the Lewelling Neighborhood. This would meet the City Council goal of purchasing park property in under-served neighborhoods.

It was moved by Councilor Marshall and seconded by Councilor King to approve the resolution authorizing the City Manager and City Attorney to negotiate the purchase of property for future park development to serve the Lewelling Neighborhood. Motion passed unanimously.

RESOLUTION NO. 31-1999:

**A RESOLUTION OF THE CITY COUNCIL OF THE COM,
OREGON, DECLARING THE NEED TO ACQUIRE PROPERTY
FOR THE PURPOSE OF ASSEMBLING LOTS FOR PARK
IMPROVEMENTS.**

INFORMATION

1. **Richards** corrected a comment she made to the City Council at its July 19, 1999 work session. The Ardenwald Neighborhood District Association (NDA) did not make a formal motion on the proposed 32nd Avenue raised crosswalk and speed hump issue. The attendees did not feel they had enough information to make a decision.
2. **Councilor Kappa** suggested the City Council consider appointing a group of prominent Milwaukie-area residents to consider short term focus issues such as street improvement funding.
3. **Mayor Tomei** announced that the August 3 regular session would be at the Island Station NDA National Night Out event at Kellogg Creek Park at 19th Avenue and Eagle.
4. **Councilor Kappa** said some of the Audience Participation comments alluding to changes in the way the City conducts its business would require a Charter amendment.

ADJOURN

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

The meeting adjourned at 6:30 p.m.

Pat DuVal, Recorder