

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
APRIL 5, 2005**

CALL TO ORDER

Mayor Bernard called the 1955th meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Deborah Barnes	Joe Loomis
Carlotta Collette	Susan Stone

Staff present:

Mike Swanson, City Manager	JoAnn Herrigel, Community Services Director
Stewart Taylor, Finance Director	John Gessner, Planning Director

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS
Paralyzed Veterans of American Awareness Week

Mayor Bernard read a proclamation naming the week of April 10 – 16, 2005 as *Paralyzed Veterans of America Awareness Week*.

CONSENT AGENDA

It was moved by Councilor Barnes and seconded by Councilor Collette to approve the Consent Agenda that consisted of the following:

- A. City Council Minutes of March 1 and 15, 2005;
- B. OLCC Applicant for River Road House, 11921 SE 22nd Avenue, Change of Ownership; and
- C. Resolution No. 16-2005: A Resolution of the City Council of the City of Milwaukie, Oregon, authorizing the City of Milwaukie to apply for a Local Government Grant from the Oregon Parks and Recreation Department for the development of Lewelling Community Park and authorizing the City Manager to sign the application.

Motion passed unanimously. [5:0]

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING**Waste Collection Franchise Extension**

Mayor Bernard called the public hearing to order at 7:08 p.m. The purpose of the hearing was to consider public comment on the proposed franchise extensions for the 7 garbage haulers for a six-month period.

Staff Report: **Ms. Herrigel** stated the proposed resolution would extend the current franchises for the seven garbage haulers for a six-month period ending on October 31, 2005. Staff had been meeting regularly with the hauler representatives since summer 2003, and, with the exception of the administrative rules, most of the work was done. If the City Council agreed, then the parties would work over the next six months to prepare a complete package for consideration and adoption.

Correspondence: None.

Public Comment: None.

Questions of Council: **Councilor Barnes** referred to correspondence from Brian Heiberg, Heiberg Garbage and Recycling. Mr. Heiberg indicated that since Milwaukie was not allowing him to do business in the City he wanted to know why he had to pay business registration tax to Milwaukie.

Ms. Herrigel said Heiberg stated he was not allowed to do business in Milwaukie because he was not a franchised hauler. However, Mr. Heiberg did operate an office in Milwaukie.

Mr. Swanson said the definition of doing business was very broad, and he believed it did include operating an office in the City although Mr. Heiberg was not a franchised hauler. He would respond to Mr. Heiberg's questions.

Mayor Bernard asked how one became a franchised hauler.

Ms. Herrigel said if a franchisee decided to sell his company or not provide service in the City any more, then an area would be open, and other haulers could make proposals.

Mayor Bernard understood every hauler in Milwaukie at some point entered into an agreement to provide service to a designated area. He asked if that was in the City Charter.

Ms. Herrigel replied there was a state law that allowed municipalities to franchise rather than do their own collections. The current haulers, including Waste Management, have been in place for over 20 years. The City of Portland was the only area in the region that did not franchise its commercial collection. In return for the City's allowing the haulers to collect in specific areas, the haulers paid a fee that went into the general fund and supported part of her salary. The franchise agreements have not been renegotiated for 10-years. Every year she reviewed the rates with the Council based on the hauler's realizing an adequate return on revenue. The franchise agreement determined the length and method of collection.

Mayor Bernard assumed the letter from Mr. Heiberg might have something to do with the fact that the City was talking about franchises. This person had never provided service in Milwaukie but wanted to do so. Was that possible?

Ms. Herrigel would refer to the agreements to ensure she was speaking correctly. If a need were identified because one of the existing franchised haulers went out of business or because the City determined the hauler was not providing adequate service, then the City had the right to offer that area to existing franchise haulers or find someone else. Neither of these scenarios had taken place.

Councilor Barnes asked if the City could change haulers if someone came in with a lower price.

Ms. Herrigel replied the rates for all customers in the City were the same, and that was how the franchise system worked. These were called uniform rates. She would discuss franchising and negotiations with the City Council.

Mayor Bernard closed the public hearing portion of the testimony at 7:14 p.m.

It was moved by **Councilor Barnes** and seconded by **Councilor Collette** adopt the resolution extending the current franchises of the seven franchised garbage haulers for a six-month period. Motion passed unanimously. [5:0]

RESOLUTION NO. 17-2005:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE EXTENDING THE CURRENT FRANCHISES OF THE SEVEN FRANCHISED GARBAGE HAULERS FOR A SIX MONTH PERIOD.

OTHER BUSINESS

Councilor Barnes discussed the upcoming Clackamas Cities Dinner hosted by Milwaukie in April. The group agreed that Ms. Herrigel should do her Oregon Solutions presentation.

Councilor Barnes wanted to move forward with the Youth Commission. Recruiting start. After school activities, sports education. She and Councilor Collette would work on the wording and committee to look at the concerns of youth and increase involvement in youth.

Councilor Loomis supported the idea and requested a work session on the topic.

Councilor Stone wanted to have background on what other communities were doing.

Councilor Barnes would contact the League of Oregon cities. Most of the work would be on the Committee and herself.

Councilor Collette talked to several people about an Arts or Culture Committee, and she would work on that. She noted the recent business survey suggested developing a vibrant art community, and a Committee would help start something.

Mayor Bernard recommended Councilor Collette contact Carl Jacob.

Mayor Bernard announced that the Budget Committee would meet immediately following adjournment of the regular session.

It was moved by Councilor Barnes and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously. [5:0]

Mayor Bernard adjourned the regular session at 7:24 p.m.

Pat DuVal

Pat DuVal, Recorder