

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
OCTOBER 15, 2002**

CALL TO ORDER

The 1896th 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:

Mary King
Larry Lancaster

Brian Newman
Jeff Marshall

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Director of Community
Development and Public Works

Steve Crew,
City Attorney
John Gessner,
Planning Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Recognize Citizens for Service to the Community as Advisory Board Members

The City Council recognized citizens for their community service on appointed advisory boards: Julie Wisner, Traffic Safety Board, 1993 – 2002; Barb Cartmill, Planning Commission, 1998 – 2002; and Linda Montgomery, Traffic Safety Board, 2000 – 2002.

Sheriff's Levy

Clackamas County Sheriff Pat Detloff urged support for the upcoming Sheriff's Levy on the November 2002 ballot.

League of Oregon Cities Recognition of State Representative Carolyn Tomei

State Representative Carolyn Tomei was given the "Rookie of the Year" award by League of Oregon Cities Executive Director Ken Strobeck and Legislative Director David Barenberg. The award is given to a legislator who, during the first year in office, takes care to look after the interests of local government.

Award for Downtown Plan

Rouyer presented a plaque to the Mayor and City Council from the Oregon Chapter of the American Planning Association recognizing Milwaukie for its "Professional Achievement in Planning Small Community – City of Milwaukie Downtown and Riverfront Plan".

CONSENT AGENDA

It was moved by Councilor King and seconded by Councilor Marshall to adopt the consent agenda that included:

- A. City Council Minutes of October 1, 2002; and
- B. Resolution 25-2002: A Resolution of the City of Milwaukie, Oregon, Adopting Fiscal Year 2002/2003 (Year Thirteen) Annual Waste Reduction Plan and Authorizing the City Manager to Sign an IGA with Metro.

The motion to adopt the consent agenda passed unanimously.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Litigation Authorization

Crew updated the City Council and public on the facts of the groundwater contamination issues and asked for authorization to proceed to file an action in Clackamas County Circuit Court against Stanley Works, Ingersoll-Rand, and Providence Hospital Systems.

It was moved by Councilor Marshall and seconded by Councilor King to authorize the City Attorney to proceed to file an action against the main defendants.

Councilor Newman supports the litigation and is conscious of protecting citizens' interests. It is fundamental that citizens have clean and healthy water.

Councilor King is pleased Milwaukie is taking this action as part of its governmental responsibility to citizens and is confident the facts have been gathered carefully.

Councilor Lancaster feels this action sends the message that a fundamental expectation of companies doing business in Milwaukie is taking responsibility for their actions.

Motion passed unanimously.

Mayor Bernard added that if the City prevails the money would go to the water department and utility customers.

Swanson explained recouping money spent on damages would not solve the current general fund problems outlined in Measure 3-77.

Crew intends to file on October 16 and is fairly confident the maximum time to resolve the issue will be one year.

Title 3 Vegetated Corridors Update

Gessner briefly updated City Council on Planning Commission activities related to Title 3 and vegetated corridors.

Councilor Marshall felt he had sufficient information and asked staff to proceed.

Councilor Lancaster is concerned about potential Measure 7 impacts despite its recent overturn.

Gessner said the Planning Commission hearing is scheduled for November 26 and the City Council hearing for December 17. Staff is working with the city attorney to ensure protection on takings issues. Notices will go out to potentially affected property owners pursuant to Measure 56 requirements, and maps of vegetated corridors are available from the Planning Department.

Traffic Safety Board

Councilor Marshall moved to direct the current Traffic Safety Board to have one more meeting to finalize old business then dissolve to allow formation of the Public Safety Advisory Committee.

Councilor Lancaster concurred with a friendly amendment that all old business would be resolved in 2 more meetings.

Councilor King seconded the motion with the friendly amendment. Motion passed unanimously.

Other

Councilor King asked staff to prepare a timeline on the Milwaukie Downtown Development Association's rollover to a citywide development association.

Councilor Newman announced that November General Election ballots would be mailed October 18 and urged people to vote.

Councilor Marshall added this is an important election because over the past 5 years there has been a significant change in the City's direction. City Council has worked hard to provide the community with what it has asked for: changing the City's 2040 Plan designation from Regional Center to Town Center with a reduction in density demands; keeping light rail out of the neighborhoods and working to make it a livable part of the community in the future; reaching a ratio of 1.5 police officers per thousand residents; supporting and strengthening the neighborhood program; and hiring a new city manager who is open and sharing and has facilitated a these transitions. This work could be easily erased in the upcoming election.

EXECUTIVE SESSION

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660 immediately following adjournment to discuss the performance evaluation of a public officer and real property transaction.

ADJOURNMENT

It was moved by Councilor King and seconded by Councilor Newman to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 6:45 p.m.

Pat DuVal, Recorder