

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
DECEMBER 19, 2000**

**Call to Order**

The 1852<sup>nd</sup> meeting of the Milwaukie City Council was called to order by Council President Marshall at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Larry Lancaster

Brian Newman

Staff present:

Mike Swanson,  
City Manager Pro Tem  
Gary Firestone,  
City Attorney  
Martha Bennett,  
Assistant City Manager

Alice Rouyer,  
Planning Director  
Sue Stepan,  
City Engineer  
Michelle Gregory,  
Neighborhood Services Manager

**PLEDGE OF ALLEGIANCE**

**CONSENT AGENDA**

It was moved by Councilor Lancaster and seconded by Councilor Newman to adopt the Consent Agenda consisting of:

- A. City Council Minutes from December 4 & 5, 2000;
- B. Resolution 36-2000: A Resolution of the City of Milwaukie, Oregon, Recording the Certified Election Results for the November 7, 2000, General Election;
- C. Relinquish Sanitary Sewer Easement and Accept Waterline Easement; and
- D. Project Acceptances: Brookside Storm Improvements Phase II and Olsen Street Overlay.

Motion passed unanimously among the members present.

**AUDIENCE PARTICIPATION**

No public comment.

**OTHER BUSINESS**

**Measure 7 Property Reduction Claim Application Fee -- Resolution**

**Rouyer** provided the staff report. The proposed resolution established a \$1,500 flat fee when the application is accepted as well as a deposit on other estimated costs for property value reduction claim applications. It also repealed Resolution 35-2000 adopted as an interim measure on December 5, 2000. Staff compiled data from other communities on their fee structures and developed the proposed resolution. The City is

implementing a credit card payment system in January, and until that time, applicants may pay by cash or check.

**Councilor Newman** found Hood River's fee of 2% of the claim interesting.

**Rouyer** agreed this was a viable option but believed Milwaukie could recover its costs by requiring a deposit on larger claims involving attorneys and appraisers.

**Firestone** added courts will eventually determine if cities have put up barriers to claimants by charging prohibitive filing fees.

**Councilor Marshall** asked how appraisers set their fees.

**Firestone** responded there are several methods including a flat fee, hourly rate, or percentage of the appraised value.

**Councilor Marshall** asked how difficult is it for the City to track claim-related costs.

**Rouyer** felt the \$1500 flat fee would cover staff time under ordinary circumstances, and the City already has a time-tracking program that can be utilized for special applications.

The group discussed reimbursement on valid applications and the feasibility of a fee payment agreement. **Swanson** was reluctant to implement a payment agreement that could extend beyond the final decision on the claim.

**It was moved by Councilor Lancaster and seconded by Councilor Newman to adopt the resolution setting fees for property value reduction claim applications. Motion passed unanimously among the members present.**

**RESOLUTION NO. 37-2000:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SETTING FEES FOR APPLICATION: PROPERTY VALUE REDUCTION CLAIMS. RESOLUTION 35-2000, ADOPTED BY COUNCIL ON DECEMBER 5, 2000, ESTABLISHING AN INTERIM FEE FOR PROPERTY REDUCTION CLAIMS IS HEREBY REPEALED.**

**Intergovernmental Agreement with Portland Water Bureau for Emergency Water**

**Stepan** presented the staff report. Council was requested to authorize the Mayor to sign an intergovernmental agreement (IGA) with the City of Portland Bureau of Water Works related to the sale and purchase of emergency water.

In April, 2000, the Milwaukie City Council approved a memo of understanding (MOU) with Portland describing the engineering design and cost sharing for a new water

intertie between the two cities. The proposed IGA formalizes the relationship between the two cities in the areas of intertie design and construction, maintenance and operation, and terms for sale and purchase of water. Stepan described the exhibits added to the IGA since its original distribution. City Attorneys for Portland and Milwaukie have reviewed and approved the document. She reviewed Portland's pricing structure and recommended Milwaukie include a pricing structure in its Water Master Plan.

**Councilor Lancaster** asked if Portland expected a better rate since Milwaukie does not currently have a pricing structure.

**Stepan** said the question was not raised. She discussed the Clackamas River Water (CRW) intertie and wholesale water purchase agreement. The second intertie with CRW is related to long-term, daily water supply needs, while the Portland intertie is to meet emergency needs of both parties. An emergency, for example, might have to do with one entity finding a contaminate in its system. The Portland intertie is assumed in the Water Master Plan, and \$151,000 was approved in the 2000 - 2001 capital project budget. The second CRW intertie will be recommended in the Water Master Plan.

**Councilor Lancaster** expressed concern about compromising Milwaukie's system to help another municipality.

**Stepan** replied there are no guarantees in the agreement, the sale of water can be stopped with 24-hour notice.

**It was moved by Councilor Lancaster and seconded by Councilor Newman to authorize the presiding officer to sign an intergovernmental agreement with the City of Portland Bureau of Water Works related to the sale and purchase of emergency water. Motion passed unanimously among the members present.**

### **Mayor and City Council Monthly Stipend -- Resolution**

**Swanson** presented the staff report. Council was asked to adopt a resolution establishing a monthly stipend for the Mayor at \$400 and Councilors at \$300. The purpose of the stipend is to reimburse Councilmembers for vehicle and other minor expenses related to carrying out their elected official functions. The last increase was in 1989. He recommended an adjustment effective January 2001 to meet increased costs. He further suggested continuing with the fixed, monthly amount rather dealing with receipts and reimbursing actual costs.

**Councilor Newman** felt all Councilmembers should be present to make this decision. He also suggested this issue might be better addressed in the budget process.

**Councilor Lancaster** was not opposed to setting the stipend issue over until there was a full Council but did question taking it through the budget process. **Councilor Marshall** agreed the Council stipend amount was not a budget process item.

**The group agreed to set the Council stipend discussion and resolution over to the January 2, 2001, regular session. Councilor Newman withdrew his comments about addressing it in the budget process.**

#### **BOARD AND COMMITTEE INTERVIEW**

Council interviewed Art Ball for the Budget Committee and Tom Hogan for the Library Board.

#### **OTHER**

1. **Councilor Newman** announced the Festival Daze Committee was seeking ideas for next year's theme and soliciting volunteers.
2. **Councilor Newman** noted Portland State University's 2000 population estimate for Milwaukie is 20,250, which is 7% increase from 1990.
3. **Art Ball**, 4960 SE Harvey, read in the minutes that Councilor Marshall suggested the City apply for several awards based on the Stanley/Willow Park project and asked for additional information.

**Swanson** said staff researched the *Innovations in American Government* and *All-American City Awards*. Both of these are national awards and involve a lengthy application processes including three projects involving youth, non-profits, and the business community. He recommended Council consider the award criteria and set goals leading to a future application. He felt the Stanley/Willow project would be a good element of the submission.

4. **Ball** discussed the neighborhood grant match and recommended the hourly labor rate be increased from \$10 to \$12 - \$15.

#### **EXECUTIVE SESSION**

**Swanson** announced the Council would meet in executive session pursuant to ORS 192.660 to discuss potential litigation.

#### **ADJOURNMENT**

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

**Council President Marshall** adjourned the meeting at 6:55 p.m.

---

Pat DuVal, Recorder