

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 3, 2002**

CALL TO ORDER

The 1899th 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	Brian Newman
Larry Lancaster	Jeff Marshall

Staff present:

Gary Firestone, City Attorney	Brion Barnett, Civil Engineer
Alice Rouyer, Director of Community Development and Public Works	

PLEDGE OF ALLEGIANCE

Mayor Bernard said there was a request to consider the Audience Participation portion of the agenda prior to the Consent Agenda and asked if there was a motion to do so.

It was moved by Councilor Lancaster to consider Audience Participation before the Consent Agenda. The motion died for lack of a second.

PROCLAMATIONS, COMMENDATIONS, AND SPECIAL REPORTS

Councilor King read a proclamation honoring off-going Council member Brian Newman and wishing him the best in his new position as Metro Councilor.

CONSENT AGENDA

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

- A. City Council Minutes of November 19, 2002;**
- B. Resolution 28-2002: A Resolution of the City Council of the City of Milwaukie, Oregon, Adopting the 2003–07 Capital Improvement Plan; and**
- C. Resolution 29-2002: A Resolution of the City Council of the City of Milwaukie, Oregon, Declaring the Need to Acquire Property for Right-of-Way.**

The motion to adopt the consent agenda passed 4 – 1 with the following vote: Mayor Bernard, Councilor King, Councilor Marshall, and Councilor Newman aye; Councilor Lancaster nay.

AUDIENCE PARTICIPATION

Linda Hatlelid, 8617 SE 36th Avenue, Milwaukie, urged the City Council not to sign amendments to the intergovernmental agreements with the City of Portland necessary to proceed with the Johnson Creek Boulevard Phase 3 Improvement Project. This is

not a joint effort with the neighborhoods. The improvements can be done in the 40-foot right-of-way, which is supported by a majority of property owners. Keeping within the 40-foot right-of-way would reduce acquisition costs. She questioned why Milwaukie would want to assume the financial burden of future road maintenance from Clackamas County. The environmental zone is really a non-issue, and the road does not need to be shifted to the south. The recitals in the agreement changed, but there were no explanations given for those changes. Milwaukie should rewrite the agreement to protect its residents and to ensure Portland keeps its commitments. The Portland City Council voted unanimously in support of the neighborhood issues including traffic calming. She urged the City Council not sign the agreement.

Gene Hatlelid, 4277 SE Johnson Creek Boulevard, Milwaukie, believes the IGA is full of mistakes and outright errors. Recitals were removed or changed for no apparent reason.

Councilor Lancaster said the reason he voted against signing the agreement is because if one single individual is damaged the whole community is harmed. This is a travesty of justice, and the City Council must help residents get treated as fairly as possible.

Mayor Bernard felt there was little Milwaukie could do once the I205 and Tacoma Street overpasses were built. The City does not have the money to pay for the much-needed repairs to Johnson Creek Boulevard or to repay Portland for the sewer construction done in an earlier phase of the project. He regretfully believes Milwaukie simply has no other choice but to sign the agreement.

Councilor King felt the government agencies involved honestly considered the many options presented to them.

Councilor Marshall feels it is not right for government to change the environment people have made for themselves over the years; however, the decision on this project was made 15 years ago. The City cannot afford to rebuild the street or repay Portland for the sewer construction.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

North Main Street Developer Selection Committee

Mayor Bernard, with consensus of Council, appointed Jeff Reaves, Gill Williams, Sue Trotter, Michael Davis, Peter Koonce, Ed Zumwalt, and Jeff Marshall to the North Main Street Developer Selection Committee.

City Attorney Firestone said this would probably be his last meeting with 2 or 3 City Councilors. He wanted to express the fact that he has appreciated working with them and noted each has labored well on behalf of the City.

EXECUTIVE SESSION

Mayor Bernard announced an executive session pursuant to ORS 192.660(h) to discuss real property.

ADJOURNMENT

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

Mayor Bernard adjourned the meeting at 6:30 p.m.

Pat DuVal, Recorder