

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
November 6, 2007**

**CALL TO ORDER**

**Mayor Bernard** called the 2017<sup>th</sup> meeting of the Milwaukie City Council to order at 7:00 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes and Susan Stone. Councilor Joe Loomis excused.

Staff present: City Manager Mike Swanson, Operations Director Paul Shirey, Facilities Coordinator Willie Miller, and Finance Director Valerie Warner

**PLEDGE OF ALLEGIANCE****PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**Mr. Swanson** announced the City Attorney was excused pursuant to Resolution 9-2003.

**Resignation of Carlotta Collette from Milwaukie City Council**

**Mayor Bernard** announced Ms. Collette had resigned from the Milwaukie City Council earlier that day prior to being sworn in as Metro Councilor. He congratulated her and wished her well on her new appointment.

**Ms. Collette** was pleased to represent the City of Milwaukie and the rest of the District on the Metro Council. She hoped to continue her involvement with the Ardenwald Neighborhood Association and Arts Committee.

**Councilor Barnes** would personally miss Ms. Collette as a friend and confidant. She committed to helping ensure the Arts Committee would come to fruition.

**Council Vacancy**

**Mr. Swanson** discussed the procedure for filling a Council vacancy. The first step was for the remaining Council members to appoint a qualified person who resided within the City for 6 months and was a qualified elector in the State of Oregon. An application form would be posted on the City website with a reasonably quick deadline followed by Council interviews. The second step in the process would be an election for the unexpired term of this position in March 2008 followed by an election for the full term in November 2008.

**Property Located at 2808 SE Balfour**

**Mr. Swanson** discussed the proposed treatment facility located at 2808 SE Balfour. The next step in process was a Board of County Commissioners (BCC) meeting on November 15 where it would consider allocating Community Development Block Grant (CDBG) funds for the purchase of the site. The use of the site would be for a secure residential facility for adults with mental illness. The population was proposed to be 5 persons with severe and persistent mental illness. Eight would be adjudged guilty of a crime except for being judged mentally ill. The last 2 were Clackamas County Community Health patients. All were severely mentally ill. The 8 adjudged insane rather than guilty of a crime were under the supervision of the State Psychiatric Security

**CITY COUNCIL REGULAR SESSION – NOVEMBER 6, 2007**

**APPROVED MINUTES**

**Page 1 of 14**

Review Board that places people in a facility such as this in a community. One party in this issue was the Oregon Regional Behavioral Services (ORBS), which was a non-profit corporation that operated a number of these sites throughout the state and would own and operate this particular facility. Another party was the Psychiatric Security Review Board that reviewed the progress made by people charged with a crime but adjudged to be insane and thereby not found guilty. Many of them were in a State hospital and released to a community setting such as this after a Board review. Clackamas County was the local administrator of the CDBG funds that would be used to purchase the site. It would place 2 residents in the facility and monitor the operation through contracts with the State. The fourth party was the State Mental Health Division. The property was under contract with a closing date of December 18 followed by about 6 to 8 months of construction and opening in summer 2008. It was a 24/7, 365 day a year operation. It was proposed to be a very secure facility with solid wood fencing on the outside and chain link fencing on the inside. There were security cameras and direct line of sight exits. There were no public notice requirements for this project. The nonprofit committed to doing some community outreach, but this was not a land use case. It was spared that fate under the Federal Fair Housing Act (FHA). The next big moment was the BCC meeting on November 15 where it would consider allocating Block Grant funds to purchase this particular property. In addition to attending the BCC meeting, people could also send e-mail to their County Commissioners. There were copies of the proposed building plan available. The City was bound by certain expectations because of the FHA situation and was supposed to remain neutral. The City would disseminate information. It was important for the community to be heard.

**Councilor Stone** regretted missing the work session, but this description made the facility sound like a lockdown jail in the neighborhood. She encouraged people to show up at the BCC meeting.

### Milwaukie Poetry Series

**Tom Hogan**, Ledding Library Board and Poetry Reading Series Planning Committee Coordinator, discussed the program. The readings were on the second Wednesday of each month through June, and the inaugural reading was on November 14 by Paulann Peterson. This project was supported in part by a grant from the Clackamas County Cultural Coalition and the Oregon Cultural Trust.

## **CONSENT AGENDA**

- A. City Council Minutes**
  - 1. **September 18, 2007 Work Session**
  - 2. **September 18, 2007 Regular Session**
  - 3. **October 2, 2007 Work session**
- B. Resolution No. 63-2007: A Resolution of the City Council of the City of Milwaukie, Oregon Authorizing the City Manager to Execute a Contract and Sign a Purchase Order with Selectron Totaling \$45,000 for Building Security Replacement of the Existing Library System and Installation of a Security System at the Pond House.**
- C. Resolution No. 64-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing Banking Services**
- D. OLCC Application for Oregon Transfer, 9696 SE Omark Drive, Change of Location**

**It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the consent agenda. Motion passed unanimously among the members present. [3:0]**

**CITY COUNCIL REGULAR SESSION – NOVEMBER 6, 2007**

**APPROVED MINUTES**

**Page 2 of 14**

## AUDIENCE PARTICIPATION

- **Ed Zumwalt, Milwaukie**

**Mr. Zumwalt** thanked Mr. Hogan for making the poetry reading series possible. He discussed the crime problem Metro and TriMet were having on light rail. People wanted to know what to do. How do they stop light rail? What do we do about this crime situation? His neighborhood had gotten short shrift in livability. Everyone was interested in something else like development. He was more concerned than ever when the Gresham Mayor stood up and said TriMet was not addressing its obligations. He was going to put his own cops on the trains. He listed all of the crimes happening in a quarter-mile radius of light rail stations. Milwaukie would have 2 stations. There goes the neighborhood. He did not know how anyone could even think of having a trainload of crack popped into the High School every day. What are we going to do about our High School? Milwaukie High School had been through some tough time in the last few years. Those were good kids. We needed to protect that School, Waldorf, St. Johns, and Milwaukie Elementary. For 20 years Metro had only given lip service to security. Now someone called them on it. What were we going to do in our City? Who was going to protect us? Someone needed to step up. Fred Hansen might do something, but it was just knee jerk. What was going to happen down the road? He thought this was something so serious for this town it could not be overlooked. TriMet said light rail went through bad neighborhoods, but who created those neighborhoods? Light rail forced density and subsidized housing. That was what created those slums. TriMet created those bad neighborhoods, and that is what will be created in Milwaukie. In 20 years we will be sitting in a slum. It was up to the City Council to do something right now.

- **Tanya Gilbert, Milwaukie**

**Ms. Gilbert** spoke about the Balfour property and the house at 39<sup>th</sup> Avenue and Wake Street. She asked where one went to seek help about siting these facilities close to grade schools and senior centers. When and where could people file a petition? If the residents were found mentally ill instead of guilty, did they have to register as sex offenders? Will they be monitored by any organizations to protect the children? Who did they contact to find out when the crimes committed outweighed the mental disability of the residents of the facility? Was there a time when the crimes actually outweighed the fact they were deemed mentally ill? Those crimes would be here in the City. Light rail was coming, bringing criminals. Milwaukie was going to be a slum. There needed to be help now to stop it. The residence on 39<sup>th</sup> Avenue and Wake Street was discussed as being used as a meth house. Would the City require the house to be tested? Has the house been tested? If it has, can people see the report? The house on 39<sup>th</sup> and Wake has gone back and forth. The neighborhood needed to know if it was really going to be an Oxford House. If it has been accepted as an Oxford House, when would it open? What will the City do to help people protect their children? It was only 3 doors away from the grade school that had a bond measure to increase the school population 3 times. Again, we were putting our children at risk from drug users and criminals. How did people get help? What was the City doing to help people protect their children and community?

**Mr. Swanson** replied right now in terms of the Balfour facility, the next step was for the BCC to decide if it would allocate money to ORBS, a nonprofit, to purchase the property. That was the next point at which people could have an impact. He noted one of the questions on a comment sheets was who made this decision. It was a collaborative effort. ORBS was a non-profit involved in these facilities throughout the state. He had talked about 4 participants in this effort. One was ORBS. The others were the State of Oregon Mental Health Division, the State of Oregon Psychiatric

**CITY COUNCIL REGULAR SESSION – NOVEMBER 6, 2007**

**APPROVED MINUTES**

**Page 3 of 14**

Security Review Board, and Clackamas County that would provide supervision, funding, and a couple of patients. ORBS was located in Medford. The State of Oregon had a couple of departments he thought had to be in contact with ORBS as likely did Clackamas County about the administration of funds through the State. The City could not publicly be doing things but privately would be talking specifically with Clackamas County. This was for information, and he was not advocating for anything. The County did listen when people come with a position. Who will protect? He went back to Mr. Zumwalt's position on TriMet, which the City took very seriously. The City has been talking with TriMet about the issues of security, crime, and law enforcement. Who would protect the public if TriMet did not on a MAX train or if this facility or any other facility were placed in the City? It would be the Milwaukie Police Department. Fortunately, Milwaukie had a great Department, but it was staffed at a minimal level. If these things happened, it would be the City's responsibility. With light rail, the City was talking with TriMet because the only alternative was to fund additional police officers at about \$100,000 per officer. That was not their salaries but included all the support. The citizens will pay for it through property taxes that fund the Police Department.

**Mayor Bernard** will speak with the BCC to express his concerns and Councilor Barnes will do the same. He told TriMet that if Chief Kanzler were not satisfied, he would not support light rail.

**Councilor Stone** would not be satisfied until the citizens were satisfied. There were a lot of things they were not satisfied with tonight. It was not just about the Oxford House and the Balfour house; it was about light rail too. Everyone was aware of all the publicity coming out in the press in the last week or so about crime on light rail. She would never forget sitting at the dais and asking the Chief when they had a TriMet presentation on the crime statistics who would pay for the added police service on light rail. He said he assumed it would be TriMet. Of course, now that the whole situation with Gresham was coming around, it was obvious TriMet cannot do it by themselves. She was sure everyone out there knew she was not a huge supporter of light rail, and crime was one of the reasons. It was absolutely ludicrous that they were driving a train down the middle of a neighborhood. Mr. Zumwalt said it right that they were getting shortchanged. That was always one of the "14 Points" was to keep it out of the neighborhood. Now we have 2 stops potentially in neighborhoods. The statistics at Gresham that the crime one-quarter of a mile of light rail transit facilities was something we needed to stop and put the brakes on the train and ask if this really was a good idea. Maybe it should not come through this far. Maybe it needed to stop at Southgate. She was hearing a lot of dissatisfaction out there. She respected the Chief of Police in Milwaukie. She thought he did a great job. She knew he would not settle for something that was not right. Chief Kanzler did not live here, but we did. The people that lived here and especially those who lived in the downtown and Historic Milwaukie Neighborhood really were the big stakeholders. We were all going to pay. She lived within about a mile from here. The City Council needed to re-look at this. It needed to seriously consider what it was doing with the light rail issues.

- **Jeff Johnson, Milwaukie**

**Mr. Johnson** asked if there was a vehicle the City could give to residents when these things came about, the Oxford House and the residential facility on Balfour, to alert people, so they knew when things were being planned instead of a month before closing. Was there some way there could be an alert system.

**Mr. Swanson** said the City can only give notice of the fact it was being proposed and cannot advocate one way or another. There was no building permit application filed. He knew there was a contract and probably subject to receiving funding. They probably would not apply for a building permit until funding was secured. The City did try to notify

people through the neighborhood as early as possible. In the case of the Oxford House they were sited, and the City did not find out until they were occupied because of the FHA. He knew that had occurred in one part of town. When the City knew there was a reasonable possibility, it notified the neighborhood. With State and County agencies, it could be some time before the City found out.

**Mr. Johnson** said this could have been going on for 6 months or so. If the neighborhood had that much time to understand the City could probably rise up and squash this thing before it had time to start. It would help a lot if the City Council let the neighborhood know as soon as possible and make a better community for all. Residents were preparing a petition to squash this residence, and he asked if an attorney should review it.

**Mr. Swanson** said people would not be required to have a legal review but numbers would be most effective regarding opposition to funding this particular facility. There was no special form.

**Councilor Barnes** suggested contacting Rep. Tomei regarding the neighborhood's feelings.

**Councilor Stone** asked Mr. Swanson if there was any way to get quicker notification. It has probably been in the works in the State and County level for some time. When did the City become aware?

**Mr. Swanson** replied the City had known for a month or so when people came in for a pre-application process. Some applications never went beyond that stage. It was only within the last couple of weeks that staff got an understanding of the matter. He got notice and was visited by a County staff person last week. Something like this had probably been in the works for several months up to a year or more.

**Councilor Stone** asked if an FYI could be sent to the neighborhood chair. Just something to let people know what was happening. They have not broken ground, but their shovels were out there.

**Mr. Swanson** replied they could design the facility in private. They did not come to the City when they were talking about funding.

**Councilor Stone** asked if there was something the City could do to expedite information to the neighborhood.

**Mr. Swanson** replied the City became aware of a lot of things that never panned out. The City let people know when it became a reasonable possibility. Most of the groundwork could be done without ever letting the City know. This particular proposal was on the list of CDBG projects, but it was designated for Oregon City. The description fell far short of this proposal. It would not have caused any alarm in Milwaukie. He was not sure ORBS had even looked in Oregon City.

**Councilor Stone** asked if staff could find out if they looked in Oregon City. It seemed deceptive if they did not do that and intended to have it in Milwaukie all along.

**Mr. Swanson** understood they did have a property in Sandy where there was a lot of community outcry. The site was located between a daycare and a senior facility. He understood the property was purchased to expand the senior facility. He would look into the Oregon City matter.

- **Gina Knodel, Milwaukie**

**Ms. Knodel** was concerned about the Oxford House and the Balfour facility. She kept hearing about the 4 organizations responsible for making this all come together. Obviously, it was going to go in Sandy at one point. She guessed Clackamas County's

hands were tied by the FHA. Who was deciding to locate these homes in the middle of residential areas and next to schools? Someone was saying this was where he wanted to put the facility. Why were they doing this?

**Mayor Bernard** supposed a real estate agent located the right sized property at the right price in a community that could not stop them.

**Mr. Swanson** guessed a lot of things went into making the decision. At some point the State needed to decide it was going to release the population subject to the Psychiatric Review Board into residential areas. He guessed the nonprofit identified a need in the metro area and Clackamas County and looked for properties. It probably had to do with the price of the property and the County's willingness to help fund the facility through CDBG funds. The decision makers were the non-profit, two state agencies, and Clackamas County. They would eventually make the decision. The County's hands were tied by FHA, but they also had discretion with the allocation of block grant funds. The Oxford Houses were sometimes privately developed.

**Ms. Knodel** personally went back and forth on this issue, and there were people trying to rehabilitate themselves and deserved a chance. Who determined what qualified these people to live in a house in the backyard of a school?

**Councilor Stone** thought the Police Department should know.

**Mr. Swanson** replied the differences between the Oxford House and this facility were like day and night. One of the people he knew who lived in the City and was a property manager said the Oxford Houses self-governed, and residents who did not follow the rules had to leave.

**Ms. Knodel** heard the Oxford House was a good thing. The Oxford House was in the backyard of the School, and now there was this other minimum-security prison on the other end of the School. Look at what that was doing to property values. People were already selling their homes because of both of these houses. It was half a block from a park the City just bought on Balfour.

**Mr. Swanson** did not believe the Oxford House should be compared with the Balfour house. Issues were piling on and were a bit much for one area to take.

- **Melissa Ray, Milwaukie**

**Ms. Ray** wanted to know what the Ardenwald community could do to stop this from being put into the neighborhood, to which she felt she heard answers. What did the community need to do to change the code so this would not happen again?

**Mayor Bernard** suggested a code amendment that required recognition of neighborhood characteristics.

**Mr. Swanson** added in this case if there had been a limitation then the market might have dissuaded them. There was never an escape from FHA, and what was allowed in one area had to be allowed in another.

**Ms. Ray** was interested in finding out how to amend the code to address flag lots, multiple cars in driveways, and things that did not belong in residential neighborhoods.

**Mayor Bernard** added any restrictions would have to be applied Citywide. He suggested Ms. Ray attend a Planning Commission meeting and discuss some kind of zone change that would restrict parking and size.

**Councilor Stone** added the Council could also do that. She did not think anyone wanted to see this happen.

**Ms. Ray** said even if people were successful in stopping this, it could happen again tomorrow.

- **Alex Fortuing, Milwaukie**

**Mr. Fortuing** said most of his concerns had been addressed. He realized this Council could not take any official action one way or another. He would expect this Council to provide every tool at its disposal to help the neighborhood block this. He would really like to see every member of Council dig in as deep as possible to try to tell the residents what they needed to do in order to block this facility. He realized this was once proposed in Sandy but was blocked. He would like to get more information on how that was done, so they could try to do the same thing here.

**Councilor Barnes** provided a copy of the Sandy matter.

**Mr. Fortuing** would appreciate any additional information as it came up. He heard earlier there were things that crossed Mr. Swanson's desk which were partially formed, some more explosive than others. He would like to see people informed of things that could be explosive early on in order to nip these things in the bud and not get to the point of having to go to a daytime meeting in Oregon City. Most people have to work.

- **Chip Uanger, Oak Grove Good Neighbor Association**

**Mr. Uanger** was asked to express his feeling regarding the construction that would take place in what he called the Milwaukie Plaza that will no longer exist when it was flattened, de-treed, and a building went up that was the equivalent of any of 100 buildings going up anywhere in Portland. Milwaukie had such a wonderful, extraordinary opportunity to create an open plaza – something that could give it some distinction. Unfortunately he had no idea – he was dazzled by the lack of imagination of whatever planning group. He did not know who was responsible and who did this. He was not sure how it was done; he was sure there was a planning group. It was very sad. The group of citizens he represented asked him to express that to this forum although he was not sure if this was the correct forum but he was here. He was also here because one of the wonderful aspects that took place in that plaza and has been taking place for as long as he had been here for the last 3 years has been the Farmers' Market. Now he understood it would be moved out of there. He understood, and they were all quite confused as to why the Market had to be moved even though there would not be any construction there for another 1-1/2 years or so. It still would be moved to another area that was treeless and shadeless. It was very surprising. One of the distinctive things one heard and read about constantly was the absolute charm of the Farmers' Market in Milwaukie. It won't have that any more. Not at the location where they were moving it. It was described that very often in the papers and people talk about it a lot – it was one of the most charming things. Milwaukie seemed to be giving up its whole claim to charm by putting up a building that looked like any of the other buildings around here right in the middle of this beautiful view that took place from this building out onto the River. It could have stayed open as a plaza. It could have been a wonderful architectural competition to make it into something else. He was very sad about the move of the Farmers' Market if that was the case. He was not sure; it was only what he had heard as a resident of this area and an active customer and supporter of the Market.

- **Charles Maes, Canby**

**Mr. Maes** expressed his opinion on the Farmers' Market. He liked the plaza where it was at, and he like the Farmers' Market where it was. He did not realize there would not be any construction going on at the plaza for a year or two. He was confused. He did not know who owned the Farmers' Market because most of them were nonprofit

organizations made up of farmers or vendors. He was confused about who was in control of the Farmers' Market beside Mayor Bernard and Mr. Eiswerth. He was ready for the move if and when he had to. If the plaza was open for another year he would like to stay there. This was one of the nicest markets in the Portland area especially on Sunday. The Market can only do one thing, which was to get bigger and better and more beautiful. He was part of the community on Main Street and was ready to open up his restaurant with the approval of the building department and health people. The inside and outside of the building looked wonderful. He had to pay or provide the City of Milwaukie with \$4,000. He had to buy 2 bike racks, 1 bench, and 2 tree guards. He was not opposed to buying those or paying for them. He did not like the fact he was buying them for his neighbors. He had some wonderful neighbors, but he was putting 1 tree rack in front of his space. He had to put in a bench for his neighbor who was a minister next door with a church, believe it or not. Then he had to put a bike rack next door to a coffee shop. Then he had to put another bike rack next door to a tile shop. His restaurant was on the corner of Scott and Main. They said there were wires but it seemed like there should be some way to dig up the sidewalk and plant a tree. He found it funny he was paying for his neighbors' improvements more so than the corner improvements. Using the example of the condos across the street, he was under the impression the City paid for the North Main Village street improvements. He did not know, so he was just putting it out there. He was there mainly to invite the City Council to his restaurant, Casa de Tamales. He was a little concerned about moving the Farmers' Market. He did support the move if and when it had to be made. He recommended staying at the plaza until the Market had to move.

- **Sally Clute, Farmers' Market Vendor**

**Ms. Clute** said it was a wonderful Market and wanted to stay there for 2008 if there was not going to be any construction.

**Councilor Stone** wanted someone to answer the question. She saw an article in the paper that mentioned the Market would be moving even though there was not going to be construction. She wanted clarification and asked if that was true.

**Mayor Bernard** explained the City Council did not have anything to do with the Market.

**Councilor Stone** asked if it was a rumor. She was hearing this and seeing it written in the newspaper. Mayor Bernard was the manager of the Market. So was it true? Would people have to move even though there was not construction on the site? Clarify that for people. There was some misunderstanding.

**Mayor Bernard** did not feel he needed to clarify that in his position as Mayor. It was a private, nonprofit organization of which he was the president, and he just also happened to be the Mayor. The Market was organized by a board of 5 members, and there was a meeting later in the week to discuss the situation. At this point it was his intention as the business manager of the Farmers' Market to move it next year. Whether it was moved this year or the next did not matter. Would the trees be bigger? Would the roads be flatter? Would the Kellogg Treatment Plant not smell as much? He did not think any of those issues would be any different in the future. The Plant was just down the road from where the Market was now. It was not the City Council's decision to determine that.

**Councilor Stone** was not saying that it was. She wanted to clear things up. People seemed to think they were going to move, but the space would be available for another year since no construction was going to happen. The Council should know if construction was going to happen on this site.

**Mr. Swanson** replied construction next year was highly unlikely.

- **Brendan Eiswerth, Milwaukie**

**Mr. Eiswerth** managed and co-founded the Milwaukie Sunday Farmers' Market and has managed it for 9 years. He missed about 1-1/2 Markets a year over 9 years. He was there from the beginning to the end of every Market talking to customers and vendors. He knew every vendor personally. Last week there was an article in *The Oregonian* about the Milwaukie Sunday Farmers' Market. This article was titled "New site will expand the Farmers' Market." After receiving calls and e-mails from vendors and customers, he forwarded the story onto Market vendors that might not have seen it and asked them to comment to the writer and the Mayor about how they felt about this story. It stated in the article that Mayor Bernard was moving the Market to a new site – as strip of south Main Street by the post office overlooking the sewage treatment plant. A group of community members including Market vendors and customers met last year and decided while the site on south Main was far from perfect it lacked many of the positive features that the current site had, it could suffice assuming that many of the kinks could be ironed out. Closing the street, blocking a bank of post office drop off boxes, and a bunch of things like that. This site was agreed upon to be the fallback site if and only if the current tree-lined site across from City Hall was ever developed. No one at that meeting ever discussed the fact that we would move the site if the current site was still available. Needing additional space for vendors was never brought up as an issue about what was needed in a new site and has never been an issue at the current site since the expansion. That was given as a reason for moving – that more space was needed. He began the community meeting last year about the Market by stating they were not there to debate development of the site but only to discuss where a good site would be if the Market had to move in the future be it in 1, 2, 5, or 10 years. He stated he would work hard to make the Market a success wherever it was for the sake of Milwaukie. The following day the Mayor tracked him down at his other job and thanked him for addressing that and keeping the 2 issues separate. He clarified that and was able to quiet someone who wanted to make it a debate about the development. It was about where the Market would go when and if it needed to in the future if the site was no longer available. He also stated no one guaranteed the Market the site forever but that they would be there until development occurred. The vendors and customers that read the article were shocked to read that construction on current site could start in 2009. Seeing that as of today we were less than 12 months from the completion of the 2008 Market season, many vendors and customers were dismayed to find they would be evicted from the current site while it would still sit vacant all next year and maybe years to come. The Mayor told him the site may never be built on, but he was still moving the Market. That made a lot of people wonder why. So why then would we move the Farmers' Market, one of the jewels in Milwaukie and the most consistent community-building force this City has seen in recent history. Why would you chance moving it from its central, tree-lined location in the heart of Milwaukie adjacent to coffee shops, the new North Main Village, and half a block from 2 new restaurants. Why, why would you ever consider moving if you did not have to? Not to mention the thousands of dollars that would be needed from the City to make this new site suitable for a market. Improving the steps that were a death trap going down to the Cash Spot which should probably be closed off immediately because they were a huge liability. Thousands had already been spent to upgrade water and electric at the current site. What did the community have to gain by moving the Market if the current site was available? Let the community decide – not one person. That was why there was a community meeting last year. The Market could survive anywhere it was, but it had thrived in this site growing from 7 spaces in July 1999 to over 70 spaces this season. The Market grew at its own speed that made for a healthy market both for the customers and the vendors. There was space at the current location to add up to 40 more spaces, and if need be the Market could expand onto Main Street or Jackson

Street. They had not tried to force Market growth but grew organically. As the customer base grew more vendors were added to keep up with the demand keeping quality not quantity the main goal. Every vendor supported staying in current location as long as they could. Some vendors went so far as to get the other vendors to sign a petition stating their support for the current site as long as it was available. Their livelihood depended on that. That was why it was important. This was taking chances with their livelihoods. Why chance a new location when you know you can make a good living on the current site. The livelihood of over 100 different farmers and local craft vendors and their families were at stake. Listen to them. They are the ones who do not want politics to get in the way of their livelihoods. If the current site in the heart of Milwaukie sat vacant for a year or years to come, not only the vendors and customers will suffer, but the City of Milwaukie will suffer from this decision. Customers come from all over the Portland area to the Market because of its location. Customers and vendors will ask him next year, "why, why did we move when we had this great tree-lined site that was perfect for 9 straight years while the original site sat vacant?" He could only shrug his shoulders and say, "talk to the Mayor." He submitted comments from vendors who could not attend the meeting as well as the petition.

- **Teresa Walker, Milwaukie**

**Ms. Walker** said everyone was hiding behind being a nonprofit organization, and that was why people were in this situation. No one had to answer to us. How did we get things changed? The Council was supposed to work for the City.

**Mayor Bernard** wanted to clarify that he had many different positions including being the business manager of the Farmers' Market and president of Celebrate Milwaukie, Inc. He was also the Mayor of Milwaukie. He was actually part of the Market before he was Mayor, and it was very important to him. He felt it was important to volunteer and arrive at the Market at 5:30 a.m. to start setting up tents and unloading the trailer before the Market Master arrived which was a paid position. Mayor Bernard was a volunteer and had never made a dime off the Market.

**Councilor Barnes** said this was not an issue of City business and requested the 2 parties involved meet with the Board of directors as soon as possible. The Board should ask for mediation because there seemed to be a personality conflict between the two. This was not a City of Milwaukie issue, so she recommended putting the issue to rest. It was a business situation between Mayor Bernard and Mr. Eiswerth that should be remedied with the Board.

**Mr. Eiswerth** added comments from the audience.

**Councilor Stone** thought this was coming before the City Council because the Market met on City property. That was the issue here and why they did not want to move off that piece of property unless they absolutely had to. That was why it was coming before the City Council, and it was a matter of City business because it was on City property.

**Ms. Walker** added comments from the audience.

## **PUBLIC HEARING**

### **Budget Transfers of FY 2007 – 2008 Appropriations and Approving a Supplemental Budget -- Resolution**

**Mayor Bernard** called the public hearing on the proposed budget transfers of FY 2007 – 2008 appropriations and approving a supplemental budget at 8:23 p.m.

The purpose of the hearing was to listen to public comments on the proposed supplemental budget.

**Ms. Warner** provided the staff report. A transfer was moving one appropriation to another and a supplemental required a public hearing when it was 10% of the original budget. Every item in the resolution had been talked about or planned at some time in the past. The only new appropriation was \$20,000 for 2 cranes, which had been saved for in the sinking fund, so it was a matter of timing.

**Mr. Swanson** added these items were discussed with the Budget Review Board in October.

**Councilor Stone** asked if the cranes were a new purchase or replacements.

**Mr. Shirey** explained the 2 cranes, or hoists, were for the street and water departments and mounted on the sides of 2 utility vehicles.

**Councilor Stone** asked why more money was going toward the Logus Road sidewalk match. Was that not figured correctly?

**Ms. Warner** said the street fund budget this year was complex because the fund structure changed. She felt there was some confusion in the process when the grant revenue was budgeted but the grant match was not, so some of the other projects had to be delayed.

No correspondence had been received on this matter. Mayor Bernard asked for public comments.

- **David Aschenbrenner, Budget Committee Chair**

**Mr. Aschenbrenner** reported all members of the Budget Review Board had considered this matter.

**Mayor Bernard** closed the public testimony portion of the hearing at 8:28 p.m.

**It was moved by Councilor Barnes and seconded by Councilor Stone to adopt the resolution approving transfers of FY 2007 – 2008 appropriations and approving a supplemental budget. Motion passed unanimously among the members present. [3:0]**

**RESOLUTION NO. 65-2007:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING TRANSFERS OF FY 2007 – 2008 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET.**

## **OTHER BUSINESS**

### **A. Skilled Carpentry Contract – Resolution**

**Mr. Shirey** discussed the various facilities that were being maintained by the department and the number of issues. He discussed the demands on the facilities division and particularly Mr. Miller. The City acquired 3 additional buildings in the past year including the Cash Spot, the Bertman House on 37<sup>th</sup> Avenue, and the Pond House. Each had its own challenges. He reviewed a number of spreadsheets that showed without resources things had to wait.

**Mr. Miller** discussed the increasing challenges of the new buildings which added about 12,000 square feet to the existing 75,000 square feet straining personnel resources. There were currently 1.5 FTE in facilities, and additional help would be sought in the next budget cycle. He discussed emergency situations that drew from resources and took time away from the request list.

**Councilor Barnes** was concerned about outsourcing something that should be done in house. She would rather the money went to a salaried employee than an outside agency bidding on this work.

**Mr. Shirey** replied this was the only option at this point. He would make some staffing recommendations during the budget cycle. Right now he needed a skilled contractor to help. He also needed a skilled plumber, landscaper and electrician, and he would seek Council authorization on those contracts in the coming months.

**Councilor Barnes** wanted to be able to hire from within before going out for a contract situation. Some of the items on the list seemed to be janitorial services such as toilet paper and a new light bulb.

**Mr. Shirey** added at one time there was a full-time janitor in every building. Right now the City had a service that did the cleaning and did replace things like toilet paper and hand towels. Other items were not in their job descriptions. There was no staff to take care of the little problems that came up in a building.

**Mr. Swanson** explained the half-time position was actually a full-time position shared by fleet and facilities.

**Councilor Stone** looked at the list and had similar concerns to those of Councilor Barnes. She asked if someone in each building could be assigned doing simple things like changing light bulbs and toilet paper. Milwaukie was going green; could it also look at some other ways to do some of the things that did not take someone who made \$40 an hour.

**Mr. Shirey** would bring it up at the directors' meeting.

**Mr. Miller** agreed it could be explored.

**Councilor Stone** had hoped for more than one bid.

**Mr. Miller** said it was posted in both Oregon and Washington.

**Councilor Stone** was a little uncomfortable with a 5-year, \$40,000 a year contract especially if someone else came on board.

**Mr. Swanson** explained this person was not guaranteed an exclusive to do those functions. If the position were funded, the contractor would not be called in or be reimbursed. It was not an exclusive 5-year contract. If some one was hired, the contractor would not be called in and would not be paid.

**Councilor Stone** asked if the bidder drew up his own contract.

**Mr. Shirey** replied it was a City contract.

**Mr. Swanson** added Milwaukie did the same with a painting contractor. If no painting were done, the painter would not be compensated. He was on call up to that amount of money.

**Councilor Stone** asked if that was also a 5-year contract and if that was typical.

**Mr. Shirey** said there was an option to renew based on performance. It was not a guarantee.

**Councilor Stone** asked what happened if the City liked his performance but still needed to sever the contract because someone was hired.

**Mr. Swanson** replied the City could still use the contractor. The contract authorized the City to spend up to \$40,000 annually.

**Councilor Stone** was concerned about being able to dissolve the contract by simply not using his services.

**Mr. Swanson** said it was a series of renewable 1-year contracts over a period of 5 years.

**Mr. Shirey** said that streamlined the process for him rather than going out for bids each year.

**Councilor Barnes** would support the resolution but did have the concerns she expressed.

**Mayor Bernard** had been here for 7 years, and this contractor had been in and out of buildings working on projects. He did craftsman type work such as the quilt frame and did not really do maintenance work. The janitorial staff was not skilled labor.

**Councilor Stone** thought they could probably change a light bulb.

**Mr. Miller** said the State required agencies to hire a Qualified Rehabilitation Contractor if one bid on the work. The company with which Milwaukie works has challenged employees. These people were given jobs, so some work was repetitive and gave them the ability to contribute to society and help earn a living.

**Councilor Stone** saw many things on the list that did not have to be done by people making \$40 per hour. She would like to see some effort made to have people in departments and buildings willing to do some of the things that did not require a carpenter, electrician, or plumber. There were many things on the list that did not look like it would take someone who made \$40 an hour to do.

**Mr. Shirey** said those kinds of things were typically not assigned to the skilled carpenter if the .5 FTE was available. He would raise the question of how buildings might be organized to do some of the routine maintenance items on the list. He would report on the response.

**Councilor Stone** said in private industry one would probably look at how work was delegated and what could be picked up here and there rather than just going out for bids. She was coming from that angle. \$40,000 did not seem like a lot of money, but it was taxpayer money. Taxpayers would probably like to see their money spent not changing light bulbs.

**Mr. Swanson** said this person was not the official light bulb changer. He often saw other people coming in to climb up the ladder to do that. He often saw this person doing the craftsman type of work. Occasionally there would be something that was small but for the most part buildings like this were old and changed many times. A good job was being done by a small group of people.

**Councilor Stone** thought there might be ways to deal with the number of calls coming in. It was just a question.

**Mr. Swanson** replied these were older buildings with certain needs. Facilities was very good about responding, and the buildings still had a lot of use in them. They took pride in what they did. City Hall got a tremendous amount of traffic by a lot of people.

**Councilor Stone** understood the building did get used. If this went through, was this a stopgap measure or would it really help to get the work done without hiring someone in the next fiscal year.

**Mr. Miller** replied at this point it was a stopgap measure, and he would try to come back to discuss more help in Facilities.

**Mr. Shirey** added this contractor would not be used as frequently if a position were added although he would have to continue to use skilled trades on call.

**It was moved by Councilor Barnes and seconded by Mayor Bernard to adopt the resolution authorizing the City Manager to execute a contract and purchase order with Craftsman Home Remodeling in the amount of \$40,000 annually for a maximum of 5 years.**

**Councilor Stone** wanted to clarify something about the motion regarding the amount of \$40,000 annually. The staff report said not to exceed \$40,000 annually. She wanted that clarified in the motion.

**Councilor Barnes** as maker of the motion accepted the amendment as did the seconder **Mayor Bernard**.

**Motion passed unanimously among the members present. [3:0]**

**RESOLUTION NO. 66 -2007:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH CRAFTSMAN HOME REMODELING SERVICES IN THE AMOUNT OF \$40,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.**

**B. Council Reports**

**Councilor Barnes** did the first Willamette Reader Show with Mayor Bernard and Rep. Carolyn Tomei as the first readers.

**Councilor Stone** attended a fundraiser for Milwaukie High School dance team at the Davis Graveyard, the Milwaukie Halloween extravaganza. She presented a check to Ardenwald School from Safeway. She asked for an update on Kellogg Treatment Plant.

**Mr. Swanson** reported the BCC met to discuss the future process. The Site Selection Committee came up with 5 sites to be winnowed down to 1 eventually. He understood that was put on hold for about 6 months. The process would be to migrate from an open forum dialogue to a structured discussion. The WES staff would visit cost-effective solutions with a view to asset management meaning it would look at all the options again. The BCC would create a Community Partners Task Committee with a mandate to return to the Board by April 1, and bring it down to a manageable set of options to pursue the interim diversion program with financing starting in the spring. They hoped to develop some model intergovernmental agreements (IGA) over the next few months. They would have another work session on December 20 where the wholesale rate issue would be discussed. Mike Kuenzi was scheduled to provide a briefing at the December 4 City Council work session. He felt they were on the right track by attempting to involve as many people in the community as possible.

**Mayor Bernard** attended the Governor's Economic Revitalization Team meeting and the swearing in of Carlotta Collette as Metro Councilor. He walked the proposed Farmers' Market relocation with staff and Mr. Gast, the consultant.

**ADJOURNMENT**

**It was moved by Councilor Barnes and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously among the members present. [3:0]**

**Mayor Bernard** adjourned the regular session at 9:05 p.m.

*Pat DuVal*

Pat DuVal, Recorder

CITY COUNCIL REGULAR SESSION – NOVEMBER 6, 2007

APPROVED MINUTES

Page 14 of 14

# AGENDA

## MILWAUKIE CITY COUNCIL NOVEMBER 6, 2007

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**2017<sup>th</sup> MEETING**

### REGULAR SESSION – 7:00 p.m.

**I. CALL TO ORDER**  
**Pledge of Allegiance**

**2. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**The Milwaukie Poetry Series (Tom Hogan)**

**3. 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.)*

**A. City Council Minutes**

- 1. September 18, 2007 Work Session**
- 2. September 18, 2007 Regular Session**
- 3. October 2, 2007 Work Session**

**B. Security System Upgrades and Replacement for Library Facilities – Resolution**

**C. Wells Fargo Banking Authorizations – Resolution**

**D. OLCC Application for Oregon Transfer, 9696 SE Omark Drive, Change of Location**

**4. AUDIENCE PARTICIPATION** *(The Presiding Officer will call for statements from citizens regarding issues relating to the City. Pursuant to Section 2.04.140, Milwaukie Municipal Code, only issues that are “not on the agenda” may be raised. In addition, issues that await a Council decision and for which the record is closed may not be discussed. Persons wishing to address the Council shall first complete a comment card and return it to the City Recorder. Pursuant to Section 2.04.360, Milwaukie Municipal Code, “all remarks shall be directed to the whole Council, and the Presiding Officer may limit comments or refuse recognition if the remarks become irrelevant, repetitious, personal, impertinent, or slanderous.” The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.)*

5. **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.)*

**Budget Transfers of FY 2007 – 2008 Appropriations and Approving a Supplemental Budget – Resolution (Valerie Warner)**

6. **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. **Skilled Carpentry Contract – Resolution**
- B. **Council Reports**

7. **INFORMATION**

- A. **Park and Recreation Advisory Board Minutes of September 25, 2007, 2007**
- B. **Center/Community Advisory Board Minutes of September 14, 2007**

8. **ADJOURNMENT**

**Public Information**

- Executive Session: The Milwaukie City Council may meet in executive session immediately following adjournment pursuant to ORS 192.660(2).

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 any 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
- The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION

September 18, 2007

**Mayor Bernard** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Bernard and Councilors Barnes, Collette, and Loomis

Staff Present: City Manager Mike Swanson, Community Development/Public Works Director Kenny Asher, Operations Director Paul Shirey, Engineering Director Gary Parkin, and Transportation Liaison Gavin Hales

#### **Railroad Crossing Safety and Quiet Zone Proposal Update**

**Mr. Parkin** discussed the progress that they have seen in refining the Safety and Quiet Zone proposal from last meeting on July 17. He wanted to address questions raised at the July 17 meeting. The Access on Harrison, cost of four-quadrant gates, and the overall project budget. He wanted to discuss the issues and seek direction.

Railroad crossing safety builds upon an existing project in the budget this year, the CDBG funded railroad-crossing enhancement at 37<sup>th</sup> and Oak. It would install median barriers and make pedestrian crossing improvements including Harrison St. If they improvements are done at all three crossings that would qualify the City for the train horn quiet zone. The other aspects they are looking at are to improve bike, pedestrian and handicapped access, and they would be seeking to reduce the noise impacts for up to 69% of the households in Milwaukie. It was established that the 65-decibel level was acceptable background noise. The cost for the project is \$285,000 in addition to CDBG.

At 37<sup>th</sup> Avenue the improvement consisted of sidewalk and adding medians to inhibit people from going around crossing arms and they will swing the turn lane so that you can still make a left turn from Railroad onto 37<sup>th</sup>. At Oak most of the improvements are from the CDBG project. All of the sidewalk improvements, the crossing panels between the railroad tracks, and what they would be adding for the safety project would make it quiet zone eligible. He showed an alternative to the medians to allow for left turns. Previously they put a median down the middle, which would have prevented a left turn from Oak onto Campbell. By moving it over to the side and doing some additional improvements it will allow the left turns as they are today.

At Harrison there are no CDBG grant funds so improvements would be pedestrian improvements like the other two crossings and sidewalks, and would add the medians on either side of the crossing arms. His role has been to identify the feasibility of these improvements and budget issues related to that.

**Mr. Hales** explained that his role in project was to assess public opinion on the proposal and to serve as a technical expert on regulations governing railroad-crossing safety, and to coordinate with Mr. Parkin to refine the proposal based on public opinion and on technical considerations. He talked about the revised access plan and how they got there. At the July 17 meeting Council asked them to meet again with the business owners affected by the proposal, which was Purdy's carwash and their detail shop. On July 30, he and Mr. Parkin met with Waid, Cindy and Mike Fetty who represent those businesses. They inquired about their intended utilization of a parcel that they own that is on Harrison across from their carwash. Specifically they asked about the outcome of a pre-application that they filed with the City in 2006 regarding a possible relocation of their carwash operation. The Fetty's replied that they no longer plan to develop the site due largely to the cost of the move as well as the right of way that they would be required to dedicate on all three sides.

**Mr. Parkin** said that the other issue they discussed with the Fetty's was their ability to improve upon the circulation pattern shown at the last meeting. Previously they had advocated lengthening the median and having the 31<sup>st</sup> Avenue access to the site with right in and right out only. To get to site from Harrison making a left you would have to access through the narrow driveway access. Their concern with this was the potential of two-way traffic going through a narrow area so there was a potential for crossing that movement with rights coming in. They looked more closely and came up with a better proposal. Shortening back the median to 60-feet, which is the minimum, required length by ODOT allowed for a left out on the 31<sup>st</sup> Ave. right-of-way and cars could make it past the end of the median. It had the benefit of one motion in and through. It eliminated the crossing pattern that was in the first proposal and also it would have one-way traffic in this design instead of two-way traffic. The Fetty's were very happy with this proposal and thought it would work well. We looked at this as the access plan for the site.

**Mr. Hales** said Council asked to look more closely at four-quadrant gate cost. They updated their cost estimate for adding gate arms at Harrison. The new estimate is \$270,000 for a complete SSM mitigation that is two additional gate arms upgrading the existing arms by replacing them, reworking the signal, and installing traffic loop detectors, which prevent cars from being trapped. Along with the necessary pedestrian improvements the total estimated cost for Harrison is \$365,000 or \$230,000 less than previously estimated. He had gotten the estimates from UP, as they would conduct most of the work. His contact at UP had originally expressed that replacing existing gate arms would cost \$250,000. When they asked for a refined estimate that cost was \$20,000. He explained that although this is a lower cost estimate than previously reported it would still raise the total cost of the proposal by \$255,000.

**Mr. Parkin** said that the budgeting for this project would come from three funding sources. The first is Fees In Lieu Of (FILO), which can be spent on pedestrian projects within the neighborhood that they are collected. The total is \$90,000 with \$30,000 at 37<sup>th</sup> Ave. and \$60,000 on Harrison. The next source is the Gas

Tax received from the state totaling \$157,500. The third funding source is the Transportation SDC's, which are available for projects that meet certain criteria and are capacity-related projects for a total of \$37,500.

**Ms. Warner** discussed funding sources and restrictions. The gas tax money is restricted to road related projects, but is less restricted than the FILO and SDC's. There is money available in the FILO at the start of the year. There was \$365,000 and that money is further restricted by neighborhoods. Each neighborhood has a portion of that money. Two neighborhoods in the Quiet Zone project are Hector Campbell and McLoughlin Industrial. Those two neighborhoods had \$94,000 and \$62,000 and those funds are appropriate and available. The SDC's had \$193,000 at the beginning of the year that was not appropriated for anything. Mr. Parkin had carefully looked at the specific components of the project to make sure he was using improvement SDC's only for things that are appropriate for improvement and the reimbursement SDC's are a little bit less restricted. That is all carefully programmed in there to maximize the allowable use of our restricted funds and minimize the impact on our unrestricted funds. The gas tax monies are not available this year. These monies were not budgeted or available this year. She explained that if Council gave staff direction to proceed with this project we would have to start saving the \$85,000 and once accumulated it could be appropriated. If the funds were allocated there would still be transportation SDC reserves and it would not exhaust the reserves. If you were to give direction to staff to move forward they would be doing in house work, but before we would write any checks to third parties she would be back with a budget resolution to get appropriation from Council.

**Councilor Barnes** asked how long it would take to save that kind of money.

**Ms. Warner** replied that this would come up and competes with other projects in the CIP and would be available to allocate probably at the beginning of the next fiscal year. It would have to be weighed against everything else that Council was looking at in the CIP.

**Councilor Collette** said she thought at the last meeting staff was talking about using the contingency fund for some of the cost.

**Ms. Warner** said the word contingency is synonymous with reserve, and that pertained to individual fund reserves.

**Mr. Swanson** said one point he wanted to make was that before this would come back in a budget resolution form it would be discussed with the Budget Review Board. We need to put together the final budget numbers, go through them and then come back with the budget resolution. We do not have the final word on the gas tax yet.

**Ms. Warner** said that this proposal was never intended to approach the general fund contingency.

**Mr. Hales** talked about community response on this issue. At the last meeting he reported that there were 189 residents that expressed an interest in this

proposal. Of those, there were 165 residents in favor of silencing train horns. Many expressed that they were not concerned about particulars, but they wanted the City to do anything to silence the horns. Since the July report he received an additional 38 e-mails regarding train horns in general and or this proposal in particular. Of those, 27 were in favor, 8 were neutral and 3 were opposed. There have also been two articles in Oregonian. One was an advocacy piece in favor, and one was neutral just letting people know about tonight's meeting. He said that he has been working on this project for more than a year and along with that in talking with residents this issue emerged by a margin of 2:1 as the issue with the most credence in the community next to light rail. Mr. Asher said regardless of the quiet zone component we are going to proceed with CDBG projects this year. As regards to the safety and quiet zone proposal he has determined that there is nothing left that Mr. Hales can do unless he is overseeing part of the project implementation. This is a complex proposal and unfortunately, there is no silver bullet to resolve the issues. Staff is bringing to you what they honestly feel is the best proposal that they can conceive.

**Mr. Hales** said they are here tonight with an updated recommendation, given the high level of stated public support for the project, the efficiencies of running the project in tandem with the CDBG pedestrian improvements, and the relatively small funding gap staff is requesting that Council give direction on a proposed resolution, which we would bring to you in 4 weeks. The resolution would establish the City's intention to create a quiet zone by making improvements at Harrison, Oak, and 37<sup>th</sup> Ave, seek permits for these improvements from ODOT, and construct the improvements when funding becomes available to be determined through the City's CIP update process, and related Budget Committee, and City Council approvals. .

**Mr. Swanson** said that he started at the City in September 2000. At that time then City Councilor Brian Newman asked the question about train noise. This was the issue that he hears most about and the one he got more inquiries about. In a lot of people's minds it is a clear livability issue. If Council approves moving forward budget work will still need to be done before anything can be finalized, and there is also an extensive review process. The State and the Railroad will not allow the City to go forward if it is not sufficient in terms of safety. The challenge on this project has always been balancing safety against cost. A couple of years ago they heard a number in the range of 1.2 million dollars in order to do the improvements that would achieve the goal of establishing quiet zones. Staff has continued to work to see if there was an alternative that would bring the goal in line with the costs. That was the proposal before the Council tonight. Even an application the City felt confident in was not a slam-dunk. This was the beginning of the process where there will be other voices that will not be anxious to let us do the project if they do not feel comfortable with it. In terms of Staff this has been a process of trying to come up with a cost effective plan to eliminate the noise. They have found it to be a livability issue with a great number of people. He provided copies of e-mail indicative of what they were hearing from people.

**Councilor Barnes** said she was concerned that it would take a while for this to move forward because of the money and the process. Is it possible for us to move forward on what we can afford. Can we do them incrementally or does it all have to be done at once?

**Mr. Parkin** replied that if we do one we do not get a partial quiet zone we have to have all three so there would be no reduction in noise by doing just one.

**Mr. Hales** added that each permit is filed on a crossing-by-crossing basis. He noted that they are not as constrained by permitting as originally thought. They do have to ask for a specific time frame for the permit but it is not two years, which is typical it can be set at 4 or 5 years. The impetus to move forward quickly and in tandem was that there were some cost savings to permitting them together and doing it as a joint proposal.

**Councilor Barnes** asked how long would this take to resolve if Council approved the money tonight.

**Mr. Hales** replied that Ms. Warner would know the answer better as it comes down to the money. The permitting element does add time, but that will happen one way or another. It is really a matter of when the funds are available.

**Ms. Warner** said that Council could look elsewhere in the budget at projects that are not as compelling. That could be another alternative that could be explored.

**Councilor Loomis** said that staff did a great job. His only issue is that he is not comfortable about spending gas tax money. If it is as big of an issue that Mr. Swanson says it is then that portion should be brought before the Budget committee and it should be addressed there. If it is that big of an issue then it should come out of the general fund. He has always had a problem when they talked about street lighting fees coming out of road maintenance. We need to keep that gas tax money for road maintenance. This isn't money that should be spent on other projects. He is fine with everything else and thinks we should move forward.

**Councilor Collette** said it sounds like we are only talking about \$85,000, but there are probably other places to look for that instead of the gas tax money. She appreciated Councilor Loomis' concerns about using gas tax money. This has been a target goal for a long time and now have the staff work has been done to clarify the costs. She is in favor of moving forward with the gas tax concern reflected. If there is another place to find that money she is in favor of it.

**Mr. Swanson** referred to the action requested section of the staff report, which said to come up with a proposal that achieved the project contingent upon availability of funds. They can look throughout the budget if Council directs.

**Mr. Parkin** said he understands the concern of using local gas tax for paving. The local gas tax is dedicated to pave.

**Councilor Loomis** said that part of the reason we passed the gas tax was because there was not enough gas tax money to do the maintenance. Now that the gas tax passed it doesn't mean we shouldn't still use that money for road

maintenance. His understanding was that the road maintenance fee would be adjusted or go away once these projects are done, and that \$85,000 helps the process.

**Councilor Collette** understood that gas tax could be used for this project.

**Mr. Parkin** said that when he is looking through the budget that is his funding source and he can't pull money from anywhere else. It is an appropriate use of those funds.

**Mayor Bernard** said the \$85,000 would be used for paving around those intersections.

**Mr. Parkin** said that it would be, but it wouldn't be considered maintenance, which is what Councilor Loomis' concern is.

**Mr. Swanson** said he has heard don't use state gas tax, this is a worthy project but don't limit yourself in looking for funds to do that. It would be appropriate to use it, but he hears find the money somewhere else.

**Councilor Barnes** asked if we could bring the budget committee together to find the \$85,000 through a consensus. Maybe there was something in the budget now if we look.

**Mr. Swanson** said we do not want to open that question up again. We will do it at the staff level.

**Mayor Bernard** said he thinks its great and we need to move forward. He has some concerns. The budget did not include the four-quadrant piece at Harrison. He has concerns about wiping out 60% of Purdy's Carwash business. Mr.. Fetty believed that the left turn into his property was taken away it would wipe out 60% of his business. We don't have the permission from the actual property owner to use that access. He has a call into him, but he hasn't returned his call. He asked if we could cut off the corner to eliminate having to use Mr. Murphy's property.

**Mr. Swanson** said that there is probably a setback requirement and cutting that corner would impact future building. We could look into that.

**Mr. Parkin** said if you put the turning radius around the end of the median and fit it into the driveway it would be tight. It may not suit all vehicles. It is also not the best place to have cars.

**Mayor Bernard** asked if the intersection could be widened to allow the left turn. Without permission from the property owner they cannot use his driveway and he is concerned that Purdy's will lose 60% of his business.

**Mr. Parkin** said the owner is same for the entire piece of property. The same property that the carwash and detail shop is on is owned by the same person. Unfortunately, they have not been able to contact Mr. Murphy. They will continue to try and contact him.

**Mayor Bernard** said we should look at the four-quadrant gates at that intersection. How do you wipe out a business? He supports the project, but is concerned about the business.

**Mr. Parkin** said that the four-quadrant gates are expensive and are less desirable from a safety standpoint although they would be approved.

**Mayor Bernard** said staff should proceed but need to contact property owner about access. Can we do something about the intersection of 31<sup>st</sup> Avenue to access the left turn?

**Mr. Swanson** said adopting a resolution does not make it a done deal, but it was a giant step forward.

**Mr. Hales** said as a point of clarification he understood the City would not have to have permission for this configuration, but rather that was between the Fetty's and Murphy's. The City cannot take a role in that unless we are asked to. We would more than willing to help them through that process if we were asked, but it is not a matter of the City needing permission.

**Mayor Bernard** said he would like the City to be involved because he did not think Mr. Murphy would allow him to use the driveway. He felt the City should be active in trying to contact Mr. Murphy.

**Mr. Swanson** said if the direction of the Council is to move forward on project, and he was hearing some issues tonight in terms of financing we would do everything possible to make it work. We cannot broker a deal between them, but it would be to our benefit to try to bring Murphy in. That awaited the Council's direction on this being a priority to move forward.

**Mr. Parkin** said that he met with Mr. Murphy earlier this year to let him know what was going on. At that time, he put up a brick wall and did not support it. He has been dealing with the Fetty's who were active and wanted to participate. He hadn't been in a position to get a lot of feedback from Mr. Murphy.

**Councilor Loomis** suggested asking Murphy to partner on the four-quadrant gates if it will increase his property value.

**Mayor Bernard** announced a downtown clean-up event that will be held on Saturday, September 22, 2007 from 9:00 a.m. to 11:00 a.m.

### **Adjournment**

**Mayor Bernard** adjourned the work session at 6:20 p.m.

---

Pat DuVal, City Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
September 18, 2007**

**CALL TO ORDER**

**Mayor Bernard** called the 2014<sup>th</sup> meeting of the Milwaukie City Council to order at 7:01 p.m. in the City Hall Council Chambers.

Present: Mayor James Bernard and Councilors Deborah Barnes, Carlotta Collette, and Joe Loomis

Excused: Councilor Stone

Staff present: City Manager Mike Swanson, City Attorney Bill Monahan, Community Development & Public Works Director Kenny Asher, Community Services Director JoAnn Herrigel, and Operations Director Paul Shirey

**PLEDGE OF ALLEGIANCE**

**PROCLAMATIONS, COMMENDATION, SPECIAL REPORTS AND AWARDS**

**Mayor Bernard** announced the Downtown Cleanup event on September 22.

**Mayor Bernard** commented on the last City Council meeting and apologized to the citizens of Milwaukie that while he always took a positive stance on the community he expressed frustration and made negative comments. He was sorry for his negativity and will work on being less frustrated. He asked for forgiveness and hoped to move on with the positive things happening in Milwaukie.

**CONSENT AGENDA**

**Resolution 58-2007: A Resolution of the City Council of the City of Milwaukie, Oregon, Authorizing the Chief of Police to Sign a Purchase Order in the Amount of \$32,780.02 with Taser, International for the Purchase of "Less Lethal" Police Equipment**

It was moved by Councilor Barnes and seconded by Councilor Collette to adopt the consent agenda. Motion passed unanimously among the members present. [4:0]

**AUDIENCE PARTICIPATION**

- **Ed Parecki, Milwaukie business owner**

**Mr. Parecki** read a prepared statement for the record:

"Though I have been known to lend my support for the development of the Texaco site into a multi-story housing structure for 'a few' with retail on the bottom, I have also been known to question whether this was the best use of the park-like piece of property that is enjoyed 'by thousands' every week. I question it at this moment.

I am completely open to the idea of developing our downtown core for all the people of Milwaukie, not just for those who will dwell in the very heart of the a downtown that rightly belongs to every tax-paying citizen living within the boundaries of our city. I am open to development that will

**CITY COUNCIL REGULAR SESSION – SEPTEMBER 18, 2007**

**DRAFT MINUTES**

**Page 1 of 10**

preserve our beautiful waterfront view for everyone, not just for those 'living' in a multi-story condominium. I am open to development that preserves trees and park-like settings. I am open to development that honors the documents we have created to ensure the vision of our downtown and waterfront if realized. For it is our vision, not the vision of a developer and not the vision of Metro that is at stake and of great importance to me and the citizens of Milwaukee.

I have nothing against development that honors our goals and our standards as spelled out in our Comprehensive Plan, Zoning Ordinances, and our Downtown and Riverfront Plan. I think it's important that we draw on our community values, philosophy and intent with which these documents were created. It was no accident that built into these documents are stated limits for building height and restrictions as to the type of exterior materials to be used. These documents are not out-of-date, nor were they developed haphazardly. The purpose for their existence has everything to do with what we envision our downtown core to become; what we envision our downtown to look like. We should hold fast to the foundation of these plans as we invite developers to come into our City. We have standards in place, and we should require developers to conform to them, not change them.

At the August 7 Council meeting several citizens testified against a suggested light rail alignment on Main Street referencing the Comprehensive Plan, the Riverfront Plan, and the Downtown and Land Use Framework Plans. If these documents provide a reasonable and viable enough reason to be used as a way to prevent light rail from encroaching onto Main Street, then they must certainly apply to any development that would go against a written standard or practice a design element or an ordinance. I would hope we would not settle for anything less.

I have several concerns with the Memorandum of Understanding (MOU) with Metro and Main Street Partners.

1. Main Street Partners wants to pursue zoning code amendments to build a taller structure currently not allowed in our downtown core. If we do not amend our zone code, Main Street Partners will proceed to build. However, as stated in the staff report for tonight's meeting, 'the project viability and quality will be reduced if the fifth story is not built.' I do not support amending our zoning code to allow any structure to go above the height restrictions as set forth in our code. First, development along McLoughlin should be low in height to allow river views for properties to the east. Secondly, I have reservations about any developer that would place the City in a position to change the code in order to get a quality project. If the City has to go against the ground rules of its written documents to get a quality built structure, red flags should be raised and we should be asking ourselves: Is this really the best project and the best use of this site in our downtown?
2. Main Street Partners wants to gain approval for the use of cementitious panels on part of the exterior of the building. I do not support the use of any exterior materials on this building that do not conform with the guidelines set forth in our documented plans for development in our downtown core. If the developer can't conform

to 'our' plans for 'our' downtown, then we once again need to ask the question, 'is this really the best project and the best use of this site in our downtown?'

3. Main Street Partners will apply for Vertical Housing Tax Abatement if the City pursues the creation of a Vertical Housing Tax Abatement Zoning Ordinance, Comp Plan, Sign Ordinance, and Subdivision Ordinance for the Texaco site. Though Main Street Partners did acknowledge at a recent Council meeting that they could build this development without utilizing Vertical Housing Tax Abatements, a letter from Main Street Partners dated August 7, 2007, states 'we assume that we will receive the Vertical Housing Tax Abatement on the project.' Tax breaks to developers at the expense of every tax-paying citizen in our City should not be allowed, especially in light of the recent 'road tax' the City as imposed. I will not support another development that utilizes Vertical Housing Tax Abatements.
4. Main Street Partners will participate in the City's TSP update process and develop the parking in accordance with 'best practices' and 'urban standards.' What does this mean? Attachment 5, Section 2.4 of the MOU states, 'in accordance with its intergovernmental agreement with Metro, Milwaukie will exert its best efforts to limit the required on-site parking ration to no more than one parking space per residential unit.' Parking was already at a premium and not adequate for retail in the downtown. We have witnessed it with North Main. If we truly want retail business to come into our downtown, we must allow for adequate parking. Developers need to be required to provide for on-site not on-street parking for their tenants. I do not agree with the parking ratio as it is unrealistic."

- **Ed Zumwalt, Milwaukie**

**Mr. Zumwalt** continued to read the prepared statement for the record as Mr. Parecki's 5 minutes for speaking had elapsed:

5. The idea of preserving some of the trees on the site was addressed with Main Street Partners at a recent Council meeting. A letter from Main Street Partners dated August 7, 2007 states they will not preserve trees on the site. Though they will provide second level courtyard greenery and street trees on the ground level consistent with the public area requirements that is no substitute for what is currently planted on the site. I would much prefer to leave the beautiful tree-lined parcel and incorporate it into a plaza area connecting to City Hall. It is much easier to 'grow' a development than to grow a City block of mature trees.
6. Section 4.1, Purchase and Sale Terms. What was the purchase price by Metro for the Texaco site: It seems that it was in the neighborhood of \$750,000. The purchase price of \$250,000, subject to the terms of a purchase and sale agreement between Main Street Partners and the agencies to include a 'look-back' clause that provides for the payment by Main Street Partners to the agencies of 25% of the project's net cash flow after deduction of operating expenses, reserves, and developer's 10% profit to be

distributed equally between the City and Metro. What is the projected amount the City will receive and when?

I am not against promoting a viable retail downtown core. What I am against is sacrificing our community values, our vision, and our beautiful trees and river view we all now enjoy to advance a political agenda in the name of progress. I'm against shaping our zoning, our design elements, and our plans we have in pace to afford any developer to come into our town and construct an out-of-scale monstrosity to conform to regional rules. We all need to think long and hard about the amenities we have and the ones we will sacrifice and weigh them against gaining more density, exacerbating parking problems, and altering river views. What we let go of today is gone forever."

**Mr. Parecki** said those words were those of Councilor Stone who was not allowed to read them into the record a few City Council sessions ago. He did believe in almost everything she stated.

- **Ronn Palmer, Milwaukie**

**Mr. Palmer** read two documents into the record.

Dated September 18 to Milwaukie Mayor James Bernard, Milwaukie City Council, and Milwaukie City Manager: Please be advised that at the September 11 meeting of the Ardenwald – Johnson Creek Neighborhood Association those members in attendance unanimously passed a resolution to support the Railroad Quiet Zone and crossing upgrades project. We would like to add one suggestion for consideration as this project develops. Please consider adding bird signals as an alert to our blind citizens who my use these pedestrian crosswalks."

Dated September 18 to Milwaukie Mayor James Bernard, Milwaukie City Council, and Milwaukie City Manager: Please be advised that that at the September 11 meeting of the Ardenwald – Johnson Creek Neighborhood Association those in attendance passed a unanimous resolution for Metro to purchase and develop the Norm Scott Property into a park. We are presenting this petition to the Milwaukie City Council to contact Metro and support this effort. This property, which is located at the northeast corner of Ardenwald neighborhood abuts the Springwater Corridor Trail and continues south to the Roswell Pond area. It has both upland and wetland habitats along with diverse trees, shrubs, and ground covers. As a park this area could function as an outdoor classroom and a respite for Springwater Trail users. This park could provide a unique opportunity for public visitors and area schools desiring to explore how both built and natural environments can co-exist together in a single setting. We therefore encourage you, our City Council, to contact Metro, and support the purchase of this property for the purpose of expanding Milwaukie's park system."

**Mr. Palmer** said the property was approximately 1.5-acres.

- **Jerry Herrmann, Clackamas County**

**Mr. Herrmann** was not a Milwaukie resident but was very interested in the Riverfront and the beautiful things being done there and some things he would like to see happen related to bringing a large tour vessel to the site some day. He was there with Norm Scott who was the owner of the property the Council heard about tonight. Mr. Scott retained Mr. Herrmann to try to explain to Metro

**CITY COUNCIL REGULAR SESSION – SEPTEMBER 18, 2007**

**DRAFT MINUTES**

**Page 4 of 10**

what could be done with this property. It was a couple of acres near 3 Bridges and the Springwater Trail. It was at one old hub of Southern Pacific which Ben Holladay owned at one time. He was a railroad magnate that had a lot to do with the settlement of Oregon City and Milwaukie. It was also at a crossroad of the Interurban Trolley that came from east Portland into this area. Mr. Scott understood people used to stop to rest and take on food and other stores so to speak on their journey. To him this was a wayside for the weary traveler shall we say. Then he saw this beautiful wetland. Mr. Herrmann had worked all of his life on environmental issues in a practical way by telling people not to cut this or take this but rather how to best steward the land. He saw a wetland the City built and a sign proclaiming that Metro was a partner on the Roswell wetlands in 1992. It was a very structured wetland area with revetments and steel and so forth and all done in such a nice tasteful way now that one cannot see those manmade attributes as strongly as one can see the function of the natural systems that take care of a huge amount of stormwater in the area. The two properties adjoin and together would comprise an area of almost 5 acres. Would it not be interesting to create a wayside for the weary travelers so to speak and the people that bicycle on the Springwater Trail and also a place for North Clackamas Schools and perhaps some from the Johnson Creek Corridor which has been well improved through community efforts to see how people really work together in a city along with a regional government to create a built environment that worked and then a property owner with additional land to connect to the Springwater Corridor and create a corridor. The proposals had been submitted to Metro. Jim Desmond, with whom Mr. Herrmann had known since his work on the Green Ribbon Committee to help Metro figure out what to do with its land, liked the proposal but wanted to see some letters of support from the community and especially the City that talked about Roswell being integral to this whole thing. That was why he and Mr. Scott had worked through the Ardenwald Neighborhood Association and other groups to solicit support. He was seeking a letter of support that at least stated the idea of combining the built environment with another piece of property that would provide access to the Springwater Trail might make a unique, unduplicated facility with the beautiful bridges, transportation linkage and heritage, and Ardenwald was the oldest neighborhood association and important to the City's history. It might make a nice statement for the area.

**Mayor Bernard** would like to visit the property, read the material, and visit the site. If Ms. Herrigel were interested the Council would consider it further in the future.

**Mr. Scott** had opened some trails and invited Councilors to call him and visit the property.

**Mr. Herrmann** said when he came to Milwaukie there was a wonderful fragrance. It was the amount of native and ornamental material in the landscape that made a very nice statement. He had been blind for the last couple of years, and now he can see but not clearly. Today was Newport day for him as everyone looked like they were in a fog. A month ago American West Cruise Lines that owned all the sternwheelers on the Mississippi River and the Queen of the West that was a vessel that transported people up and down the Columbia on 7- and 14-day journeys and also had Empress of the North and now owned a vessel in the Caribbean which was a tall ship they asked him to be their discovery guide and tell the passengers about what they were seeing on the Columbia and Willamette. The Portland Spirit had said Mr. Herrmann was one of the best guides it has had. They started out their journey of discovery from Swan Island which was historically significant but significantly different than it was a century ago when it started operations. They started their journey because they lost their dock on the Columbia River at the Doubletree Hotel. That dock was no longer available to them.

**CITY COUNCIL REGULAR SESSION – SEPTEMBER 18, 2007**

**DRAFT MINUTES**

**Page 5 of 10**

The only dock available to them in the Portland area was Swan Island. He asked Capt. Ford who used to pick up loads at Milwaukie Sand and Gravel for 20-years; he knew this area by heart. This was a beautiful vessel 250-feet long and 4 stories high. It was like a hotel on water. Capt. Ford said he would not take the vessel to Oregon City because of the Clackamas rapids, but he said he would go to Milwaukie as he did go to Oswego Point. People paid \$4,000 to go on a 7-day journey, took on stores at Swan Island, and discharged people after the 7-day journey who did not need parking because they were shuttled in from the airport. Parking was not an issue, and as a matter of fact no one was allowed to park near the dock on Swan Island. Capt. Ford knew the Milwaukie channel by heart as did his fellow captain. It would be amazing to have Milwaukie be the embarking point for a 7- or 14-day journey of discovery. Every place that thing went people turned out to see it. Irrigon's mayor came, and goods were flowing through Stevenson's vendors' hands. Milwaukie would have a tremendous opportunity, and Mr. Herrmann would be glad to work with the City on that. He talked with Ms. Herrigel, and he believed she saw some potential. He believed Milwaukie was in the right place at the right time. This was the first port, and Portland was a concept that never got started until about 1860.

**Mayor Bernard** noted the City had been working with the Sternwheeler Rose.

**Mr. Herrmann** said the need for a dock could strongly be in the City's favor from the State Marine Board and federal funds. Lake Oswego and Oregon City had accessed those funds. The docks in Oregon City were sitting unused because the channel was so shallow a large vessel could not be relied upon to pick up and drop off passengers.

## **PUBLIC HEARING**

### **Motion to Consider Continuation of Amendments to Milwaukie Municipal Code (MMC) Sections 19.321.7 and 19.321.3**

**Mr. Swanson** said the City Council considered on a monthly basis since June 2006 when the City looked at amendments to both the Comprehensive Plan and the municipal code dealing with at the time the community services overlay and changes to the Comprehensive Plan and zone code regarding major utilities such as the Kellogg Wastewater Treatment Plant which would be non-conforming on December 31, 2015. He recommended continuing action of both of the amendment to the second meeting of November to act as a sword of Damocles over the whole process. He felt with Councilors Barnes and Stone sitting on committees that the communication was good with Clackamas County.

**It was moved by Councilor Collette and seconded by Councilor Barnes to continue the hearing on the amendments to the Milwaukie Municipal Code Sections 19.321.7 and 19.321.3 to the regular City Council meeting of October 16, 2007. Motion passed unanimously among the members present. [4:0]**

**Councilor Collette** asked for an update on rates at a subsequent meeting.

**Mr. Swanson** reported staff would meet with Mike Kuenzi, and he would provide information on the underlying issues.

**Mayor Bernard** explained to residents that Milwaukie was a customer of the District and could only negotiate rates, and most people understood.

**Mr. Swanson** commented this issue had been on the table for about 30 years without a resolution, and costs have increased over time. The subregion would need to come up with a solution to wastewater treatment that served people into the future. There have probably been 10 studies done over the 30-year period and all coming back to the same point.

## **OTHER BUSINESS**

### **A. Clackamas River Water Contract Update**

**Mr. Shirey** reported the Clackamas River Water (CRW) Board Chair assured him that the agreement with Milwaukie was taken seriously and apologized for the delay in responding. The general manager had changed, and they would meet this week to begin discussions. Mr. Shirey intended to conclude the discussion and have an agreement on the date to begin negotiations regarding the agreement itself. He and Mr. Monahan would represent the City of Milwaukie.

### **B. US Mayors Climate Protection Agreement – Resolution**

**Mr. Shirey** recommended the City Council adopt a resolution endorsing the US Conference of Mayors Climate Protection Agreement. He wanted the Council to consider steps the City could take to reduce global warming, pollution, and adopt sustainable practices. The US Conference of Mayors recognizing the threat that global warming posed adopted a resolution in 2004 which urged Congress and the states to enact policies and programs to meet or beat the target of reducing global warming pollution. The Cities of Lake Oswego and Oregon City in this region adopted the agreement. Lake Oswego started an emissions inventory process. The resolution committed that cities would take actions in their communities to inventory global warming emissions; adopt and-use policies that reduced sprawl, preserved open space, and created compact walkable urban communities; promoted transportation options; increased the use of clean, alternative energy; made energy efficiency a priority through building codes and retrofitting City facilities; purchasing Energy Star equipment and appliances for City use; practiced and promoted sustainable building practices using the LEED program; increased fleet vehicle fuel efficiency by converting to biodiesel; evaluated opportunities to increase pump efficiency; increased recycling rates in City operations; maintained healthy urban forests; and helped educate the public, schools, businesses, and industry about reducing global warming pollution.

**Mr. Shirey** came to Council November 2006 and May 2007. A sustainability team studied the agreement and discussed steps Milwaukie could take in becoming a more sustainable City. Global warming was a symptom of larger problem that could be defined as making decision or taking actions that relied on systems that were not environmentally, economically, or socially sustainable. Continuing to rely on fossil fuels was not sustainable because the resource was not renewable, polluted the atmosphere in a way that contributed to global warming from greenhouse gas emissions. The City had the opportunity to join others in the region to support reductions in global warming emissions and adopt sustainable practices. It can also educate the public and influence changes throughout the community. When the Agreement was adopted, the City was eligible to receive at little cost technical assistance that would help with the inventory and put together a plan to meet the established goal.

Initially the City would direct its actions on how it did business. Over time the goal would be to develop a program that would seek to influence the actions of businesses and households in the community as well. The emission reduction plan was to conduct an inventory, adopting a reduction target, drafting a plan to achieve the target, implementing an action plan, and evaluating and reporting on progress. The adoption of the Agreement would provide the framework to take the steps necessary to make a difference in terms of how the City was doing business, and staff would report on the action plan and related costs. He hoped the Sustainability Team would come up with an action plan for the City that gave a sustainability filter on every action to determine its relative sustainability and balance the costs and benefits before a decision was made.

The City of Seattle adopted its resolution before the Council of Mayors, and the Mayor of Seattle was the major proponent at the US Conference and helped draft the resolution. He also provided a Newsweek article on *America's Greenest Mayors*. As of last April 435 mayors had signed on representing 461 million people. It talked about an array of approaches. For example, San Francisco budgeted \$20 million and had a staff of 70 people. Clackamas County was hiring its first Sustainability Director, and Mr. Shirey had been invited to be on the panel last week but was out of town. These measures save money, reduced demands on overstretched utilities, and made cities more pleasant places to live and work. Milwaukie would focus on energy efficiency and converting incandescent fixtures to LEDs that use 80% less energy and last 6-10 times longer. It did not take long to recover the cost of that kind of investment. In cities, big buildings accounted for 50% - 70% of energy consumption. Milwaukie had the Energy Trust of Oregon audit all of its facilities, and he was looking forward to reading that recommendation. The City was moving ahead already. Transportation was a huge area where actions could be taken that included alternative fuel vehicles, flexcar programs, and vibrant downtowns where people were able to walk and use transportation options. Trees were like big air conditioners, and Milwaukie was known for its urban forest. He recommended taking a good inventory and taking steps to maintain the tree canopy. If every household in America switched out one compact florescent bulb, it would reduce energy consumption as much as taking a million cars off the road. San Francisco banned non-biodegradable plastic bags which was costing the City \$8 million annually to remove from streets, storm drains, and recycling machines. Multnomah County banned Styrofoam 15 years ago.

**Ms. Herrigel** discussed an evaluation done in 1996/1997 with DEQ and Metro grant funds. Activities were implemented to reduce waste, but when the coordinator's grant was finished many of her efforts went by the wayside. She was glad after 13 years in this City to finally have some company with positive, beneficial projects. She saw this resolution as approving a larger policy umbrella, and the Sustainability Team was trying to put that policy into action.

**It was moved by Councilor Collette and seconded by Councilor Barnes to adopt the resolution endorsing the US Mayors Climate Protection Agreement and direct the City Manager to join the Cities for Climate Protection Campaign.**

**Councilor Barnes** asked to see data during the budget process showing citizens how much was being saved by doing this.

**Councilor Collette** said when she came onto City Council this was one of her top priorities, and as she got more involved with Clackamas County, it became a Clackamas County Coordinating Committee (C4) priority. She was excited that Milwaukie was one of the first cities in the County to adopt the resolution. She understood it would take work, but it would bring returns in terms of fiscal responsibility and livability. These steps would lead toward a vibrant community, and she appreciated the work.

**Councilor Loomis** asked how often the Sustainability Team would meet.

**Mr. Shirey** suggested there would likely be monthly meetings.

**Councilor Loomis** hoped to see Milwaukie have commingled recycling.

**Councilor Collette** thought the Neighborhood Associations would be anxious to participate as it was already a priority in Ardenwald.

**Mayor Bernard** announced today he had dedicated the first biodiesel station on King Road at Safeway.

Mr. Shirey plans to buy 3 bikes for people to travel between Johnson Creek and other City facilities.

**Motion passed unanimously among the members present. [4:0]**

**RESOLUTION NO. 59-2007:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE US MAYORS CLIMATE PROTECTION AGREEMENT AND DIRECTING THE CITY MANAGER TO JOIN THE CITIES FOR CLIMATE PROTECTION CAMPAIGN.**

**C. NEPA Update**

**Mr. Asher** thanked Mayor Bernard for his apology because staff put a lot of energy into what it did, and negativity did not help. Staff needed the positive energy to keep it going, so for him the comment was meaningful.

He discussed the questions circulating around about the propriety of the process in figuring out the new alignment for light rail and more specifically allegations made repeatedly by John Otsyula who had been at the last several Council meetings as to conformance with that process. At the last meeting there was a request made that he follow up with Metro and share that point of view with the City Council and Mr. Otsyula. They were not quite there yet. The most important thing to say was that Metro was consulting with the Federal Transit Authority (FTA) on a regular basis and was taking all steps it deemed necessary to comply with NEPA. That was quite a different statement than heard from Mr. Otsyula who expressed on his communication with the The FTA that there were flaws and errors. Mr. Asher was not hearing that from Metro. He asked Metro for something in writing for the sake of the community more than anything else. Metro was in the process of deciding what to write and if they should write. That was not a simple slam-dunk for several reasons. Metro was not entirely clear on what it was being accused of. It was not entirely clear based on what Mr. Otsyula presented. Metro spoke with Mr. Otsyula and the the FTA, and both agencies would respond to Mr. Otsyula who were jointly implicated. Once they ascertained what Mr. Otsyula felt had not been considered when he talked about options and what those were. Another response which he communicated with Ms. Wieghart was a more generic response for the community about the propriety of the process. Some of the points she requested that Mr. Asher share with the City Council and community showed why the response was not simple. The project had been in a continuous NEPA process since the South North DEIS which started in 1996. This was one long process. Saying that it was not in conformance with NEPA when talking about 11 years was probably not specific enough. Metro did complete a comprehensive alternatives analysis in 2000 which considered a wide variety of modes including bus rapid transit, busway, high occupancy transit, high occupancy vehicle lanes, river transit, and radial and circumferential commuter rail. A lot of alternatives were considered. In 2002 the SDEIS studied bus rapid transit, busway, and light rail alternatives in great detail. In response to comments that arose this summer we were all well aware that Metro and TriMet completed an exhaustive review of potential design options through the City of Milwaukie. Indeed options through the City had been considered. They were wading through this to understand what the charge was. Ms. Wieghart reminded him that the FTA was a co-lead with Metro on these processes, and the FTA must certify that NEPA was followed before any process was considered complete. The FTA was not exactly a third party judge. Metro was actually THE FTA's agent in running this process. THE FTA was an interested party, so it was involved. Because of this Metro and THE FTA had multiple discussions both project staff to project staff and lawyers to lawyers. They were trying to understand how to respond. Metro has always met the provisions of NEPA and obtained this certification, so there was some track record. When Metro ran a project like this one, it

**CITY COUNCIL REGULAR SESSION – SEPTEMBER 18, 2007**

**DRAFT MINUTES**

**Page 9 of 10**

knew the rules and had always followed them in the past. He had no reason to believe that Metro was trying to take any shortcuts or made any mistakes. They were not guessing at it. Metro was consulting with the FTA on a regular basis and was taking all steps it deemed necessary to comply with NEPA. She felt this would continue. Metro was still deciding on whether to write something and to whom. They were going to meet with Mr. Otsyula. Mr. Otsyula was meeting with interested groups including the Portland Waldorf School and Historic Milwaukie Neighborhood Association. He was active, and this continued to be an open issue.

#### **D. Council Reports**

**Councilor Collette** invited the community to attend the Harmony Road Visioning on behalf of Clackamas Community College. She met with pre-JPACT/MPAC on transportation and land use in the metropolitan region and reviewed transportation projects for Clackamas County. Milwaukie was well represented on the list for regional and state projects. She had been talking with people interested in being on the Arts Committee. She worked at the Farmers' Market booth and heard a lot of support in what was taking place downtown and interest in light rail.

**Councilor Barnes** congratulated Dennis McCarthy on his retirement from *The Oregonian*. The Harmony Road Project open house was on September 26 at OIT.

**Councilor Loomis** had been working on a senior seminar project to bring back spirit to community pride. He attended employee recognition picnic and volunteered in the concession stand at Clackamas Live! with proceeds going to Milwaukie Center nutrition program.

**Mayor Bernard** would host the State of the County Address as North Clackamas Chamber of Commerce Chair. He urged people to read Mike's Friday Memo for an update on community events. Volunteers were needed for the Farmers' Market Community Booth. A downtown cleanup was scheduled on September 22 sponsored by Historic Milwaukie Neighborhood. He would walk in the Portland Marathon and hoped people would pick him up if they saw him fall along the side of the road. He would be a presenter at the League of Oregon Cities Conference on a panel discussion about street maintenance funding programs.

#### **ADJOURNMENT**

**It was moved by Councilor Barnes and seconded by Councilor Collette to adjourn the meeting. Motion passed unanimously among the members present. [4:0]**

**Mayor Bernard** adjourned the regular session at 8:40 p.m.

---

Pat DuVal, Recorder

## MINUTES

### MILWAUKIE CITY COUNCIL WORK SESSION

October 2, 2007

**Mayor Bernard** called the work session to order at 5:30 p.m. in the City Hall Conference Room.

Council Present: Mayor Bernard and Councilors Barnes, Collette, Stone, and Loomis

Staff Present: City Manager Mike Swanson, Information Specialist Grady Wheeler, Community Services Director JoAnn Herrigel.

#### **Public Access Program Discussion**

**Mr. Wheeler** introduced Carrie Scaife and Melody Ashford from WFTV. He talked about the future of the Lake Road Access studio. He wanted to get Council Direction as to whether or not we should follow the recommendation of our cable services provider WFTV, and consolidate our resources at the WFTV studio in Oregon City. WFTV has been providing the City public access and government access services since 2003. He explained that government access is all of the programming that occurs on channel 30. Public access was on channel 23, and programs that appear on that channel are events such as the Riverfest parade, State of the City Address, and any programming that is produced by a member of the community. Tonight's discussion pertained only to public access and the public access studio on Lake Road. WFTV is proposing to close the Lake Road studio and consolidate resources at the Oregon City studio. Resources at the Lake Road Studio include a blue screen, a set for taping programs, cameras, lighting and microphones that can be rented out by the community. There are three editing suites to produce programming and a staff person to provide trainings.

**Carrie Scaife**, WFTV board member passed out handouts to Council regarding their proposal. The Clackamas Cable Access Board is the governing board of WFTV and consists of members of the community that are appointed by the mayors of Oregon City and West Linn. WFTV employees and management feel that the current data shows that it would be better for Milwaukie if the resources were consolidated. Milwaukie will continue to have Milwaukie Center programming and its own individual channel complete with the Community Access Network (CAN). Milwaukie has it's own CAN time, which is on channel 11 and is completely separate from WFTV and will continue to have that. The only change will be the physical location of the building, its use for equipment and training and check out. Benefits are that it relieves the City of the obligation to the Clackamas County Fire District for use of the building, it will boost utilization of Milwaukie's equipment because there are so many Milwaukie producers at Oregon City that aren't using Milwaukie equipment, there will be better outreach to the population of Milwaukie because more staff hours will open up because there will be more staff at the building so they can go out in to the community. There is a variety of equipment available at Oregon City that Milwaukie doesn't have including a teleprompter, a more advanced studio, and a graphics machine. There will be additional website information regarding playback classes and facility information because there will people on staff to do that. There will be quicker and more accurate additions to the reader board because there will be

**CITY COUNCIL WORK SESSION – October 2, 2007**

**DRAFT MINUTES**

**Page 1 of 7**

someone there all the time that can instantly make changes. The drawbacks are that the studio is located in Oregon City and that there is limited parking, but WFTV is planning on purchasing parking spaces for producers starting in January. She discussed quarterly reports from the end of the last quarter and there is significant difference in editing time and camera check out. The Current contract with Milwaukie had a stipulation to increase the user base to 30 users. There are currently only 8 active producers at the Milwaukie Studio. There are 63 active Milwaukie producers who use the Oregon City facility and equipment. Those producers were local people doing their local programming. They are also suppose to conduct quarterly outreach efforts and WFTV has been attending State of the City Address, Riverfest Parade, Arts Guild and other events as requested. Another contract obligation was to establish studio hours that meet community needs. Currently the Lake Road facility is open 26 hours per week. The Oregon City facility is open 6 days per week 12 hours a day Monday through Friday and 8 hours on Saturday, which offers a lot more variety in times for use. They also needed to meet the needs of the fire district, which they have been doing; if the operations were moved to Oregon City they would not have that obligation because they wouldn't be using their property. They are also operating within budget and attending meetings as obligated.

To address some concerns they wanted Milwaukie to know that they will not be losing cable access privileges. The channel will remain completely intact and is separate from the building itself. It has been physically operated from Oregon City for 6 months, and there have been no changes in services. Having the channel physically operated from Oregon City has given Milwaukie producers the unique opportunity to get more exposure because their shows are playing in other service areas in addition to Milwaukie. Milwaukie will not be funding other cities. It will remain completely separate from the other cities and channels. The overall communication between WFTV and Milwaukie residents will be more direct because there will be one facility, one phone number and one e-mail address. A Milwaukie representative can join the Clackamas Cable Access Board. Milwaukie will continue to have input on the WFTV budgeting and the Oregon City facility upon approval from the other cities. The majority of the Milwaukie producers prefer the Oregon City facility. The benefits from the change outweigh any drawbacks that they see.

**Mr. Wheeler** said we are currently leasing a building from the Fire District behind their Lake Road station. The District suggested that they would like to move back into that space.

**Councilor Collette** asked if they have talked to the 8 producers who use the Milwaukie facility, and how do they feel about the change. Do they regularly produce programs.

**Ms. Ashford** replied that the producers go back and forth between the two facilities. Depending on what day they want classes is what facility they are going to. The change would make all of the classes in Oregon City.

**Councilor Barnes** had concerns that once we close our doors we will not be getting any more studios in Milwaukie. There may be a lull now, but when people get trained on the equipment they will want to work in a local studio. The parking in Oregon City is terrible. She wanted to know about the equipment purchased by the City. In looking at the equipment list she realizes our equipment is no longer state of the art.

**Ms. Ashford** said that everything was shared. There are 3 editing suites. One was state of the art and primarily what was being used.

**CITY COUNCIL WORK SESSION – October 2, 2007**

**DRAFT MINUTES**

**Page 2 of 7**

**Mr. Wheeler** said that all of Milwaukie's equipment is tagged and bar-coded, and they have a complete inventory of all of our equipment.

**Ms. Ashford** said it would be retained as Milwaukie's equipment, but the equipment is shared between both studios. There is a benefit to have access to all the equipment.

**Councilor Barnes** said she has contributed some programming that was dropped off at the Milwaukie studio. Would there be a courier service available for Milwaukie producers?

**Ms. Ashford** said they could set up something like that by using local people.

**Councilor Barnes** was really concerned once we close the doors we won't get it back. Some may not want to travel.

**Ms. Ashford** said maybe they could set up a satellite site and possibly use the Milwaukie Center or Bertman House. They could have a special workshop, but there would basically be one mother ship, and they can set up a day and time at a Milwaukie location to give a workshop. A liaison can assist with keeping the program going.

**Councilor Barnes** would be okay with the Bertman House.

**Ms. Ashford** said she talked to Comcast about a fiber connection at the Milwaukie Center for a live place. They said for \$5,000 they could drop a live feed. Within the City there are probably other fiber feeds that are close so if you wanted a live feed center that could be done, maybe coordinated with a group so there is not a void of staff.

**Councilor Stone** said if we did something like that it would cost \$5,000 to set something up?

**Ms. Ashford** said that is was the figure she initially got from Comcast to get the feed drop.

**Councilor Stone** asked if the City is paying \$10,000 for government access and \$30,000 for public access at both locations?

**Mr. Wheeler** responded that they are two different services. The \$10,000 is for channel 30 and public access is all channel 23 at a cost of \$30,000.

**Councilor Stone** asked if there was much of a cost savings for consolidating.

**Ms. Ashford** said there is office overhead and a maintenance fee on the building, which is about \$3,000. The City can look at capital funds to maybe offset the cost of the fiber feed. It was right in line with what everyone else was paying for government and public access.

**Councilor Stone** said it made sense to consolidate, and she likes the idea of having a local area.

**Councilor Loomis** asked how much does the City receive in franchise fees from Comcast.

**Ms. Herrigel** replied \$160,000 annually. What isn't used for the studio goes into the general fund.

**Councilor Loomis** asked if there was anything set aside for new equipment.

**Ms. Herrigel** said that new equipment comes from PEG funds. That would still be marked to buy our equipment.

Consensus was to proceed and establish a satellite.

### **Garbage Rates**

**Ms. Herrigel** talked about a proposed collection program modification and potentially a rate increase. Annually haulers submit expenses and revenues. The City does an analysis with the assistance of Clackamas County. They take all haulers and consolidate into one to compare revenue generated and expenses and determines a rate of return. In the City of Milwaukie if there is a rate of return between 8% and 12% there is typically no increase. Unfortunately, this year the rate of return was fairly low at just about 8% or just below that. She has been working with Joe Cook and David White representing the garbage haulers, Rick Winterhalter from Clackamas County and Michael Borg from Oak Grove Disposal and the haulers to work out a compromise on increasing rates, but also providing adequate service for the City of Milwaukie. The haulers have reported for 2006 an 8% return. There was a tip fee increase of \$1.28 per ton, driver wages are increasing by 2.95%, insurance for all employees will increase by 4.79% and it is predicted that we will have a rise in fuel costs of 7.67%. They anticipate that with the cost increase it will take the hauler numbers lower. Talks with the haulers have been on how to increase, and what services can be provided with that increase. They want obtain three goals, first is implementing semi-automated recycling collection. Every residential customer in the City would be given a 60 or 90 gallon roll cart for their recyclables along with educational material and they would put all recyclables in the cart with exception of glass. This has been implemented in Beaverton for about a year and the numbers there show that there was a 17% increase in materials put out in recycling over that period of time. Portland carts are going out within the next year. Gresham implemented the roll carts in August and September. Clackamas County haulers will have their carts out in January 2009. We have seven haulers who have overlap in County. The second goal was to enhance the efficiencies of the rate review. There has been discussion around decreasing the bureaucracy to make it more efficient for the City and haulers. That would require that we equalize the rates between the City and the County, which would mean the haulers would charge the same rates to the City as they do the County and provide the same services. There are some modifications between the two jurisdictions. If a Milwaukie resident has a 32-gallon can the haulers are not required to provide carts because there was no rate. The County had a slightly higher level of service. Considering all of the issues and discussion the garbage haulers are proposing to raise residential rates to meet those in the county. If a customer has a 20-gallon can the increase would be \$2.88 per month and the highest, those with a 90-gallon, would increase to \$5.31 per month. Approximately 19% of all customers for all of the haulers use 60-gallon and 8% use 90-gallon. The haulers would purchase roll carts and begin commingling by February 1, 2008, which is a year ahead of what the County is requiring them to do. Most of the haulers believe that they can get those carts out by Christmas, but not all of the haulers were sure they could meet that deadline so they suggested that February 1, 2008 would be more appropriate. The City and County staff and haulers would continue to work on streamlining the rate review process for better efficiency, modify the drop box rates and service policies in both the County and the City and commercial rate equalization for 2008. The commercial rates in the City are actually lower than in the County. For many years our commercial rates have been subsidizing to some extent the residential rates. She provided copies of a flyer that Gresham did for their roll cart program, and a handout that shows all of the rates from surrounding jurisdictions.

**Mayor Bernard** asked when the current contract expired.

**Ms. Herrigel** said it was a 10-year rolling contract that is re-upped every 5-years.

**Councilor Collette** wondered about educating people on how they could downsize their can.

**Ms. Herrigel** said the flyer showed what the different service levels are and how people could save money.

**Councilor Collette** said that is important to people and they did not often know they could change.

**Ms. Herrigel** said one of things over the years that she has heard from haulers is when there is a rate increase people tend to downsize but then overfill their cans. They either need to change their service again or they have repeat extras collected, which always results in a customer service issue. The haulers have cautioned to not push that too hard because there are people that try to toggle back and forth on a regular basis and that could be a customer issue.

**Councilor Loomis** said he got e-mail today with a question and the concern that this program would mean the loss of family wage jobs. Would there be fewer haulers, and would that result in a loss of jobs.

**Ms. Herrigel** said to her knowledge it did not impact the number of employees when haulers use roller carts for recycling. It does force the sorting of the recyclables and shifts it from the customer's house to the materials recovery facility (MRF). There is a shift of work from the customer's house to the MRF. She did not know if they are ramping up on low wage labor. It might shift from the end use. It used to be that the sort separated and briefly looked through it and then sent it on to the end user. In this case they are employing more people at the MRF to sort things out to then send out to the end user. Her concern is that the material can get contaminated when it is in the big container or at the MRF and then it isn't as pure of stream of recycling material that goes into the end use ultimately. She doesn't have a concern of losing high wage labor.

**Dave White** with Oregon Refuse Recycling Association represents the Milwaukie Haulers. He said one of the members in the association is a processor from Farwest Fibers, and he said that because the carts have lids on them the quality of the material was much better because it was not getting wet. One of the worst things that can happen other than plastic bags going down is the wet paper mixing in with the plastic. They actually recover more because of the quality of material. Regarding effect on employees in the concept of sustainability there are three prongs and one of those is workers safety or the impact on people rather than just on the economy. They are finding when moving to this type of system their workers can work longer. Bending over numerous times a day and picking up bins is back breaking work, and this allows people to get into this business and stay in it. They can stay in it longer and long enough to retire. There are many advantages to moving to this type of system.

**Councilor Loomis** asked if all of the haulers have the automation to lift these carts.

**Mr. Borg** said the commitment from haulers is that they will retrofit their equipment and they may not all go to completely fully automated, but they will go to at least semi-automated. Some may have to purchase additional equipment.

**Ms. Herrigel** explained the differences between automated and semi-automated. Automated is when the driver never has to get out of the truck. Semi-automated

is when gets out of his truck and manually rolls the cart to the prongs. That saves wear and tear on the drivers backs. She proposed bringing a resolution for modification of rates and services to the next council meeting. They would have most of the details on getting the carts out and any data collection that they are planning on doing.

**Mayor Bernard** asked if there would be a choice of cart size.

**Ms. Herrigel** said that she has to develop the specifications. If there is a legitimate customer concern the hauler could address that but she is concerned about where that will stop. The footprint of the 60 and 90 is the same.

**Mr. White** said this discussion about the size and inconvenience comes up in every jurisdiction. They typically give everyone a 60-gallon and ask that they try it for at least a month. Some find that they take the can to the curb fewer times. For them it means that they do not have to stop at every house every week so that was a benefit. He said that in Metro's solid waste management plan the recommendation is to go from bins to carts in the next 10 years.

**Councilor Stone** understood there was only one size 60-gallons.

**Mr. White** replied that was the recommended size. There are some communities that have opted for a 90 because everything can go in it.

**Councilor Stone** asked if people would get the choice of a 60 or a 90.

**Ms. Herrigel** said she hadn't had an opportunity to talk to the haulers about that, and she would like feedback from them.

**Councilor Stone** said it would be neat if people had a choice about what size garbage can and yard debris cans they can have.

**Mr. White** said it has to do with inventory. There is a choice with garbage already. The recycling doesn't have to be set out as often if it is not full. Yard debris only has one option.

**Councilor Stone** asked if the cities where the rolling carts have been implemented are seeing more people downsizing their garbage cans; and if they are, how does that offset the revenue.

**Mr. White** said when they implement the roll carts people realize they are more convenient, and it makes people more aware of recycling. Roller cans cost about \$50, which was amortized over 7 years.

**Ms. Herrigel** said typically when there is an increase of rates in the City they either add a material to recycling or they add a service. In this case what is suggested is that when the rates increase the additional service that is now provided is the new roller cart with commingling. You don't pay for the cart, but the cost of the cart is included in the rate increase.

**Ms. Herrigel** said that commercial rates would not be modified. The proposal is for an increase in residential rates.

**Councilor Stone** asked why the increase is just for residential.

**Ms. Herrigel** replied that the commercial rate of return was more healthy than residential.

**Councilor Stone** asked when the last increase was.

**Ms. Herrigel** said it was last year.

**Councilor Stone** asked if there was a way that the rate of return was positively impacted when there is more recycling.

**Ms. Herrigel** said that it depends on the market. Recovery centers were not free.

**Councilor Stone** asked when can we recycle Styrofoam?

**Ms. Herrigel** she doesn't know of any jurisdiction that takes Styrofoam at the curb. There is not a market for it.

**Ms. Herrigel** said she would come back to the next meeting with rate modifications.

**Mr. Swanson** announced an executive session pursuant to ORS 192.660(2)e real property acquisition.

### **Adjournment**

**Mayor Bernard** adjourned the work session at 6:20 p.m.

---

Pat DuVal, City Recorder



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**  
**Kenny Asher, Community Development/Public Works Director**

**From: Paul Shirey, Public Works Operations Director**  
**Willie Miller, Facilities Coordinator**

**Subject: Security System Upgrades and Replacement for  
Library Facilities**

**Date: October 12, 2007 for November 6, 2007 Council Meeting**

### **Action Requested**

Authorize the City Manager to execute a contract and purchase order with Selectron totaling \$45,000 for building security replacement of the existing Library system and installation of a security system at the Pond House, which is currently without security.

### **Background**

The City is replacing a leased security system with a system it will own. This will translate into considerable savings and improved security protection. Selectron is the selected vendor for the components and installation of the system.

In 2005 the City decided that it would be cheaper to own and operate its own security system rather than to continue to lease the system and response service from an outside contractor (Sonitrol). \$130,000 was budgeted in the 2006/2007 for the conversion of the systems at the Library, City Hall, PSB and JCB campus, in that order, and was scheduled for completion by July 1, 2007.

In Spring 2007, the City purchased the Library Pond House, which was added to the list since it did not have any security system. The original estimated cost and budget proved to be less than actual bid cost by \$45,000 (\$13,000 for the new Pond House and \$32,000 for the Library). The schedule for the work was adjusted last year to do the PSB first, then JCB campus, then City Hall, Ledding Library and lastly, the Pond House. Selectron completed installing the new system (with funding approved in 2006/07) at PSB last spring, the Johnson Creek facility in late September and City Hall on October

23. The Library and Pond House phases of the work and the subject of this request will be completed by the end of the year.

Selectron is a certified government vendor on a contract completed with the City of Salem, and under provisions of Sate law the City is able to “piggyback” on this contract. The Facility Maintenance Coordinator (FMC) will continue to manage the project, and the Library and Pond House are expected to take 80 days to complete.

### **Concurrence**

Public Works Operations Director, Facility Maintenance Coordinator, and the Police Chief, have concurred with the Community Development Director as to the budget, cost, need, and benefits of the system, including the long-term financial benefit of this project.

The IST Director has indicated that the new system will provide the City with an audit trail for all employees, visitors, consultants, and contractors entering City facilities. The IST Director has agreed to manage the new software to support the new security system.

### **Fiscal Impact**

\$45,000 is included for this project in the Facilities Maintenance 2007/2008 budget, in the Capital Improvement projects category.

### **Work Load Impacts**

The FMC will be acting as project manager with technology support from the City Information Systems and Technology department. Work load impacts are significant. Current workload for the FMC includes:

- Managing the janitorial contractor
- HVAC management
- Security system and building emergencies 24/7 on-call response
- Fire alarm and fire sprinkler management
- Responding to facility emergency requests
- Supervising outside contractors, part-time and summer employees
- Managing landscape contractor (parks and right of way landscaping)
- Facility budget management
- Bi-monthly facility and property inspections
- Contracting for outside services
- Purchasing and procurement of supplies and equipment

The Facilities Maintenance Coordinator also manages nine capital projects, including the security alarm system conversion, A/C replacement at the Library, Book Checkout System at the Library, Roof Repair of the Library, City Hall Basement Employee

Restroom, Security System Installation and Upgrades at the Library and Library Pond House, Public Safety Building EOC HVAC Replacement, Public Safety Building EOC Uninterruptible Power Supply (UPS), Public Safety Building EOC Data, Phone and Switch Gear, and managing service requests from all the cities facilities. These request are logged in daily and have been averaging about ten to fifteen requests per week.

### **Alternatives**

1. Approve as recommended. This will result in savings to the city over time and enhance flexibility in operating the system to meet city needs.
2. Approve with modifications. Council could choose to implement the new system in additional phases. This may add to total labor and material expense.
3. Deny the request. The City would continue with the current leased system at the Library at an annual cost of \$4,332.00 per year. This also would result in no security system being installed in the Library Pond House.

### **Attachments**

1. Resolution

ATTACHMENT 1

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND SIGN A PURCHASE ORDER WITH SELECTRON TOTALING \$45,000 FOR BUILDING SECURITY REPLACEMENT OF THE EXISTING LIBRARY SYSTEM AND INSTALLATION OF A SECURITY SYSTEM AT THE POND HOUSE.**

**WHEREAS**, the 2007/2008 approved budget for the Facilities Departemnt includes funding to upgrade the security system at the Library and Library Pond House; and

**WHEREAS**, Selectron is a certified government vendor on a previous contract completed with the City of Salem, contract # 012094.; and

**WHEREAS**, Under provisions of Sate law the City is able to “piggyback” on this contract;

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to execute a contract with Selectron and to sign a purchase order with Selectron for security system upgrades at the Library toalling \$32,000 and installation of a security system at Library Pond House totalling \$13,000.

Introduced and adopted by the City Council on November 6, 2007.

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager

**From:** Pat Duval, City Recorder  
Valerie Warner, Finance Director

**Subject:** Banking Resolution

**Date:** October 28, 2007 for November 6, 2007 Council Meeting

**Action Requested**

Approve a resolution authorizing banking services.

**Background**

In April 2006 the City of Milwaukie issued an RFP for banking services. After comparing the services offered by the responding banks, Wells Fargo was selected to provide the City with a variety of banking services including maintenance of the main checking account, merchant services, purchase card program services, lockbox services, and a variety of online cash management tools.

Council approved the service agreement with Wells Fargo Bank in July 2006.

The bank has requested the above-referenced resolution to be approved by Council, signed by the City Clerk and provided for their records. This resolution provides documentation of Council's July 2006 action in a format required by the bank.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON,  
AUTHORIZING BANKING SERVICES.**

**The undersigned hereby certifies that he or she is the City Clerk of the City of Milwaukie (the "City"), a municipality organized and existing under the laws of the State of Oregon, that the following are true and correct resolutions adopted by the City Council for the City (the "City Council"), at a duly authorized meeting held on \_\_\_\_\_, 20\_\_\_\_, throughout which a quorum of City Council members was present in person, and that these resolutions have not been in any way altered, amended or rescinded and are now in full force and effect:**

**WHEREAS**, that the City may establish one or more deposit accounts (the "Accounts") with Wells Fargo Bank, National Association ("Wells Fargo") into which Wells Fargo may deposit checks or other items unendorsed or endorsed in writing or by stamp; and that any one of the following officials; City Manager, City Recorder, or Finance Director; of the City is individually authorized to, and to designate one or more other officials or employees of the City to: (a) open the Accounts and enter into such agreements regarding the Accounts as Wells Fargo may from time to time require; (b) sign checks and other instruments withdrawing funds from the Accounts, including those payable to cash or to persons who sign them; (c) request funds transfers by Wells Fargo to and from the Accounts, (d) enter into arrangements for the processing of automated clearing house ("ACH") debit entries and/or ACH credit entries to and from the Accounts; (e) endorse on behalf of the City, and otherwise negotiate, checks and other items payable to the City; and (f) close any or all of the Accounts; and

**WHEREAS**, that the City is authorized to invest such funds as are in the Accounts or other of the City's funds from or through Wells Fargo, provided that those investments are in conformance with the City's investment policy and applicable state law, and that the City may enter into repurchase transactions with Wells Fargo in connection therewith; and

**WHEREAS**, that the City is authorized to enter into foreign exchange transactions with or through Wells Fargo, and purchase such cash management and other financial products and services as Wells Fargo may from time to time make available, and the City is authorized to incur overdrafts in the Accounts at Wells Fargo in connection with any of the products, services or activities authorized by these resolutions; and

**WHEREAS**, that the City is authorized to enter into such agreements and documents as Wells Fargo may require with respect to any of the foregoing products, services or activities, in such form and on such terms and conditions as may be agreed to by the officer of the City signing such agreements and documents; and

**WHEREAS**, that except to the extent provided otherwise in any agreement between the City and Wells Fargo for any of the products, services or activities authorized by these resolutions, the City authorizes Wells Fargo to rely on any act or communication, including telephone, wire or electronic communication, purporting to be done by any official, employee or agent of the City if such reliance is in good faith, and the City shall be bound to Wells Fargo by any such act or communication relied on by Wells Fargo in good faith; and

**WHEREAS**, that these resolutions are in addition to, and not by way of limitation on, other resolutions, if any, of the City Council in favor of Wells Fargo, and that the authority conferred by these resolutions shall be deemed retroactive and any and all acts authorized by these resolutions performed prior to the passage of these resolutions are hereby approved and ratified; and

**WHEREAS**, that each of these resolutions shall continue in full force and effect until Wells Fargo has received express written notice of its rescission or modification by a resolution duly adopted by the City Council and certified by the City Clerk of the City.”

**NOW, THEREFORE, BE IT RESOLVED** that there is no provision in the City’s organizational documents or ordinances limiting the power of the City Council to pass the foregoing resolutions, that such resolutions are in conformity with the provisions of such organizational documents and ordinances, and that no approval by any other City officials is required with respect to the matters which are the subject of such resolutions.

Introduced and adopted by the City Council on November 6<sup>th</sup>, 2007.

This resolution is effective on November 6<sup>th</sup>, 2007.

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney



**To:** Mayor Bernard and Milwaukie City Council  
**Through:** Mike Swanson, City Manager  
**From:** Larry R. Kanzler, Chief of Police  
**Date:** October 18, 2007  
**Subject:** **O.L.C.C. Application – Oregon Transfer Co. – 9696 SE Omark Drive**

---

**Action Requested:**

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Oregon Transfer Company – 9696 SE Omark Drive.

**Background:**

We have conducted a background investigation and find no reason to deny the request for liquor license.



**To:** Mayor and City Council

**Through:** Mike Swanson, City Manager

**From:** Valerie Warner, Finance Director

**Subject:** Budget Resolution

**Date:** October 28, 2007 for November 6, 2007 Council Meeting

### **Action Requested**

Pass a resolution approving transfers of 2007-08 appropriations and approving a supplemental budget.

### **Background**

From time to time during the fiscal year, staff identifies desired changes to the adopted budget. The attached resolution includes changes due to new or additional grant funds becoming available to the library; rebudgeting of certain expenditures originally planned but not made during the prior year; reclassifying debt service expenditures to a specific major category; adjusting fund balance available, interfund transfers and capital outlay accounts in the State Gas Tax Fund, the Street SDC Fund and the Street Capital Fund for street related capital projects that will occur in this fiscal year; an appropriation for the purchase and installation of two cranes; an appropriation for property taxes on city owned property.

### **Concurrence**

The Budget Review Committee met on October 18, 2007 and reviewed the proposed changes. The committee members indicated their unanimous concurrence. The major category change for debt service was not included in the Budget Review Committee material. This change to the city's budget was requested by the Oregon Department of Revenue after their review of the FY07-08 Adopted Budget.

**Fiscal Impact**

The contingency reserve in the General Fund will be decreased by \$34,517. The contingency reserve in the State Gas Tax Fund will be drawn down to zero. The contingency reserve in the Street SDC Fund will be drawn down to \$105,745. The contingency reserve in the Street SDC Fund will be drawn down to \$2,000. The reserve account in the Fleet Capital Fund will be drawn down by \$20,000 to \$1,664,502. The reserve account in the Facilities Management Fund will increase by \$1,617.

**Alternatives**

Deny request or approve with modifications.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING TRANSFERS OF FY 2007-08 APPROPRIATIONS AND APPROVING A SUPPLEMENTAL BUDGET.**

**WHEREAS**, ORS 294.450(1) permits “transfers of appropriations” within any fund “when authorized by official resolution or ordinance of the governing body;” and

**WHEREAS**, ORS 294.450(2) limits ‘[t]ransfers of general operating contingency appropriations’ to no more than 15 percent of the total appropriations of the fund’ unless adopted pursuant to a supplemental budget; and

**WHEREAS**, transfers made pursuant to any of the above must state the need for the transfer, the purpose for the authorized expenditure, and the amount of appropriation transferred; and

**WHEREAS**, ORS 294.480(1)(a) permits supplemental budgets when “an occurrence or condition which had not been ascertained at the time of the preparation of a budget for the current year or current budget period which requires a change in financial planning;” and

**WHEREAS**, ORS 294.480(4) requires the governing body to hold a public hearing on the supplemental budget “when the estimated expenditures contained in the supplemental budget for a fiscal year or budget period differ by 10 percent or more of any one of the individual funds contained in the regular budget for that fiscal year;” and

**WHEREAS**, the following transfer is made pursuant to ORS 295.450; and

**WHEREAS**, the following supplemental budget is made pursuant to ORS 294.480;

**NOW, THEREFORE, BE IT RESOLVED** that by the City Council of the City of Milwaukie, Oregon that the transfers of appropriations and supplemental budgets for FY2007-08 are hereby approved in the amounts listed as follows:

General Fund

<u>Revenue</u>		<u>Requirement</u>	
Poetry Grant	\$ 2,800	Materials & Services	\$3,070
Ready to Read Grant	<u>270</u>	Debt Service	34,517
		Contingency	<u>(34,517)</u>
Total	\$3,070	Total	\$3,070

This supplemental budget recognizes receipt of library grant funds, creates appropriations for the associated expenditures, and creates appropriations for debt service payments on the Pond House.

Public Safety Building Debt Service Fund

<u>Revenue</u>	<u>Requirement</u>	
	Materials & Services	(\$463,363)
	Debt Service	463,363

This budget transfer reclassifies certain expenditures into the correct major category.

PERS Bond Debt Service Fund

<u>Revenue</u>	<u>Requirement</u>	
	Materials & Services	(\$217,096)
	Debt Service	217,096

This budget transfer reclassifies certain expenditures into the correct major category.

Gas Tax Fund

<u>Revenue</u>	<u>Requirement</u>	
	Interfund Transfer	\$111,911
	FILO Reserve	24,076
	Contingency	(135,987)

This supplemental budget increases the transfer to the Street Capital Fund for the current year capital projects and adjusts the fund reserves.

Street SDC Fund

<u>Revenue</u>		<u>Requirement</u>	
Fund Balance Available	<u>\$150,362</u>	Capital Outlay	\$190,007
		Contingency	<u>(39,645)</u>
Total	\$150,362	Total	\$150,362

This supplemental budget creates an appropriation for an SDC refund (126,872) and increases the Logus Road Project (63,135), using as resources a surplus in fund balance available and a portion of the fund contingency.

Street Capital Fund

<u>Revenue</u>		<u>Requirement</u>	
Interfund Transfer	<u>\$111,911</u>	Capital Outlay	141,865
		Contingency	<u>(29,954)</u>
Total	\$111,911	Total	\$111,911

This supplemental budget increases the appropriation for the Logus Road project, using as resources an increase in revenue from interfund transfer, decreases in other capital projects originally scheduled for this fiscal year (Linwood Avenue \$30,000, Downtown Streetscape \$100,000, 37th Avenue

sidewalk \$50,000 and 42nd & King \$60,000), and a decrease in the fund contingency. The increase in the Logus Road project is necessary to pay for the city's grant match.

Water Fund  
Revenue

<u>Requirement</u>	
Materials & Services	(\$134,800)
Debt Service	134,800

This budget transfer reclassifies certain expenditures into the correct major category.

Fleet Reserve Fund  
Revenue

<u>Requirement</u>	
Capital Outlay	\$20,000
Reserves	(20,000)

This budget adjustment creates an appropriation for the purchase and installation of two cranes. The funds were set aside by periodic contributions to the reserve in prior years.

Facilities Maintenance Fund

<u>Revenue</u>		<u>Requirement</u>	
Fund Balance Available	<u>\$58,117</u>	Capital Outlay	\$40,000
		Materials & Services	(41,412)
		Debt Service	57,912
		Contingency	<u>1,617</u>
Total	\$58,117	Total	\$58,117

This supplemental budget creates an appropriation for seismic work at the Library (30,000), an exhaust fan for City Hall (\$5,000) and batteries for the UPS at the Public Safety Building (\$5,000). In addition, it creates an appropriation to pay property taxes on city owned property that is being held for resale (16,500). The resource for the new appropriations is a surplus in beginning fund balance available of \$58,117. The remainder will be added to the fund contingency reserve. Debt Service is a new major category and the appropriation is being transferred from the Materials & Services category.

Total increase in revenues \$323,460      Total increase in expenditures \$323,460

Introduced and adopted by the City Council on November 6<sup>th</sup>, 2007.

This resolution is effective on November 6<sup>th</sup>, 2007.

---

James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

---

Pat DuVal, City Recorder

---

City Attorney



**To: Mayor and City Council**

**Through: Mike Swanson, City Manager**  
**Kenny Asher, Community Development/Public Works Director**

**From: Paul Shirey, Public Works Operations Director**  
**Willie Miller, Facilities Coordinator**

**Subject: Award Skilled Carpentry Contract**

**Date: October 12, 2007 for November 6, 2007 Council Meeting**

### **Action Requested**

Authorize the City Manager to execute a public improvement contract and issue a purchase order with Craftsman Home Remodeling Services in the amount of \$40,000 per year for a maximum of five years.

### **Background**

The Facilities Department is staffed by 1.5 FTE. The workload on the Facilities Maintenance Coordinator (FMC) is so heavy that non-emergency facility requests take about 30 calendar days to process and complete. A copy of the most current Facilities Help log is attached. (Attachment 1)

Workload impacts on the Facilities Department are significant. The current workload for the FMC includes:

- Managing the janitorial contractor
- HVAC management
- Security system and building emergencies 24/7 on-call response
- Fire alarm and fire sprinkler management
- Responding to facility emergency requests
- Supervising outside contractors, part-time and summer employees
- Managing landscape contractor (parks and right of way landscaping)
- Facility budget management
- Bi-monthly facility and property inspections

- Contracting for outside services
- Purchasing and procurement of supplies and equipment

The Facilities Maintenance Coordinator also manages nine capital projects, including the security alarm system conversion, A/C replacement at the Library, Book Checkout System at the Library, Roof Repair of the Library, City Hall Basement Employee Restroom, Security System Installation and Upgrades at the Library and Library Pond House, Public Safety Building EOC HVAC Replacement, Public Safety Building EOC Uninterruptible Power Supply (UPS), Public Safety Building EOC Data, Phone and Switch Gear. In addition to the capital projects, the FMC manages the response to service requests from all city owned and occupied facilities. These requests are logged in daily (Attachment 1) and have been averaging about ten to fifteen requests per week.

The City has five (5) occupied building sites and several well sites, lift stations, and other small structures that require skilled carpentry and building maintenance repair service. The skilled carpentry and building maintenance repair services will be provided on an as-needed basis and will be scheduled throughout the year. Some examples of the type of work include a small interior wall repair that may require minimal time and materials and construction of a small office or hallway. The exterior work may include carpentry and maintenance to one of the buildings or possibly repairing the trim or replacing a door of a building.

The City recently advertised for bids for skilled carpentry and building maintenance and received one bid from Craftsman Home Remodeling Services. The bid is based on several items: cost per hour, cost of materials, response time, and manpower. The contractor proposed a price for labor of \$40.00 which translates into approximately 1000 hours, or about six months full-time equivalent. Normal response time would be 48 hours and emergency response time is eight hours. By comparison, the City pays its full-time Facilities Maintenance Coordinator (FMC) \$41.00 per hour.

Absent an on-call services contract such as the one proposed, the City would be required under state law to formally bid much of this kind of work. A Public Improvement Contract is required for any non-emergency repairs, replacements, or remodels that maintain or increase the value of the publically owned building. Without this type of contract, the FMC would need to solicit three individual bids to determine low bid for many types of repair request. The processing time can take weeks and is very inefficient. For example, replacement of a door would require specifying the exact details of the job, soliciting three bids from door companies, carpenters, locksmiths and painting contractors. The work involved to solicit that much information would require six to eight hours of uninterrupted time.

Staff anticipates a need for these services up to \$40,000 per year. There will be an option to renew the contract each fiscal year for up to a total of five years. The maximum amount of the contract will not exceed \$200,000 for all five years. The

contract will be extended only if the previous year's projects were completed to the City's satisfaction.

This contract is the first of five contracts with outside vendors that are designed to meet the needs of the Facilities Department this year. The other four are landscaping (currently in place but requires an increase to cover McLoughlin Blvd and several parks), HVAC, electrical and plumbing. Staff will be bringing these contracts to Council in the next 60 days.

### **Concurrence**

The Public Works Operations Director and the Facilities Coordinator both support this action.

### **Fiscal Impact**

The fiscal impact to Facilities contract services is a maximum of \$40,000 per year. Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget. The Facilities Department will continue to make this a part of its budget request for the following four fiscal years.

### **Work Load Impacts**

The Facility Maintenance Coordinator will need to schedule the work requested, evaluate the impact of work to employees' work environments, and check the quality of work performed. The on-call contract for carpentry services will substantially reduce the time it takes to respond to the Facilities Help requests that pour in daily from each city owned building and will allow the FMC to devote a majority of his time to managing larger capital projects.

### **Alternatives**

1. Approve as recommended. This will result in improved response time to repair requests, small building remodels, and building maintenance.
2. Approve with modifications.
3. Deny request. The City could continue with the current limited resources to perform building maintenance and repairs.

### **Attachments**

1. Resolution
2. Facilities Help Request Log

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ISSUE A PURCHASE ORDER WITH CRAFTSMAN HOME REMODELING SERVICES IN THE AMOUNT OF \$40,000 PER YEAR FOR A MAXIMUM OF FIVE YEARS.**

**WHEREAS**, the Facilities Department is understaffed and the workload is so great that additional resources must be contracted to meet the needs of the department; and

**WHEREAS**, The City recently advertised for bids for skilled carpentry and building maintenance and received one bid from Craftsman Home Remodeling Services.; and

**WHEREAS**, The contractor proposed a price for labor of \$40.00 which translates into approximately 1000 hours, or about six months full-time equivalent. ; and

**WHEREAS**, The City has five (5) major building sites and several well sites, lift stations, and other small structures that require skilled carpentry and building maintenance repair service, and

**WHEREAS**, Staff anticipates a need for these services up to \$40,000 per year, with an option to renew the contract each fiscal year for up to a total of five years, and

**WHEREAS**, Funds are included in the Contractual Services budget of the Facilities Department in the FY 2007/2008 approved budget.

**NOW, THEREFORE, BE IT RESOLVED** that the City of Milwaukie authorizes the City Manager to execute a contract in the amount of \$40,000 per year for a period not to exceed five years for a maximum amount of \$200,000 with Craftsman Home Remodeling Services and to sign a purchase order for \$40,000 for services in FY 2007/2008.

Introduced and adopted by the City Council on November 6, 2007.

This resolution is effective on \_\_\_\_\_ .

\_\_\_\_\_  
James Bernard, Mayor

ATTEST:

APPROVED AS TO FORM:  
Jordan Schrader Ramis PC

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
City Attorney

# ATTACHMENT 2

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008							
Request #	Date	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-001	7/10/07	Pass through door sticks at reception	Aggie	PSB			
08-002	7/11/07	Would like screens install on the upstairs bathroom window- Will not currently happen	Andrea	CH	N/A		
08-003	7/12/07	Doorstop on door between middle room and circ desk is broken	Nancy	LIB		x	
08-004	7/13/07	Would like light tubes installed over Sandy R's desk	Sue	CH		x	
08-005	7/14/07	Would like light tubes removed over Sandy R's desk - it is too bright	Sandy R	CH		x	
08-006	7/15/07	Would like name plates removed from doors in ops bldg	Karin	JCB		x	
08-007	7/16/07	Would like bush removed/trimmed in bump out on Main & Jackson	Barb	Other		x	
08-008	7/17/07	Valerie would like a lock on a drawer installed	Valerie	CH		x	
08-009	7/18/07	Need someone to paint over graffiti on A/C unit outside of the library	Joe	Lib		x	
08-010	7/19/07	Chris Amick needs keys for the front door and IST dept door	Esther	PSB		x	
08-011	7/20/07	The A/C is not working	Sandy H	PSB		x	
08-012	7/24/07	Sprinkler system needs repaired on McLoughlin - Dead plants need examined	Paul	Other	95% Comolt		
08-013	7/26/07	Need the "Reserve" print repainted in the parking spots	Sandy H	PSB		x	
08-014	7/27/07	Ice Machine is not working	All	JCB	Need New		
08-015	7/30/07	Women's toilet is not flushing correctly	Andrea	CH		x	
08-016	7/30/07	Michelle R needs a security badge	Jeanne	JCB		x	
08-017	8/1/07	A new shower head is needed for the exercise room shower-	Jill	PSB		x	
08-018	8/6/07	Upstairs windows aren't closing correctly - Ceiling tile needs straightened/Council Chamber	Pat O	CH	8/20/07	x	
08-019		Tripping hazard on one of the sidewalks by city hall - transit mall - 1 Remove Tree, 1 Repair Sidewalk	Barb	Other	Winter		
08-020	8/8/07	Yard debris needs removed from the pond house	Nancy	Other	8/8/07	x	
08-021	8/9/07	Police Records has a wall cabinet they would like mounted on the wall	Carla	PSB	8/21/07	x	
08-022	8/8/07	Janna has an AV kit rack that needs stabilized	Janna	LIB	8/23/07	x	
08-023	8/10/07	Need the HR/Payroll shelves adjust in the archives room	Andrea	CH	8/21/07	x	
08-024	8/14/07	Need additional light fixtures in the archives room where HR stores items	Andrea	CH	Electrician		
08-025	8/14/07	Holding cell toilet is plugged	Carla	PSB	8/17/07	x	
08-026	8/15/07	Ice maker in the fridge is not working - Need to call appliance repair person	Jill	PSB	Repair		
08-027	8/15/07	Electrical problem from the building to the fire trucks	S. Valence	PSB	8/17/07	x	
08-028	8/15/07	Paul would like the condo's washed off located at 21st and Harrison- Will paint	Paul	Other	Need Paint		
08-029	8/16/07	Gravel is needed in a hole that a power pole was suppose to be located/tripping hazard	Nancy	LIB		x	
08-030	8/16/07	Would like more lights installed in the library parking lot - NEED A CIP	Nancy	LIB			
08-031	8/16/07	Need quote for broken windows in pond house	Nancy	Other	8/31/07	x	
08-032	8/16/07	Need quote for carpet being taken out and replaced in pond house	Nancy	Other	9/7/07	x	
08-033	8/16/07	Back porch light is not working - may be loose connection	Nancy	LIB	8/1/07	x	
08-034	8/16/07	Molding behind circ desk is still loose	Nancy	LIB	Carpenter		
08-035	8/16/07	Light in foyer by children's library (by bathrooms) is missing cover	Nancy	LIB	Carpenter		
08-036	8/16/07	Need light bulb replacements for Peake Fountain	Nancy	LIB	Carpenter		
08-037	8/16/07	Wall needs repaired due to roof leak between elevator and exit door	Nancy	LIB	Carpenter		
08-038	8/16/07	Wall above lockers has a large patch that needs painted	Nancy	LIB	Carpenter		
08-039	8/16/07	Molding needs replace behind display racks in foyer	Nancy	LIB	Carpenter		
08-040	8/16/07	Order two garbage cans - one for 21st & Harrison and one for Harrison in front of PSB	Paul	Other	Speak to JoAnn		
08-041	8/17/07	Baseboard is loose outside of the elevator on the first floor	Annette	JCB	9/1/07	x	
08-042	8/17/07	Water faucet stays on too long in the new restroom upstairs in the Ops Bldg	Annette	JCB	8/17/07	x	
08-043	8/17/07	Hose bib is leaking in the men's locker room at PSB	Virginia	PSB	8/20/07	x	
08-044	8/17/07	Light over sink in women's restroom is out	Virginia	CH	8/20/07	x	
08-045	8/19/07	Need a railing at the end of the hallway going down the stairs - Pond House	Nancy	Other	Carpenter		
08-046	8/19/07	Gap by the back door on the landing that will be letting cold air in this winter - Pond House	Nancy	Other	No Prob Fnd	x	
08-047	8/20/07	Vegetation needs removed along the railroad behind the post office on Main	Sarah	Other	8/20/07	x	
08-048	8/17/07	Jeanne needs the upstairs ops room set up for a Wed 8/22/07 Meeting	Jeanne	JCB	8/22/07	x	
08-049	8/21/07	Sprinkler head is broken by bus stop at PSB - spraying water on bus patrons	Mae C	PSB	8/22/07	x	
08-050	8/21/07	Barb would like a good, used rolling chair from stock at 40th & Harvey	Barb	CH	8/22/07	x	
08-051	8/1/07	Purchase book shelves for Don S's manuals to store upstairs in Ops Bldg-Temporarily	Willie	JCB		x	
08-052	8/22/07	Replace light tube outside of upstairs bathroom	Barb	CH	8/24/07	x	
08-053	8/22/07	Parking light light/south side/glass on north light is broken/glass is on grass	Nancy	Lib	8/28/07	x	
08-054	8/22/07	Beth would like tables and chairs moved to Ardenwald for their Thur Night Concert	Both	Other	8/23/07	x	
08-055	8/1/07	Sprinkler system at Scott Park is not working Correctly	Nancy	Other	9/1/07	x	
08-056	8/22/07	Nancy would like a long handled grabber and pool skimmer for retrieving debris from Scott Park	Nancy	Other	8/22/07	x	
08-057	8/10/07	Someone vomited in the woman's restroom - Diversiford was called to clean it up	Andrea	CH	8/10/07	x	
08-058	8/16/07	The windows need cleaned where the ivy was removed	Carla	PSB	10/1/07		
08-059	8/16/07	Dust the tops of book shelves and window casements	Nancy	LIB		x	
08-060	8/16/07	Need vacuuming and dusting of offices and circulation desk area	Nancy	Lib		x	
08-061	8/24/07	IST Bathroom faucet is leaking - Ed believes it needs replaced	Chris	PSB	9/1/07	x	
08-062	8/28/07	Ergonomic assessment for Michelle and a key board holder similar to Jeanne's.	Jeanne	JCB	9/1/07	x	
08-063	8/30/07	Security code button not working properly to open door to records area.	Carla		9/1/07	x	
08-064	8/30/07	Need's 2? Cans of paint and brushes for painting of Pond House garage ceiling, one wall, 2 doors and base boards.	Nancy	LIB	9/1/07	x	

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done Y	N
08-065	8/30/07	Have bark dust delivered near Labara Amphitheater have corrections crew/project payback spread	Nancy	LIB	09/01/07	x	
08-066	8/30/07	Count tables & chairs at JCB, CH, PSB to see which ones belong to friends of Library	Nancy	LIB	09/01/07	x	
08-067	8/30/07	Call corrections crew to pull up thistles and weeds	Nancy	LIB	09/01/07	x	
08-068	8/30/07	Need solvent or lacquer thinner to attempt removing graffiti from Peake Memorial Fountain	Nancy	LIB	09/01/07	x	
08-069	8/30/07	Cleaners need more green recycling bags for the Library and City Hall	Nancy	LIB	09/01/07	x	
08-070	8/31/07	Purchase door and hang in opening between lunchroom & copy room, needs lock & no admittance sign.	Jeanne	JCB	On Order		
08-071	9/4/07	Replace lights in sqt's office and property room, almost all are out.	Carla	PSB	10/10/07	x	
08-072	9/5/07	Need a bottle of Goof-Off to have on hand.	Nancy	LIB			
08-073	9/5/07	Need someone to look at sealed stones on Peake Memorial Fountain.	Nancy	LIB			
08-074	9/5/07	Leeding Library of Milw. sign in front of building needs repainting & possible reinforcement	Nancy	LIB			
08-075	9/5/07	Attach metal plaque to the oak bench on Library's front porch. Plaque arrives 9/10/07	Nancy	LIB	9/27/07	x	
08-076	9/5/07	Install William B Perry plaque installed on the wall outside Lib. Circ. Supervisor's office.	Nancy	LIB			
08-077	9/10/07	Tree shield is sticking up & creating a trip hazard @ 10391 SE Main St. across from Pietro's	Sarah	Other	9/13/07	x	
08-078	9/11/07	Set up PW Ops Mtg Room for Mtg on 9/17/07 at 2:00	Michelle	JCB	9/17/07	x	
08-079	8/21/07	Install a dishwasher in the JCB Main Bldg Lunchroom	Jeanne	JCB	1/1/08		
08-080	9/11/07	Carpet squares are coming up in the PSB meeting room - center of the windows	Aggie	PSB			
08-081	9/11/07	Secured area - Women's & Men's restroom door isn't closing all the way	Aggie	PSB	10/10/07	x	
08-082	9/12/07	Window pane broken in one of the new windows installed in IST	Chris S	PSB			
08-083	9/12/07	110 Volt electrical outlet needs cover plate behind Chris' office entrance door	Chris S	PSB	10/8/07	x	
08-084	9/12/07	Chris is waiting for a deskstep segment to be manufactured and installed	Chris S	PSB	9/14/07	x	
08-085	9/12/07	Need to finish installing ceiling tiles in Chris' area	Chris S	PSB	9/12/07	x	
08-086	9/12/07	Need shelf modification in police storage area - Willie knows what needs to be done	Willie	PSB			
08-087	9/12/07	Grady needs 12 tables & 50 chairs delivered (9:25 4 pm) picked up 19:26 7-7:30 am)-Ardenwald	Grady	CH	WTR DEPT	x	
08-088	9/13/07	Bolt or strap trophy case in lobby of PSB to wall, it is a fall hazard.	Carla	PSB	9/14/07	x	
08-089	9/13/07	Remove shelving and box of parts in the records scanning room	Carla	PSB	9/13/07	x	
08-090	9/13/07	Women's restroom handicap stall door lock is sticking	Annette	JCB	9/25/07	x	
08-091	9/13/07	Chairs in the Lib, Fiction room need gluing and/or reinforcement, they are very loose	Nancy	LIB	9/28/07	x	
08-092	9/13/07	Pat Salvione needs an attached shelf moved and reattached in her office & a filing cabinet removed and taken to the Pend House or 40th and Harvey	Nancy	LIB	9/28/07	x	
08-093	9/15/07	Repair blue shelving cart-top floor; turn right at top of stairs-has bolt sticking out	Nancy	LIB	9/28/07	x	
08-094	11/13/06	Crack in sidewalk by flags that appears to be a trip Hazard	Annette	CH	10/30/07		
08-095	5/3/07	Blind has fallen down in conf room - needs mounting screw reinstalled	Annette	CH	9/28/07	x	
08-096	5/3/07	Tree root is causing one of the sidewalks outside of City Hall to raise up	Annette	CH	See #19	x	
08-097	6/4/07	Library has several toilet paper and paper towel dispensers that need new locks	Nancy	LIB	10/11/07	x	
08-098	11/20/06	Purchase and install shelves in the men's locker room shower	Annette	PSB			
08-099	11/28/06	Repair/Seal gutter at the front entrance of PSB	Annette	PSB			
08-100	1/26/07	Order a blind for Aggie's window and have it installed	Sandy	PSB			
08-101	4/12/07	Repair window blind in Brenda's office	Annette	JCB			
08-102	4/2/07	Repair the "Insta Hot" water dispenser in the lunch room-main building	Annette	JCB			
08-103	9/6/07	Baseboard in men's restroom, main building needs glued to wall	Annette	JCB			
08-104	9/20/07	Carpet needs reattached in the elevator, it is loose and fraying	Annette	CH			
08-105	9/20/07	Several ceiling tiles need replaced at the top of the stairs going to the children's library	Annette	LIB	10/11/07	x	
08-106	9/20/07	The back of the library needs pressure washed, very cob webby, dirty and buggy	Annette	LIB			
08-107	9/19/07	Outside book drop lock does not remain locked/latched	Nancy	LIB	9/28/07	x	
08-108	9/25/07	Rehang calendar/wall poster in Ops Bldg - See Karin	Karin	Ops	9/28/07	x	
08-109	9/26/07	Clean up and remove homeless camp at corner of JCB property, trim tree, remove debris	Kenny	JCB	9/28/07	x	
08-110	9/26/07	Willie rec'd phone call 9/25, that records room door would not open/needed new batteries	Tom B	PSB	9/28/07	x	
08-111	9/26/07	Remove and rehang fire extinguisher in Ops Bldg	Willie	Ops	9/28/07	x	
08-112	9/28/07	Toilet paper holder is broken in the men's restroom, handicap stall, main bldg	Ed	JCB	10/10/07	x	
08-113	9/27/07	Pat needs a desk top with file cabinets under it for the fax machine & pre ops	Joanne	JCB	9/28/07	x	
08-114	9/20/07	Hand towel dispenser in men's restroom needs replaced or a new lock	Annette	LIB	9/21/07	x	
08-115	9/20/07	Carpet tiles need replace in HR & the entrance to RIM - They have burn marks on them	Annette	CH			
08-116	9/20/07	Floor seam needs repaired in the women's restroom	Willie	CH			
08-117	9/28/07	Flooring in women's bathroom is curling up, may need sealant	Nancy	LIB			
08-118	10/2/07	Peake Memorial fountain pump is acting up may need a new one	Nancy	LIB			
08-119	10/2/07	Peake Memorial Fountain lights need replacing	Nancy	LIB			
08-120	10/2/07	Permit needs updated at library - it still has Kelly's name on it as the contact	Nancy	LIB			
08-121	10/2/07	Need a fire extinguisher placed in the Ops building kitchen/lunchroom	Karin	Ops			
08-122	10/4/07	Heating system is not working - furnace is not on	Joe	LIB	10/4/07	x	
08-123	10/4/07	Light is out in the women's restroom - main building	Annette	JCB	10/10/07	x	
08-124	10/4/07	Canned lights are out in the women's, & men's restroom by CR, men's rest room in secured area and side lights are out in the hallway	Annette	PSB	10/10/07	x	
08-125	10/4/07	Need toilet paper and paper towel dispensers installed in upstairs restroom	Annette	Ops			
08-126	10/4/07	More tar on the carpet in the new upstairs lunchroom/meeting room	Annette	Ops			
08-127	10/4/07	Door latch sticks going into the men's locker room upstairs in police dept	Annette	PSB			
08-128	10/4/07	Carts from Rose City Moving are still in the IST lunchroom - they need called again	Annette	PSB	10/10/07	x	
08-129	10/4/07	Install restroom sign on upstairs ops restroom door	Annette	Ops			
08-130	10/9/07	Purchase and install hose hanger, hose, nozzle at back of Ops bldg in shoe wash off area	Paul	Ops			

FACILITIES REPAIR/CLEANING MASTER LIST FOR 2007-2008							
REQUEST #	DATE	ASSISTANCE/REPAIR/CLEANING/OTHER REQUEST	Request Made By	Site	Anticipated Completion Date	Done	
						Y	N
08-131	10/5/07	Lower the flags at all buildings	Andrea	All	10/5/07	x	
08-132	10/5/07	Door lock is not working in the report writing room - Wiley has been called	Carla	PSB	10/5/07	x	
08-133	10/4/07	Check damage to Pond House cement ramp, cause by car. Estimate repair costs.	Joe	Pond	10/4/07	x	
08-134	10/5/07	Door bell to reception @ PSB does not work	Aggie	PSB	10/10/07	x	
08-135	10/9/07	Mount plywood on basement records room wall for new security system	Willie	CH	10/10/07	x	
08-136	10/9/07	Install finished cover on floor box in council work room and chambers - trim carpet.	Willie	CH	10/11/07	x	
08-137	10/5/07	Replace door lock on report writing room	Carla	PSB			
08-138	10/9/07	Friends need a banner hung today or tomorrow at the Pond House	Nancy	Other	10/9/07	x	
08-139	10/9/07	Children's library needs 2 more panic buttons	Nancy	LIB			
08-140	10/8/07	Peake Fountain Light Bulb replacement #'s are Sylvania CapsyLite 250W/120V/FL 30 Degree USA D5982	Nancy	LIB			
08-141	10/8/07	Replace light bulb in mailroom - Today please, very dark in this area	Andrea	CH	10/8/07	x	
08-142	10/8/07	Raise flags at all buildings	Andrea	All	10/8/07	x	
08-143	10/11/07	Replace light bulbs in the exit signs	Ed	PSB	10/12/07	x	
08-144	10/11/07	Replace light tubes in exercise room	Ed	PSB	10/12/07	x	
08-145	10/12/07	Marcia would like a lock installed on her lower right desk drawer	Marcia	JCB			
08-146	10/12/07	Shorter water fountain at bottom of stairs is shooting water onto the carpet	Jana	LIB	10/12/07	x	
08-147	10/16/07	Tree by outside railing is dead and needs trimmed off or removed	Nancy	LIB			
08-148	10/16/07	Outside railing on N side of building outside of fiction room is extremely loose	Nancy	LIB			
08-149	10/12/07	Shorter water fountain is still shooting water on to the carpet	Nancy	LIB			
08-150	10/16/07	Garbage and yard debris needs emptied by Thursday for the Friends rummage sale	Nancy	LIB	10/18/07	x	
08-151	10/15/07	IST needs some electrical ports and data ports completed by our electrician	Chris S	PSB			
08-152	10/15/07	Janitors need to remove wax that was inadvertently placed on blue flooring	Andrea	CH			
08-153	10/15/07	Lights on the US and City flags are out	Andrea	CH			
08-154	10/15/07	Back porch light is only in intermittently in the morning, needs to come on earlier also	Andrea	CH			
08-155	10/12/07	CMR women's compact fixture ballast needs replaced	Willie	PSB			
08-156	10/12/07	Fluorescent ballasts in property room need replaced	Willie	PSB			
08-157	10/12/07	Replace exit sign fixture on 2nd floor - fire side	Willie	PSB			
08-158	10/12/07	Remove Chinese Sumac tree from JCB property	Willie	JCB			
08-159	10/12/07	Install weather station in/on Ops Bldg	Willie	JCB			
08-160	10/17/07	Paul would like Karin to have a Panic Button at her desk	Paul	JCB			
08-161	10/17/07	Toilet paper hold in small stall of women's restroom is broken	Carla	PSB			
08-162	10/18/07	Possibly need a fire/smoke detector in Katie Mangle's office	Karin	JCB			
08-163	10/19/07	Berman House has a water leak from a water storage container	Kenny	Other			
08-164	10/19/07	Fire alarm panel batteries and wire corroded	Willie	CH	10/19/07	Y	
08-165	10/19/07	Replace water pump on heating system	Willie	CH			
08-166	10/20/07	2" gap between bottom of the front door - leaves and debris are coming through	Joe	Other			
08-167	10/22/07	Remove old locks and install new lock on exterior doors of Ops Bldg	Willie	Ops			
08-168	10/22/07	Remove old locks and install new lock on exterior doors of Pole Barn	Willie	Ops			
08-169	10/22/07	Remove old lock and install new lock on rear exterior door of the shop	Willie	JCB			
08-170							
08-171							
08-172							
08-173							
08-174							
08-175							
08-176							
08-177							
08-178							
08-179							
08-180							
08-181							
08-182							
08-183							
08-184							
08-185							
08-186							
08-187							
08-188							
08-189							
08-190							
08-191							
08-192							
08-193							
08-194							
08-195							
08-196							
08-197							
18-198							
18-199							
18-200							





LIBRARY - PENDING FACILITY REPAIRS - AS OF OCTOBER 22, 2007					
REQUEST #	DATE OF REQUEST	REPAIR REQUEST	SAFETY	ANTICIPATED COMPLETION DATE	COMPLETION DATE
	3/1/04	Restroom Graffiti Problems - On Going		On Going	
		<b>BEGINNING OF NEW FISCAL YEAR 07/08</b>			
08-030	8/16/07	Would like light installed in the library parking lot			
08-034	8/16/07	Molding behind the circ desk is till loose			
08-035	8/16/07	Light in foyer by children's library near restrooms is missing cover			
08-036	8/16/07	Need light bulb replacements for Peake fountain			
08-037	8/16/07	Wall needs repaired due to rain between elevator and fire exit door			
08-038	8/16/07	Wall above lockers has a large patch that needs painted			
08-039	8/16/07	Molding needs replaced behind display racks in foyer			
08-055	8/9/07	Irrigation at Scott Park - Repair Leaks and Program System		In progress	
08-072	9/5/07	Need a bottle of Goof-Off to have on hand.			
08-073	9/5/07	Need someone to look at sealed stones on Peake Memorial Fountain.			
08-074	9/5/07	Ledding Library of Milw. sign in front of building needs repainting& possible.reinforcement			
08-075	9/5/07	Attach metal plaque to the teak bench on Library's front porch. Plaque arrives 9/10/07			
08-076	9/5/07	Install William B Perry plaque installed on the wall outside Lib. Circ. Supervisor's office. .			
08-106	9/20/07	Outside, back of library needs pressure washed, very cob webby, buggy and dirty			
08-107	9/20/07	Outside book drop won't remained locked/latched			
08-117	9/28/07	Flooring is curling up in the women's restroom - may need sealant			
08-118	10/2/07	Pump on Peake Fountain may need replace it is not working correctly			
08-119	10/2/07	Lights need replaced on the Peake Fountain			
08-120	10/2/07	Permit in elevator needs updated - still has Kelly's name on it			
08-139	10/9/07	Childrens Library needs 2 more panic buttons			
08-140	10/8/07	Peake Fountain Light bulbs are Sylvania Capsylite 250W/120V/FL 30 Degree USA D5982			
08-147	10/16/07	Trim by outside railing needs removed it appears to be dead			
08-148	10/16/07	Outside railing on N side of Library outside of fiction room is very loose			
08-149	10/12/07	Short water fountain is still shooting water onto the carpet			

**PSB - PENDING FACILITY REPAIRS - AS OF OCTOBER 22, 2007**

<b>Request #</b>	<b>DATE OF REQUEST</b>	<b>REPAIR REQUEST</b>	<b>SAFETY</b>	<b>ANTICIPATED COMPLETION</b>	<b>COMPLETION DATE</b>
08-098	1/6/06	Shelves are broken in the men's shower		Steve 10/2006	
08-099	5/8/06	Gutter over entrance doors leaks on peoples heads - needs repaired		Willie 10/2006	
08-100	1/26/07	Would like a blind ordered and hung in the window where Aggie sits - to help with sun glare			
<b>BEGINNING OF NEW FISCAL YEAR 07/08</b>					
08-001	7/10/07	Reception pass through door sticks when opened from reception side			
08-026	8/15/07	Ice maker is not working in the fridge			
08-080	9/11/07	Carpet squares are coming up in the CR, near middle of windows			
08-082	9/12/07	One of the window panes is broken in one of the new windows installed in IST			
08-086	9/12/07	Shelf modification in equipment storage room - Police			
08-127	10/4/07	Door latch sticks going into men's locker room upstairs			
08-137	10/5/07	Replace lock on report writing room			
08-151	10/15/07	IST needs some electrical ports and data ports completed by our electrician			
08-155	10/12/07	CMR women's compact fixture ballast needs replaced			
08-156	10/12/07	Fluorescent ballasts in property room need replaced			
08-157	10/12/07	Replace Exit sign fixture on 2nd floor - fire side			
08-161	10/17/07	Toilet paper hold in small stall of women's restroom is broken - taped shut			

OTHER - PENDING FACILITY REPAIRS - OCTOBER 22, 2007						
Request #	DATE OF REQUEST	BUILDING OTHER	REPAIR REQUEST	SAFETY	ANTICIPATED COMPLETION DATE	COMPLETION DATE
			<b>BEGINNING OF NEW FISCAL YEAR 07/08</b>			
	7/11/07	Pond House	Friends of the library are wanting to open a book store they met with Willie along with Joe Sandfort			
	7/19/07	Pond House	See list of items Carol Kay wants us to do.....			
08-019	8/7/07	Transit Mall	Sidewalk is raised up and is a tripping hazard	x		
08-040	8/16/07	21st & Harrison	Order 2 garbage cans - 1 for 21st & Harrison, & 1 for Harrison in front of PSB			
08-045	8/19/07	Pond House	Need a railing at the end of the hallway going downstairs	x		
08-163	10/19/07	Bertman House	Has a water leak in a water storage container	x	Unknown	
08-166	10/20/07	Pond House	2" gap at bottom of front door - letting leaves & debris in			

**Park & Recreation Board  
PARB  
Tuesday, September 25, 2007  
7:30AM  
City Hall – Conference Room  
10722 SE Main Street**

---

**Minutes**

**Type of meeting:** Regular

**Attendees:** Mart Hughes, Sherri Dow, Kate MacCready,  
Ray Harris, Bob Cooper

**Absent:** Val Hubbard

**Staff:** JoAnn Herrigel, Joan Young, Michelle Healy  
Kevin Cayson, Susan Shanks

**Minutes**

Dow moved to approve, and MacCready seconded. Motion passed 5-0.

**North Clackamas Park Master Plan**

Michelle Healy gave the group an update of the on-going master planning process for the north side of North Clackamas Park. Following are some highlights:

- Surveys and comments on the options will be accepted until Oct 1
- Two public meetings held so far
- Folks prefer parking in option A and agree we need more parking than currently exists
- There is a 50 to 70 foot buffer proposed for both Camus and Mt Scott Creeks
- Concept B preferred for dog park (dog area is closer to parking)
- Prefer separation of large and small dogs
- A small shelter is proposed near play area as well as boulders to play on
- Two environmental over looks proposed
- There is a preference split on soft verses hard surfaces for pathways

**Cooper** suggested doing both – like Tryon Creek.

**Young** noted that a lot of older adults use the paths now

**Herrigel** asked if permeable asphalt could be used (Healy noted that the high water table is concern there)

**Shanks** noted that the compaction beneath the paths typically is compacted making it impermeable regardless of the material used to pave.

**Young** noted that using pavers could be difficult due to the frequent use by older adults who need even surfaces

**Hughes** noted that there is already a hard surface trail around the ball fields and wondered why that would not suffice – since people use that now anyway. He suggested that at the next public meeting that District staff include the trail on the southern portion of the site so people see the whole path system. **Hughes** also asked if the number of bridges could be reduced and said he thought there should be a complete natural resource plan – he added that he had seen plans where the paths were restricted in order to maintain environmental habitats (**Healy** noted that the consultants were doing a resource protection plan). **Harris** noted that many people use these types of parks to get access to nature. He suggested including enough access but restricting areas that need protection using signs (**Healy** noted that interpretive signs are also proposed in the plan). **MacCready** said that the area where dogs can go needs to be made clear since many don't really know where the area is right now.

**Herrigel** asked about the Master Gardener proposal to build a greenhouse behind the Milwaukie Center.

**Healy** said that 60% of the survey respondents were in favor of that proposal but others felt that it would present a maintenance hassle for the District.

**Young** said the proposal would increase trainings for Center users and that gardeners would grow plants there for the District to use elsewhere. She said that the Center staff is supportive of this idea and does not feel that any maintenance burden would result.

**Shanks** noted that road to F crossed a wetland.

**Hughes** questioned whether scattering facilities was a good idea stating that he preferred them to be together.

**Shanks** asked if any access from the west had been considered (**Healy** said it had been raised but no firm proposal is being considered).

**Healy** invited all to attend the next open meeting on October 24 at 6 pm at the Milwaukie Center.

## **Parks SDC Review**

Michelle Healy gave the group an update on the status of the recent SDC review and proposed increase. She handed out the most up to date CIP. In response to the PARB's request that the Milwaukie rates be closer to the other areas, Healy noted that SDC calculations are tied (by law) to specific projects and growth percentages. The master plan for the District is the basis for the rates and the CIP comes from that. Thus, when the master plan changes, so will the SDCs.

Last time SDCs were set, staff asked that the rates be suppressed in order to get them passed. This time, no suppression is being requested – but rather the project list itself is being revised.

Shanks asked how often the SDCs are reviewed. Healy said every five years, but this review is driven by the addition of Happy Valley to the District

Hughes noted that with high density development in downtown there might be a need to increase our acquisition for open space. He noted that the pressure seems to be to keep acquisition low.

Healy said the proposed rates would go to the Board of County Commissioners on Oct 11 and their adoption requires two readings. She encouraged any comments and testimony.

### **City Updates**

#### **Ardenwald and Lake Rd acquisitions**

Herrigel said she had been working with a negotiator from Metro on acquisition of property in the Ardenwald neighborhood and would be meeting with Council on Oct 2<sup>nd</sup> to discuss terms. Lake Rd neighbors had not yet identified potential properties.

#### **Homewood Park progress**

Herrigel said she had met with Sarah Smith of Hector Campbell NDA to review the approved park plan and identify elements that need to be adjusted before issuing an RFP. She said that she was targeting spring/summer 2008 for construction of the play area.

#### **Spring Park progress**

Herrigel was to meet with Island Station NDA reps and City staff to discuss surveys recently completed near the park and a design for parking areas being drafted by a City contractor.

Dow asked about the Trolley Trail.

Healy said ODOT is "moving money around" and hopes to get a signed contract to the District by mid-Oct. Oak Lodge put in a bridge recently at Naef and Roethe Roads. Construction documents still need to be completed and then the construction can begin.

### **District Update**

- Clackamas Live had about 1000-1200 people attend
- Maintenance at Milwaukie Center has been completed and painting almost done
- Aquatic park is open again after a week's closure for maintenance
- District began recruiting for a Recreation Supervisor, a Planner 2 and Natural Resource Person

- District working with Molalla and Canby regarding interest in joining the District
- Healthy Living Guide may be changing a bit due to the loss of the School District as a partner

Harris motioned to adjourn and Cooper seconded. Motion passed 5-0.

North Clackamas Parks and Recreation District  
MILWAUKIE CENTER/COMMUNITY ADVISORY BOARD  
Minutes of September 14, 2007

MEMBERS PRESENT: Joan Staley, Katie Rudolf, Ben Horner-Johnson, Jane Hanno, Joy Estes, Chuck Petersen, Carolyn Mills, Eleanor Johnson, Kim Buchholz

MEMBERS EXCUSED: Ben Tabler, Jim McCready

GUESTS: Stefanie Reid

STAFF PRESENT: Cheryl Nally, Tina Johnson, Kristen Cacka

CALL TO ORDER: Joan Staley called the meeting to order at 9:35. Molly moved to approve the minutes and Jane seconded. The motion was passed unanimously.

CORRESPONDENCE: none

DISCUSSION ITEM: Stefanie Reid presented the four year plan for the Area Agency on Aging. She reported that the need for services is rising but the funding is flat and as a result no new services will be offered. Stefanie has presented the plan to six area Senior Centers. A complete overview of the Area Plan was given to each board member.

Kristen Cacka from NCPRD reported that plans for the north side of the park have been narrowed down to two choices. The previous surveys were used to choose the two plans. Another public meeting will be held after October 1, 2007.

#### BOARD/COMMITTEE REPORTS

North Clackamas District Advisory Board: Molly reported that the meeting on September 13, 2007 was held at Pfeifer Park. The Homeowners Association of Highland Summit asked to continue responsibility for one common space near the entrance. Permission was given. The Capital Improvement Plan and Systems Development proposal was updated and will go to the County Commissioners. A fee schedule for the rock climbing wall which will be installed soon at the Aquatic Center was presented by Kandi Ho. There will be a meeting concerning the Harmony Vision Plan on September 26, 2007 at OIT on Harmony Road at 6:00PM.

This planning will include the Aquatic Park, the Three Creeks Area and the Parks area. Talks are continuing with Molalla and Canby about expanding the Parks District to those areas.

North Clackamas Park Stewardship Committee. Eleanor reported that work on the horse arena is moving along. The ball field hours and parking were discussed. There was no new business.

Nutrition/Transportation: There have been mixed reviews on the Clackamas Live!

event. Katie Rudfelt made a motion to have those involved in the event critique it. The motion was seconded by Chuck Petersen and it passed unanimously. Cheryl Nally will send a letter to Pam Girtman asking the group to follow through with an evaluation.

Future Planning Task Force: Kim reported that a meeting will be held on September 20 and meeting times have been set up for September through December. The September meeting will be a brainstorming session focused on what we might see down the road.

#### OTHER REPORTS

Friends of the Milwaukie Center: Eleanor reported that a New Year's Eve dinner-dance is in the planning stage. The Lumberjack Breakfast will be held on September 22 from 8-11AM. Bingo is going well but help is needed on Thursday evenings.

Governor's Commission: Joan Staley handed out a revised brochure about the Everyday Hero Recognition Ceremony to be held in October.

CENTER REPORT: Cheryl Nally reported that the Farewell To Summer Bar-B-Que was well attended. The bazaar will be held on October 19-20. Several rooms have been painted with new colors and more are to be completed. The Fall Living Guide has been mailed and the kickoff for the 10 week walking program will be held on September 25 at 10AM.

Information/Announcements: Kathy Schroeder has been hired as the new Meals On Wheels coordinator. Chuck mentioned that the Entertainment books are on sale for \$20.

The meeting was adjourned at 10:50.

Carolyn Mills, Secretary.

North Clackamas Parks and Recreation District  
**MILWAUKIE CENTER**  
Monthly Report for September, 2007

**Programs & Services**

Author and lecturer, Suzanne Roberts, met with 15 family caregivers in September. Suzanne spoke about the many issues confronting caregivers; offering information on family dynamics and the development of coping skills.

The "Farewell to Summer" barbeque was a resounding success. Dignitaries BCS Director Dan Zinzer, Rep. Carolyn Tomei, Rep. Dave Hunt, Commissioner Bill Kennemer and County Manager John Mantay assisted with cooking and serving participants. Everyone enjoyed the fantastic music of Mark Cash of Chihuahua Desert. The event was sponsored by Homewood Heights – many thanks!

Milwaukie Center was well-represented at the Clackamas Live! event in North Clackamas Park. The Nutrition Program manned the Concession Stand in the ball fields. The Friends board provided a booth with information on programs, services and rentals at the Milwaukie Center and Sara Hite Memorial Rose Garden.

Milwaukie Center has over 400 people registered for fall classes. Forty-six different offerings in dance, fitness, art, language, writing, computer and cooking are bringing in lots of patrons. Additionally, the "Keep On Trekkin" Walking Program has over 50 people committed to walking on a regular basis for 10 weeks. The goal is for the group to walk 26 million steps.

**Fund-raising**

The Friends partnered with local Rotary Clubs to host the annual Lumberjack Breakfast. Close to 300 people were served an all-you-can-eat pancake breakfast by Friends' and Milwaukie Rotary volunteers while North Clackamas Sunrise Rotary members chopped, split and stacked wood for the Emergency Firewood Program.

The Friends are close to completing an accounting conversion which will help the organization in the future with grant requests, tax filings, and monitoring of Endowment Funds that are approaching \$500,000.

**Staffing**

Welcome Kathi Schroeder, Milwaukie Center Nutrition Program's Meals on Wheels Program Aide. Kathi has a long history with the Center as a volunteer serving in a number of capacities.

**Coming Up**

Estate Planning Seminar, October 12, 10 - 11:30am.

"Best in the West" Bazaar and Bake Sale, October 19 & 20, 9am - 4pm. Purchase hand crafted items, jewelry and baked goods.

Community Garden Clinic and 10 Minute University, October 20, 10am - 12noon.

Flu Shot Clinics, Tuesday, October 23, and November 13, 10am - 1pm.

Property Tax Town Hall Meetings, Thurs, Nov. 1, 9 - 10:30am and Wed, Nov. 7, 7 - 8:30pm

"Famous Thanksgiving Dinner", Sunday, November 4, 3 - 6pm. Buy your tickets early at the discounted price of \$6.00.

North Clackamas Parks and Recreation District  
MILWAUKIE CENTER/COMMUNITY ADVISORY BOARD  
Minutes of August 10, 2007

MEMBERS PRESENT: Ben Horner-Johnson, Molly Hanthorn, Joy Estes, Eleanor Johnson, Carolyn Mills, Joan Staley, Kathi Schroeder, Jane Hanno.

MEMBERS EXCUSED: Ben Tabler, Kim Buchholz, Chuck Petersen, Katie Rudolfelt, Jim McCready.

GUESTS: Michelle Healy

STAFF PRESENT: Cheryl Nally

CALL TO ORDER: Kathi Schroeder called the meeting to order at 9:35. Jane Hanno moved to approve the minutes and Molly seconded. The motion passed unanimously. Chairperson Joan Staley took over management of the meeting.

CORRESPONDENCE: None

DISCUSSION ITEM: Michelle Healy presented the three concept plans for the north side of the park. She explained each plan in detail and answered questions from the board. Concept A appeared to have the least amount of changes and concept B had the most changes. Concept C seemed to be a hybrid of A/B.

Michelle also reported that these plans have been presented to many groups including the Friends, the North Clackamas Park Stewardship Committee and at a public meeting.

She asked the board to fill out a questionnaire to help with the planning. The next public meeting will be on August 22 from 6-8pm at the Milwaukie Center for discussion of the concept plans.

#### BOARD/COMMITTEE REPORTS

North Clackamas District Advisory Board: Molly reported on the joint meeting with the NC District Park Board, the County Commissioners and the Clackamas County Parks Board. The meeting was held at Happy Valley Park. An update was given on the Emergency Ordinance which went into effect on July 20, 2007. It stated that "possession of alcohol shall be prohibited in Barton and Carver Parks until Wednesday, September 5, 2007. Discussion of the issue brought out that there are various regulations in the different parks and various opinions held by members of the board. Staff will continue research and a task force may be appointed to study the issue and make recommendations to the County Commissioners. Grants have been received of 1/2 million dollars for the Stringfield property and \$150,000 to be used for acquisition of property for County parks.

Molly also reported on the meeting of August 9, 2007. Michelle Healy presented the three preliminary concept plans for the north side of the park. Gary Barth shared a

memo from Dan Zinzer on an initial review of the North Clackamas Youth Ball Fields. The importance of the Stewardship Committee's involvement in resolving any issues that arise was stressed. The September 13 meeting of DAB will be at Pfeifer Park on 139th and Sunnyside Road.

North Clackamas Park Stewardship Committee: Eleanor reported the ball-field noise was discussed and a report was given on the restoration of the area for horses.

Nutrition/Transportation: No meeting

Future Planning Task Force: The meeting was focused on categorizing the suggestions from the prior brainstorming session.

#### OTHER REPORTS

Friends of the Miiwaukie Center: Eleanor reported that the Lumberjack Breakfast will be held on September 22. Clackamas Live will be held on September 8-9 with art activities for children, art vendors, live music, food vendors and an art show.

Governor's Commission: Joan Staley passed out information about the Everyday Heroes Recognition ceremony to be held in October. Individuals whose acts of courage and kindness to help elders remain safe in our communities will be honored. More information is available at 800-358-3117.

CENTER REPORT: Cheryl Nally reported on the Ice Cream Social being held today. The Center will be closed from August 27-31 and will reopen after Labor Day. During this time upgrades to the Center will be done. The phones will be open and Meals On Wheels will continue. Programs and Services Committee will meet on October 8.

AGENDA FOR NEXT MEETING: Area Agency on Aging Plan for 2008-2011. Stefanie Reid will present the plan.

The meeting was adjourned at 11am.

Carolyn Mills, Secretary

North Clackamas Parks and Recreation District  
**MILWAUKIE CENTER**  
Monthly Report for August, 2007

### **Fund-raising**

The Friends Annual Report was mailed out in early August. This special issue of the newsletter is devoted entirely to sharing about efforts of the Friends of the Milwaukie Center. It provides an opportunity to thank supporters, recap fundraising efforts and provide a financial overview of the non-profit organization.

The Friends hosted a Moonlight Golf Tournament at Sah-Hah-Lee Golf Course. After a hearty barbeque dinner, players braved the dark to follow glow-in-the-dark golf balls around the course. Everyone had a great time and over \$1,000 was raised for the Milwaukie Center.

### **Social Services**

If you've had Chicken Pox, you are at risk for Shingles, a painful and at times, debilitating disease. Thirty-three older adults attended a presentation on the prevention, diagnosis and treatment of shingles by Dr. Cynthia Talbot, Medical Director at Providence Family Medicine.

### **Nutrition**

The annual Ice Cream Social and Beach Bum contest was enjoyed by over 120 people on August 10. Sponsored by Health Net Health Plan of Oregon, Inc, all proceeds from the "build your own" banana split or sundae supports Nutrition Program Services. Top "beach bum" attire earned folks sand buckets with lots of goodies including treats donated by Bob's Red Mill.

### **Recreation/Education**

Summer term classes were very successful with a total attendance of 282 people in a variety of art, computer, dance, fitness and writing classes. Additionally, each week, more than 100 people attend one of the 10 interest groups offered through the Milwaukie Center. The Travel Program is flourishing with multiple local trips. This month, the following outdoor trips were popular: Cruisin' Down the Willamette River, Mirror Lake Hike and Clackamas County Fair.

### **Coming Up**

"Senior Safety Awareness" Seminar, Thursday, September 6, 1:30 pm.

Enjoy burgers, baked beans, potato salad, tater tots, watermelon and strawberry shortcake at the "Farewell to Summer" barbeque on Thursday, September 13, 12 noon.

Don't miss the "Coping Skills for Caregivers" workshop, Friday, September 14, at 10:30 am at the Milwaukie Center.

Annual Lumberjack Breakfast on Saturday, September 22, 8 am to 11 am. Enjoy eggs, sausages and all the pancakes you can eat. Tickets: \$6 adults, \$3 for children under 12.

Register now for "Keep On Trekking" a ten-week walking program co-sponsored by AARP. We encourage people to sign up and contribute to our goal of 26 million steps. No fee and first time participants will receive a free pedometer.

Fall term classes start the week of Sept 24 – register now for any of 45 offerings.