

AGENDA

MILWAUKIE CITY COUNCIL SEPTEMBER 2, 2003

MILWAUKIE CITY HALL
10722 SE Main Street

1917TH MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
 - A. **City Welcome Sign (Jeff King/Alice Rouyer)**
 - B. **Proclamation in Appreciation of Chief Bruegman's Service to the City of Milwaukie (Mayor Bernard)**
- III. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*

City Council Minutes of August 19, 2003

- IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*
- V. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

None scheduled.

- VI. **OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*
 - A. **Local Share Program Change and Refund – Resolutions (JoAnn Herrigel)**
 - B. **Intergovernmental Agreement for Crime Analysis Training -- Resolution (Larry Kanzler)**

VII. INFORMATION

- A. Center/Community Advisory Board Minutes of July 11, 2003**
- B. Library Board Minutes of March 8, 2003**

VIII. ADJOURNMENT

WORK SESSION – IMMEDIATELY FOLLOWING ADJOURNMENT OF THE REGULAR SESSION

Review Council Communications Agreement

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making and final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development & Public Works Director

From: Jeffrey King, Project Manager

Subject: City Welcome Sign Donation from Milwaukie Rotary Club

Date: August 22 for September 2, 2003 meeting

Action Requested

Approval of the donation and placement of a City of Milwaukie welcome sign on City property along McLoughlin Blvd.

Background

Milwaukie Rotary Club is proposing to design and construct a City welcome sign to be placed on City owned property, south of Harrison on the west side of McLoughlin Blvd (see attached vicinity map) facing southbound traffic. The wood carved sign would be donated to the City.

The sign will be 4' by 6' in dimension, three inches thick and made of redwood. The City will donate the redwood. Surplus wood has been sitting in a City storage area for several years. The wood was originally donated for City use. The face of the sign will be wood carved on one side (see attachment for design). It will contain the City name and logo, some recreation design features, and a notation at the bottom that it was donated by the Rotary Club. A local sign maker and Milwaukie resident, Sharon Klein will carve and paint the sign face.

The Rotary Club is proposing to donate the sign to the City, and will donate funds to cover the cost of installation by City crews. The club is also proposing that

upon installation, the City will assume long-term maintenance of the sign. The sign is expected to be completed and installed by the end of May 2004.

Based on this information, staff recommends that the City accept the donation, subject to the following conditions:

1. Utility locates shall be obtained prior to installation.
2. The Rotary Club would agree to donate funds to cover the cost of sign installation by the City crews.
3. The sign shall be installed in such a way that it can be relocated, if required, when the Riverfront Park is developed.

The sign will be completed and installed by the end of May 2004.

Concurrence

Several City departments have reviewed and support the request. Given that it is a municipal sign, it is exempt from need of a sign permit.

Fiscal Impact

There is no cost to the City for design, construction and ownership of the sign. Over time, the City will be responsible for sign maintenance costs.

Work Load Impacts

This project is being coordinated through Community Development and Public Works staff and JoAnn Herrigel. Minimal workload impacts are expected.

Alternatives

- Approve sign design and location as proposed.
- Approve sign with a different location.
- Approve sign with a different design.
- Not approve sign project at this time.

Attachments

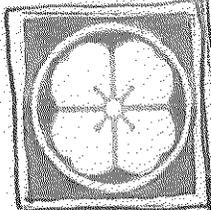
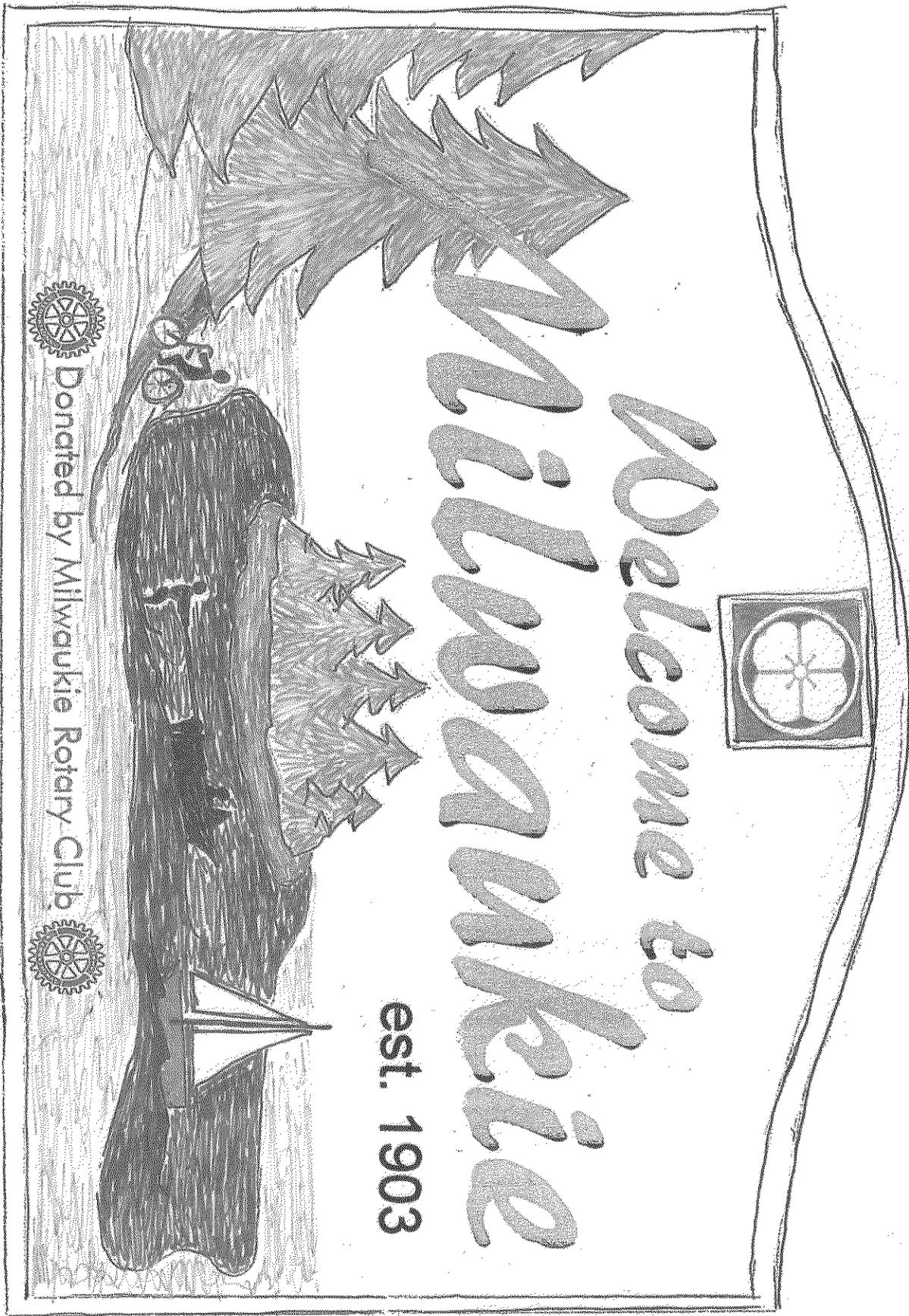
1. Vicinity Map
2. Proposed sign design

ATTACHMENT 1



POTENTIAL SIGN LOCATION

WELCOME SIGN PROJECT



Welcome to
Milwaukee
est. 1903



Donated by Milwaukee Rotary Club



PROCLAMATION

WHEREAS, Chief Randy Bruegman has served as the Fire Chief of Clackamas County Fire District 1 since December 1996; and

WHEREAS, the District is the City's contract Fire Department; and

WHEREAS, Chief Bruegman has also served as the City's Fire Chief since December 1996; and

WHEREAS, Chief Bruegman has served both the District and City with Honor and distinction at the local, regional, state, and national levels, most recently as President of the International Association of Fire Chiefs; and

WHEREAS, Chief Bruegman is leaving the District and City on September 9, 2003 to become the Fire Chief of Fresno, California on September 15, 2003.

IT IS HEREBY PROCLAIMED, that the City of Milwaukie expresses its appreciation to Chief Bruegman for his contributions to professionalism of the fire service in the City and Clackamas County and that its best wishes are extended to him and his family as they embark upon this next phase of their life.

IN WITNESS WHEREOF, I have hereunto set my hand this 2nd day of September 2003.

James Bernard, Mayor

ATTEST:

Pat DuVal, City Recorder

MINUTES

MILWAUKIE CITY COUNCIL AUGUST 19, 2003

CALL TO ORDER

The 1916th 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:

Councilor Deborah Barnes	Councilor Joe Loomis
Councilor Larry Lancaster	

Staff present:

Pat DuVal, Acting City Manager	Larry Kanzler, Police Chief
Gary Firestone, City Attorney	John Gessner, Planning Director
Alice Rouyer, Community Development/ Public Works Director	Steve Campbell Code Compliance Coordinator
Steve Smith, Finance Director	

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard read brief summary of the eleventh Milwaukie City Council meeting held in October 1903. Milwaukie Museum Curator Madalaine Bohl is preparing this series of historical notes in honor of the City's Centennial Year.

Mayor Bernard expressed his appreciation to Centennial Committee members Ed Zumwalt, Kathy Rose, Wilda Parks, Kelly Howell, Jim Newman, Kathy Buss, Madalaine Bohl, and Gloria Totten. The Mayor has a very long list of volunteers to thank and will continue at subsequent meetings.

The City Council interviewed Pat Lent and David Colpo for a vacant position on the Library Board; Ray Bryan for the Historic Milwaukie Neighborhood Association position on the Public Safety Advisory Committee; and Richard McConnell for the Cable Access Studio Ad Hoc Committee.

AUDIENCE PARTICIPATION

Roger Weidner, 3526 SE Franklin, Portland. He indicated he was a former attorney and public prosecutor who ran the consumer fraud department in the Multnomah County District Attorney's Office 25 years ago. For the last 15 years he has been fighting pervasive corruption in the State of Oregon court system by dealing with people who have had their property, children, or lands taken in sham proceedings. For attempting to speak in court like he is speaking to Council, he has been repeatedly arrested and jailed for contempt because he insisted on making a record in the courtroom about the criminal conduct of attorneys, judges and bureaucrats in stealing innocent people's property. He thought it was focused just in Multnomah County, but he started getting calls from people around the state. He is finding that people are having their children, their lands, and properties taken from them, and then they cannot get into a courtroom to be heard on the record in front of a jury as the law provides. Cases are dismissed on one pretense or another.

The reason Weidner is speaking to Council is because the Heckmann's, who are property owners in this community, had a piece of property worth \$100,000. They were issued some fines for code violations. Council drafted the code violations, hired a public contractor judge and a public contractor prosecutor who prosecuted and took judgment against the Heckmann's for \$100,000, and then forcibly removed them from their property. The Heckmann's retained an attorney, Mr. Henry, who, without their knowledge or consent, stipulated to these horrific fines totaling \$100,000 against Mr. Heckmann and Dannie Heckmann and his wife. They have serious health problems. They went ahead and imposed these and prepared a supporting document, went into circuit court, and got Judge Selander to sign off allowing seizure of the property.

When property of that value is taken in that manner, you are basically turning those code violations into felony violations. Imposing a \$100,000 fine on people is not a code violation; it is a felony violation when a government does that. As an historian, he is also very well versed in the Constitution. In this county, this city, and this state, we have one class of citizen – equal. Councilmen are public employees who work for a corporate entity. The State of Oregon is a corporate entity. No corporate entity, whether the City of Milwaukie or the State of Oregon has authority to take from a sovereign citizen property without affording that citizen equal protection of the law and due process of the law.

He asked the Council to look at this case again. It is scandalous that a city would take as a fine everything. The City has taken the entire property. Judge Gray is employed by the Council and the prosecutor who is employed by the City Council took action and took that property away. Now who does it belong to? It belongs to the City of Milwaukie. He has filed an action in Clackamas County to quiet title on that property. The Heckmann's have quit claimed their interest to him. He wanted to bring that matter to the Council's attention. This is not an isolated incident. It is going on around the state. He has appeared before the Supreme Court, not seeking favor, but to expose

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corruption. He has had 9 county judges on the stand as adverse witnesses charging them; they have not denied it. Four of them he has charged on the bench, and they have run out of the courtroom. He has been going into the courts with 60, 70, 80, 90 people because he was forced to do that. When he came in with 1 or 2 he was being arrested to be kept from speaking. Now with crowds, the judges are sitting, like the Council, listening and letting a record be made. He is seeing a big change in the behavior of the judicial system because the citizens will simply not and cannot tolerate it. He wanted to raise this issue and ask the City Council to look very seriously at this Heckmann issue and this property and come to some reasonable sort of fine that may be a deterrent. To take absolutely everything for some code violation is draconian at best. He asked Council for its consideration and thanked them for their time.

There were no questions or comments from any City Council member.

CONSENT AGENDA

It was moved by Councilor Lancaster and seconded by Councilor Barnes to adopt the consent agenda, which consisted of:

- A. City Council Minutes of August 5, 2003; and**
- B. Resolution No. 34-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Amending the Local Contract Review Board Administrative Rules to Reflect Laws Recently Adopted by the State Legislature.**

The motion to adopt the consent agenda passed unanimously.

PUBLIC HEARING

None scheduled.

OTHER BUSINESS

Amend Municipal Code Section 5.08.110 to Clarify and Simplify the Business Tax Exclusion Afforded Construction and Landscape Contractors – Ordinance

Finance Director Steve Smith provided the staff report in which the City Council was asked to approve an ordinance that would amend the section of the municipal code relating to business tax exclusions afforded construction and landscape contractors who hold a Metro license.

Councilor Lancaster was curious how the City ever got to having these things on the books. What is the benefit to the City of a Metro-issued license?

Smith said the City sends a monthly report to Metro and receives money based on the number of permits issued to these contractors. Last year Metro sent Milwaukie for a little over \$4,000.

It was moved by Mayor Bernard and seconded by Councilor Barnes for the first and second reading by title only and for adoption of an ordinance amending Municipal Code Section 5.08.110.1 – Exclusions. Motion passed unanimously among the members present. The City Attorney read the ordinance twice by title only.

The City Recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, Councilor Loomis, Councilor Barnes aye; no nays; no abstentions.

ORDINANCE NO. 1924:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE SECTION 5.08.110.I TO CLARIFY AND SIMPLIFY THE BUSINESS TAX EXCLUSION AFFORDED CONSTRUCTION AND LANDSCAPE CONTRACTORS.

Amend Municipal Code Section 10.50.030.C (3) Relating to Inventories of Impounded Vehicles – Ordinance

Police Chief Larry Kanzler presented the staff report in which the City Council was requested to adopt an ordinance authorizing the Milwaukie Police Department to conduct vehicle inventories in accordance with contemporary Oregon State law and current court rulings when impounding vehicles. When officers take a vehicle into custody and tow it, they are prohibited from taking a complete inventory of the contents of that vehicle. As a result, there have been questions about whether or not what was in the vehicle was there when they went back to pick it up. Adopting this ordinance would allow officers to check containers that are capable of containing money or items of value. This would eliminate a false claim for property that was reportedly stolen that was in fact never there to begin with.

Councilor Lancaster said it makes perfect sense to expand the inventory to containers and allow a thorough search of a vehicle. Does this amendment address containers that might be attached to the outside of a vehicle?

Kanzler said an officer can ask for consent to search closed containers, and there are some circumstances that allow for an immediate search based on weapons and reported criminal activity. The proposed code amendment relates to more routine, administrative vehicle tows such as driving with a suspended license or driving while impaired. It is meant to be an inventory of the contents of the vehicle in order to accurately record property of value and/or money left in the vehicle when it goes to the

tow yard. This amendment is intended to be an administrative tool rather than an investigative tool with a focus on the interior of the vehicle.

Councilor Lancaster asked if the City is using liberal construction on the interpretation of container.

Kanzler said it is interpreted as a container is capable of holding items of value. The container could be small holding a diamond ring for example or a container as large as a backpack or suitcase. If a container were capable of carrying items of value, the officers would look in it to assure that items of value are recorded.

City Attorney Gary Firestone explained the language contained in the proposed ordinance is designed for carrying money and/or valuables. The reason for that language is because that is what the courts allow. Courts have held there are restrictions on searches of opaque containers that do not appear to be designed for carrying valuables or are not of the kind that usually carry valuables. The words in the text are essentially dictated by the court rulings. "Designed for" does include things like briefcases, backpacks, closed fanny packs, as well as some of the more obvious items. Responding to a question about looking in an Altoid box, Firestone responded though a box such as that could contain money, it is not designed for that purpose and is something the courts would have to decide later.

Kanzler added, if during the course of taking this person into custody, another Altoid container was found in his/her pocket full of money, one would be justified in believing another Altoid container in the vehicle might also contain money.

Councilor Barnes asked if this might include something like a film canister. Does the police officer on the scene make the decision or does a ranking officer make it once the vehicle is impounded?

Kanzler said the car is not being impounded as a result of a criminal action. This is an administrative procedure.

Councilor Barnes asked if an officer stopping someone and noticing a film canister on the floor of the car could open that film canister.

Kanzler said this code would be used, for example, when a vehicle is stopped and it is determined the driver's license is suspended or revoked, when the driver is under the influence and the police take that person into custody, or if there is a warrant. The car is not abandoned on the street. The police take possession of that vehicle administratively. There will likely be items of property in clear view in the car. The officer looks in those containers that can hold money or items of value and inventories them. This is routine practice. The City's current ordinance does not provide for the expansion the courts have now ruled is appropriate. If there is a film container in the car, it will be inventoried, but there is no reason to think it contains any items of value. If at some point, someone alleges the film container held a thousand dollar bill, then the

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burden will be on the claimant because the officer's inventory was reasonable in that it safeguarded the inventory in the car. The intent is not to detect or identify evidence for another crime. It is to protect the property that is in the vehicle and to protect the City from liability should something disappear from the car. It is an administrative procedure, not a criminal investigation.

It was moved by Councilor Lancaster and seconded by Councilor Loomis for the first and second reading by title only and for adoption of an ordinance amending Municipal Code Section 10.50.030.C(3) – Inventories of Impounded Vehicles. Motion passed unanimously among the members present. The City Attorney read the ordinance twice by title only.

The City Recorder polled the Council: Mayor Bernard, Councilor Barnes, Councilor Lancaster, Councilor Loomis, Councilor Barnes aye; no nays; no abstentions.

ORDINANCE NO. 1925:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE SECTION 10.50.030 SECTION C, SUBSECTION 3 – TO ALLOW PROPER INVENTORY OF IMPOUNDED VEHICLES.

Consider Lien in Amount of City Costs for Abating the Nuisance on Certain Real Property Owned by Union Pacific Railroad – Resolution

Firestone presented the staff report in which the City Council was requested to consider a resolution setting a lien amount on property owned by Union Pacific Railroad. Anyone with an interest has the right to make a statement, and Firestone explained a procedure the City Council might wish to consider.

The City declared a nuisance on property owned by the Union Pacific Railroad located west of 21st Avenue, north of Lake Road, and east of the railroad tracks having first complied with all applicable code requirements. After the nuisance was declared and the nuisance was not abated, the City took steps to abate the nuisance which was an unpermitted house temporarily stored in violation of various regulations. The abatement consisted of demolishing the building and restoring the site to a reasonable condition. As required by Milwaukie Municipal Code section 8.04.200, the city recorder provided notice of the cost of abatement. In response to that notice, the property owner, Union Pacific Railroad, filed a timely objection to the amount. Another objection was filed as well. Comments have been received on behalf of Mr. Peterson who at one point had an interest in the property.

Code Compliance Coordinator Steve Campbell explained 2 adjustments to the abatement amount. The Metro disposal fee was adjusted to \$17.10 less. The abatement survey was actually \$50 instead of \$55. The total abatement cost with these adjustments would be \$22,500.87. The City contracted for an asbestos survey in the

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amount of \$1,075 and lead-based paint survey in the amount of \$50. These are typical surveys in a demolition scenario.

Firestone said the City is authorized to include administrative costs in abatement costs under Code section 8.04.200.A.1. This is a quasi-judicial proceeding, and the Council's role is to decide on the objections and to set the abatement assessment amount. Staff requests that the City Council adopt the proposed resolution but adjusting the cost downwards by \$22.10 for a total amount of \$22,500.87.

Jack Hammond, 21790 Willamette Drive, West Linn, attorney representing Rich Peterson. There is a long record of this proceeding, and he sympathizes with the City Council on its perseverance on this epic. Hammond first got involved in this process last year. Mr. Peterson was trying to work through setback issues. He had an option from Union Pacific Railroad to relocate the property from another location where he had a temporary lease from Southern Pacific. Peterson tried to work through those setback requirements but was unable to do so. The City was pressing ahead at that point with a nuisance abatement, and Mr. Peterson was advised to commence abatement of the building. He was, in fact, negotiating in September and October with the individual with whom the City finally contracted to demolish the building. Mr. Peterson was prepared to go ahead. Historically, there were issues coming up about preservation of the building because of its historic nature.

Sometime in the timeframe of September/October of last year, Terry Emmert of Emmert International approached the City. Peterson and Hammond had not solicited Emmert to do so. Emmert approached the City and indicated he had several building lots where he could move the house and preserve it. Peterson and Hammond were contacted by the City as to whether or not they wished to participate in that process and convey interest in the building to Mr. Emmert. In the past Hammond has dealt with Mr. Emmert and his company, and sometimes those involvements were relatively complex. Peterson and Hammond felt it was important for all parties concerned that there be an agreement that set forth precisely the obligations of all the parties. An agreement was entered into on October 31, 2002, with the City and Mr. Emmert conveying Peterson's interest in the building to Mr. Emmert. Mr. Peterson was absolved of any liability or responsibility from the building by both the City of Milwaukie and Mr. Emmert. The City of Milwaukie agreed not to institute any abatement proceedings in relation to the nuisance. Emmert assumed all responsibilities for moving the building from the site. At that point, Peterson and Hammond thought that things were done. Obviously they were not done, and things went on for some time with the City's ultimately being forced to abate the nuisance. Hammond does not argue there was a nuisance and was something that should be abated.

Hammond does not think it is proper to place a lien on Union Pacific property. Its only privity was in relation to Mr. Peterson who had a lease and an option to move the house. Once Mr. Peterson was absolved of any ownership or responsibility for abatement in relation to the house whatsoever, it seemed clear that that relief was passed through to Union Pacific, which has no privity or relationship to Mr. Emmert.

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After Mr. Emmert assumed responsibility for the building, he did not, as Mr. Peterson had done, go to Union Pacific and ask for permission to have the building sited there. There has been a long litany of the City's relationship with Mr. Emmert and how everyone got to this point. Hammond does not think it is appropriate to impose the lien on Union Pacific. If the City does that, the concern is that Union Pacific is an innocent party. There are all manner of things that could happen as far as the relationship between Union Pacific and the City of Milwaukie goes. If Union Pacific takes action against Mr. Peterson, he asserts as a result of the contract with the City that there is a contractual bar from the City's imposing a lien that would have liability repercussions on Mr. Peterson. There is an indemnity agreement with Mr. Emmert. If there is another way to deal with the problem, the City Council may wish to seriously consider other options. He has been a city attorney himself for 30 years, and he freely admits this is a very unusual situation because of the contract between the three parties. Usually if there is a nuisance abatement, there is no question a lien is imposed on the property. The owner always has some significant involvement as to why the nuisance was there with derivative responsibility that does not occur in this case. The City has spent money, and it is the responsibility of the City Council to look for a way to become whole. He believes there is a way to do that. He got a copy of the entire record a couple of days ago and subsequently requested a deferral of the action to come up with another avenue. He was not granted that deferral. He has come up with another option, which he hopes the City Council would allow Firestone to consider.

The notice of assessment and placement of the lien was sent only to Union Pacific. However, under the City's ordinance, it could have gone to either the owner, which is Union Pacific, or to the person in charge of the property itself. There is no question from the contract between the City, Emmert, and Peterson that Emmert is in charge of the building and had the sole responsibility for the movement of the building from that location. The resolution imposing the nuisance in January 2003 identified Mr. Emmert and Emmert International as the person in charge of the building. It is replete throughout the correspondence between the City, through Mr. Swanson and other staff members, and Mr. Emmert that he was continually treated as the person in charge and asked to abate the nuisance. One way the deal with this is to defer action this evening on the request for the imposition of the lien, which identifies only Union Pacific, and ask the city recorder to issue another assessment order to Mr. Emmert as the person in charge of the building and propose to assess the amount of the abatement costs against Mr. Emmert and Emmert International. He would then have 10 days to file an objection. The City Council would deal with this at a subsequent hearing. If the City Council goes through that process and determines the assessment should be made against Mr. Emmert and enters it by resolution, Mr. Emmert would have 60 days to challenge that assessment or writ of review in circuit court. If he did not do that, the matter would be factually over, and that assessment would be legally in place. If that were the case, there would be no lien on the property, which is the traditional way of dealing with this type of situation. ORS 221.915 indicates that matters may be docketed in municipal court for enforcement purposes and can include execution and garnishment powers. The Milwaukie Charter indicates the municipal court has original jurisdiction over all actions to recover penalties as defined by the code. It seems to

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Hammond the interplay of ORS 221.915 and Charter Section 28 would allow the municipal court to execute on the judgment, which is a quicker way of resolving the issue rather than placing a lien on property that would probably result in a complicated lawsuit. He understands this is a complicated option, but is a clear way to go after the responsible person. This is the only way Hammond sees the City can actually get to that responsible person without placing a lien on an innocent property owner and derivatively bringing in other parties on a complicated lawsuit. This option seems a more direct way to deal with it.

Councilor Loomis asked if Mr. Peterson had to pay anything to lease the property from Union Pacific.

Hammond said the amount was nominal. Union Pacific was looking at the option of selling surplus property to Mr. Peterson. Unfortunately Mr. Peterson had not consulted Hammond before taking the first step. He spent an enormous amount of money on plans, engineers, planners, and attorneys. This has been a nightmare for Peterson as well as for the City.

Councilor Barnes asked if Mr. Peterson informed Union Pacific on October 31, 2002, that he felt he was no longer the property owner.

Hammond said Mr. Peterson did not inform Union Pacific and did not know why. Things were moving quickly at that point. Peterson was under the gun for the abatement and was ready to destroy the building. He was dealing with a railroad company on Omaha, which probably had a lot to do with it.

Jill Schneider, Kilmer, Voorhees & Laurick, 732 NW 19th Avenue, Portland, representing Union Pacific. Union Pacific did not know the property had been sold and, in fact, did not know until June 2003 when all of the abatement stuff became public. Union Pacific was quite surprised because this October 2002 contract relieved the client of any kind of remedy whatsoever. The contract the City apparently negotiated and certainly executed says that any costs for the nuisance are not to be directed to Mr. Peterson. The contract between Union Pacific and Mr. Peterson says he is responsible for the nuisance. What is Union Pacific's role? Perhaps if it had been involved with negotiating the contract, Union Pacific might think the nuisance and abatement a little bit more just. Union Pacific understands the problem with the nuisance and the costs of trying to get rid of the building. She has not been privy to the entire file but understands the City Council is extremely frustrated. Imagine Union Pacific's frustration when it gets legal papers saying it is responsible for a building it does not own and apparently its tenant no longer owns. Union Pacific seems not to be able to do anything about it because of a contract that was executed by the City. Now the City is saying Union Pacific is responsible for something for which it no longer had any way to remedy. It is very frustrating and leads Union Pacific to believe this nuisance abatement assessment should not be properly directed in the form of a lien on Union Pacific's property. It clearly belongs to Mr. Emmert. He is responsible for relieving this nuisance by the contract that the City negotiated and executed. Union Pacific is at the position that it will

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consider a slander on title. It is not in Union Pacific's hands; there is no remedy even though it had contractual rights. The contractual rights have been taken from Union Pacific by a contract to which it was not a party and had no input. Union Pacific does not believe this lien is proper.

Councilor Barnes asked if Union Pacific knew of this building being on the property.

Schneider said Union Pacific knew the building was on the property. It was inserted in the contract that the property was not allowed to be a nuisance and that Mr. Peterson would be responsible for any abatement if the property was determined to be a nuisance. It was Mr. Peterson's legal responsibility. The October 2002 contract says, however, it is not his responsibility.

Firestone said the property owner is always responsible for a nuisance whether or not created by some third party and has an obligation to ensure there is no nuisance on the property. The municipal code clearly requires the Council to determine the amount. After that, the code provides procedures for the amount to become a lien. One place where the code does allow some leeway, is that the Council can provide some direction as to when the lien is recorded. Council can provide some time for staff to determine if the matter can be resolved otherwise. He believes it is worth talking to Hammond and Union Pacific as to what could possibly be worked out in this situation. Ultimately, under the code, the owner of the property is responsible, and his initial reading is that is the owner of the real property.

Firestone did disagree that Union Pacific cannot do anything about the situation. It can bring a claim against Mr. Peterson who can turn it over to Emmert International. The City could impose the lien, Union Pacific goes after Mr. Peterson, and Mr. Peterson goes after Emmert International. That way the matter would be resolved with the least amount of City involvement. To clarify, the City did not draft the October 2002 agreement. There was a nuisance proceeding against the property at the time Mr. Peterson had an interest. The City declared the nuisance. Mr. Peterson and Emmert International came up with the plan to transfer the structure to Mr. Emmert. The City, at that time and for as long as possible, was trying to preserve the house, so it agreed to this agreement that basically took Mr. Peterson off in return for getting commitments from Mr. Emmert that the house would be moved. The house was not moved. Firestone agreed with Hammond and Schneider that ultimately Emmert International is responsible and should pay. However, nuisances are matters that arise from a real property, and the owner of the real property is responsible. Hence, the lien is filed against the real property.

Mayor Bernard felt the issue should be negotiate further. He has no problem with the lien price. He would direct counsel and staff to talk to parties to consider options.

Firestone outlined the options if the City were to follow that approach. One is to continue this matter to a future meeting to let all of the issues be resolved. The other

option is to set the amount of the lien and essentially delay implementation to some future date. In either case there would be discussions and negotiations in the interim.

Councilor Barnes asked if the interest can be continued even if the issue were on hold.

Firestone responded the clearest way to do that would be to set the amount at this meeting and state that interest begins to accrue in a certain number of days. The implementation and at least the lien could be on hold.

The counsels for Union Pacific, Peterson, and the City of Milwaukie, agreed 30 days should be sufficient to discuss the issues.

Councilor Loomis was in favor of seeking another option. He agreed the lien was probably not fair to Union Pacific.

Firestone said because the lien amount must be set by resolution, the draft resolution would have to be amended as to the total amount. Section 2 would have to be amended to read, "the amount of the abatement shall not be assessed and shall not be entered as a lien in the City's lien docket until a further meeting on this issue by the City Council."

Councilor Lancaster suggested just holding the decision for the 30-day period.

Councilor Barnes wants the interest to continue on this bill.

Firestone said statutory interest is about 9%. Parties have a certain amount of time to pay, so the interest probably would not be triggered immediately. Typically, the City would give 30 days to pay, but the City Council could say at the next meeting at which this is considered that interest shall start immediately.

It was moved by Mayor Bernard and seconded by Councilor Loomis to continue this matter to September 16, 2003. Motion passed unanimously among the members present.

Milwaukie Downtown Implementation Grant

Community Development/Public Works Director Alice Rouyer said last year the City received an unanticipated \$15,000 grant from the Oregon Downtown Development Association (ODDA) to help with downtown redevelopment. After some meetings with community leaders, it became clear people were interested in determining what to do after the North Main Project. There are plans underway for McLoughlin Boulevard, the riverfront park, as well as several other projects, but the question is sequencing. The ODDA grant of \$15,000 along with a \$5,000 match will help Milwaukie embark on this "next projects" phase. The grant funds must be used by October 31, 2003. The scope of work is designed in a way that there will not be a lot of meetings and process. Staff believes a core group of people can be interviewed and a final report prepared by

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October with the help of a small consultant team. Milwaukie already has a good downtown plan, and now all that needs to be done is putting the pieces together.

Councilor Lancaster suggested giving Ed Zumwalt credit for this grant.

Councilor Barnes asked if money from this grant would be spent on consultants.

Rouyer said this type of ODDA grant typically pays for a consultant team to do the work. The grant will pay for the team along with a \$5,000 match from the funds budgeted in the Community Development Administration fund. Project Manager Jeff King will be working directly with the consultant to ensure a good product that relates to the downtown.

Milwaukie Light Rail Working Group

Gessner provided a status report on the Tri-Met light rail working group. In April 2003, the City Council forwarded a recommendation to Metro in support of the Locally Preferred Alternative (LPA) for light rail in Milwaukie which runs along Main Street in the North Industrial area then crosses and follows the Tillamook Branch into downtown Milwaukie. Prior to City Council consideration, the Planning Commission forwarded its recommendations. Two of these had to do with increased public involvement and additional examination of relocation of a park-and-ride and the transit center. Tri-Met heard the message in the resolution passed by the Milwaukie City Council and has been organizing a working group comprised of City staff, neighborhood leaders, and North Industrial business and property owners. He understands the working group will hold its first meeting on September 4.

The City team is composed of Grady Wheeler, Jason Wachs, Paul Shirey, and Gessner who will do the trench work with the group in support of the Council resolution and the Planning Commission's concerns. The project schedule is relatively aggressive. Tri-Met is hoping to come before the Planning Commission and City Council in November or December. It is anticipated North Industrial and neighborhood representatives will have technical and other issues that will have to be addressed. The result of this process is to hopefully come up with a consensus-based outcome for Planning Commission and City Council review to be forwarded to the Metro Council. There is some uncertainty as to how these recommendations are going to fit into the Metro process for finalizing the South Corridor light rail decision. He has 3 dates scheduled over the next several months to update Council on issues and process. He noted City staff, the neighborhoods, and North Industrial interests are equal participants in this process. This is a Tri-Met organized process with a great deal of input from the City.

Michael Fisher, Tri-Met, and **Michelle Gregory**, Soapbox Enterprises, were available to respond to questions from Council.

Mayor Bernard said he is an alternate on the Joint Policy Advisory Committee on Transportation (JPACT) and had an opportunity to vote on the LPA resolution. This

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virtually guaranteed money for the Southgate redevelopment project. Million of dollars could be invested in this, but unless the Oregon Department of Transportation (ODOT) is at the table, we will get nothing. He understands the legislature has asked ODOT to be more responsive, and some of the registration money is for projects exactly like this one that provides better access to industrial areas. He hopes ODOT will be engaged in this process to move it forward.

Gregory felt it was safe to say ODOT is at the table. There is a good balance of North Industrial business and property owners as well as neighborhood representatives. The ODOT representative will be Bill Adams who has had experience with both Milwaukie and regional issues.

Councilor Lancaster asked if there were anything that would keep ODOT from being at the table or being cooperative.

Fisher said Tri-Met will do its best to have ODOT at the table. Adams is a planner and a good point person who has connections with the different departments and design teams in Salem and Portland. Robin McArthur-Phillips is involved, and Tri-Met can lean on her if things get difficult. Engaging ODOT will, without a doubt, be a challenge, and this is a very technically complex situation. The Planning Commission's points that were adopted by the City Council provide the guiding light in terms of specific issues along with future conversations with the neighborhoods and North Industrial interests. This level of detail work is normally done later in a light rail project, but this is being done several years in advance of the Final Environmental Impact Statement (FEIS) in order to firm up the location of the bus transit center. The goal is to reach consensus on a long-range plan for light rail, the stations, and the bus transit center and related facilities. Having that consensus, parties can get down to the implementation process of making it happen.

Mayor Bernard understands the transit center is not necessarily tied to light rail; however, it is tied to phase 1 of the I-205 project.

Fisher agreed with that statement in terms of implementation. In the long term, the bus transit center should be where light rail is built.

Councilor Lancaster commented that when dealing with the legislature, which is very distracted and dysfunctional, it would be helpful to know who the City could lean on to help keep the players focused.

Mayor Bernard said the Community Solutions group has been helpful by interceding in certain ODOT projects when communications have faltered.

Ed Zumwalt said Lancaster touched on what he wanted to talk about. Who does the City lean on to keep the process moving? Between April 2001 and April 2003, many neighborhood people worked a lot of hours with Metro and Tri-Met but came out with nothing. When it came right down to it, a few people snapped their fingers, and the

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route went elsewhere. This was not right. Neighborhood representatives were still called to participate in meetings when everyone knew it was a done deal. This is very insulting. Who are people kidding that they want neighborhood input? This is just window dressing, a dog and pony show. He urged getting to the heart of the matter. It is Zumwalt's feeling they just want to take care of their obligations for a park-and-ride and a transit center, and then get out of here. The South Corridor would be taken care of by the I-205 alignment. Metropolitan government and transportation go where light rail can politically and financially work such as Vancouver. Here, they may have to go to an election. He urged the City Council to push those at the higher levels to do something for this town.

Other Discussion Items

Mayor Bernard discussed the Johnson Creek Boulevard improvement project. Traffic has been very difficult to manage particularly since so many jurisdictions are involved. He read an e-mail that indicated concrete barriers would be installed on August 20. The police department has been writing a lot of citations. Since a lot of traffic will be diverted to 32nd Avenue during construction, patrols will be increased once school begins. Crime is increasing in the community, as it is everywhere. It has been hot, and people are unemployed. Crime in Milwaukie is up by about 40%, and that is fairly common throughout the region. The Milwaukie police department has had to prioritize calls because of budget constraints. Milwaukie is partnering with other agencies to battle the increased criminal activity throughout the metropolitan area. Chief Kanzler assured him the police department will respond with the same great service residents expect and deserve, but it may take a little extra time on low priority crimes. Mayor Bernard particularly thanked Kanzler for his efforts in building strong partnerships and obtaining law enforcement grants.

Kanzler thanked the City Council for its support. He clarified one comment. The call load has increased about 40% with crime rate going up about 17%, which is comparable to Portland. Many of the problems Milwaukie sees has to do with being so closely aligned to Portland. Milwaukie and Portland work hard to maintain a relationship between its officers to get the biggest bang for their bucks. He is proud of what the department is doing on limited resources. The 9-1-1 transition is not compete, but the department is close to being able to write reports in the patrol vehicles. He hopes full implementation will take place in about 60 days, and this will help tremendously in saving driving time. Kanzler asked residents to be patient when asking for police assistance in cases where life and property are not in immediate danger.

Councilor Lancaster commented he is concerned when he hears these types of statistics. If demand for police services goes up 40%, what does that do to the department? He is concerned resources are being cut too thin in trying to over perform and putting people at risk. He trusts Kanzler's judgment but wanted to express his concern.

Kanzler is hoping that things will slow down as winter comes on and local investigations with federal partners wind down. Resources have been stretched to the maximum. He has the absolute committed support from the men and women doing the job. They are doing a fine job, but they are tired. Still the officers are willing to continue carrying the torch and running the race.

Councilor Lancaster asked if there was anything City Council could do to get the computers up.

Kanzler explained the computers are installed, but some of the report forms are not completed yet.

Councilor Barnes asked for an overview of the 40% increase in calls.

Kanzler said the period is from January to the first of July. There was an immediate spike in the call load after the transition to Lake Oswego Dispatch. It could have been that the tracking technology was not there in the Milwaukie dispatch center. It is not an epidemic issues, and most calls are property related crimes rather than crimes against people. He added there has been about an 80% increase in commercial burglaries. Jails are not operating at capacity, and people are out of work. Generally, in repose to Barnes's question, there is a global rise in activity.

Mayor Bernard announced the City Council would meet in executive session immediately following adjournment to consult with legal counsel on litigation pursuant to ORS 192.660(g).

ADJOURNMENT

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

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

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: JoAnn Herrigel, Program Administrator

Subject: Local Share Program Change and Refund

Date: August 14, 2003

Action Requested

Approve two resolutions regarding Metro Local Share Funding. The first would add Homewood Park natural area to the list of projects to be completed using Milwaukie's Local Share funds. The second would refund a balance of \$14,164.34 in local share funds to Metro for use on the Trolley Trail.

Background

In May of 1995, voters of the Metro region voted to approve the open space, parks and streams bond measure (Measure 26-26). This \$135.6 million measure provided funds to acquire future regional park sites, natural areas, trail corridors and greenways for the protection of their natural qualities and associated recreational opportunities. This bond measure provided that \$25 million from bond proceeds be expended by local park providers for specific projects.

The City signed an Intergovernmental Agreement (IGA) with Metro in October 1995 that allocated \$349,020 in local share funds to Milwaukie for open space acquisition and enhancement. The expiration date for this IGA was originally September 1998. There have been several modifications and extensions to this IGA since 1998. The current expiration date is December 31, 2003.

Following is a list of projects completed under this local share program and the funds the City has expended on each:

Project Name	Location	Metro Allocation	Funds spent by Milwaukie	Balance Remaining
Minthorn North	SE corner of 37 th and Railroad Ave	232,569.39	211,534.50	21,034.89
Springwater Trail	Entrance at 28 th and Sherret St.	5,000	1870.55	3129.45
Furnberg Park	West of Furnberg North of Plum Dr.	80,000	80,000	0.00
Roswell Pond	Rockvorst St (North of Roswell St.	5,000	5,000	0.00
Willow Place	Northwest corner of Pennywood and Ryan	5,000	5,000	0.00
Kellogg Lake	West of Kellogg lake and East McLoughlin	21,250.61	21,250.61	0.00
Total		349,020	324,855.66	24,164.34

As shown in this table, a balance of \$24,164.34 in local share funds have yet to be expended. At this time, staff has completed all proposed work on the Springwater Trail entrance and the Minthorn North properties.

City staff has discussed with Metro the possibility of shifting some of these remaining funds to another project in the City. After review of all of the current proposed projects in the City, including Linwood Community Park, Homewood Park, the Riverfront and Spring Park, staff has determined that Homewood Park is the furthest along in land use approvals and best meets the criteria for funding under the Local Share program.

The use of Local Share funds is restricted to acquisition or enhancement of natural areas and trails. These funds may not be used for recreational park sites or related infrastructure. The Homewood project includes a large natural area through which the City would like to put a path. In addition, this project calls for the installation of native vegetation and interpretive signs along the path. Metro staff has agreed to reallocate \$10,000 of Milwaukie’s remaining funds toward this project.

Staff is recommending that the balance of the local share funds, or \$14,164.34, be returned to Metro for use on any part of the Trolley Trail project, including, but not limited to, its design, engineering, and construction. As you may know, the first two segments of the Trolley Trail will go from the Jefferson Street boat ramp, south to Park Avenue. No other City funds have been contributed to this project by the City of Milwaukie.

Concurrence

The Hector Campbell Neighborhood, Milwaukie Park and Recreation Board, North Clackamas Parks and Recreation District and Metro staff concur with this proposal.

Fiscal Impact

There would be no net impact on the City's budget from this action. Funds for these projects are expended from the City budget and then reimbursed by Metro. The City would be returning the unused portion of our allocation to Metro for their use on the Trolley Trail project.

Work Load Impacts

The Program Administrator would dedicate some coordination time to this project over the next six to nine months. Residents in the Hector Campbell Neighborhood will provide volunteer labor to complete the project.

Alternatives

Deny approval of the resolutions.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON, AUTHORIZING AMENDMENT OF THE METRO LOCAL SHARE INTERGOVERNMENTAL AGREEMENT TO ADD HOMEWOOD PARK NATURAL AREA TO THE LIST OF PROJECTS TO BE COMPLETED USING MILWAUKIE'S LOCAL SHARE FUNDS.

WHEREAS on October 24, 1995, the City of Milwaukie and Metro entered into an intergovernmental agreement under the Local Share component of the Open Spaces Bond Measure; and

WHEREAS the City has completed all six projects currently funded by local share funds; and

WHEREAS a balance of \$ 24,164.34 of the City's local share allocation remains unspent; and

WHEREAS Metro has agreed to reallocate \$10,000 of the City's remaining Local Share funds to Homewood Park natural area; and

WHEREAS the City held a public hearing on September 2, 2003 to consider the addition of this project to the local share funding list for Milwaukie;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON that the Mayor is authorized to sign Amendment No. 6 to Contract No. 904593 between the City of Milwaukie and Metro by adding Homewood Park natural area to the list of local share projects to be funded by Metro.

Introduced and adopted by City Council on September 2, 2003.

This resolution is effective immediately.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM
Ramis, Crew, Corrigan & Bachrach, LLP

Pat Duval, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE OREGON, AUTHORIZING THE RETURN OF \$14,164.34 OF MILWAUKIE'S LOCAL SHARE FUNDS TO METRO.

WHEREAS on October 24, 1995, the City of Milwaukie and Metro entered into an intergovernmental agreement under the Local Share component of the Open Spaces Bond Measure; and

WHEREAS the City has completed all six projects currently funded by local share funds; and

WHEREAS a balance of \$ 24,164.34 of the City's local share allocation remains unspent; and

WHEREAS the City and Metro have agreed to add Homewood Park natural area to the list of the City's local share program projects and have allocated \$10,000 of the remaining balance to this project; and

WHEREAS Metro has a need for additional funds for the Trolley Trail, two sections of which go through Milwaukie; and

WHEREAS the City held a public hearing on September 2, 2003 to consider returning the remaining \$14,164.34 in local share funds to Metro;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON that the City Manager is authorized to return \$14,164.34 in local share funds to Metro for use on any part of the Trolley Trail project, including, but not limited to, its design, engineering, and construction.

Introduced and adopted by City Council on September 2, 2003.

This resolution is effective immediately.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM
Ramis, Crew, Corrigan & Bachrach, LLP

Pat Duval, City Recorder

City Attorney

To: Mayor and City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police
Subject: Intergovernmental Agreement for Crime Analysis Training
Date: July 30, 2003

Action Requested

Adopt a resolution authorizing the Mayor to sign an intergovernmental agreement (IGA) between the City of Milwaukie, the Portland Police Bureau and Clackamas Community College for the development and presentation of distance learning classes in crime analysis.

Background

Crime analysis instruction is almost non-existent and expensive to attend when available. The Portland Police Bureau has recognized these two elements have made it difficult to provide the comprehensive instruction needed to fulfill its desire for crime analysis products. The Bureau also recognizes the lack of skill development opportunities and the expense of educating crime analyst personnel impacts other agencies both regionally and nationally.

In order to provide the necessary instruction on the fundamentals of crime analysis, a Crime Analysis education program will be developed and delivered by Clackamas Community College with Portland Police Bureau expertise. The representatives will monitor the work progress and ensure the work is being completed on schedule. The representatives for each partner are: For Clackamas Community College, Chairperson of the Criminal Justice/Emergency Management Department; for the Portland Police Bureau, Manager of the Planning and Support Division; and a designated representative for the Milwaukie Police Department.

Concurrence

Police Department Staff
Portland Police Bureau Staff
Clackamas Community College Staff

Fiscal Impact

Annual budget will not be affected by adopting this resolution or by participation in the program.

Workload Impacts

There would be minimal additional workload generated by passing this resolution.

Alternatives

Failure to participate in the Crime Analysis training program will significantly reduce our crime analysis capabilities and reduce the number of trained staff. By providing access to this training program all personnel would have the opportunity to gain the skills critical to crime analysis.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH THE PORTLAND POLICE BUREAU AND CLACKAMAS COMMUNITY COLLEGE TO DEVELOP AND PRESENT DISTANCE LEARNING CLASSES IN CRIME ANALYSIS.

WHEREAS, crime analysis is an important tool in reducing crime and the fear of crime, and sharing crime analysis information is key in community policing partnerships; and

WHEREAS, a partnership with the City of Milwaukie, City of Portland Police Bureau and Clackamas Community College to develop an on-demand distance learning crime analysis class could benefit local law enforcement and be a guide for a statewide program; and

WHEREAS, an on-demand distance learning model creates an affordable, flexible tool for law enforcement personnel to advance their crime analysis skills in identifying crime patterns and apprehending suspects; and

WHEREAS, the Clackamas Community College Justice Program has an established distance learning system and the Portland Police Bureau can develop the training designed to utilize the Clackamas Community College's distance learning format; and

WHEREAS, the agreement will become effective when all parties have signed the agreement and shall continue until ended by 90 days' written notice from one party to the others. The program will be overseen by representatives from Clackamas Community College, the City of Milwaukie Police Department and the City of Portland Police Bureau.

NOW, THEREFORE, BE IT RESOLVED that The Milwaukie City Council authorizes the Mayor and the Chief of Police to sign an Intergovernmental Agreement with the Portland Police Bureau and Clackamas Community College for the development and presentation of distance learning classes in crime analysis.

Introduced and adopted by the City Council on September 2, 2003.

This resolution is effective on September 3, 2003.

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal, City Recorder

City Attorney

INTERGOVERNMENTAL AGREEMENT MEMORANDUM OF UNDERSTANDING

Overview/History

Crime analysis instruction is almost non-existent and expensive to attend when available. The Portland Police Bureau has recognized these two elements have made it difficult to provide the comprehensive instruction needed to fulfill its desire for crime analysis products. The Bureau also recognizes the lack of skill development opportunities and the expense of educating crime analyst personnel impacts other agencies both regionally and nationally.

In order to provide the necessary instruction on the fundamentals of crime analysis, a Crime Analysis education program will be developed and delivered by Clackamas Community College with Portland Police Bureau expertise. These courses would be offered for college credit through Clackamas Community College. These classes may be applied as college credit toward any existing Criminal Justice Degree.

These crime analysis courses will be considered technical specialty courses. They will be theoretical, instructional, and learned-skill application classes. The courses will be available for both resident and non-resident training and may be offered by the college as on-line education offered through the college's distance learning program. After the initial development of the classes (as outlined below in the General Provisions and Operational Agreement sections), Clackamas Community College will continue providing instructors and any additional curriculum or course development.

Purpose

The purpose of the agreement is to create a partnership between Clackamas Community College and the Portland Police Bureau in order to develop college credit classes in the technical specialty field of crime analysis. The classes will be offered to qualified Clackamas Community College students interested in pre-professional education, and law enforcement personnel interested in developing professional skills within this technical field.

General Provisions

Scope of the Agreement

A partnership will be formed between Clackamas Community College and the Portland Police Bureau to create a program to meet the needs of those seeking an enhanced level of instruction in crime analysis. The purpose of this Memorandum of Understanding (MOU) is to provide guidelines for the delivery of crime analysis instruction provided through the College.

This agreement may be amended by mutual consent of the parties unless either party is required to change the agreement by statutes, executive orders, directives or other government requirements. This agreement will be reviewed on a yearly basis during the month of June or as needed on the occasion of a substantive change by either party to provisions of this agreement.

Either party may terminate this agreement by giving written notice to the other party no less than ninety (90) days prior to the termination date. Parties may mutually agree to a lesser period in writing, not to interfere with the instruction of students enrolled in the term in progress. Termination by either party shall not be the basis for any claim against another.

Partners' Representatives

The representatives will monitor the work progress and ensure the work is being completed on schedule. The representatives for each partner are: For Clackamas Community College, Chairperson of the Criminal Justice/Emergency Management Department; for the Portland Police Bureau, Manager of the Planning and Support Division; and a designated representative for the Milwaukie Police Department.

Accreditation

The Northwest Association of Schools and Colleges (NASC) regionally accredits Clackamas Community College. The college will notify the Police Bureau within three (3) working days of any changes to the accreditation status of the College.

Operational Agreement

The Portland Police Bureau Agrees to:

Provide subject matter experts to act as Clackamas Community College part-time faculty:

Portland Police Bureau members acting as part-time faculty agree to develop the basic classes necessary to teach crime analysis at the professional/technical level. Course development shall include the following:

- Develop and present a course outline, in the appropriate Clackamas Community College format, for approval by the college.
- Develop the course lectures, homework, readings, supporting material, and tests, as appropriate for each course.
- Personnel, acting as CCC part-time faculty, from the Planning and Support Division of the Portland Police Bureau will be responsible for teaching each class for two sessions, in order to evaluate each class, and make any changes deemed necessary as a result of course evaluation.

Continue to Support the College in its Crime Analysis educational program:

The Portland Police Bureau agrees to support the college in its crime analysis training program by:

- Promoting it to its members.
- Making the classes available to its members.
- Agreeing to pay the regular costs for college classes for any Bureau member required to take the classes as a function of Bureau assignment.
- To assist in identifying qualified instructors interested in teaching the classes.

Clackamas Community College Agrees to:

Select and appoint part-time faculty to develop and teach crime analysis classes:

- Once completed, CCC will place the courses onto the College's distance learning web site.
- CCC will schedule the classes on-line and make them available to members of the Portland Police Bureau. The schedule of classes will be jointly determined.

Provide Support from the Distance Learning Department:

Clackamas Community College will provide technical assistance to the part-time faculty of the Portland Police Bureau as they develop the courses through the Distance Learning Department. The assistance will include, as necessary:

- No charge for instruction in the College's Distance Learning software to any Bureau member designated as an instructor.
- Technical and operational support to the ongoing delivery of online courses.

College Support and Advisory Board:

Clackamas Community College will provide the same support for these courses as it does for any other program, instructor or student. All Clackamas Community College resources are available to students and faculty participating in these courses.

The following are some of the available resources:

- Advising
- Counseling
- Library
- Computer labs
- Instructor support

Clackamas Community College will create an advisory board as required for professional technical programs. The board shall consist of at least one member of the College's Criminal Justice Department, at least one member of the Portland Police Bureau, at least one member of Milwaukie Police Department and any additional members as appropriate.

Memorandum of Understanding

This Intergovernmental Agreement--Memorandum of Understanding (MOU) is between the City of Portland Police Bureau, as agreed upon by the Mayor of the City of Portland, and the Chief of Portland Police Bureau,

And

Clackamas Community College, located at 19600 South Molalla Avenue, Oregon City, Oregon 97045,

And

The City of Milwaukie, Oregon, Police Department, as agreed upon by the Chief of the Milwaukie Police Department.

This MOU is issued to provide specific guidelines for the partnership between Clackamas Community College, the City of Portland Police Bureau, and the City of Milwaukie Police Department for the delivery of courses in the Criminal Justice program regarding crime analysis.

This MOU shall begin on or about July 1, 2003, and shall remain in effect until terminated by any of the parties.

Signing for Clackamas Community College:

Dr. Earl P. Johnson
President, Clackamas Community College

Date

Richard L. Ashbaugh
Department Chair
Criminal Justice/Emergency Management

Date

Signing for the City of Portland Police Bureau:

Vera Katz
Mayor, City of Portland

Date

Mark A. Kroeker
Chief, Portland Police Bureau

Date

Signing for the City of Milwaukie:

Jim Bernard
Mayor, City of Milwaukie

Date

Larry Kanzler
Chief, Milwaukie Police Department

Date

ORDINANCE NO.

Title

*Authorize an Intergovernmental Agreement between the City of Milwaukie, Clackamas Community College and the City to develop and provide college-level crime analysis training (Ordinance)

INTRODUCED BY	DATE FILED:
NOTED BY COMMISSIONER	Gary Blackmer Auditor of the City of Portland
Affairs	By: _____ Deputy
Finance and Administration	
Safety	For Meeting of: _____
Utilities	
Works	ACTION TAKEN:
BUREAU APPROVAL	
Bureau: Police	
Prepared by Date	
Steven Hendricks July 28, 2003	
Budget Impact Review:	
<input checked="" type="checkbox"/> Completed <input type="checkbox"/> Not Required	
Include in PPD: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Filename: CAC Ord & CAC MOU	
Bureau Head: Mark A. Kroeker, Chief of Police	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
				YEAS	NAYS
Consent <input checked="" type="checkbox"/>	<input type="checkbox"/> Regular	Francesconi	Francesconi		
NOTED BY		Leonard	Leonard		
City Attorney		Saltzman	Saltzman		
City Auditor		Sten	Sten		
City Engineer		Katz	Katz		

ORDINANCE NO.

*Authorize an Intergovernmental Agreement between the City of Milwaukie, Clackamas Community College and the City to develop and provide college-level crime analysis training (Ordinance)

The City of Portland ordains:

1.

Section 1. The Council finds:

1. Crime analysis is an important tool in reducing crime and the fear of crime, and sharing crime analysis information is key in community policing partnerships.
2. A partnership with the City of Portland Police Bureau, City of Milwaukie Police Department and Clackamas Community College to develop an on-demand distance learning crime analysis class could benefit local enforcement and be a guide for a statewide program.
3. An on-demand distance learning model creates an affordable, flexible tool for law enforcement personnel to advance their crime analysis skills in identifying crime patterns and apprehending suspects.
4. The Clackamas Community College Justice Program has an established distance learning system and the Portland Police Bureau can develop the training.
5. The agreement will become effective when all parties have signed the agreement and shall continue until ended by 90 day written notice from one party to the others. The program will be overseen by representatives from Clackamas Community College, the City of Milwaukie Police Department and the City of Portland Police Bureau.

NOW, therefore, the Council directs:

- a. The Mayor, City Auditor and the Chief of Police are authorized to enter into the Intergovernmental Agreement for the development and presentation of distance learning classes in crime analysis attached hereto as Exhibit 1.

Section 2. The Council declares that an emergency exists because delay in proceeding with the agreement will unnecessarily deprive Clackamas Community College, the City of Milwaukie and the City of the mutual benefits of this agreement; therefore this ordinance shall be in force and effect from and after its passage by the Council.

Passed by Council:

Mayor Vera Katz
Prepared by; Kurt Nelson and Steven Hendricks
July 28, 2003

Gary Blackmer
Auditor of the City of Portland

By

Deputy

**North Clackamas Parks and Recreation District
Milwaukie Center /Community Advisory Board**

Minutes of July 11, 2003

Members Present: Joan Staley, Ben Tabler, Eleanor Johnson, Molly Hanthorn, Janet Witter, Jane Hanno, Joan Newman, Katie Rudfelt, Lynn Wright, Kim Buchholtz

Members Excused: Jim McCready, Sharon Phillips, Carol Storment

Guest Present: Chuck Petersen

Staff:Joan Young

Call to Order: Kim Buchholtz called the meeting to order at 10:05. Kim presented a certificate of appreciation to Eleanor Johnson for her service as Chair of CCAB. Eleanor Johnson moved approval of the minutes of the last meeting as printed, Joan Staley seconded. Motion carried.

Guest:

Chuck Petersen was introduced and expressed interest in joining the Board.

Special Topic:

Joan Young presented "Parks District 101" a brief review of History, Governance, Divisions and a map. (a copy is filed with these minutes). Each Board member received a copy and there were some questions and discussion.

Board/Committee Reports:

Executive Committee: Kim thanked Joan Young for "Parks District 101". She will have "Budget 101" at the August meeting. The Executive committee has suggested a Strategic planning meeting for Board members. Members expressed interest in such a meeting at a later date.

NC District Park Board:Eleanor reported that the Board had interviewed and appointed four new members, reappointed two current members and have two more to interview. Katie Rudfelt's membership on C/CAB was approved. Charlie Ciecko will remain as interim Director until June 04. A new revision of Park Rules was presented and the Park Board will continue discussing the changes. The Ashley Meadows dedication was a very nice event. Dollars for the first phase of the Trolley Trail have been approved and the Master Plan for Trolley Trail was presented to the Board. The District is planning a mailing to every household in the Parks District asking people to express their preferences for services and programs. Three meetings are planned for citizen input also.

Budget and Finance: no meeting

Program & Services: Molly reported that C/CAB committee members, Joan Young, Cheryl Nally, and Lisa Rogers met with John Cramer, Rachel Tiege, and Jason Kemmerich from the Parks staff. It was interesting to share information about our respective programs.

Nutrition/Transportation : Ben reported that new committee members have been oriented by Joan Young and this group will now be meeting on the 2nd Wednesday of each month.

Milwaukie Centennial: Flyers were distributed about the Flicks at Waldorf School .

Friends of Milwaukie Center: Friends will sponsor the Bridge Tournament in October.

Director's Report:Board Member training was held on July 11 for Lynn, Katie and Jane. Pat Prenger will complete her tasks at the center at the end of July. She has been helpful in reorganizing service delivery. Transition meetings continue for staff of the Center and Parks. The volunteer training system is being re-worked. The fee for services study is being upgraded .

Meeting adjourned at 11:15

m.hanthorn,secretary

North Clackamas Parks and Recreation District
Milwaukie Center division
Monthly report for July, 2003

Programs and Services:

Partnering with Northwest Primary Care, the Milwaukie Center and Northwest Primary Care medical staff provided a Medication Safety Workshop, where over 150 older adults received information about the safety, use and abuse of their prescription drugs.

The Senior Companion Program is administered by Clackamas County Social Services and offers 11 part-time, stipended volunteers who are supervised by Milwaukie Center social services staff. These volunteers visit and provide weekly companionship and other assistance to 25 home bound seniors in the North Clackamas community.

Summer Class registrations, with 21 class offerings, are down at Milwaukie Center – a total of 215 students enrolled this term. Compared to last summer, we have nearly 30% less participants, however due to the increase in class costs recently set by Clackamas Community College, we have similar revenue figures.

In 02-03, the Milwaukie Center Nutrition Program served a total of 69,157 home-delivered and congregate meals (57,864 for the Meals on Wheels Program, and 11,293 Congregate/On-site dining). In addition to the traditional lunch meal service, we served 18,244 people in the Bistro deli during the last fiscal year.

Social Services staff was assisted greatly by a short-term training contract with a past employee who worked in social services. The loss of a full-time staff position, reduction in social services offered, shuffling of responsibilities and the new federal H.I.P.A requirements were all addressed and fine-tuned through this training opportunity.

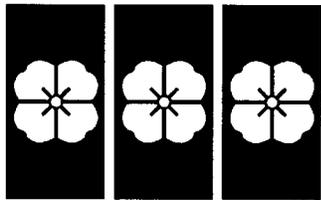
Coming up:

The Annual Ice Cream Social – build-your-own banana splits or ice cream sundaes for only \$1.50 each – is coming soon, Friday, August 8, 12 noon – 1 pm. Mark your calendars and don't miss this fun event! Wear your beach clothes and vie for the Beach Bum Award!

Senior Day at Clackamas County Fair is August 13 – the Milwaukie Center Travel Program is taking a bus to the fair – and also offering trips to a number of other fun places during August, such as the Volcanoes Baseball game, Crater Lake Lodge, Leavenworth, Willamette River Boat Ride and more!

The Friends of the Milwaukie Center are hosting the Scents and Sounds on Sundays concert series in September in the Sara Hite Memorial Rose Garden. Willamette Falls Symphony will perform a variety of compositions on Sept 7, 14 and 21, 2 pm.

CITY OF



MILWAUKIE

Ledding Library Board minutes

6:30 PM
Ledding Library

Meeting called by: Tom Hogan

Attendees: Attendees: Mark Docken, Pat Healy, Tom Hogan, Sue Trotter, Michael Welling

Absent: Ed Zumwalt

Staff: Cynthia Sturgis

Agenda topics

Approval of minutes

Approved as written.

Librarian's report

The IPAC stations have been ordered, replacing the current public access catalogs. Funds from the Friends will pay for this project.

Tom, Sue and Cynthia reported on the LNIB's annual meeting with the Board of Commissioners. The commissioners have agreed to a countywide levy for libraries for May or November, 2004. The LNIB needs to make recommendations for a tax rate for the levy, the date, and a reimbursement formula for city libraries. Dates for meetings to work on these issues were set, and a recommendation will be voted on at the group's October meeting. There is a citizen's group (Well - We Love Libraries) which is seeking Team Captains from each city to coordinate a campaign to educate the community and eventually work with fund raising and campaigning for the levy. Tom volunteered to be the representative to the WELL meetings, and Michael will be the team captain for Milwaukie.

Patriot Act and privacy policy

Cynthia reviewed the staff proposal for procedures and privacy policy. The Board will review the documents and discuss them at the August meeting.

Facility planning

At the last Facility Planning meeting, Rob Dortignacq presented a preliminary footprint for building expansion. He will meet with staff and interested committee members to set priorities for the recommended expansion.

Joe, Molly, and Carol worked on drafts for by-laws, articles of incorporation, a mission statement, and a list of possible foundation board members. Copies of the documents were handed out to committee members to review. A meeting was scheduled for August 20th to continue with discussions and to work on plans for outreach this Fall.

September 22

The Board plans to hold an informational meeting for the community about funding needs for libraries in Clackamas County. Joanna Rood has offered to meet with any city boards, councils, etc. to do a presentation. The September 22 Board meeting evening was suggested as a good time to do this. Cynthia will check the Council calendar, Joanna, meeting room dates, etc. to see if this is possible. If so, she will also ask Grady to put an article in the Pilot, and ask Ed to notify the Neighborhood Association Chairs.

Communications Agreement

1. I am respectful of Councilors, citizens and others appearing before us, and city staff.
2. I am respectful of all thought and ideas. I clarify facts and opinions to ensure understanding. I stay focused and fully participate until the issue is resolved.
3. In all discussion, I present my views in a positive and forthright manner, respond to questions clearly and directly, and maintain the focus of the discussion. I will not personalize my comments, and in matters of opinion, I will speak only for myself.
4. Before taking a public position on City matters, I notify the group of my position, and I provide reasonable advanced notice of matters I am introducing at meetings.
5. I work toward consensus and accept the collective decision-making process of the group. If I disagree with a decision of the group, I respect and accept that decision.
6. I look for ways to positively praise efforts and accomplishments. If issues or concerns arise between team members, I first attempt to resolve such matters by addressing the issue in an appropriate, private, and timely manner.
7. I engage the community in a shared dialogue in order to fulfill my responsibility to make decisions that serve the best interests of the community.
8. I communicate with staff to gather information and to cultivate ideas. I do not give direction except through the City Manager after agreement with the Council.