

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION NOVEMBER 17, 2003

Mayor Bernard called the work session to order at 6:20 p.m. in the City Hall Council Chambers.

Councilors present: Barnes, Lancaster, Loomis, and Stone.

Staff present: City Manager Mike Swanson, Community Development & Public Works Director Alice Rouyer, Project Manager Jeff King, and City Attorney Gary Firestone.

Open Public Forum

No participants.

North Main Project Update

Rouyer introduced Mike Rossman, Peak Development, and Jeff Myhre, Myhre Group Architects. She briefly reviewed the project schedule that includes reconvening the North Main Developer Selection Committee, holding a community open house, submitting the plan to the Design and Landmarks Commission in March, and starting construction October 2004. Rouyer discussed the site design, parking supply, and access to the Ledding Library and Scott Park. In addition to the commercial/residential building facing Main Street, the current design calls for a residential structure on Harrison Street. The proposed structures will be 3 to 4 levels with underground parking at the north end of the Main Street unit, and there will be about 8,500 square feet of retail space. Project personnel are working to incorporate parking needs for existing businesses. The City Council will be asked to consider the draft Development and Disposition Agreement (DDA) in January and February 2004. Rouyer indicated the state has approved the City's Vertical Housing Tax Credit application.

Mayor Bernard said he had a list of persons interested in getting more information on the housing units, and **Rossman** said, if there is interest, more units would be sold as condos.

Councilor Stone asked Rossman to describe the condo floor plans and estimated selling price.

Rossman replied the focus is on 1 bedroom with a den and 2 bedroom units that are 950 to 1,300 square feet. The costs will be about \$130,000 to \$180,000, and he noted the tax abatements would also be extended to the condo owners.

Councilor Barnes asked Rossman if there is a vision for the retail space. She is particularly interested in the marketing aspect and the types of use.

Rossman said it is early in the project to think about specific tenants. The retail area of about 8,500 square feet would house 3 or 4 users. Businesses interested in renting space will begin looking once construction gets underway.

Councilor Lancaster asked if the underground parking would be expanded if all the units go as condos.

Rossman replied that would add about 2 years to the project. Some residents may be satisfied with surface parking. Condo units will be sold at a certain price, and buyers will have options for upgrading such things as carpeting, plumbing fixtures, and cabinets.

Milwaukie Pioneer Cemetery Maintenance

City Manager Mike Swanson introduced **Dolly Macken-Hambright** and **Mark Neubauer** of the Milwaukie Pioneer Cemetery Association, Inc.

Macken-Hambright contacted Swanson about taking over maintenance of the Pioneer Cemetery by a non-profit organization. Records indicate the City had little to do with the cemetery up to the mid-1970's at which time the trustees requested the City annex the property and take over maintenance responsibilities. When the North Clackamas Parks and Recreation District was formed in the 1990's, the intergovernmental agreement authorized the District to take over property maintenance. In 1995, Leona Knutson left the City \$36,000 in her will for cemetery care and upkeep.

When this proposal was made, Swanson ordered a title search to find out who actually owned the property. He discovered the cemetery property was conveyed to three trustees in 1874 and were responsible for appointing their successors. According to the records, the last living trustee passed away about seven years ago without any successors being appointed.

Swanson recommends turning cemetery maintenance over to the non-profit and directing the city attorney to take action necessary to appoint trustees according to the original deed. The City has fiduciary responsibility because of the Knutson trust. Local Boy Scouts have been consistent in helping maintain the cemetery, and that group is represented in the non-profit organization.

Swanson has researched the proposal to this point with minimal expenditure of funds and is seeking Council direction on the next steps.

Macken-Hambright added the Cemetery Association has approved articles of incorporation and bylaws, and a request has been filed with the State Corporate Division for corporation status. She anticipates the Association will begin kick-off activities in January 2004. The group's interest is in preservation and restoration of headstone and monuments for historical interest. She discussed the probable make-up of the Board of Trustees. She is working on an inventory of the plots based on City records and a book published by the Milwaukie Museum in the 1980's.

Councilor Barnes asked what the group intends to do while waiting for its non-profit status.

Swanson replied at this time the Parks District has indicated it is amenable to transferring maintenance responsibilities, but he needs Council direction to begin the process. The City will be able to offer a modest amount of funding through the Knutson Trust. The disadvantage is that the Association cannot collect funds because it is not yet designated a non-profit organization. Trustees must still be appointed by the district court, but the Board can take over maintenance responsibilities immediately based on the limited funds the City can provide.

Councilor Barnes understands the attorney fees will be about \$1,000 and asked if that would come out of the trust.

Swanson said the trust is for care and upkeep, so he proposes attorney fees come from the regular city attorney budget.

Mayor Bernard added funds could come from various sources including Celebrate Milwaukie, Inc.

Councilor Stone understands the board manages the cemetery and is a voluntary effort. She asked if the board is accountable to the City.

Swanson explained that the trustees are basically accountable to each other and have fiduciary responsibilities under state law. The board could be sued over certain issues since it is essentially responsible for cemetery management. The City's responsibility is fiduciary under the Knutson trust.

Councilor Loomis said the condition of the cemetery is shameful and appreciates residents stepping forward to take on this project.

Councilor Stone commended everyone on their efforts.

Swanson said the board would be responsible for continuing the line of trustees. This is a different way of doing business, and he feels this meets the intent of the original donors when they gave responsibility to three citizen trustees. The line

of trustees ran out in 1994, and the original donors deserve to have their intentions honored.

Councilor Lancaster added it is critical to ensure continuation of this organization. Although he assumes the group will do so, he feels there should be a minimum maintenance standard established.

Swanson said the Milwaukie Police Department would be responsible for taking action if there were vandalism.

Macken-Hambright said typically vandalism repair takes years due to shortage of funds. Public service could be considered for those found guilty of vandalism. There was considerable damage to the Pioneer Cemetery during the 1960s and 1980s. Headstones are broken and missing as a result of vandalism and carelessness.

Public Meetings and Records Training

City Attorney Gary Firestone provided a brief Council training session on public meetings and public records.

Other

Council directed staff to put a copy of the Mayor and City Council Communication Agreements in the time capsule.

Mayor Bernard announced the City Council would meet in executive session immediately following adjournment of the work session pursuant to ORS 192.660(1)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations; and ORS 192.660(1)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation that is likely to be filed.

It was moved by Councilor Lancaster and seconded by Councilor Barnes to adjourn the work session. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 7:45 p.m.

Pat DuVal

Pat DuVal, Recorder