

CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
DECEMBER 15, 2009

7664

## CALL TO ORDER

**Council President Chaimov** called the 2068<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Council President Greg Chaimov and Councilors Joe Loomis and Susan Stone

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Resource and Economic Development Specialist Alex Campbell

## PLEDGE OF ALLEGIANCE

## PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS

### Milwaukie High School Student of the Month

**Mark Pinder**, Milwaukie High School Principal, introduced Students of the Month **Justine Bandelow** and **Kelsey Bandelow**.

### Announce Winner of the Downtown Milwaukie "Passport to Prizes"

**Council President Chaimov** announced the winner of the Downtown Milwaukie "Passport to Prizes" **Hayden Fish**.

## CONSENT AGENDA

Councilor Stone asked that item F, Grant Agreement for American Rivers/NOAA Contribution to Planning Phase for Kellogg-for-Coho, be removed from the consent agenda for discussion.

It was moved by Councilor Stone and seconded by Councilor Loomis to approve consent agenda items A – E as presented.

- A. City Council Minutes of the October 6, 2009 Regular Session;
- B. City Council Minutes of the October 20, 2009 Regular Session;
- C. City Council Minutes of the November 3, 2009 Regular Session;
- D. Resolution 79-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Approving the Purchase of City Vehicles That Were Approved for Replacement in the Fiscal Year 2009/2010, as Per the City Vehicle Replacement Criteria; and
- E. Resolution 80-2009: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the City Manager to Sign a Contract with Brown and Caldwell Consultants in the Amount Not to Exceed \$35,000.

Motion passed with the following vote: Councilors Loomis and Stone and Council President Chaimov voting "aye." [3:0]

## AUDIENCE PARTICIPATION

**Charles Edward Aaron**, owner of the properties located in Milwaukie at Main and Monroe and 2025 – 2029 SE Jefferson Street, stated for over 2 years he and his former

authority and essentially told people he may or may not get to it. Did it seem reasonable that Mr. Swanson was not in control of his own time? Was it any wonder that decisions made in this town did not make any sense? The town was desperately trying to keep businesses while putting up huge barriers with transportation fees and PAR. Mr. Campbell may talk about the Main Street project which Mr. Aaron felt was worthy. New restaurants or the meager retail establishments would certainly prefer a paying customer to installing a bench. Apparently Mr. Swanson and the Planning Department, none of whom lived in Milwaukie, do not think so. He thought City Council was responsible for the mess this City had become. After thinking he thought a few bad apples in City government and some politicians applied vindictive behavior to people who were trying to change Milwaukie for the better. He discussed interpretation of laws. He asked the City Council for relief from the fees imposed on him and his tenants and to question the tenure of those chosen to lead the City. He urged the Council members to take back the City for those who elected them.

**Councilor Stone** asked the fee amounts being requested.

**Mr. Aaron** asked for relief from the PAR and other things on the Main/Monroe building and the fees being imposed on the Jefferson Street project namely initially the \$3,100 and future fees imposed on any future tenants. There were also PAR fees being imposed on Main/Monroe in addition to the \$10,000 on a building with no tenants.

**Councilor Stone** noted that was a lot of money and asked staff if there were any resolution to the complaint.

**Mr. Swanson** outlined how one might appeal the PAR assessment through a variance of standards that would be heard by the Planning Commission. If adverse, that decision could be appealed.

**City Attorney Monahan** was not sure if that process would apply to the transportation fee.

**Mr. Aaron** said those fees were based on \$25,000 but were not applicable to finish items. If the fee were based on non-structural items that did not require a permit, then why was he being charged a fee?

**Councilor Stone** asked City Attorney Monahan to address the unconstitutionality of the City's law.

**City Attorney Monahan** believed the comments related to the PAR which were amended after the Main/Monroe project, but he was not sure of the sequence on the Jefferson property.

**Mr. Aaron** stated it happened after the appeal to the City Council on the grounds that the laws were unconstitutional which started a conversation between planning and perhaps legal. It was determined the law was unconstitutional as applied even though he was still required to pay those fees.

**City Attorney Monahan** said the question was the application of the public area requirements and the statement that there had to be a rough proportionality analysis which was done for the Main/Monroe property. If the PAR had been applied strictly as written a much higher amount would have been assessed.

**Council President Chaimov** encouraged people to donate to the Ledding Library Toy Drive. He announced that Mayor Ferguson wanted the City Council to check their calendars for a planning session on January 8 or 15, 2010.

## **ADJOURNMENT**

**It was moved by Councilor Stone and seconded by Councilor Loomis to adjourn the meeting. Motion passed unanimously with the following vote: Councilors Loomis and Stone and Council President Chaimov voting "aye." [3:0]**

**Council President Chaimov** adjourned the regular session at 7:33 p.m.

Pat DuVal  
Pat DuVal, Recorder