

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JULY 2, 2002**

Call to Order

The 1889th 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

Staff present:

Gary Firestone,
City Attorney

John Gessner,
Planning Director

Alice Rouyer,
Community Development Dir.

JoAnn Herrigel,
Program Specialist

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard recognized Tracy Cook for her years of service to the community. Cook was one the residents responsible for establishing the Linwood Neighborhood District Association and served as a Park and Recreation Board member, Interim City Councilor, and Planning Commissioner. Donald Hammang, Planning Commission Chair, Mike Miller, Planning Commission member, and several friends and neighbors expressed their appreciation.

CONSENT AGENDA

It was moved by Councilor Newman and seconded by Councilor Lancaster to move other business item B, AT&T Comcast Merger, to the consent agenda. Motion passed unanimously among the members present.

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

1. City Council Minutes of June 18, 2002;
2. Nonrepresented Employees Fiscal Year 2002 – 2003 Salary Schedule and Negotiated Salary Schedule with Represented Employees;
3. Renewal of Municipal Court Judge Contract;
4. Resolution 18-2002: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Execute Certain Contracts for Fiscal Year 2002 – 2003; and
5. Resolution 19-2002: A Resolution Consenting, with Conditions, to the Change of Control of AT&T Corp., the Indirect Parent Company of TCI Cablevision of Georgia, Inc.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Letter of Appreciation

Mayor Bernard read a letter from Nancy Thornton, Milwaukie Community Club, thanking Jay Saatkamp, Operations Supervisor Water Division, for responding quickly and courteously to a problem at the building.

Amend Ordinance Relating to Water, Sewer, and Storm Franchise Fee

Rouyer presented the staff report in which the City Council was requested to adopt an ordinance amending Municipal Code Chapter 3.10 by imposing a street maintenance franchise fee on the water, sewer, and storm funds.

It was moved by Councilor Newman and seconded by Councilor Lancaster to read the ordinance amending Municipal Code Chapter 3.10 for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Lancaster to read the ordinance amending Municipal Code Chapter 3.10 for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.

It was moved by Councilor Lancaster and seconded by Councilor King to adopt the ordinance amending Municipal Code Chapter 3.10. Motion passed unanimously among the members present.

ORDINANCE NO. 1905:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, IMPOSING A FRANCHISE FEE ON THE WATER, SEWER AND STORM DRAINAGE PUBLIC UTILITIES OPERATING WITHIN THE CITY, CLASSIFYING THE FRANCHISE FEE NOT SUBJECT TO THE PROPERTY TAX LIMITATIONS OF ARTICLE XI, SECTION 11(B) OF THE OREGON CONSTITUTION.

Update on House at 21st Avenue and Lake Road

Gessner reported the owner of the house temporarily stored at 21st Avenue and Lake Road, Rich Peterson, has submitted the necessary applications to place the house permanently on its current site. However, he has not responded to code compliance citations and will report to Milwaukie Municipal Court this month. Once staff deems the land use applications complete, they will go forward to the Planning Commission in

August. He noted Peterson had failed to comply with the original conditions under which he was allowed to temporarily store the house at that site.

Mayor Bernard understands Peterson has not actually purchased any property from the railroad, and he is concerned taxpayers might have to pay demolition costs. He suggested Peterson pay into a fund that would cover the cost of demolition if that becomes necessary. He feels the owner needs to be pushed in order for anything to happen.

Firestone will review the conditions of temporary placement to determine what is allowable. The City could order the house removed or require Peterson to post a bond.

Council members agreed the issue needs to be resolved as soon as possible.

Update on Springwater Trail

Councilor Newman announced the groundbreaking ceremony on July 19 at 10:00 a.m.

Mayor Bernard announced the City Council would meet in executive session pursuant to ORS 192.660 to discuss potential litigation.

ADJOURNMENT

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

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

Pat DuVal, Recorder