

MINUTES

MILWAUKIE CITY COUNCIL JUNE 10, 2003

CALL TO ORDER

The 1911th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Barnes
Councilor Lancaster

Councilor Loomis
Councilor Stone

Staff present:

Mike Swanson,
City Manager
Gary Firestone,
City Attorney
Alice Rouyer,
Community Development/
Public Works Director

Paul Shirey,
Engineering Director
Tom Larsen,
Building Official

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard read a summary of the minutes from the 10th City Council meeting held on October 8, 1903. Milwaukie Museum Curator Madalaine Bohl is preparing this series of historical notes in honor of the City's Centennial Year.

CONSENT AGENDA

It was moved by Mayor Bernard and seconded by Councilor Barnes to consider agenda items VI.B – *Certification of May 20, 2003 Election Results* in the consent agenda. Motion passed unanimously.

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

- A. City Council Minutes of April 14, May 5, 19, & 20, 2003;
- B. Award Contract for Stormwater Master Plan;
- C. Final Acceptance of 40th Avenue/43rd Avenue Storm Project;

- D. Intergovernmental Agreement with the City of Portland and Oregon Department of Transportation to Increase Federal Funding Level by \$800,000 for Johnson Creek Boulevard Improvement Project
- E. Purchase Order for Sewer Rate Adjustment for City of Portland Customers in Milwaukie;
- F. O.L.C.C. Applications for:
 - 1. 7-Eleven, 10435 SE 42nd Avenue
 - 2. City Grill, 11050 SE 21st Avenue
 - 3. Miller Brewing Company, 9696 SE Omark Drive; and
- G. Resolution 22-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Recording the Certified Election Results for the May 20, 2003 Special Election.

Councilor Stone asked if the resolution certifying the election results needed to be formally adopted.

Mayor Bernard said it would be adopted as part of the consent agenda.

The motion to adopt the consent agenda passed unanimously.

AUDIENCE PARTICIPATION

Rick Bantz, 4439 SE Pennywood Drive, Milwaukie, spoke regarding the house currently stored at 21st Avenue and Lake Road. He is tired of the house and wants it gone. It is an attractive nuisance, and he is concerned someone will be hurt. He is sick of it and what it looks like. There has been plenty of time, and more, to get it out of there.

Ernest J. Bisio, 3695 SE Lake Road, Milwaukie, spoke on behalf of saving the Marinos house. Everyone regrets that the old St. John's Church was torn down. He urged not doing that with the Marinos house. It is well-built, architectural house, and it should be kept. The process that has to be done to get it moved should be done right away. The house should be kept to remind us we are not losing all the good artifacts we have had.

Sharon Phillips, 11028 SE 28th Avenue, Milwaukie, spoke regarding the Marinos house. She looked at the lot on Jackson Street where Emmert is proposing to move the house, and it looked fine to her. It would fit with the neighborhood. The older homes should be kept for the history of Milwaukie, and she urged giving Emmert time to move it. She thanked JoAnn Herrigel and Joe Loomis for their work on the May 18 Historic Downtown Walk that attracted about 70 participants. She also thanked Steve Campbell for getting a property owner to repair a section of sidewalk where she had fallen.

Councilor Lancaster thanked Phillips for her work on the Historic Walk.

Julie Wisner, 3325 SE Wister Street, Milwaukie. She read the City Mission Statement to the audience because she believes it directly applies to the Marinos house. Emmert should be allowed the time it takes to move it. She believes recent events relating to this house fly in the face of this Mission Statement. This troubles her as a citizen. She would like to see the Council uphold its own Mission Statement and not destroy a house because a parade is coming through town. The house is obviously in transit. Let Emmert put it up on wheels with a sign stating this house is moving as part of the Centennial. Tell people we preserve our older structures and are honoring them by moving them as part of the Centennial. Rejuvenation House Parts has built a multi-million dollar business around the arts and crafts bungalow. The Marinos house is an arts and crafts bungalow design, and that is exactly what Rejuvenation House Parts exists for. It is one of the largest businesses in the nation for that house style, and it is a very desirable house that should be preserved and moved. Anything short of that, she feels, would be a horrible mistake by the City of Milwaukie and a bad public relations move. Just because Milwaukie Festival Daze is coming through town does not mean an 81-year old house is possibly a temporary nuisance. This has not been proven by crime reports. Crime and vandalism are happening at the Milwaukie Marketplace and the transit center. The property values have not gone down in that area as local businessmen have contended. Tax assessments have all gone up in the period of time the house has been on that site. She encouraged giving Emmert the time he needs to move the house. He has moved the Spruce Goose, the Simon Benson house, and the list goes on and on. Put aside the issues, which she feels are other than just the house, which to her seem petty. Do not sacrifice a structure for personal issues. She wants to see the house moved. It would be typical of Milwaukie to get rid of its historic homes. It sent St. John's Episcopal Church down the river to Sellwood, the Crystal Lake Church was shipped out to North Clackamas Park, the Seth Luelling house was destroyed, and the Adams homes were destroyed to put up the health spa. The Texaco station is where the Seth Luelling home stood, and the pioneer catholic church was torn down. It should stop now; we have little left to preserve. She hopes Council will preserve this house in light of its own Mission Statement – our Mission Statement, the citizens of Milwaukie

Larry Secor, 11774 SE 32nd Avenue, Milwaukie, went on record to say this grand old house should be preserved and placed in an appropriate place.

Fannie Scarin, 12027 SE 31st Place, Apt. 8, Milwaukie, went on record to say the house should be preserved in its original condition

Greg Arquit, 1000 SE 15th Avenue, Portland, Emmert International employee. Terry Emmert acted in good faith, initially, by agreeing to a contract that put the burden of the house on him. No one can argue that he has not tried to perform his due diligence by not looking for different lots for the house. In addition to staff time and resources, Emmert has incurred a tremendous monetary amount of debt just trying to place this house, an extraordinary amount. He is not sure if

anyone realizes just how much money has been sunk into this project. Emmert International did go past some deadlines, and everyone has gotten frustrated. People driving by and business owners see the house sitting there. Council is under a lot of heat from its constituency about removing the house. In addition the festival is coming up, and the City does not want it there. Emmert International seems to have come up with a feasible solution for moving the house to a good lot. He is not sure Emmert was given a chance to put it on a lot that will work. A decision was made to go ahead with the demolition. So, if given the choice of demolishing or putting it onto a lot that will work, we at least owe it to ourselves, given all the work that has gone into the project, to see if it is feasible. There was dialogue about posting a performance bond, and he believes Mr. Emmert was going to agree to that. He fully believes the new lot needs to be given a fair shake before the house is demolished. It seems to be a one-sided decision. There are some Council members who are willing to consider the new lot, while others have already made up their minds. He encouraged the City Council, given the fact Emmert International has a lot in place that appears to be perfect, to take it into consideration.

Councilor Stone asked how much debt Emmert has incurred in trying to get this house moved and purchasing new lots?

Arquit deferred to Mr. Emmert for the answer. Three to four staff people have worked on it along with realtors. Earnest money has been involved and lot acquisitions. Emmert International has made a substantial investment on this project.

Councilor Stone asked Arquit, as he understands it, the status in terms of this lot being a viable lot.

Arquit has not dealt directly with the City, but it is his understanding Emmert International has submitted a plot plan that shows the proper setbacks. Everything is in order for this new lot. The decision was made to go ahead with the demolition, and they are not looking at the plans to even see if it is a feasible solution. That is his understanding.

Councilor Stone asked Swanson to clarify the statement about staff's not looking at the plans.

Swanson said the Planning Department is proceeding completely separately from the abatement proceedings. The department is working on it.

Howard Tikka, 14690 SW 106th Avenue, Tigard. He is a concerned citizens who has spent many years working the Milwaukie area, and he sees a lot of charm in the older houses. He especially enjoys Sellwood for example. They have made great efforts to preserve historic structures. He thinks it would be a shame to demolish this house. He shared Julie Wisner's point of view.

Stephen Vaughn, 10509 SE Rex Street, Portland, Emmert International employee. Although his point of view may seem biased, his affinity to his house goes back to when he started with Emmert International. There were two houses. One mover got the house this far, and Emmert International moved the other moved to 3845 SE Jefferson. Emmert went through all the code compliance work, spent money, and put people to work. There is no litter, and the home is well preserved. It is an asset to the City and adds to the tax rolls. Previously there was a burned out house on that lot. He has been through the Marinos house, and there will not be a huge profit to Mr. Emmert. Now he is involved because historic preservation is the right thing to do. He appreciated Ms. Wisner comments; she did some great research. To address a couple of concerns expressed by the first speaker. Emmert International's involvement has been recent, so now a few deadlines have been passed. He strongly suggested the City Council consider the whole timeframe, and then the length of Emmert's involvement to reach some reasonable conclusions. He sees strong community support concerned about the loss of historic assets. Here is something that can be saved and last for an indefinite period of time. There has been some bad press and conflicting personalities. He would like to have those difference set aside for the sake of saving this home. It would be good for the community and an excellent effort by the Council to vote in a positive manner. The City and City Council will benefit from the positive press that will far outweigh the risk of a few weeks or whatever time it might take to save this house.

Bob Wisner, 15695 SE Dana Avenue, Oak Grove. He is a lifelong resident of Milwaukie and the surrounding area. The City Council has an opportunity to be recognized as the people in the City who are working for the City, who actually halted the destruction of historic properties. As one reads publications about Milwaukie and its history in the development of Oregon, the City has played a prominent role. There were houses of very significant architectural styles that are no longer existent. There is a problem with legacy, history, and the preservation of all these things that mean so much to a lot of people. When one drives through a city, one sees vegetation, architecture, and pavement. If the architecture goes away, all that is left is vegetation, which may be beautiful, and pavement. To destroy this house would be a mistake. With so few styles of architecture left in Milwaukie, the City Council needs to act to preserve something that will be a legacy to the entire City. He believes Emmert has a viable plan. When dealing with an expert who is known for completing a job in an expeditious manner, he does not see how the City can lose. He is ready to go, and the City needs to help him make that happen. With the amount of money Mr. Emmert has personally told him he has personally spent on this, it would be a mistake to cut it short just on the verge of probably making it happen. It is right on the cusp. At the City Council meeting at the end of January, the City Council gave him a deadline. He recalls it was mentioned that if Emmert ran up to the deadline, there may be consideration given for a small extension. The City

Council needs to extend the deadline and help Emmert make it happen to preserve the history and heritage of Milwaukie.

Bob Brady, 3200 SE Washington Street, Milwaukie. As newcomer to the Milwaukie area, he was struck by the charm of the architecture and older structures. If there is a vacant lot, building ticky tacky boxes all in a row would be an error in his opinion. He is in favor of saving this house.

Ron Evans, 2895 SE Oak Glen Court, Oak Grove. He and his family have lived in Milwaukie for 17 years, and he and his wife have spent considerable time talking about this house and are aware of the possibilities. He and his wife are in favor of keeping this house especially after learning how close it is to being successfully moved. He does not believe the house is dangerous. He and his family have participated in the Festival Daze parade, and he is not concerned about any danger in going by it. There is certainly an expert who can get the house moved quickly. He has never attended a City Council meeting, but he and his wife feel strongly about this issue. They love this City – its smallness and progress which can both happen at one time.

Councilor Lancaster appreciated Evans' coming to this meeting during a busy day in order to provide input and asked how he found out about this meeting.

Evans said he saw the announcement in the paper, and his wife heard about it from a neighbor.

Councilor Lancaster asked Evans that question because the City tries so many avenues of communication on every issue, but City Council feels many times that no one is listening.

Roy Emmert, 11811 SE Hwy. 212, Clackamas, Emmert International employee. He requested the City Council save the building and employ people. He grew up in Milwaukie near Railroad Avenue, and he would like to see these older buildings saved for the future. We need to save historical buildings, and Emmert International has put a lot of time and effort in making this happen. He would like to see the City Council vote in favor of keeping the house and turn it into tax revenue for the City.

Patty Wisner, 3325 SE Wister, Milwaukie. She is currently a Milwaukie Design and Landmarks Commission member, although she is speaking tonight as a citizen. After attending the previous night's work session, she is again voicing her support for a reasonable extension to allow Mr. Emmert to move the house to the new lot. She understands John Gessner finds the proposed lot the correct size for the structure. Based on what was said during the work session, there are concerns the festival is coming soon. The house has been up on blocks in storage during this event for a couple of years without incident. There are no crimes on the books from the Milwaukie Police Department, and there is no loss

in property value with the house being stored at that site. We are at the 1-yard line at the goal. We have to snap the ball and make the touchdown now. We have the man who can do it, and he says he will negotiate to take on additional costs if there is a conflict with the demolition contractor. He said he will clean up the site and get the house on wheels and put a moving sign from his company on the house to make it more presentable for the festival. This can be a win-win situation. She understands the exasperation and frustration because she has been dealing with this since January 2001 when she began the process to preserve the house. She is very appreciative of all the effort the Planning Department has gone to through the whole long process – the documentation, the work of the city manager and staff to try to resolve the conflict as well as the support of the City Council. We are ready to make a touchdown here. She asked the City Council for its support to extend this deadline to its reasonable conclusion. She hopes the application process could be expedited and give Emmert the time to get utility company approval to lower the lines and get the house moved and permanently sited. We can all go on to our next order of business for the City of Milwaukie once this is completed. She serves as a volunteer to preserve historic architecture and significant landmarks in this City and to promote quality architecture in this town. To save each viable, older home of significant architectural design is a boon to this community. It says a lot about us as people and will say a lot about us in the future as we preserve these significant homes. This is the first, and we have learned a lot on this whole project. We will have to face this again some time, and she wants us to work our hardest as leaders and volunteers to send the message that Milwaukie cares about cultural heritage, architectural heritage, and quality of life. We will make the effort to live up to our vision statement, to preserve our heritage, to preserve our built structures, and to live those words by the deeds that we do. This is our chance; this is our defining moment as leaders and volunteers in Milwaukie to really stand up and make a tangible testimony to living up to those values we have all pledged to serve this community with. She encouraged the City Council to vote and to allow this extension. Let's make this house happen and make it a permanent part of our landscape.

Patty Scruggs, 6942 N. Villard Avenue, Portland. She did not wish to speak but was present to support saving the house.

Larry Scruggs, 6942 N. Villard Avenue, Portland. He did not wish to speak but was present to support saving the house.

David Aschenbrenner, 11505 SE Home Avenue, Milwaukie, Hector Campbell Neighborhood District Association (NDA) Chair. He has no problem saving and preserving houses. He asked why, when this house was first moved, was a non-profit group not formed to solicit money from the community in order to find a suitable location where it could serve as an historic resource. No one came to him or the NDA about moving this house to the Hector Campbell neighborhood. Emmert International looked at two lots, and in one instance the adjacent

property owners said flat out they would not give up additional land. To put the house on the currently proposed lot, it will have to be modified. He is upset because he believed that neighborhood associations were valued in this community, and that people would go to the neighborhoods to talk to them about this type of proposal. It never happened. It did not happen on the other house that was moved into the Hector Campbell neighborhood. That house was supposed to have been a single-family residence, but, in fact, it is a drug and alcohol rehab house. He hopes this will not happen again. He does not want a bunch of those types of houses in his neighborhood. This is difficult. He wants to save historic houses. The question is, is this the place to put this house? How will others know this is an historic house after it is moved? Will it be open for tours once a year like some houses in Portland are? This house is being stuck on the back side of Jackson Street which is unimproved. How will people know this is a significant house? Will there be a plaque? All we know is the house is being moved. There is no foundation or non-profit group behind it that could use this house for other purposes. We know the museum needs more space. Was there any thought of forming a non-profit that would locate the house near the museum, so it could be used as an annex? It is a slap in the face to the neighborhood association when no one talks the members. The NDA has to track down information by talking to the neighbors about what is going on around them. He wished when it first became public that this house would have to be moved from school property, that those who are concerned about this house would have stepped forward to create a non-profit organization to find a suitable location and make the house nice and use it as a centerpiece of historic architecture. This never happened as far as he knows. It has been wait to the time limit and then plead for an extension. The attendees at the Hector Campbell NDA meeting were not really in favor of putting the house on Jackson Street and do not know the value of putting it there. It is not a convenient place to tour because there is no parking, and the house is being squeezed onto a lot. It is difficult to support the house being moved to that location. Maybe it should be moved to a temporary location somewhere else until an appropriate site can be found. If there is another historic house like this that needs to be moved, he hopes the backers will step up to the plate and form a non-profit to try to raise funds and place it on an appropriate site. The plan now is to cut off part of the house, shoe horn it in, drop it on the ground and leave it. The question is, what will go on there? Will it be like the last house moved into his neighborhood? He hopes not because residents were told one thing, and then something else happened. He understands there are federal laws regarding group homes, but he sees it coming again.

Councilor Lancaster how many residents attended the neighborhood meeting last night?

Aschenbrenner said about 10 people attended, and all were opposed.

Councilor Stone responded to some of Aschenbrenner's comments. Is it the Planning Department's responsibility to notify NDAs of land use changes? Should the neighborhood liaison be in touch? She understands his frustration with not knowing from the City when these kinds of things happen because she believes it should.

Aschenbrenner said it is his understanding that people filing for permits are encouraged to meet with the neighborhood associations. No one involved with this house, other than the City, let the NDA know what was going on.

Firestone added, if there is a land use application, there is notice. If something is going in as an outright permitted use, such as a single-family residence in a residential neighborhood, there is no land use procedure, just a building permit.

Councilor Stone understood from Aschenbrenner this house would have to be altered structurally. This was discussed at the work session, and it seems the sun porch was built right on to the existing exterior wall. The original structure would not be changed. In terms of having a non-profit group rescue this house, she knows the family was involved from the beginning and worked closely with North Clackamas School District to try and find a suitable owner for this house. It is not like at the eleventh hour people are just stepping up to the plate. Patty Wisner testified she has been working on this since 2001, so people have been involved. She understands Aschenbrenner's frustration in terms of things coming into his neighborhood, but she would certainly rather have a beautiful historic arts and crafts home her neighborhood than a mobile home. Lots of those have been going in. As of this date, the house has not been designated an historical site.

Aschenbrenner knows the Wisner's have been involved for a long time. He has not seen anyone going through the process of forming a non-profit to do something in the way of a community outreach to save this house. He knows they have done it personally, but he has not seen the Wisner's do anything to rally the community behind this house.

Councilor Stone knows there has been a big campaign on the Wisner's part. She has not been privy to everything but knows they have been diligently working toward preserving this house.

Joe Johns, 1806 SE St. Andrews Drive, Portland, Clackamas County. He belongs to neighborhood association Sellwood Moreland Improvement League (SMILES). The group is currently working on the car barns located at 13th Avenue and Linn. The building itself was sold by Reed College for \$2.5 million. SMILES found a developer to restore the building, and this is the place to go if the Council wants to see what can be done with old buildings. The clubhouse has been restored, and it is absolutely amazing. You want to save old buildings. The neighborhood association has created an economic development committee to help save that building. Why is this important? It is no different than what the

federal government has done in Washington D.C. when it spent \$30 million to restore an old warehouse. What can be done to help the citizens? He read letters from Parks and Recreation Department/State Historical Preservation regarding the availability of funds for structures put on the registry. There are three banks willing to put up the funds for this building. He referred to letters from Portland Mayor Vera Katz, Diane Linn, and Senators Gordon Smith and Ron Wyden urging Reed College to save the building. The point is, save the building. It will pay for itself. The National Historical Preservation Act of 1966 established a program to save additional historical properties throughout the nation. When you preserve something like that through them, you get money from the architects association because they help fund these projects. There is money available, and there are investors who will put money in to these projects for tax purposes. It is a win-win situation, and something the City needs will be saved.

Councilor Stone requested Johns leave a business card with Swanson.

Councilor Barnes understands Johns is saying there are grant opportunities for the owner of the house to get into some kind of historical situation.

Johns said the City of Portland has a Landmarks Commission, and it helps with historical buildings. State Parks and Recreation has an historical arm, and if a representative determines it is eligible, it will get on there. He discussed Portland's proposed denial of demolition ordinance.

Councilor Barnes understands there is money available to owners of historical properties.

Johns said that was correct. He recommended the City Council look at the clubhouse. It is very beautiful and original.

Councilor Stone asked its location.

Johns replied it is at 12th and SE Linn in Portland just behind the Molded Container building.

Katie Daniel, 9900 SE Lawnfield, Clackamas. She has been working on this project for months, and she would like to see the house moved just as much as anybody on this Council and in this town. Several points were brought up at this meeting and the work session regarding Emmert's due diligence on this project. It has been stated Emmert International did not fill out any paper work or turn in any building permits. We did not work on this project; we have been stalling. She had in front of her all the applications she personally tried to turn in to Mr. Gessner and were denied. It was flat out denied. They are signed and dated if the Councilors would like to see for themselves because it has been said they do not exist. Well, here they are. The applications started in November with Renee

Bagley, and he was told not to turn in those applications because there was a property line adjustment and a variance that was going to be needed in order to get the house to the first original property that we wanted to move the house to. Later, as a few months rolled by and the house was still there, the reasons for Mr. Gessner not accepting those applications seemed to change. She actually had a letter from Mr. Gessner as to why he says he did not accept the applications after the fact. Basically stating, if it was just the property line adjustment, it would be one thing. A property line adjustment and the setback variance, it would take too much time. He used the City building code in order to shut down every opportunity Emmert had to move that building. It was as if he was not trying to work within the code to make it happen. He was trying to use and bend the code in order to stop the project and to put up roadblocks the entire way. She looked up the variance codes herself, and with the little amount of variance Emmert needed, Mr. Gessner himself could have approved it over the counter according to the Council's own code. In a letter he stated to her it would take up to 90 days, so that was why he would not accept the application. That was the first attempt. Then Emmert had a piece of property that was disputed for three weeks if it was even a legally created lot. We had to do a title search and prove it was created legally. This was the Balfour property. Emmert had a backup property off Malcolm if something did not go right with the Balfour property. The wire costs were prohibitive, and Emmert could not reasonably move that building there. Emmert has finally found the lot that fits into the box that Mr. Gessner has put in front of us to fit into. It has not been an easy process; it has not been prompt dealing with the planning department. She understands they have very difficult jobs, but we were expected to promptly move a building that has been sitting there for a year and a half. Yet, when it is within his power to approve something with his signature – an 18-inch variance would have had this house moved by the end of December like they wanted – he would not do it.

Now, here it is. The entire package tied up with a bow, right in front of him and the City to make sure this project goes through – is completed. Otherwise, we are basically just giving up. It is not Emmert who is giving up. It has not been Emmert who has been putting up roadblocks. We have been jumping them, hurdling them as fast as we possibly can and come up with four possible alternatives. Here we are, and we finally have it. Mr. Swanson understood that prior to executing the contract with the contractor to demolish the house. This has not been a secret. We have been in communication with both sides of the government here hoping they would communicate with each other. Let the other know what is going on. Like she said, it has been claimed many times that we have not even filled out paperwork until just now. Everyone was aware we had this lot and were going forward with it. Still the contracts were executed to have the house demolished and not because he had to by the letter of the law but because he had the option to. That she does not understand.

Councilor Stone asked Daniels what she has learned as of this date in terms of the viability of this lot from the planning department.

Daniel responded this is viable lot and fits within the code. She spoke with the building department regarding the transportation permit, and it is being approved. The traffic control plan has just been approved, and that is a huge issue. All utilities have been notified. We are at the 1-yard line; we are there. It is a matter of weeks, not months.

Councilor Stone understands planning has approved it.

Daniel said planning has not denied it. Every one of the check marks is going just as planned. Everything is fine. It should be approved within 14 days.

Councilor Stone asked if PGE is contacted once the permit is approved in terms of lifting wires.

Daniel said PGE has been contacted as well as the other utilities. At this point in time, Emmert needs to give them deposits to do the engineering. That does not take long at all. Emmert has a great relationship with the person who will engineer the project to get this on its way.

Councilor Stone asked Daniels, in her best estimate, what could be expected in terms of moving the house if approved in 2 weeks.

Daniel said the house could be moved within 5 weeks.

Councilor Lancaster asked what could go wrong at this point.

Daniel replied the only thing that could go wrong is for you to say "no."

George Van Bergen, 12366 SE Guilford Drive, Milwaukie. He heard about this meeting last night as a sidebar to a work session, not as a specific meeting. He has been to all of the meetings about this piece of property that he once owned and worked out of for over 20 years. He bought the house, paid for it, remodeled it as well as the one next door, and doubled the size of a then 3-car garage. He has some knowledge of the property. It will require a lot of effort to put it back in any kind of a livable condition. He has never been opposed to moving the house to an acceptable site that complies with all City ordinances. He used part of the money he got from the sale of the property to the School District in condemnation build a house in Milwaukie. He paid over \$10,000 for permit approval which was gone over in detail including architects plans, special earthquake bracing, setback inspections, and sewer, plumbing, wiring, concrete, and water inspections. He thought it was inspected to death, but that is part of the deal. Will this house required to qualify for that type of inspection on the new site that will permit commercial uses or a single-family dwelling unit? The City is in this

position because it got boxed in on a deal that never went forward as expected. All of the moving timelines and promises failed. It has been talked to almost the point of absurdity, and he has been a participant. That brings us down to the what-ifs. If the City does go to abatement and demolition, there should be no risk given to the persons who own the fence, trusses, and blocks because that is not part of the house. Those people need to be notified. The whole matter has become a rather large debacle. If the City Council decides to give Emmert more time, Van Bergen recommended putting a commitment on the person seeking that extension with something on the table that can be approved and within a specific period of time and backed with a cash surety bond. He would like the City Council to comply with ex parte communication laws of the State of Oregon and that, in Council members' beliefs, these ex parte communications have not prejudiced their votes on this matter.

Firestone said this is not a land use proceeding, so the ex parte rules do not apply. The rules that do apply are the Government Standards and Practices Commission rules primarily concerned with financial interest and benefit.

Van Bergen said Firestone's interpretation is different than his.

Terry Emmert, 10470 SE Hillcrest Drive, Portland. One of the most important things is to remember is that the City came to Emmert International last fall to ask for help in saving the house. This was not Emmert's problem. No citizen has ever been hurt in over 35 years and 10,000 projects Emmert has completed. The company has never failed to complete a project. He mentioned the company's history in Milwaukie. It started here. His first residency after high school was here. Not only did he coach at LaSalle High School but also Milwaukie, Gladstone and Putnam players on his summer teams for 15 years. Emmert International has been involved with almost every civic fundraiser from LaSalle to St. John's to every high school around. The company helps every one of them. This is becoming a matter of principle. Emmert International moved the Brownell house, the Eric Ladd house, Boeing Delta 4 rockets, PT boats, Paul Bunyan, The Bomber, Corvallis railroad depot, Pier 42 in San Francisco, Troutdale railroad depot, Oregon City depot to Portland then back to Oregon City for restoration for former Oregon City Mayor Dan Fowler, the Simon Benson house, Spruce Goose, Triest submarine, and many others. Never did the company have to go fight to save something. There was usually cooperation. He has never been stonewalled so much nor his staff. He would be more than happy to furnish the documentation, but someone said maybe it lies halfway in between. It does not lie halfway in between; his company was refused the applications. They could not even be turned in; the answer was "no." He thought if they had gone before the Planning Commission, the house would have been moved, set up, and in business today.

He sees that it is prejudicial because they do not like the house that was moved to Jefferson Street. This is still America, and you have a right to occupy under

the laws and federal guidelines. He commented he does not chose who moves into his neighborhood and starts a crack house or something. He is stuck with those turkeys until the law gets them out. An Oxford House is a rehabilitation center. He has helped set up seven of them. They are not profitable, but Emmert is doing something good. He has never had a problem with any of them unlike rentals in other places where he has constant problems. He has an Oxford House set up on his farm on Springwater Hwy. where he tries to spend every spare minute. He has his grandkids and relatives there along a \$1 million worth of animals. That house is a pride of ownership. They are good neighbors who police themselves.

He talked to the demolition contractor as he promised. He agreed and has called the City with the numbers and is willing to void the contract to save the house. He truly believes that extra time is warranted, and if Council really looks it will see where the roadblocks were. Before it goes a lot farther, the Council should see those things and make a fair judgment on how much money was spent and wasted because of the lack of help. No home has to go to a homeowners' association to be built. If he builds or removes a home, he hopes it will not come to the point of being prejudicial. As far as being set up as an Oxford House, the answer is "no."

Councilor Stone said Katie gave an estimate of approximately 5 weeks to move the house if everything is okay. Is that on the mark?

Emmert said it is just as accurate as the amount of time the City told him when he took the project on that the City could approve his permit. It did not happen; it was not approved. In this particular instance, he thinks that Katie's idea of a 5 – 6 week window is probably realistic. The utilities will all have to be scheduled on the same day. No more money will be thrown in until a building permit is issued. Every time he has done it before, he has eaten the whole cost. He thinks the Council is looking at a real short window. Emmert will go as fast as it can, but remember, these are public utilities and do work on their own agenda. One of them was owned by Enron, so sometimes they are not the easiest to work with. We do get good cooperation, and Emmert has never had any problem with the City's road department. Emmert is at the City's mercy to issue the building permit. He does not pour the foundation until the building is moved to the site. As far as Katie's timing, he believes 5 – 6 weeks is realistic.

Councilor Stone asked about the contract for demolition. The city manager has not yet authorized demolition, but the City does have a viable contract. She understood Emmert to say he has spoken with this contractor, and he is willing to withdraw the contract without any financial obligation to the City.

Emmert talked to him, and he is willing to void the contract. There is a cost because he has spent money at the instruction of the City to do certain things even though he was not given an order to proceed. He expressed surprise no

one has told Council this. The contractor gave those costs directly to the City today. He thought maybe staff would have informed Council. He asked Mr. Swanson if he had that information.

Swanson believes the cost incurred by the contractor was about \$135. He will provide other costs later.

Emmert said the expenses are insignificant and are about one one-hundredth of what Emmert International has wasted so far.

OTHER BUSINESS

Municipal Building Code Changes – Ordinance

Tom Larsen, Building Official, provided the staff report in which the City Council was requested to approve minor amendments to Municipal Code Titles 2, 15, and 16 relating to the building code. Amendments outlined the process for appealing the building official's decision and deleted reference to the Construction Board of Appeals, replaced references to the county plumbing code with Oregon Plumbing Specialty Code, and amended language relating to seismic conditions. The proposed amendments would bring the municipal code in line with the State Building Codes.

Councilor Lancaster asked if everything is fixed or will other inconsistencies emerge.

Larsen believes it is updated as far as the building division goes.

It was moved by Mayor Bernard and seconded by Councilor Stone for the first and second reading by title only and the adoption of an ordinance amending Municipal Code Title 2, Administration and Personnel, Title 15, Buildings and Construction, and Title 16, Environment.

The motion passed unanimously.

The City Manager read the ordinance for the first and second times by title only.

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

ORDINANCE 1923:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING THE MUNICIPAL CODE TITLE 2, ADMINISTRATINO
AND PERSONNEL, TITLE 15, BUILDING CODES AND**

**CONSTRUCTION, AND TITLE 16, ENVIRONMENT TO AMEND
THE PROCEDURE FOR APPEAL OF DECISIONS OF THE
BUILDING OFFICIAL.**

House Stored on 21st Avenue

Mayor Bernard commented the City Council has already made the decision this structure is a nuisance, and the city manager is authorized to deal with it. He asked Swanson to provide a status report.

Swanson believes he has three options. One is to issue a notice to proceed with the demolition. Second would be to wait for 5 days to see what happens and postpone the notice to proceed for that period of time. His third option would be more in line with Council deliberations on January 21, 2003. A number of times at tonight's meetings, there were comments about giving Emmert the time to make the move; that we are ready to make the touchdown; and the entire package is tied up with a bow. He would have to say this is not just about time, which is only one element. It is about a number of issues. His third option is where he deals with those issues. If he were using a sports analogy, we are not on the one yard line ready to make a touchdown. We are playing a game of golf, and we are still trying to get a tee time. The entire package is not yet tied up with a bow; we are still trying to find the present. We can get there. We can get the tee time and complete 18 holes of golf. We can find the appropriate present, get the wrapping, and tie it up with a bow.

Time is merely one of the elements. This is not about Festival Daze. This is not about the timing to coincide with what is happening later this month. The timing of Festival Daze was the farthest thing from anyone's mind on January 21 when April 27 was selected as a trigger date. If he were trying to do something to coincide with Festival Daze, he would have moved a lot faster after April 27; he would not have dragged his feet. He would have preferred to get something done earlier in the month of May than playing chicken with the date of Festival Daze.

This is not about Festival Daze. This is about the nuisance provisions, about the municipal code and how we chose to effect those provisions, and whether or not we wish those provisions to mean something. As we sit here, the City has other nuisance situations that are as serious or even more serious. It is a provision of the code upon which we rely.

Swanson clarified comments made at the previous night's work session. One person said this house is not a nuisance. That is true. The situation constitutes a nuisance, and it is not the house that is a nuisance. It is the situation in which the house and the property find themselves together that constitutes the nuisance. The fact that a nuisance complaint was filed is not a statement about the house or about the value or lack of value of the house. The fact that a

nuisance complaint was filed is indicative of the fact that we have a code, and that it is part of our obligation to enforce that. Secondly, one person on staff took some pretty hard hits at the work session. That person is John Gessner. He and Mr. Gessner have worked together for a number of years, and he knows him to be one of the most conscientious, hard working, worrisome people in terms of doing the right thing. He personally felt bad that he did not say something about that at the work session. He has a great deal of faith in Gessner, what he does, his word, and his professionalism. He needs to make that up.

Having said that, the third option is to in fact open up the possibility, once more, for saving the structure, as we talked about last January, in terms of deadlines and measurements by which accountability can be determined. It is not about time; it is about accountability. He outlined his proposal to Emmert International as an option for saving the structure, some of which were suggested earlier by Councilor Lancaster. Swanson noted he had left some of the dates and costs blank at this time.

Basically, the process would be that Swanson would exercise his discretion to hold off on issuing a notice to proceed, but under certain conditions. The first: immediate action, within days, to clean up the property where the house is currently stored and to make the house presentable. Mr. Emmert had mentioned skirting at the work session. Others commented on adjacent properties which are not accessible, and those have to be cleaned up. We can talk about nuisance/not nuisance, saving the house/not saving the house. It is not presentable, and that has to change. That is a condition. The legal status remains where it is as a second condition. Number 3 is that we finalize all necessary filings and payment of City fees and charges to secure building and moving permits. Gessner believes everything is mostly in place. He will underline this includes payment of systems development charges. Number 4, once Emmert International has secured those permits, the City of Milwaukie will be provided with dates certain for utility moves and given permission to inquire with those utilities to ensure things are moving forward. He understands Emmert International would be, to some extent, at the mercy of PGE and other utilities. He does believe, however, an outside date needs to be set beyond which it is simply inappropriate. He will work on those dates. The next condition is to secure the agreement of the City's demolition contractor to both an extension of the contract and a termination of the contract without a cost to the City if the abatement occurs pursuant to these terms. The City would have to give necessary authorization to Emmert International to contact the contractor to talk to him about adjusting the contract between the City and the demolition contractor. Another condition is payment of costs. Swanson will refine and evaluate a list of costs incurred by the City to determine what Emmert will be assessed. He is considering reducing the total costs he has at this time. Additionally, a condition of the agreement is payment of a performance bond. He has yet to determine the amount. The bond would secure the move from the present site pursuant to deadlines, secure the move itself, and be for the purpose

of ensuring the process was completed to a certificate of occupancy. One can drive around the region and see a number of structures on blocks. If this one is going to move, it must be completed. One way to do that is through the performance bond. Finally, a failure to meet the deadline, which he will establish on the move, will result in the notice to proceed and demolition. This is a power granted under the code. If the certificate of occupancy is not secured within the deadline, then the City could elect to execute on the performance bond.

Swanson said at this point in time his intention is to reduce his notes to writing with the blanks filled in, and send a completed document to Emmert International tomorrow. It would result in things being aligned so that the house could be saved. In constructing the agreement, one must remember his first client is the City, and that bias probably shows through.

Mayor Bernard commented the codes were developed by a community process, and he constantly hears that code enforcement is a priority in this community. Swanson has the right to negotiate, and the City Council asked Swanson to abate. He personally supports any negotiation Swanson may work out at his discretion.

Councilor Lancaster commended the city manager for putting together a well thought out, balanced, fair, and appropriate final proposal to make this work. He believes Swanson is on the right track.

Councilor Loomis agreed with Lancaster's comments.

Councilor Stone had a question in terms of timelines that were discussed. Is that sort of where he is heading, and would that be 6 weeks?

Swanson responded yes. The successful removal of the house is a much more positive outcome for staff as well. He will call or e-mail the City Council when he has the agreement finalized.

The group discussed how the public would be informed, and Swanson will contact *The Oregonian* and possibly publish something on the City website.

Councilor Stone had a question in terms of legality. Is a motion necessary to accept Swanson's proposal?

Firestone said in this process there were basically 3 options. One option is that a Council member voting with the majority could have moved for reconsideration. That would have been the formal action, and the only action that could dictate the outcome. Another option is to do absolutely nothing with the assumption Swanson would proceed as suggested. The other option is to pass a non-binding motion to support the position as stated and expresses the Council's general thoughts and concerns.

It was moved by Mayor Bernard and seconded by Councilor Barnes to support the city manager's negotiating what is best for the community. Motion passed 4 – 1 with the following vote: Mayor Bernard, Councilor Barnes, Councilor Lancaster, and Councilor Loomis aye; Councilor Stone nay.

Councilor Stone clarified she voted against the motion because it seemed so general. It is not that she is not in support of what the city manager is doing. She wants to make sure that all the "i's" are dotted and "t's" are crossed in terms of we are doing everything possible to try to save this historic structure. Hopefully, when it does get moved, it will be designated officially as an historical home in our City.

Councilor Lancaster suggested a sign on the house identifying it as a Centennial preservation project, and **Councilor Stone** supported that as good public relations.

ADJOURNMENT

It was moved by Councilor Lancaster and seconded by Councilor Stone to adjourn the meeting. Motion passed unanimously.

Mayor Bernard adjourned the meeting at 7:50 p.m.



Pat DuVal, Recorder



AGENDA

MILWAUKIE CITY COUNCIL JUNE 10, 2003

MILWAUKIE CITY HALL
10722 SE Main Street

1911TH MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**
- III. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*
 - A. **City Council Minutes of April 14, May 5, 19 & 20, 2003**
 - B. **Award Contract for Stormwater Master Plan**
 - C. **Final Acceptance of 40th Avenue/43rd Avenue Storm Project**
 - D. **Intergovernmental Agreement with the City of Portland of Oregon Department of Transportation to Increase Federal Funding Level by \$800,000 for Johnson Creek Boulevard Improvement Project**
 - E. **Purchase Order for Sewer Rate Adjustment for City of Portland Customers in Milwaukie**
 - F. **O.L.C.C. Applications**
 1. **7-Eleven, 10435 SE 42nd Avenue**
 2. **City Grill, 11050 SE 21st Avenue**
 3. **Miller Brewing Company, 9696 SE Omark Drive**
- IV. **AUDIENCE PARTICIPATION** *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*
- V. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

None scheduled

- VI. OTHER BUSINESS** *(These items will be presented individually by staff or other appropriate individuals. A synopsis of each item together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

Municipal Building Code Changes – Ordinance (Larsen/Rouyer)

VII. INFORMATION

- A. Center/Community Advisory Board Minutes, April 11, 2003**
- B. Park & Recreation Board Minutes, February 25 and April 22, 2003**

VIII. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session. If an Executive Session is called to order, the appropriate ORS citation will be announced identifying the applicable statute. All discussions are confidential and those present may disclose nothing from the Session. Representatives of the news media are allowed to attend Executive Sessions as provided by ORS 192.660(3) but must not disclose any information discussed. No Executive Session may be held for the purpose of taking any final action or making and final decision. Executive Sessions are closed to the public.
- For assistance/service per the Americans with Disabilities Act (ADA), please dial TDD 503.786.7555
- 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
APRIL 14, 2003**

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

Councilors present: Lancaster, Loomis, and Stone.

Staff present: City Manager Mike Swanson, Police Chief Larry Kanzler, Neighborhood Services Manager Michelle Gregory, Community Development/Public Works Director Alice Rouyer, and Project Manager Jeff King.

Police Department Staffing Levels

Kanzler introduced Mary Weaver, Milwaukie Police Captain Jim Colt, and Milwaukie Police Officer Robbie Graves. He explained police staffing concepts are a collaborative effort involving each level of the department with officer safety a primary concern. He invited Weaver because she has been working with the Public Safety Advisory Committee (PSAC) regarding drug activity in the Milwaukie Christian Church parking lot on King Road.

To clear up any misunderstandings, Kanzler outlined Council and staff roles and responsibilities. The police department makes recommendations to the City Council and city manager based on knowledge, experience, and training, and the chief performs his duties at the city manager's direction. The basic assumption is that all City departments operate with integrity, and department managers make decisions in the best interest of the City. The City Council considers departmental recommendations for its strategic planning, policy development, and communication with the community. Further, City Council, the city manager, and department managers work as a team to solve community problems and are not adversaries.

Charles Matthews, Special Agent in Charge of the Portland FBI office, has been in the business of public safety for over 30 years and is part of the FBI task force on terrorist activities. Matthews says the primary responsibility of government is to provide for the security of the people governed. Without this foundation, society cannot enjoy the benefits of a viable economy, a strong education system, and necessary social services. The FBI believes the reason terrorists attack is to demonstrate a government cannot provide safety for its citizens.

III. A. 2

In past presentations, Kanzler has told Council that California is a barometer of what Oregon can expect within 6 – 8 months. In the first 2 months of 2002, California's crime rate increased by 5.3%. He showed monthly crime maps of Milwaukie neighborhoods which will be posted on the City's website in the near future. Part 1 crimes include murder, manslaughter, rape, and arson, and part 2 crimes include theft, misdemeanors, and juvenile crimes. In 2002, the Milwaukie police department responded to approximately 11,000 calls for assistance. Identity theft increased by 300% in Milwaukie and 1500% in Clackamas County. Kanzler made the tactical decision to bring the narcotics detective back from the county to work on identity theft.

Councilor Stone asked if identity theft means mail is being stolen or if personal information is being stolen electronically.

Kanzler said identity theft can be both. He continued to summarize Milwaukie statistics. Part 2 crimes include forgery, fraud, embezzlement, criminal mischief, narcotics, and counterfeiting. He pointed out increases in driving under the influence and disorderly conduct. Cases have increased in almost every category.

When preparing for high call loads and unsafe conditions, the department considers several issues. Kanzler works closely with the police union to ensure a safe minimum staffing level is maintained. If officers cannot protect themselves, they cannot protect the public. Call types also determine staffing levels. Another issue is availability of support from neighboring jurisdictions. He discussed crime rates in neighborhoods adjacent to Milwaukie and the staffing levels in Clackamas County and Portland. Response time expectations are also key in the decision making process. If certain calls are not responded to quickly, public expectations drops, and citizens interpreted it as a lack of caring by the City. Milwaukie, unlike Portland, does care about its residents. Finally, the response level, or how many officers should be sent on a call, is also an issue.

In 1996 through 1998, Milwaukie received grants for overtime costs, problem solving, and community policing. The grants plus the City's match provided for \$150,000 for overtime without any additional officers being hired. These grant funds, however, are no longer available. Kanzler reviewed staffing ratios of police departments in the area. He noted a high level of recidivism in Milwaukie because Clackamas County cannot keep people in jail. The sheriff does not have the staffing level needed to supervise 150 custodial beds. As of March 6, 2003, there were 866 resident warrants in Milwaukie. This is a law enforcement system failure.

Kanzler discussed the pros and cons of 4 deployment strategies: equal staffing distribution; response time; calls for service; and a combination of calls for service and community problem solving. In the equal staffing scenario, the number of officers it takes to do the job is defined by the number of available

hours. In the response time deployment scenario, the staffing level is determined by how long it takes to get to a call. The national response time average for priority calls is 3 minutes. Most departments do not use the calls for service option as a single standard because volume and priority are unknowns. In the response time strategy, officers are assigned to districts to provide a 3-minute response, which may result in abandonment of particular districts under certain circumstances. Problems inherent with that strategy are: no control of the number and types of calls; staffing needs are not predictable; and increased staff does not result in a reduction in crime. The calls for service strategy is the basic shift augmented as call for service increase with the 3-minutes response time on priority and life threatening calls. Milwaukie uses a combination of calls for service and community problem solving. Shifts are staffed to meet the workload created by calls and augmented by additional staff to investigate issues. The number of officers it takes to do the job is defined by the hours available. To work 1 district 24 hours a day, 7 days a week, 365 days a year, requires 8,760 hours or 6.33 officers. This is a total of 25.3 patrol officers. Kanzler discussed liability issues related to required training and providing adequate supervision. In addition to this basic staffing level, Milwaukie provides 1 Tri-Met officer, 2 school resource officers, 2 traffic officers, and 4 detectives. This brings the current staffing need to 34.3 officers with 29 actually budgeted.

Upon transitioning to Lake Oswego Dispatch on March 31, Milwaukie gained access to CAD technology that efficiently tracks calls for services. The calls for service deployment strategy can be more finely tuned by using this data. During low call volume periods, staffing can be dropped to minimum safe levels, and community issues can be addressed more efficiently without extensive use of overtime.

At a previous Budget Committee meeting, former Councilor Marshall asked Kanzler what staffing level Milwaukie needed, and, based on solid law enforcement principles, he responded that Milwaukie needs 1.75 officers per thousand. The Milwaukie police department has a 30-officer demand for a total of 35 sworn personnel to reach the 1.7 officer per thousand-population ratio. Unfortunately, Milwaukie is understaffed by 6 officers. He briefly reviewed a comparison of staffing levels in other cities.

The Milwaukie police department will not be able to deal with issues in the near future. For example, the 2 traffic officers were responsible for 550 of the 650 citations written last month; this is revenue to the City. If there is a temporary staffing gap in a district, Kanzler pulls a traffic officer or school resource officer to fill it. Financially, it is not feasible for the City to staff 35 officers. The crime rate is on the rise, and law enforcement is faced with a system-wide problem. Livability is at stake because ineffective public safety discourages community development.

III. A. 4

His recommendations to the City Council and Budget Committee are very basic. He believes the Council should consider developing a policy that deals with community safety and livability and set it as a priority of this government. Police staffing represents the backbone of community livability and future development, and he urged restoring staffing levels as funds become available. He promises to do the best job possible with available personnel, but, as a matter of public trust, adequate police department staffing must be a priority.

Mayor Bernard asked if homeowners are required to pay for false alarms.

Kanzler said they are required to pay after the fourth false alarm.

Mayor Bernard asked if there is funding available for mandated officer training.

Kanzler explained Milwaukie has a reciprocity program with the Portland training unit.

Mayor Bernard understands some cities are fining people because incarceration is a problem.

Kanzler said most of the people who are arrested do not have credit cards, but it would be something to consider.

Mayor Bernard suggested Milwaukie adopt an ordinance establishing a minimum fine amount.

Kanzler indicated he has already made that recommendation to the city manager.

Councilor Lancaster asked the current officer to population ratio.

Kanzler said Milwaukie currently has 1.26 officers per thousand. The recommendation in the good years would be 1.7. Oregon has the lowest ratio of officers to population of any state in the country.

Councilor Stone asked how many officers there are with a staffing ratio of 1.26 officers per thousand.

Kanzler responded there are 29 officer positions in the city manager's recommended budget. The transition to Lake Oswego dispatch provides technology that may result in more efficient staffing. He guarantees getting the most bang for the buck from personnel and doing the best job possible. The Milwaukie police department is already seeing some benefits of this technology through more accurate tracking and information sharing between shifts. Without the resources and people to pay attention to problems, the department will only be able to deal with the symptoms.

Councilor Loomis said as a citizen he feels safe in this community and believes the department is doing a good job.

Weaver commented on the number of criminal activities that go unreported because people feel they cannot provide enough information. She recommended educating citizens on how they can effectively report activities to the police department to more efficiently use the limited resources. Her present concern is activity at the Milwaukie Christian Church on King Road.

Carl Jacob asked if citizen patrols would minimize some of the minor problems that take up police time.

Kanzler said citizen patrols have been used in Hillside Manor and are effective in dissuading certain people. Generally, once a problem goes away, citizen interest wanes. He feels it is appropriate to identify and solve a problem without burdening people with an ongoing activity that no longer has a benefit for them. Usually citizen patrols work best on a specific problem.

Mayor Bernard noticed a lot of crime takes place when people do not lock their homes and vehicles. In reading the call log, it seems the police are sometimes called unnecessarily.

Councilor Lancaster asked Kanzler his views on installing video stations in high crime spots.

Kanzler said when light rail was first being considered, he recommended video monitors in high use areas. He believes this is a viable option for public areas and active transit areas in particular.

Councilor Stone suggested a monthly *Pilot* article that educates the public on protecting itself from such things as identity theft and knowing how and when to report suspicious activities to the police.

Kanzler will use the City's website as much as possible and commented on the number of residents who contact him via e-mail with questions and comments.

Councilor Stone believes the walking patrol is a great idea and has seen it implemented in the Ardenwald area periodically. She asked if the Public Safety Advisory Committee (PSAC) is reaching out to their neighborhood associations to establish a program.

Kanzler said, if there were specific problems, he would recommend that.

Centennial Update

III. A. 6

Gregory updated the City Council on Centennial project plans. She hopes to get feedback from Council on how the City can support the project given the budget situation, her resignation effective June 30, and Ed Zumwalt's current medical condition.

Mayor Bernard has met with the Centennial Committee to find out specifically what it needs from the City. There has been discussion about hiring someone outside City staff to coordinate the event. One organization made a proposal, and Zumwalt suggested an individual who might be interested. There is some money left from the consultant's contract.

Swanson wants a clear idea from the Committee how much is left to be done before making a commitment. He wants to ensure someone capable is taking over for Zumwalt by tailoring the person to the remaining tasks.

Gregory noted staff is reviewing all permits submitted for the event and working with *The Clackamas Review* on an insert that will serve as the main publicity piece for the events. Publicity will continue in *The Pilot* and on the City website, and the neighborhoods are moving forward on their projects.

Councilor Lancaster understands Gregory to say additional monetary support from the City is needed.

Swanson said the City would have to spend some funds to pick up what Zumwalt has been doing. This is the Milwaukie Centennial, and he believes the City should be responsible for keeping the event going.

Councilor Lancaster agreed. He is concerned about additional support and the chief's ability to provide sufficient security because of overtime costs. A celebration can quickly turn into a disaster if security is not adequate.

Gregory indicated she is still working on this issue with the chief.

Councilor Loomis remembers when City Council first discussed the Centennial. He wants to hear from the Committee and would be supportive of its requests. People have put a lot of time and effort into the event, and it needs to come to a nice finale.

Mayor Bernard said there would come a point when no more commitments could be made. Zumwalt, as the principal fundraiser, has collected over \$40,000 for the event.

Councilor Stone asked if anyone else on the Committee has been actively fundraising.

Gregory said there are a few other members supporting Zumwalt's efforts, but he has been the lead fundraiser.

Mayor Bernard added contacts have been made and money is coming in for the event.

Councilor Loomis said for Zumwalt's benefit, the City needs to step up and finish the project.

Mayor Bernard will find out from Zumwalt what needs to be done and coordinate those final efforts. He has talked to the Centennial Committee chair, and she is willing to sign any contracts.

Councilor Lancaster requested strategic updates. He asked if staff and volunteer liability issues have been resolved.

Gregory responded the volunteer issue is on its way to being resolved, and there is sufficient information on staff liability.

Councilor Lancaster asked Gregory to address earlier concerns about renegade marketing efforts.

Gregory said initially Committee members were concerned about use of the Centennial logo in ways that would not make everyone proud, but she feels it is safe to say nothing has come up that would cause alarm.

Mayor Bernard added the City paid for logo development, and Celebrate Milwaukie, Inc. (CMI) might be interested in licensing it if the City authorizes.

Councilor Stone recommended communicating with Centennial Committee and suggested an update from the Chair at the next City Council work session.

Councilor Lancaster asked if the \$250,000 grant was still viable.

Gregory said Milwaukie was eliminated but believes it is still eligible for tourism planning assistance from Clackamas County.

Board and Commission Interviews

City Council interviewed Carlotta Collette, Lisa Batey, Kate MacCready, Mark Weidkamp, and Rosemary Crites for vacant positions on appointed advisory boards.

Donald Hammang, Planning Commission Chair, said despite budget constraints a lot of the work has been accomplished. The Commission is cohesive, and organically the members perform well together. He believes the neighborhood

III. A. 8

program provides an avenue that helps residents focus their development concerns and in turn helps the Commission move forward in its decision-making processes.

Councilor Lancaster said Hammang understands better than most the efforts that have gone into providing the tools to help the Commission operate effectively and fulfill the community goals. He asked if there were anything else the Council could do.

Hammang said his ongoing concern is sufficient staff time. Staff and consultants have been working to modernize the code so the Commission and City employees can deliver a consistent message and more cost-effectively operate local government. He perceives this as modernizing a business process and believes progress has been made. Another qualitative hallmark has been working through controversial development situations like the Centex Homes application in the Lake Road neighborhood. The neighborhood focused its residents' concerns, which enabled staff to work through issues item by item. The Planning Commission was able to render a decision that went from controversy, to consensus, to an application that will be built with which the community seems happy. This represents a big change over the past 10 years. There is either greater consensus on the Commission or better rules.

Brent Carter, Design and Landmarks Commission (DLC) Chair, said the members are celebrating the adoption of the downtown design guidelines. Now, they will watch the plan work and evaluate it for future amendments. Over the past 6 months, the Commission has had vacancies resulting in decision-making problems, so he was happy to see the number of applicants being interviewed by Council. Staff is excellent in its communications, and all of the current Commission members relate well.

Councilor Stone asked how many members there are. She noted Carter's name was not on the roster.

Staff will check on the oversight.

Transportation Maintenance Fee

Mayor Bernard explained Clackamas County has been considering a utility maintenance fee for about 1 year, and Milwaukie is part of the study group.

Rouyer said the City has had an intergovernmental agreement (IGA) with Clackamas County to study the feasibility of a countywide utility fee. This is a critical issue for Milwaukie because its growth is stagnant. The City has been entirely dependent on state gas taxes, and because there is no significant increase in population or geographical size, these revenues will flat line or decline over time. There is a considerable backlog of projects, and many City

streets are in bad repair. Staff is seeking direction on whether the Council wishes to proceed with Clackamas County or go forward independently. The Budget Committee expressed interest in a PGE privilege tax of 1.5% to go toward street lighting costs, and staff is seeking Council input on this. The street fund currently pays about \$300,000 for street lighting, and, if implemented, the tax would free up that amount for maintenance projects.

John Ghilarducci, Financial Consulting Solutions (FCS) Group, Inc., provided background information on the issues, the process, preliminary rate numbers, and sample bills. The project participants are Clackamas County and the Cities of Milwaukie, Happy Valley, Gladstone, Estacada, and Oregon City. One issue is decreasing revenues for local transportation funding due in part to auto fuel efficiency. Other potential revenue sources like property taxes, timber receipts, and franchise fees are traditionally not spent on roads or are being phased out. As revenues go down, needs increase for capital construction and maintenance.

Councilor Lancaster asked if high fuel costs reduce consumption.

Ghilarducci said the information on fuel efficiency is from the department of transportation, and there was no information on what the elasticity effect might be on the price of fuel.

Councilor Lancaster believed, given the volatility of world events and the unknown in terms of oil, that if gas reached \$3 per gallon there would be a deterring effect on consumption making the situation even worse.

Ghilarducci explained to the group that gas tax is a cent per gallon and not, as many believe, a percentage of the per gallon cost. The goal of the feasibility study has been to address the need for funding in an equitable, legally defensible manner, to meet the costs and deficiencies in a politically palatable way, and to develop a process that is reasonable to administer. The Transportation Adequate Financing Subcommittee of the Clackamas County Concurrency Committee (CCCC) looked at the options and concluded this fee as the preferred option.

Utilities are a business enterprise within the local governments. Their revenues can be dedicated to a specific purpose, and a fee structure can be designed that equitably recovers costs from those most significantly impacting the system. The technical advisory committee (TAC), made up of staff from each of the participating jurisdictions, acted as a support committee for the CCCC.

Initially, policy issues were identified and papers prepared that defined each issue and provided alternatives for Committee discussion. The resulting TAC policy recommendations were: name and purpose of the fee and the fee structure. Early on, it was decided a road maintenance fee to fund specific projects in the county and participating cities would best fit the need. A

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transportation fee is most easily based on land use and trip generation which in turn can be directly linked to road maintenance. Further, it is most legally defensible as a user fee.

Other issues had to do with developing fiscal policies that would ensure the ongoing financial health of the utility; granting only cost-based credits for senior, low income, tax exempt, and public agencies; applying initial rates uniformly throughout the service area and allowing area specific rates in participating cities; processing bills within each participating jurisdiction; and developing implementation strategies designating the county as the first adopting agency followed by the cities' consent to have the fee imposed in their areas.

Once the actual framework of policy recommendations was done, estimates were prepared. Three main questions were asked: Does the activity have a direct and perceived benefit? Does the activity serve the general road user? Does the level of activity required vary with the volume of usage? Ghilarducci briefly reviewed the pavement life cycle and how crucial maintenance is. As the pavement quality falls from excellent to fair, the life of the pavement is reduced by 25%. As the quality drops below fair, all but 12% of the life of that pavement is used. At that point, the cost is 4 – 5 times as much to improve the pavement quality because the road has to be reconstructed.

Eligible maintenance activities included roadway treatments, road shouldering, bridge maintenance, guardrails, traffic operations, and vegetation control. The costs of these components varied widely among the participating jurisdictions. Each participant was asked to cost out how much it actually spends on each of those activities and what it should spend. Preliminary rates were established using these figures. The annual costs of the eligible maintenance activities were divided by customer information on the number of average daily trips (ADT) to come up with the base rate per trip. Ghilarducci discussed the proposed residential and non-residential rates. The trip generation information comes from the *Institute of Transportation Engineers Manual*, which contains estimates for some very specific land uses based on nationwide survey data. He discussed the non-residential groups and the types of entities included in each.

Councilor Stone noted Group 5 has 100 ADTs which seems low when compared to Group 1.

Ghilarducci explained the 100 ADTs are per 1,000 square feet of developed floor space. He thought it was wise to err on the low side particularly when looking at fees that could be thousands of dollars per month. The trip generation information, in some cases, does not have as many surveys supporting the numbers as some may like. He believed Stone was right, and there could be specific land uses that would generate significantly more ADTs.

Ghilarducci said once the Committee had the capability to develop rates, it looked at alternatives using the area-specific rate approach and the uniform rate approach. In cities, fees for a single-family residence could be as little as \$1 - \$2 per month, but in the county fees could be as much as \$20. At the CCCC level there was a real desire to work collaboratively, so the area-specific rates were generally ruled out in favor of the uniform rate approach. The problem came when this approach generated revenue that in some jurisdictions' cases far exceeded and in others fell far short of the needed amounts. In other words, cities were collecting more, and the excess revenue was going to the county. This did not seem feasible. As a result, the proposed approach is a uniform rate set by the lowest area-specific rate of any of the participants, and no money changes hands. The downside is, no one jurisdiction collects all the money it needs. It is important to remember the gas tax revenue may still be used for capital projects, and the utility fee would be used for delivering a higher level of service in road maintenance.

In Milwaukie, the ratio is about 68% commercial and 32% residential. In the scenario he discussed, single family residential would pay \$2.17 per month and multi-family residential would pay \$1.36. For non-residential, Group 5 businesses could pay up to \$22.68 per thousand square feet of developed floor space. He reviewed sample billings for several businesses in the participating jurisdictions. The highest ratepayers in Milwaukie would be Albertson's and Providence Hospital.

The Council discussed charging distribution centers and Tri-Met. **Councilor Stone** was concerned about not being able to access trucking companies whose use results in substantial maintenance needs.

Ghilarducci said he had looked at adding a multiplier to businesses with a lot of truck traffic but did not find any usable information to charge that kind of factor; however, the Committee will continue to look at this issue. Further, pass-by trips have been deducted from the ADTs for all retail land uses.

Councilor Lancaster thought this did not get to the critical issue of Milwaukie's being a pass through community.

Rouyer said the argument might be made for Milwaukie's keeping some county revenues.

Councilor Lancaster and **Councilor Stone** agreed with that argument because of the trips generated through Milwaukie.

Rouyer added that Clackamas County might make a similar argument about Milwaukie residents going to the Town Center.

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Councilor Lancaster noted the excessive damage caused by truck traffic and expressed concern over what he has heard about distribution centers. Even based on the very large square footage, the fee does not come close to the damage done by continuous heavy truck traffic.

Mayor Bernard said these companies pay a weight and mile tax of which Milwaukie receives a share through ODOT.

Councilor Lancaster does not believe it covers the damage inflicted on Milwaukie streets.

Ghilarducci said 1 way to deal with that is to apply a local multiplier but cautioned the methodology must be applied fairly.

Councilor Lancaster said that seems like an almost impossible mission. Even the square footage element does not seem to factor in those operations that are open 24 hours per day.

Ghilarducci said any non-residential customer might appeal its rate by providing a traffic study that shows how its operation differs from the data in the *Manual*. The onus is on the customer to make the investigation and appeal the rate. Any utility rate is imperfect, and the best that can be done is to take all the information and do what is most fair.

Councilor Stone asked why the county did not put a measure on the ballot to raise the gas tax and let the voters decide instead of imposing a utility fee on residents. It seems more equitable to tax those using gasoline.

Ghilarducci said the Committee generally felt voters would not approve a gas tax. One of the advantages of this approach is that it is first adopted by the County Commissioners and then consented to by the participating City Councils.

Councilor Stone understands it is hard to develop a fee that is perfect and equitable for everyone, but it seems unfair that a certain segment of those actually using our roadways would be exempt from the fee.

Ghilarducci reviewed rates already adopted by other jurisdictions that ranged from \$1.42 to \$5.12 per month for single family residences. Eugene, for example, adopted a fee plus a local gas tax. Lake Oswego's utility is postponed because, as he understands, an impassioned citizen convinced the City Council education came first.

Councilor Lancaster has concerns with the exemptions.

Ghilarducci said only those residential customers who are able to prove they have no vehicle or licensed drivers and that they are basically not providing

services which generate trips to and from their residence or places of business would be exempt. It is written so that very few people would be exempt, and the onus would be on the appellants to prove they are not subject to the fee. His report only represents a sample of businesses that might be in a group; the *Manual* is much more detailed. Parks fees, for example, are based only on structures in a park. Measurements are based on the developed interior square footage of facilities including enclosed courtyards. Parking areas are not counted. He believes city and county parks are based on acreage. Churches, as he recalls, are in Group 1 or 2 because the average daily trips do not occur at peak hours, and there are few trips on an average daily basis.

Rouyer said Ghilarducci prepared a large spreadsheet with all of these groupings, and the *Manual* is very thorough. Any entity may challenge the group in which it is placed by providing a traffic study.

Ghilarducci added that obvious misclassifications could be easily fixed. The draft ordinance requires that a licensed engineer carry out the traffic study.

Councilor Stone referred to page 8 of the report regarding the basis for the fee and heavy vehicle usage. In parenthesis it reads "since determined to be unsupported with data available."

Ghilarducci explained there is plenty of data that says trucks cause thousands of times more damage than cars. The data that is not available is how to specifically apply the methodology to a location and determine who should be paying the additional amount for those truck trips.

Councilor Stone thought something could be done about that by doing research on the businesses and who receives the services.

Bob Hatz, Citizens Utility Advisory Board (CUAB), Chair, said the Board supports the effort to develop a transportation maintenance fee as a reasonable method to help address the preservation and improvement of Milwaukie's road system. The Board supports the user fee for several reasons. Milwaukie roads are rapidly declining. The backlog of needed repairs and capital improvements has grown each year, and now equals several million dollars. At the same time, existing revenue sources like state gas tax are declining because Milwaukie is not growing as fast as some of the other cities. Milwaukie has over 75 miles of roads with a value in excess of \$90 million, and the City needs to find a way to maintain and protect its investment. The transportation maintenance fee is based on usage like any other utility. It is a user fee and not a tax. The fee is a modest way to begin rebuilding City roads. The current proposal shows a monthly fee of \$2.17 for single family residential and \$1.36 for multi-family units. The CUAB supports the current county/city methodology being proposed for this user fee provided that certain safeguards and designs are in place. These are: all monies collected by the transportation maintenance fee in Milwaukie go to

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Milwaukie roads only, and all monies collected are clearly dedicated to road maintenance projects only. Users may appeal their fees if they believe they have been placed in an incorrect group.

Rouyer commented on how impressed she has been with the Board members. They have been engaged in their assignment and have asked many critical questions about the concepts.

Councilor Lancaster asked if there was any reason the City Council would not want to do a joint process with the county.

Rouyer said, through the neighborhoods, Milwaukie does more active outreach and is probably more aware of citizen concerns and questions than other jurisdictions in the area. Her only apprehension would be an overwhelming concern by the rest of the county. On the other hand, if the concept is supported countywide, the Milwaukie City Council could simply consent to the county action rather than developing a fee system of its own.

Project Manager Jeff King said the county appointed a Transportation Maintenance Advisory Board comprised mostly of business representatives. The proposed fee is still a work in process and is being vetted by much of the business community.

Mayor Bernard is concerned about finding a greater balance between residential and commercial fees. He is very concerned about the City's desire to grow by attracting businesses while implementing a transportation utility. He agrees, however, there needs to be a sharing of road maintenance responsibilities. For this reason, he is interested in looking at the feasibility of a PGE privilege tax to pay for street lighting. He also questions if the Clackamas County Commissioners would support actually this proposal. Milwaukie streets are reaching the end of their life cycles, and, if this is an equitable method for Milwaukie to maintain its streets, it should be considered.

Councilor Loomis asked why the gas tax has not been increased. He understands a fee can be implemented without a vote.

Rouyer said voters have not approved a state gas tax increase.

Ghilarducci said user fees are charged equitably to those causing the costs to be incurred, so must be an attempt to make it fair.

Swanson added there is some discussion of increasing the gas tax during each legislative session, and a number of issues get in the way including AAA, truckers, and ODOT. Voter approval of a gas tax increase is only one element with a host of other issues swirling around the proposal. Cities may charge a local gas tax, and Washington County implemented its own gas tax. Clackamas

County sent a gas tax proposal to the voters on 2 occasions, but each was rejected. He explained gas tax funds may be used only within the right-of-way. Many years ago the healthiest fund in local governments was the road fund because the gas tax was generating a tremendous amount of money. As a result, many cities put their street lighting programs into their road funds. Now cities find themselves in the position of spending needed road maintenance money on lighting, and general funds cannot absorb that expense either. Cities that are growing and adding roads are taking a greater share of the gas tax, and as a result Milwaukie is getting a smaller share. Last year Milwaukie's share was \$768,775. The street fund is about \$2 million, so there are some other limited revenue sources including water, sewer, and storm franchise fees. This figure also includes a \$626,000 fund balance with a projected revenue of about \$1.6 million. Next year's fund balance will be less because of some rather large expenditures this year.

Rouyer added the current spending in the street fund is about \$600,000 for maintenance, but it needs \$1.29 million.

Mayor Bernard said Wilsonville has had a road maintenance utility fee for about 10 years and is getting caught up on its projects. As a result, Wilsonville is lowering its fees.

Ghilarducci believes Wilsonville's residential rate started at \$4.48 and is down to \$4.17.

King discussed declining gas tax revenues since 1995.

Rouyer commented on pre-emption legislation efforts that would not allow local governments to impose this type of fee to generate revenue.

Mayor Bernard understands that Safeway costs would be \$700,000 annually.

Ghilarducci said that amount is for all the Safeway stores in Oregon. Fees would probably be about \$1,000 per month for individual stores.

Mayor Bernard would like to see that amount reduced because stores are already paying weight and mile taxes. He is concerned about discouraging businesses. If the county does adopt the fee, the Milwaukie City Council may vote to consent or decide to do impose a fee of its own.

Councilor Loomis asked how much the gas tax would have to increase for Milwaukie to repair its roads. He feels a gas tax is more equitable.

Mayor Bernard pointed out Milwaukie does not have a lot of gas stations within its city limits. Sandy, for example, has a local gas tax, but there are a lot of tourist attractions in the area. Further, it is not in the midst of a metropolitan

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area. Everyone gets some advantage from roads, including public transportation and deliveries to stores, even if they do not drive.

Hatz added that if Milwaukie gas stations charge extra for a local gas tax many drivers would go elsewhere to purchase gas.

King commented money in the street fund goes to street lighting and other expenses, so it does not strictly go to road reconstruction or overlay projects.

Councilor Loomis would be in favor of finding a way to pay for lighting outside the street fund and using available money to repair the roads.

Rouyer asked for direction on whether or not staff should proceed with work on the fee either with Clackamas County or independently, and if staff should pursue the PGE privilege tax. The privilege tax would substantially cover street lighting costs.

Ghilarducci added, according to the draft ordinance as written, cities may adjust their fees up or down independent of the other participants. Milwaukie could lower its rate if other revenue sources are identified.

Rouyer believes it is important for the City to closely monitor the county's course of action and evaluate the public involvement process.

Swanson said direction to continue does not commit the City Council to anything. He likes what he has seen of the process, and Milwaukie has worked well with the county over the past year. Milwaukie still has the opportunity to pull the plug, and further conversation needs to take place with a broader range of City residents. At this point, he believes there is more to gain than lose by continuing. He reminded the group the PGE privilege tax is a tax. Continuing with the county keeps Milwaukie's options open, and he believes the process has been very thorough.

Ghilarducci said the County Commissioners will consider the fee in September, and he does not know of any timelines for cities to consent.

City Council directed staff to continue the transportation maintenance fee project with Clackamas County and asked the Citizens Utility Advisory Board to prepare a recommendation on implementing the PGE privilege tax.

Councilor Stone said something needs to be done. Money will be coming out of people's pockets whether it is a fee or a privilege tax. She understands that although the PGE option is a privilege tax, it will not go to the voters. She hopes there will not be a misinterpretation.

Councilor Lancaster said the City would have to do a publicity campaign to make people understand the privilege tax goes to street lighting and nothing else.

Municipal Court Judge Services

Swanson said the judge's annual contract will expire at the end of June and asked the City Council's desires regarding renewal. On a separate issue, he is considering a resolution of some kind setting minimum mandatory fines on all traffic citations giving the municipal court judge only discretion greater than that amount. Currently Milwaukie is collecting about 25% of the fine amount. The purpose for setting a minimum would be to pay for officers' time spent in issuing citations as well as acting as a deterrent.

Councilor Lancaster felt there needed to be a very strong deterrent. If people cut through the community and break the law, they should understand it will cost them.

Mayor Bernard said the judge's contract and the Council's opinion on an ordinance must be separate.

Councilor Stone had an issue with Milwaukie being a pass through community and agreed there should be consequences for people disobeying the law. Her husband grew up in Milwaukie, and at that time the police had a reputation. In her years on the Traffic Safety Board, she was told tickets were not issued until speeds were 10 – 15 mph over the posted limit; otherwise, the judge threw out the ticket. She feels that is significant. She wants to know if the Council could have an impact on that by adopting a resolution.

Kanzler said the standard is about 10 mph over the posted speed limit to ensure the driver is actually in violation. The judge may take a driver's possible temporary inattention into account and be lenient. He did agree Milwaukie should have a reputation for expecting speed limits to be observed.

Councilor Stone recommended a long-range education plan for the public that says the judge will uphold any citation that exceeds 5 mph over the speed limit.

Kanzler said the onus is on the officer to honestly justify that the judge can find the driver guilty.

Mayor Bernard asked if it was really worthwhile to write a ticket for 5 miles over the speed limit.

Kanzler said the officer is obligated by law to come to court, so there are costs involved.

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Councilor Lancaster commented there are, in reality, a lot of vehicles to choose from that are going 10 or more mph over the limit.

Councilor Stone said the goal is not to have to write so many tickets. It seems sensible that if Milwaukie is known for issuing citations backed up with a minimum fine amount, the City will get its reputation back.

Rowe Middle School Resource Officer

Swanson discussed a letter he received from Bill Dierdorff of the North Clackamas School District asking for a rebate on the amount paid for the middle school resource officer because the school year was shortened. The more important issue than money is one of deployment. The information Kanzler provided earlier in the work session will help more efficiently deploy the 29 budgeted officers. That is not to say officers will not be assigned to the schools. These are deployment decisions that must be made by the police chief. He believes the District's \$35,000 share will disappear. If both the middle school and high school warrant a full time resource officer, he has every confidence the chief will make that decision. It is all about community safety, and if that safety is better served by a different configuration or different assignment, the chief needs to be able to make those operational decisions.

Councilor Lancaster said as far as he is concerned the chief makes the call.

Mayor Bernard agrees with Swanson that deployment is the issue but also believes the first line of defense is in the schools. He would leave deployment decisions up to the chief and hopes the department would concentrate its efforts on supporting at-risk children.

Kanzler demonstrated to the City Council earlier that staff is decreasing and crime is increasing. His hands are tied if he cannot pull resources from the schools to meet a critical community need. He agrees with the Mayor that having a presence in the school is valuable, but he needs flexibility in staffing priorities. When community safety is at risk, the department must be able to respond. The department will try to maintain its presence in the school as much as possible, but it would not be mandated if City Council accepts this recommendation.

Councilor Loomis feels if there was no funding from the District, then deployment is the chief's decision.

Kanzler agreed. The City pays the entire cost of the high school resource officer, and up until this fiscal year fully funded the middle school officer.

Councilor Stone asked for clarification if the City would still try to have a resource officer in the middle school if the District withdrew its share of the

funding for that position. Would Kanzler deploy that officer elsewhere for an emergency?

Kanzler said deployment of that officer would depend on community need. The department is seeing a lot of recidivism with the same criminals coming back into the community, and the crime rate is going up. With an increased demand, he needs to have the flexibility of taking an officer out of a school to fill a district need. If his hands are tied, he cannot respond to community needs.

Councilor Stone understands the officer would be in the school but pulled out if needed elsewhere.

Kanzler said that is correct. The school resource officer understands the higher need of the community and would willingly accept the assignment.

Councilor Loomis asked Kanzler if the City Council or the District was tying his hands.

Swanson said he is tying Kanzler's hands because he was given direction.

Councilor Loomis asked if the \$35,000 was tying his hands.

Kanzler said the \$35,000 commits the City to placing an officer in the middle schools half time during the school year. If the District does not pay, then the department has greater flexibility.

Swanson said in many ways he would rather have the flexibility than the \$35,000. The department's responsibility is to the wider community. This is not a comment on the District but on the City's responsibility and appropriate allocation of a scarce resource.

Councilor Stone referred to the letter from Bill Dierdorff. When the City entered into the contract with the District, was it on a day-to-day basis?

Swanson said the City and District did not discuss that aspect.

Councilor Lancaster recalled quarterly payments were set up to accommodate the District.

Councilor Stone asked if it is ethical for the District to demand reimbursement.

Councilor Lancaster said, like any contract, parties are free to make an effort to renegotiate, but there is no obligation to even discuss the issue.

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Other

Councilor Loomis asked the procedure on questions relating to regular session Council agendas. He asked how people felt about the special event military item because he has a lot of questions and is concerned asking them at the meeting might offend others.

Councilor Stone understands Loomis does not want to slow down the meeting, and members are wondering what they can ask.

Mayor Bernard noted the Budget Committee has recently been meeting during the normal Council work session times, so that advantage was temporarily lost. Councilors may talk to the city manager or department head about agenda items.

Councilor Lancaster said at times there has been so much discussion about regular session items during work sessions that it appears to the viewing audience that the Council has put little thought into making its decision. Sometimes it is appropriate to ask questions for which Councilors already know the answer, so people can follow the decision-making process.

Councilor Loomis does not like to feel rushed. The group discussed full work session agendas and appropriate scheduling of consultants.

Swanson said when Councilors have questions it is appropriate to give the staff person a courtesy call so he or she can research the answer if necessary.

Mayor Bernard reads the packet as soon as he gets it and calls staff if he has any questions.

Councilor Stone had a question about minutes. She certainly does not feel comfortable consenting to the minutes if she believes there is something that needs a correction. She got the feeling from other Councilors that the minutes are on the consent agenda and nobody reads them anyway. Her understanding of minutes is that they are an accurate reporting of what happened at the meeting, and they should reflect that. Sometimes there are little things that did not get in the minutes that should have or maybe wording slightly alters the intent.

Mayor Bernard said then those words should be amended at the next meeting.

Councilor Stone said 1 person is doing the reporting, and the minutes are not verbatim. How does that get reflected?

DuVal said she makes those changes and signs the final version for the record.

Mayor Bernard said he had discussed Stone's use of the phrase, "it was not my intention" with the attorney.

Councilor Stone said the issue was that it did not convey what she said. She is not trying to change the minutes. Words are powerful, and the way they are construed and constructed in a sentence can alter the meaning of that sentence. To have it be altered changes the meaning of what was really said. She was not trying to change anything.

Councilor Lancaster got the sense Stone was angry when he read her e-mail

Councilor Stone said she was angry and could not respond to the e-mail.

Councilor Loomis understood from the discussion that Stone did not say, "that isn't what I said". It came across as, "that isn't what I meant."

Councilor Stone said 1 person does the recording and things needed to be clarified. Stone will e-mail her changes to DuVal.

Councilor Lancaster did not mean to trivialize the issue. Material omissions or incorrectly stated facts need to be corrected. If it is minor it is his experience no one reads the minutes anyway.

Councilor Loomis added the meetings are on tape.

Councilor Stone would like information on the MDDA at a future time.

Mayor Bernard adjourned the work session at 9:20 p.m.

Pat DuVal, Recorder

MINUTES

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MILWAUKIE CITY COUNCIL WORK SESSION MAY 5, 2003

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

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

Staff present: City Manager Mike Swanson, Community Development/Public Works Director Alice Rouyer, and Civil Engineer Brion Barnett.

Information Sharing

Rouyer informed Council the recently adopted resolution establishing sewer charges for customers receiving service from the City of Portland would be revised on a future Council agenda.

The group discussed correspondence from Gene Hatlelid and other Johnson Creek Boulevard residents to Senator Kate Brown regarding the road improvement project.

Downtown Parking and Traffic Management Plan

Barnett introduced project consultants Beth Wemple, Kittelson & Associates, Inc., and Rick Williams, Melvin Mark Companies.

Barnett said the desired outcome of this work session is Council direction on this project. He provided a brief project background for recently elected Councilors and then focused on the tools needed to protect the downtown and neighborhoods from future traffic and parking impacts.

When the downtown plan was adopted, the City Council and Planning Commission were concerned about what would happen as the plan evolved. Staff was given specific direction to address potential parking and traffic impacts as development occurs. At the beginning of the project, a stakeholder committee was formed that included engineering and planning staff, the consultant team, residents, downtown business interests, and library representatives.

The first step of the project was to identify the guiding principles that broadly frame the project and what stakeholders hoped to accomplish. The guiding principles set the tone and priority for the outcome. Briefly, the goal is to focus on accommodating downtown visitors and short-term customers rather than providing cheap parking for people commuting elsewhere.

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Wemple added there was an emphasis on infrastructure including improved lighting to make the downtown more vibrant and to help users feel more secure.

Barnett said there were concerns that some of the lots were not being utilized because people do not feel safe. Dark Horse emphasized this by saying the downtown plan is great, but people will not use the parking lots if they do not feel safe. This was noted in the guidelines by recognizing the need for quality infrastructure.

The second part of the project was taking those guiding principles and refining them into operating principles. These are in 3 parts as outlined in staff report attachment A. The parking infrastructure operating principles state that both on- and off-street parking will be safe, convenient, economical, and link strategically to the pedestrian system.

The central business district operating principles address on- and off-street public parking. The central business district is defined as Scott Street on the north, McLoughlin Boulevard on the west, 21st Avenue on the east, and Lake Road on the south. This was perceived as the area that had the greatest need for parking and traffic management. The purpose is to enhance and support the vitality of the retail core by giving priority to short-term parking which is defined as 4 hours or less. Parking should be convenient, economical and user-friendly. Additionally, there would be no un-regulated on-street parking in the central business district and would eventually transition to short-term visitor parking only. Off-street parking in the central business district will be regulated and managed to provide a mix of short- and long-term parking for visitors, residents, and downtown employees. Over time it is desirable for off-street parking to serve a higher mix of short-term demands.

Outside the central business district, the operating principle states this zone exists to meet the demands of that zone. It is un-regulated, and there is no residential parking permit program. If the South Corridor Project is extended to Milwaukie and a parking structure is built on the current Cash Spot location, the residential permit system will be an option to address spillover parking.

Barnett said, based on the data collected, traffic speed and volume in the downtown area is consistent with other downtown zones. Vehicles are traveling within about 10 mph of the posted speed, which is 25 mph. Residents and business owners have a vested interest in ensuring those speeds do not get out of hand. He discussed different traffic calming measures on Monroe and Washington Streets that would discourage cut through traffic. The Transportation System Plan (TSP) shows bike lanes on both streets, and because of existing curb-to-curb widths these would be negated. Implementing traffic calming would be beyond the TSP in terms of accommodating bike lanes. The Neighborhood Traffic Management Program (NTMP) sets the guidelines for citywide traffic calming, and only Washington Street would qualify for the

Program because of speeds. The NTMP guidelines indicate no significant problem so there is no ability to consider or implement traffic calming within the existing framework.

Barnett discussed policy direction on whether or not to do something beyond the NTMP that would allow the City to construct traffic calming measures on Monroe and Washington Streets. Staff attended the February 25, 2003 Planning Commission meeting to pose this policy question. The Commission indicated it was in favor of doing more than the NTMP with a broad concept of creating a traffic overlay zone.

In addition to speeds, there is a concern with volumes and what could be implemented to get vehicles off 99E by a direct link to Hwy 224. After talking with ODOT, it was apparent an extensive region wide study would be required, and funding would likely not be available. This, however, is probably the only thing that would significantly reduce cut through traffic. The cut through traffic has not actually been quantified, and additional data collection would be necessary.

The last part of project is the parking management. The consultant and stakeholder team worked on management strategies for the short-, mid-, and long-term. The group looked at the parking baseline and what would happen in the next 10 years using information in the downtown plan. After 10 years, Milwaukie would still have an adequate supply of parking which is defined at 85% of capacity.

Wemple explained the 85% rule has to do with the supply and what percentage is utilized. 85% is what is defined as capacity above which parking spaces are hard to find and may not be visible.

Williams added the 85% rule also indicates a movement toward a higher demand level, and the 15% buffer allows time to discuss planning strategies.

Barnett said even in 10 years Milwaukie should have adequate supply of on-street parking. Future options could be a parking structure or shared use agreements with businesses for underutilized lots.

Each of the strategies being considered requires broad policy recommendations. These include adopting the 85% utilization in peak hours as the standard monitoring device; creating the position of parking manager to ensure monitoring; adopting the guiding principles; and adopting the parking management zones and operating principles. These will help staff do the day-to-day management by allowing flexibility in signage, ability to negotiate shared use agreements, and collaboration with Tri-Met and businesses in anticipation of the transit center's moving. In the future, the City can focus on identifying dedicated locations for downtown employees and making more spots available for short-term parking.

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The near-term recommendations are to formalize the parking permit program; to install signage on 99E directing drivers to the central business district; to reassign some of the parking areas giving priority to short-term parking; to work with Tri-Met to identify alternate locations for bus staging; and to begin planning for new supply

Mayor Bernard suggested talking to Tri-Met about putting a new fare zone in between Southgate and downtown Milwaukie. The purpose would be to encourage parking north of town by making the fares lower. He asked how 10 hour parking slots would be regulated if there are employees parked there. He knows there are employees who move their cars several times a day.

Williams said the recommendation is to convert some zones on the south end to a longer period because they are under utilized. Staff will not know if park-and-riders or employees are using these since utilization will still be under 85%. At 85%, the plan will be to implement downtown employee permit parking, and the first people to go will be the park-and-rider users.

Barnett added that was not to say staff does not care if there are park-and-rider users there. It is that on-street parking is still underutilized.

Mayor Bernard would like the plan to include some kind of funding mechanism. He suggested downtown business and property owners contribute to new signage and perhaps implement parking permits on the south end sooner. He asked how frequently the utilization percentage is updated?

Barnett said utilization would be updated annually.

Mayor Bernard favors the permitting program. Many business managers want their employees to work rather than spending time moving their cars.

Councilor Loomis commented on changing the signage from 2 to 8 hours because it appears there are not a lot of businesses on that end of downtown. He knows in the past those businesses went to a lot of effort to get the time limit changed to 2 hours. He felt their needs should be considered.

Barnett did speak with those businesses about 1 year ago. There have had problems with high school students using those spaces, but that problem has subsided since the high school built its new parking lot. Staff will continue to work with those businesses to reach a happy medium.

Mayor Bernard felt in this case the permit system would work well. Employees would have permits, and the high school students would not.

Councilor Loomis is concerned about the customers in that scenario.

Mayor Bernard said most of the employees downtown would not walk a block to work. They would rather park in front of the business and move their cars every 2 hours.

Williams said an option would be to leave the parking spaces at 2 to 4 hours. With the data, one would know how many permits to allow in those zones and post "2 hours unless by permit." A balance could be found with the businesses to determine how many stalls could be allowed with permits. When the utilization hits 85%, then the City could start to attrition the permits down. Several stakeholders did have the same concern, so this is another option to eliminate moving to evade. This option is outlined in the detailed plan.

Barnett said information would be in *The Pilot* to keep people informed. Even on the south end, only portions of the block will be changed.

Councilor Stone had a question regarding the permit system. Is there a plan to charge people for a permit to park?

Williams said the system is first established to get an idea of who is and who is not a downtown employee. He believes there is a lot of capacity in the system; many drivers are parking their cars and jumping off to another location. The first part of the permit system may only cover expenses. When it is time to ramp up the program, more data will be gathered. Those seeking parking permits that are not downtown employees would be on a waiting list. The first step is to gather data for good management.

Councilor Stone referred to staff report page 21 that says the data quantifying the number of downtown employees and park-and-riders using the Safeway lot and other parking areas downtown is not available. Was this not in the scope of the study?

Williams said there is a portion of the 70% utilization where the City could immediately gain additional capacity. The only way of doing that is to gather data by finding out where people work, and there may or may not be a parking fee. The City will be able to buy capacity by implementing the next phase.

Councilor Stone noted the suggestion of creating the position of parking manager and remarked Steve Campbell and Les Hall handle the parking responsibilities at this time. Did the discussion include installing parking meters rather than having people monitor the system?

Barnett said meters and pay-and-park were discussed, and the conclusion was that the time is not right. The City is small enough and can be handled by staff. At this time, it is more cost effective particularly since the success of meters is unknown.

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Williams said the general rule of thumb in these situations is that someone still needs to monitor the meters. The decision to go to paid parking would be one of the options to consider when capacity hits 85%. It is really too early at this time. The City would have the ability to buy back some capacity without charging by simply regulating who may and may not have a permit.

Barnett reviewed the mid-term management plan that included signage changes on 99E and City-owned lots. With that is improving the infrastructure in the downtown area through streetscaping, better maintenance, and lighting. Parking utilization will continue to be monitored. Since the transit center will be moved, talks will begin with businesses, transit users, and Tri-Met to consider downtown transit stop locations. There were no questions about the mid-term strategies.

The long-term management recommendations deal with 2-plus years in the future. Infrastructure will be consistent with the downtown plan in terms of lighting and lot improvements. New supply is important since the Safeway will shortly be developed. Data shows the supply will still be adequate, but it will be important to identify future supply. The strategy says ideally core parking will be for short-term customers with longer term parking on either end of town. The residential permit would be the last line of defense to keep parking from spilling into the neighborhoods. The concept is to let the residents know what this system entails and what kind of management effort it would take to make it function.

Williams added the overall plan is a matter of timing, and the first thing to do is understand who is parking to appropriately capture existing system capacity as needed. Going to a new supply will be a significant investment. The front-end knowledge base and an understanding of where to locate new facilities is crucial. After that, the program should start taking care of itself. It cannot be overemphasized that the residential permit program is the last line of defense. The plan is consistent with alternative mode development and getting everything possible out of the existing system before looking for new supply.

Hammang agrees with staff that traffic management is far too complicated for mere humans to understand. The goal is to provide tools early on and provide flexibility by identifying a downtown overlay zone to stay ahead of the 85 percentile. The purpose is to protect parking for businesses as well as not impinging on the neighborhood. He does not want to see micro-political struggles in the future. In most cities in the United States, there is residential development next to downtown shopping areas. Parking permits may have to happen in the future, and he would want those pieces in place now.

Councilor Lancaster understands Hammang to say an overlay mechanism is necessary for what will need to be done in the future.

Barnett said that term is used broadly in the traffic sense because, as he mentioned, the NTMP would not allow anything in the way of traffic calming on the streets he discussed earlier. The overlay zone would give the ability to do something beyond what is allowed by the NTMP.

Roger Cornell, Monroe Street resident, said the stakeholder group felt the NTMP was too restrictive to use in the downtown area and wanted the ability to make decisions more or less restrictive based on the needs of that residential area and the business community. A flexible policy would be better for the future.

Wemple explained the overlay zone addresses cut through traffic and speed mitigation but does not relate to the parking management plan.

Barnett added adopting guiding principles, operating principles, and the 85% rule are more specific to the parking portion, but there are needed policy elements above and beyond what we have today. The overlay zone is specific to traffic and will potentially allow traffic calming measures. The final question has to do with going forward on steps to reduce cut through traffic. He pointed out the fiscal impact of potential traffic calming treatments on Monroe and Washington Streets. There are unfunded traffic calming projects listed in the Capital Improvement Plan (CIP) that act as placeholders if money becomes available. Staff feels that Monroe Street should be done first because it is narrower and is more residential in nature. The curb-to-curb distance is less, so there could be an actual gateway treatment. It is important to remember Milwaukie Lumber, transit, and the North Clackamas School District must be involved in planning. The library was also represented on the stakeholder committee, and there is a lot of concern about pedestrian safety at Harrison Street and 21st Avenue. Although Kittelson identified this as a great location for a round about, this will not happen in the near future for financial and space reasons. An inexpensive safety measure used in other cities is for pedestrians to carry an orange flag when crossing.

Wemple commented these flags have been effective in other communities like Ketchum, Idaho, and Kirkland, Washington.

Barnett explained there are not a lot of cost effective measures to make crossing Harrison Street safe because it is an arterial. Installing a stop sign and the resultant queuing would likely be an enforcement issue.

Cornell commented the guiding principles for parking are very effective in setting program management trigger points. Traffic is unique in that the neighborhood is between Hwy 224 and Hwy 99E, so there are not many ways to move traffic out of the neighborhood. He does support the idea of establishing a unique overlay zone.

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Barnett added the citizens involved in the stakeholder group asked the feasibility of a mechanism that would pass the fee on to developers. While the concept is good, the law may not be behind the City's doing that.

Councilor Stone had a question about developers sharing the cost. She understood data would be collected annually, or at least every 2 years, for the monitoring program and asked the cost of these studies.

Barnett said there are several elements. It would probably cost \$500 - \$1,000 to determine how often people are parking. Since there is already a data system, the actual collection would probably be contracted out for about \$1,000. It is important to note that not a lot has changed in terms of volume.

Mayor Bernard added developers are required to provide traffic studies.

Councilor Stone commented there would certainly be parking and traffic concerns when the Safeway site develops, and she understands developers would be required to pay traffic study expenses. She had a clarification question regarding Hammang's comment about the NTMP being too restrictive and the recommendation for an overlay zone. Was that restrictive in the sense of that the NTMP does not include parking or restrictive in the sense of just traffic calming?

Hammang said the NTMP has certain standards for implementing traffic calming. There may be situations in the downtown area when traffic calming is desirable before that criterion is met.

Councilor Stone understands, then, that the NTMP qualifying criteria is too restrictive. She was a member of the Traffic Safety Commission and a member of the committee that drafted the Transportation System Plan (TSP) many years ago. The group was adamant that streets classified as arterials would be subject to traffic calming measures with City Council approval. She is concerned why, in this report, suggested traffic calming measures were expensive and would cost about \$35,000 to \$100,000 each for Harrison, Monroe, and Washington Streets. She asked why speed bumps were not included as a solution because they are effective and reasonably priced. Since they are more readily available in terms of budget, why were speed bumps not included?

Barnett explained the team did not believe speed bumps were the right choice because they could potentially divert traffic to other locations. The group felt the bulb-outs and median treatments would accomplish the desired effect without diverting traffic.

Councilor Stone said it depends on what is installed. There is a certain allowable diversion with speed bumps. Smaller bumps will divert traffic, and she understands that is what Cornell wants. It is a concern these streets are being used by cut through traffic. She thought it would be good to think along the lines

of diverting this cut through traffic by using traffic calming. Secondly, these streets are shared bikeways, and one cannot have bikeways with curb extensions sticking out into the street. When she priced curb extensions 5 – 6 years ago, they were \$15,000 a pair. The figures in this report indicate they are somewhat cheaper. She was concerned about making sure the street that is being traffic calmed is multi-modal friendly. This would certainly not be true of the curb extension solution. From what she knows about traffic calming, bicyclists negotiate the speed bumps pretty well.

Barnett said, being a cyclist, he does not like speed bumps. In a perfect world, there would be room for a dedicated bike lane on these streets. In a shared lane, he rides in the wheel path so drivers can see him and feels safer doing that than riding over speed bumps. That was his opinion, and others may feel differently.

Councilor Stone knows this has worked and has been used in Milwaukie and other areas around the region. Are speed bumps not an option?

Barnett said it is something that can be considered. What is being discussed now is the broad policy direction. Public input and available funding will drive traffic calming itself.

Councilor Stone would like the report to address speed bumps as an option because they are cost effective. In terms of policy, she understands Washington Street qualifies under the NTMP criteria.

Barnett replied Washington Street is the closest to qualifying.

Councilor Stone understood, then, that none of the 3 streets qualify under the criteria as written now. She knows several years ago, some wanted to see the 85 percentile speed as no more than 5 mph over the posted speed limit. This is something the Traffic Safety Board, before it was disbanded, wanted established instead of 7 mph. It certainly can make a difference in terms of streets qualifying, and there are not that many streets in Milwaukie that qualify for traffic calming. There are not a lot of high volume high speed neighborhood streets. That is something she hoped this Council would consider. Her other concern is Washington Street being a school zone area, and she thinks it is a great idea to put calming measures on those types of streets. Regarding the library's concerns and the option of using orange flags, she proposed a dedicated crosswalk made of pavers that looks different than the street with a bump on either side to ensure traffic slows before reaching the crosswalk.

Councilor Loomis asked for a brief history of the NTMP.

Councilor Stone said the NTMP was written in 1995 – 1996. The Plan has been before Council a couple of times. She believed the initial Plan stipulated a

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periodic review. In addition to getting a copy of the Plan, she suggested Loomis be provided with a copy of the criteria.

Barnett will provide copy. It is weighted heavily toward high volume, high speed streets, and to a lesser degree proximity to schools and physical restrictions. The street will not score well for traffic calming if the volume, speed, and accident history is not there.

Councilor Loomis asked if there were a waiting list of projects?

Barnett said there are 3 streets on the project list that potentially qualify and should be re-evaluated.

Councilor Loomis feels uncomfortable about saying one street qualifies while another does not and saying an area is special. He commented on Council's denial of Dorothy Snowhill's request for traffic calming several years ago. It seems as if there may be a problem with the Plan.

Councilor Stone said, if the 85/5 change were made, the Plan would be more in line in terms of Monroe and Washington Streets; however, she would have to review the criteria.

Barnett said the biggest thing to recognize is project was undertaken specifically for the downtown area. While the NTMP could be tweaked for the broader City, the overlay zone for just this area would provide the needed mechanism.

Councilor Stone asked if the overlay would be necessary if the NTMP were amended for the 85/5. She asked Barnett to speak to traffic volumes.

Councilor Loomis is in favor of traffic calming, but he wants to be fair.

Hammang added one of the reasons the Planning Commission wanted a broad general solution, like an overlay, was to deal with the unknown unknown. No one knows what it will be like in 10 years, so there needs to be flexibility. The issue may never be speed bumps or speed; it may be something entirely different. This provides the mechanism to manage traffic into the future.

Barnett felt the discussion of the NTMP should take place once people have copies of the Plan and can ask questions. Staff is looking for broad policy direction to be able to treat this area as unique.

Mayor Bernard endorsed the proposed operating principles, neighborhood traffic management methods, and the parking management strategies.

Councilor Barnes asked how this would be funded? The recommendation discusses funding from the neighborhood grant program much of which will be lost in the upcoming budget. She asked what other alternatives there were.

Mayor Bernard would like to see the downtown businesses contribute and noted setting the economic improvement district assessment rate at zero saved businesses money. He suggested implementing something based on the number of employees, which is data already collected in the business license system.

Barnett said, to address Barnes's concern, staff understands there is not a lot of money for big traffic calming projects. At this point, staff is asking for direction on how to proceed.

Councilor Stone certainly wants to see streets calmed but understands Loomis's comments. People will probably want to discuss why their area is not special too. She wants to look at the NTMP as it is now and then with the policy decision to change it from 85/7 to 85/5 to determine if the overlay zone is even needed. She believes that criteria would be more fair because it would be applied to every street in Milwaukie.

Mayor Bernard said the community has told Council it wants to see development occur in the downtown area, and also that they do not want those cars in their neighborhoods. When the Safeway project at 42nd Avenue and King Road begins, the City will want to ensure parking and traffic does not expand into the neighborhoods. He would be happy to look at NTMP.

Councilor Lancaster understands Stone is talking about 2 separate issues. The overlay provides flexibility and broader scope. Stone is saying if the NTMP ratio is revisited, the local restrictions may be more effective and not trigger the need for an overlay. He thinks the overlay is needed for the big, unanticipated issues.

Rouyer has listened to the community for several years about downtown parking and traffic. When the downtown plan was adopted, the Planning Commission and City Council made a commitment to the Historic Milwaukie Neighborhood that its concerns would be addressed in a way unique to that area. This Plan addresses that and was the consultant's scope of work. The overlay zone gets back to that commitment. The City could establish the overlay zone and build review of the Neighborhood Traffic Management Plan into the engineering department's work plan. NTMP revisions, if made, for the broad area of the City could be applied to the overlay zone. She is somewhat concerned about going to a percentile without doing a comprehensive evaluation of the NTMP.

Councilor Stone thought applying criteria through a revised NTMP would be more fair to everyone and eliminate doubts about special treatment. Initially, when this plan was adopted in 1995, the group wanted the 85/5 but did not get it.

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Councilor Loomis liked the idea of flexibility for the entire City that would recognize special needs if a good case is made. He does not believe this neighborhood is more special than his or others.

Councilor Stone did not necessarily agree because there needs to be some guidelines in terms of criteria. Give the streets all the same test. If a commitment is made to an area, then by all means the commitment must be met. Too much flexibility was a concern when the NTMP was drafted that would result in willy-nilly traffic calming with people paying for their own projects. It should not be random, and streets must qualify.

Councilor Lancaster said when the McLoughlin Boulevard project was discussed and the study required, there was consideration of expanding the study into the entire overlay zone under discussion. He asked what happened with that. There was discussion of expanding into a more comprehensive study to reduce costs somewhat.

Barnett said the design and planning for McLoughlin Boulevard looked only at that corridor. The proposed downtown parking and traffic management plan for Council direction does take into account impacts from the McLoughlin Boulevard project and the adopted downtown plan. In response to Lancaster's question, ODOT would not authorize the City to extend the scope of the study area.

Mayor Bernard believes the overlay zone is important because the streets are changing, and the City must be ready to react.

David Aschenbrenner asked if there was thought of any signage on McLoughlin Boulevard or Hwy 224 that directs people to enter the downtown area via certain streets.

Barnett said staff would look into that.

Cornell commented signage is important in reducing cut through traffic. The genesis of this downtown parking and traffic management plan was driven by adoption of the downtown plan. The commitment was that the situation is unique, and as redevelopment occurs downtown, there will be collateral damage in the neighborhood. While it may sound like a fairness issue, it really is not. Those streets would still be governed by the same NTMP, but it would give staff the tools to look at unique situations and react with flexibility. He urged the City Council to remember how this project began.

Barnett summarized the comments: the City Council endorses the proposed project operating principles and recommended neighborhood traffic management methods and parking management strategies. This would include the concept of an overlay zone to provide flexibility.

Update on Nuisance Abatement on House at 21st Avenue and Lake Road

Swanson reviewed previous actions. On January 21, 2003, the City Council found a nuisance did exist and was held in abeyance until April 27, which has passed. The nuisance is still there. The code provides for a 10-day period after the finding of a nuisance, so technically time runs out on May 7.

In that period of time, he is given the power under the municipal code to abate the nuisance. He may deconstruct or otherwise demolish the house. Staff will solicit bids for a 10 - 15 day period, so realistically that does add several days. During that time, it is certainly possible for Mr. Emmert to have the house removed. Once the bids are in and a contractor is selected the time will have grown short, and the City will act.

Mr. Emmert has identified a property at 3916 SE Jackson Street. The lots in that area are about 5,000 square feet with the exception of 3916 SE Jackson Street. A couple of year's ago, the western most 5 feet were conveyed to the adjoining property. Emmert is, he understands, trying to convey the property back, which would make the lot legal for placement of this house. He is doing this in the context of the City's obtaining bids on his responsibility to abate the nuisance. Swanson has stayed in contact with Mr. Emmert during the intervening months since the Council made its decision in January and has reminded him of upcoming deadlines.

Councilor Lancaster asked what is a reasonable expectation of a timeframe if the reconveyance can occur.

Swanson said if the reconveyance does occur, he will keep the fires burning. He would probably consider setting out a timeframe in which the permits can be obtained, and if any one of those dates is not met, Swanson will give a notice to proceed. The City got into this because of its interest in preserving the building, and he really believes the effort has been made. It has now been over a year. At this point he will move forward. Reconveyance is the best option, and if that does occur, firm timelines will be set.

Councilor Stone asked why the house has not been moved.

Swanson believes it is a case of not following through. The City has procedures and timeframes many of which are in place to notify people of pending actions that might affect them. When Rich Peterson owned the house, nothing occurred. With Emmert, it has always been a request for a variance, which are not a matter of right or given out because one is inconvenienced. Variances are for infrequent circumstances.

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Councilor Stone understood the initial property was not long enough or deep enough.

Swanson said when a person knowingly commits to a piece of property with a problem, that is a problem. A variance is not something that is granted when one causes the hardship oneself.

Councilor Stone understands the first piece of property was the best. We are trying to save this architecturally significant structure that has been around for 85 years, so she thought an overlay should be applied. The house is special, and this is Milwaukie's Centennial year. She does not mean variances should be granted to everyone; this is a special case.

Swanson said in order for something to be defined as a special case it must be done so under the code. Milwaukie does not have any classification for that under the code. People have tried to say this house is different and should get special treatment, but there is nothing under the code that would justify that.

Councilor Stone asked why we do not have that kind of classification.

Swanson said people have argued the house is historical while others have argued it is not. If the City Council wishes, it could carve out exceptions for historical houses, but at the time this was presented there was no such exception. The City must look at the code and identify the extent of its authority. People may think the City has a great deal of discretion, but it is certainly not unbridled.

Councilor Stone remembered Councilor Lancaster's comments that night about the letter and the spirit of the law. She felt the City should look at the spirit of the law and not just the letter of the law. We are human beings making a decision on a piece of our City's history, and, if it can be saved, we need to try to do everything we can to do that.

Swanson felt the discussion was about responsibility, and the City took on a great deal. It was perhaps not a well-reasoned decision, but it was taken on. Oftentimes, when something does not work out, we tend to blame ourselves and not look at the fact that someone else may not have discharged his responsibility. In this case, a couple of people from the outside either wanted to slide by on the cheap, wanted to do things the easy way, or had other things to do, so the deadlines were not met. The City is a good target with its pesky regulations. These regulations are designed to protect 20,700 people – not just one. Although he does not take an oath like the Council, he does take his job and responsibilities seriously. Other people had responsibilities they did not discharge. He will not apologize because staff did everything it could. Others, not elected or on staff, did not do their jobs, and if they really intended to

preserve this structure, they are the ones who did not discharge their responsibilities. He will not take responsibility for what they failed to do.

Mayor Bernard has taken every effort to keep the family informed and encouraged them to apply pressure, but still nothing happened.

Swanson will proceed to get bids to abate the nuisance starting Wednesday. There will be a 15-day process during which Emmert may act to abate the nuisance himself. The reasonable avenue is to secure a reconveyance of those 5 feet, and he is willing to work with Emmert if that happens.

Councilor Barnes is concerned about administrative expenses given the amount of time staff has put in with little or no regard from Emmert's company. She asked if he could be billed for expenses from this point forward.

Swanson said the City Recorder will track the all the expenses, which will become a lien against the property. This is a valid lien that will ultimately become a battle between Mr. Peterson and Mr. Emmert on one hand and the Union Pacific Railroad on the other. Although kept informed, the railroad has shown no interest. Swanson does not believe Peterson assigned his lease to Emmert and understands the lease was automatically extended for lack of action on Peterson's part. The party who moved the house from the School District property has demanded return of his timbers and moving equipment. There has also been a change in Union Pacific staff, and the current person is not very relaxed about the situation.

Waiver of City Fees

Swanson said this came up because of several issues. One was the Reich case and the non-waiver waiver of fees. Then there is also the question about neighborhood associations and their securing right-of-way permits for the Centennial tree planting project. He referred to resolution 15-1997, which represents good policy on development permit fees. It is helpful for staff to have a policy when asked to waive a fee. He is recommending allowances for the neighborhood associations since it is mostly a matter of City money from one pocket to another. He asked if there was interest in updating the 1997 resolution. He was directed to draft a carefully written policy.

Date for Final Adoption of the Budget

The group agreed to hold a special meeting on June 16 for the budget hearing.

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Minimum Fine Ordinance

Swanson will prepare an ordinance adopting minimum fine amount for the next agenda. In order to adopt a minimum fine, the City will have to adopt the state traffic code as the City code.

Mayor Bernard discussed truck weight fines.

Mayor Bernard adjourned the work session at 8:00 p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL
MAY 20, 2003

CALL TO ORDER

The 1910th meeting of the Milwaukie City Council was called to order by Mayor Bernard at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Councilor Lancaster Councilor Loomis

Staff present:

Mike Swanson, Paul Shirey,
City Manager Engineering Director
Gary Firestone,
City Attorney

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Mayor Bernard read a summary of the minutes from the 6th City Council meeting held on August 13, 1903. Milwaukie Museum Curator Madalaine Bohl is preparing this series of historical notes in honor of the City's Centennial Year.

Mayor Bernard commented on the progress of the Safeway building demolition project and suggested citizens view the significant changes taking place as the North Main Project unfolds.

Mayor Bernard announced that the Centennial Quilt Dedication will be postponed and that organizers are seeking volunteers to help finish the project.

CONSENT AGENDA

It was moved by Mayor Bernard and seconded by Councilor Lancaster to consider agenda items VI.B – *Council Position on the Formation of an Electric People's Utility District (PUD) in Multnomah County* and VI.C – *Public Notice of Change to Council Meeting Dates for June 2003* in the consent agenda. Motion passed unanimously among the members present.

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

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1. City Council Minutes of May 6, 2003;
2. Award Bid for Lava Drive Booster Pump Stations;
3. Award Design Services Contract for McLoughlin Boulevard Improvement Project;
4. Resolution 20-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, in Opposition to the Formation of an Electric People's Utility District (PUD) in Multnomah County; and
5. Resolution 21-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Providing Public Notice of Changes to Its June 2003 Meeting Dates.

The motion to adopt the consent agenda passed unanimously among the members present.

AUDIENCE PARTICIPATION

George Van Bergen, discussed the house currently stored at 21st Avenue and Lake Road. He owned the land and structures and operated his business out of the subject house for about 25 years before the School District took it over in February 2001. He attended this meeting to satisfy his curiosity on the situation and urged the elected officials to use their discretion to do what must be done in a timely fashion.

Swanson said the City released a request for proposals (RFP) to demolish or deconstruct the building. Responses are due May 27, and the contract will be awarded within 2 days with a notice to proceed. The owners have been notified that the City is proceeding with the abatement process.

Van Bergen, although he does not disregard the feelings of those involved, hopes the building will be moved.

OTHER BUSINESS

City Traffic Code and Minimum Fine – Ordinance

Swanson said the proposed ordinance would adopt the State Traffic Code and Oregon Administrative Rules (OAR) relating to motor vehicle carrier violations as a chapter of the municipal code and establish a 50% minimum fine amount.

Currently, drivers are cited under the state traffic code, and fines are levied pursuant to that code. If the City Council decides to adopt this ordinance, violators would be cited under the municipal code. Further, the City Council would be adopting the fine structure and establishing a minimum fine of not less than 50% of the maximum exclusive of all court costs and levies. It is the City's hope this minimum fine amount will serve to deter traffic violations on Milwaukie streets. For example, speeding in school and construction zones carries a higher

fine amount using the theory that the cost will deter future violations. Swanson estimated this minimum fine amount would only generate \$100,000 - \$150,000 annually and is by no means intended to generate revenue.

It was moved by Mayor Bernard and seconded by Councilor Lancaster for the first and second reading by title only and the adoption of an ordinance adding a new Section 1.12.020 making both the State Traffic Code and the Oregon Administrative Rule pertaining to federal safety regulations of motor vehicle carrier violations of the City code and establishing the minimum fine amount.

Councilor Lancaster commented it is important to point out this action is about deterrence, not revenue. Milwaukie has a lot of pass through traffic, and it is important to make this statement.

Mayor Bernard added that truck drivers must obey the laws, including weight restrictions, to stop deterioration of the already failing statewide road system.

The motion passed unanimously among the members present.

The City Manager read the ordinance for the first and second times by title only.

The City recorder polled the Council: Mayor Bernard, Councilor Lancaster, and Councilor Loomis aye; no nays.

ORDINANCE 1922:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MUNICIPAL CODE BY ADDING A NEW SECTION 1.12.020 ADOPTING STATE TRAFFIC VIOLATIONS AND WEIGHT RESTRICTIONS AS VIOLATIONS OF THE MILWAUKIE MUNICIPAL CODE AND ESTABLISHING FINES FOR VIOLATIONS OF THE PROVISIONS.

ADJOURNMENT

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

Mayor Bernard adjourned the meeting at 6:20 p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION MAY 19, 2003

Mayor Bernard called the work session to order at 5:30 p.m. in the City Hall conference room.

Councilors present: Barnes and Lancaster.

Staff present: City Manager Mike Swanson and Program Administrator JoAnn Herrigel.

Information Sharing

The group discussed the proposed minimum fine ordinance and agreed to consider it as drafted by Swanson at the May 20 regular session.

The group agreed with the proposed resolution stating Council's opposition to formation of an Electric People's Utility District (PUD) in Multnomah County as drafted.

Councilor Barnes was concerned about recent Comcast issues and its releasing subscribers' social security numbers. **Councilor Lancaster** felt the City should notify residents of how to go about removing their names from the lists being released.

Councilor Barnes said Councilor Loomis expressed interest in serving as the City Council representative on the Milwaukie High School Site Council, and the members present supported his participation.

Swanson provided information on a June 3 agenda item having to do with an intergovernmental agreement with the City of Portland and Oregon Department of Transportation for the Johnson Creek Boulevard Improvement Project. It authorizes an increase in the federal funding level and has no financial impact on Milwaukie.

Swanson announced the 2003 – 2004 budget hearing would be on Monday, June 16. Council members discussed their schedules and rescheduled the first work session and first regular session of June to the 9th and 10th to achieve a quorum.

Open Public Forum

No participants.

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Questions and Comments on May 20 Agenda Items

There were no questions from the members present.

Centennial Committee Update

Ed Zumwalt provided information on Centennial events and neighborhood projects. He estimated the Committee would need staff support for meeting coordination, preparing announcements for the website and other media outlets, police security, responding to phone calls for information, photography, and assisting with the main event on July 26. The main riverfront events will include a dragon boat exhibition, concerts, and a fireworks display. Insurance issues have been resolved and Waste Management will provide dumpsters and hauling services as an in-kind donation to the event.

Councilor Lancaster commented that trash receptacles were overflowing at last year's Festival Daze Event and hopes that will not happen again.

Zumwalt will look into this with Waste Management and contact area Scouts who might be interested in raising funds for summer camps by monitoring trash receptacles. Madalaine Bohl is coordinating the Cherry Contest. The Committee hopes the Council will have a presence at the July 26 celebration and would like to discuss a Winter Solstice event.

Councilor Barnes asked if a phone line could be set up with recorded Centennial information for that day. The group thought this was a good idea and Swanson agreed to talk to staff.

Councilor Barnes volunteered to attend the Committee meetings and assist with any public relations needs. There are several students she thought might be available to assist with photography needs. Herrigel has arranged filming of the parade.

Councilor Lancaster asked if there would be a problem shifting resources internally.

Swanson replied, by shifting of other project timeframes, everything will work out. Wachs and Wheeler are ready to go to work on this.

Timothy Lake Retreat

Mayor Bernard and Councilor Barnes will attend, and the Mayor has asked Clackamas County about Councilor Loomis's attending also.

City Services Analysis

The group discussed the analysis and next steps

Comcast Franchise Agreement

In response to Council concerns expressed earlier, Herrigel reported she has contacted Metropolitan Area Communications Commission (MACC), with whom the City has a contract, to ensure Milwaukie is being considered as well as Portland.

Park and Recreation Board Concerns

Mart Hughes, Milwaukie Park and Recreation Board Chair and District Board member, brought several issues to Council's attention. The Parks Master Plan is stalled at the Clackamas County Board of Commissioners' level, and Hughes feels its adoption would move the District forward. He also has concerns about an independent district being set up rather than a county district. The County seems to be interested in making more decisions for the District. In terms of hiring a new director, he hopes the Milwaukie City Council will communicate the importance of the selection process being a community-based. Because the District levy failed last November, there will be serious cutbacks, and Hughes urged the District to pursue volunteer programs and community outreach.

Councilor Lancaster asked Hughes if he had any idea of why the Commissioners were moving away from the historic involvement of the advisory board.

Hughes replied he did not, but it might be a result of the current "no tax" vote. He believes, however, this could turn around if the new director is in tune with public outreach and rebuilding trust. There is a core advisory board group providing stability, but recruiting a strong membership is difficult.

Three Bridges Project Update

Program Administrator JoAnn Herrigel, Metro Councilor Brian Newman, Mel Huie of Metro Greenspaces, and George Lozovoy of Portland Parks Bureau provided an overview of the project. Herrigel acts as Milwaukie's representative on the project oversight committee. She explained this is a \$4.7 million federally funded project. Portland's local match is \$453,767, and Milwaukie's share is \$28,000. Distribution of the federal funds will be coordinated through Metro's Metropolitan Transportation Improvement Program (MTIP).

Losovoy provided concept drawings as well as an aerial photo showing the project location. Metro owns the right-of-way, with the exception of the "Sellwood Gap", and the project is within the city limits of Milwaukie and Portland. The 3 pedestrian and bicycle bridges are planned to cross the Union Pacific Railroad tracks, McLoughlin Boulevard, and Johnson Creek. The project will include signage, parking, and right-of-way improvements. Project design and bidding will begin in 2003, and construction should be complete in 2006.

III. A. 44

A Working Group, made up of key stakeholders from various jurisdictions, is in the process of identifying concerns, reviewing design themes, considering alternatives to site-related and technical issues, and generally providing input on the project's direction.

Councilor Barnes understands the need for safety and is concerned about this.

Newman said, like other parks, it is intended to be used from dawn to dusk, but safety has been brought up as an issue. He believes there is a good neighbor agreement.

Huie added this will be used as a commuter corridor.

Lozovoy the situation will have to be evaluated once the facilities are open to the public; at this time, there is no history. Safety and security can be addressed in several ways. The esplanade, for example, has a police patrol, and bridge lighting is a potential feature. One of the main objectives of the project is to make the trail safe for all users.

Mayor Bernard asked if residents had been contacted about the types of buffers they would like to see.

Lozovoy said the project has not yet contacted all the residents, but one resident had made it clear he does not want trail users to look down into his back yard.

Newman added the land use is mostly industrial with a little residential.

Mayor Bernard commented that buffers can provide hiding places for criminals.

Lozovoy discussed the themes and concepts that would be applied to a range of bridge alternatives and how these would tie together with the rest of the trail.

Newman said the signature theme has caught people's imagination in discussions to date. The concept would place a signature gateway bridge over McLoughlin Boulevard with complementary bridges at the Johnson Creek and Union Pacific crossings.

Lozovoy added there has been a lot of discussion about what a gateway is and what it should look like. Several concepts have dropped off the list because of costs and environmental issues. Costs can range between \$200 and \$450 per square foot, so the estimated cost of each bridge is \$1.2 - \$1.5 million. The 3 bridges are intended for bike/ped use; however, each must be able to support occasional emergency, maintenance, and utility vehicles. Geo-technical and cost analyses are still underway.

Herrigel said there is 1% for art in this project, and an artist is integrated into the design team.

Newman explained the Springwater Corridor is intended to be a recreational corridor and not a thoroughfare for traffic. Metro gets about \$50 million from the federal government every 2 years for transit and trail development not related to auto capacity, so these are not funds that could have gone to road projects.

Lozovoy discussed interim parking, path amenities, riparian enhancements, and landscaping with native plants. The project hopes to reduce the number of bridge designs to 2 by June in order to develop solid costs and direction to proceed.

Hughes, Huie, and Lozovoy discussed connectivity with the Trolley Trail and related issues such as accessibility and proximity to waterways. Hughes feels strongly about making this important connection.

Kathy Buss, Park and Recreation Board member, does not care for a bridge with an industrial look and would like something with a distinctive design.

Mayor Bernard adjourned the work session at 7:30 p.m.

Pat DuVal, Recorder



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director
Paul Shirey, Engineering Director *A.S.*

From: Ruthanne Bennett, Civil Engineer *R.B.*

Subject: Stormwater Master Plan Update Contract Award

Date: May 27, 2003 for June 10, 2003 City Council Meeting

Action Requested

Authorize the City Manager to sign a contract for the Stormwater Master Plan update with URS Corporation in the amount of \$74,105.

Background

The Storm Master Plan update was included in the 2002/2003 budget as a Capital project. During the past year, additional requirements have been identified and incorporated into the Storm Master Plan update. State and Federal water quality regulations have changed since the last Storm Master Plan was written in 1997 and it is necessary to incorporate current regulations into the Master Plan, Municipal Code and maintenance program. A cost of service study is also needed to determine what funding level will be required for the City's Storm utility.

Seven consulting firms responded to the advertised Request for Proposals by the deadline of May 6, 2003. These seven proposals were evaluated by three City Staff members and an experienced outside agency representative. The leading proposal from URS Corporation in the amount of \$74,105 was selected with the agreement of all four evaluators. In order to account for project unknowns, staff recommends that Council approve an additional 10% contingency in the amount of \$7,411, which will be included in the purchase order.

III. B. 2

Concurrence

Engineering staff coordinated with the Community Development and Public Works Director and with Public Works Operations staff on this project.

Fiscal Impact

Funding for this project will consist of \$81,516 from the FY 2002-2003 Storm Fund Budget. The approved Storm Fund budget includes \$40,000 for this project. The additional funds required for this project will come from funds budgeted but not needed for the 40th and 43rd Storm Project.

Work Load Impacts

The workload impact would be the amount of time spent doing normal project management. This project is part of the Engineering and Storm Division's annual work program.

Alternatives

1. Authorize the City Manager to sign the contract as proposed.
2. Elect to do the project at a later date.
3. Elect to postpone this project indefinitely.



To: Mayor and City Council

Through: Mike Swanson, City Manager
Alice Rouyer, Community Development and Public Works Director
Paul Shirey, Engineering Director *PJS*

From: Ruthanne Bennett, Civil Engineer *R. B.*

Subject: 40th and 43rd Storm Project Acceptance

Date: May 27, 2003 for June 10, 2003 City Council Meeting

Action Requested

Accept the stormlines, manholes and catch basins constructed with the 40th and 43rd Storm Project.

Background

City Council awarded Camrock Excavation, Inc. the contract for this project at the January 21, 2003 Council meeting. Notice to proceed was given on February 14th. Work started on February 17th and was substantially completed by March 24th. The project was completed within the 90-day contract time. The final payment, consisting of a retainage (5% of the contract amount), will be paid upon Council acceptance of the project. The City retains 5% of the value of work accomplished by the contractor until the City has determined that the work was completed satisfactorily.

Project Summary

Added to City's Stormwater infrastructure:

Stormline

24-inch diameter – 154 feet

18-inch diameter – 1055 feet

12-inch diameter – 439 feet

Manholes – 8

Catch Basins - 14

Deleted from inventory:

Drywells - 4

III. C. 2

Fiscal Impact

The final cost of the project, \$119,905.66, will be paid from the Storm Fund (see attached spreadsheet). The Adopted Budget for FY 2002-2003 includes \$162,000 for this project. The cost of this project was far below budget because the bid climate for construction is very favorable at this time. The amount awarded by Council on January 21, 2003 was 102,857.10, plus an additional 18.6% contingency in the amount of \$19,142.90. Due to the fact that the project was under-budget, Staff authorized the inclusion of a short section of stormline on 42nd Avenue (between Roswell Street and Johnson Creek Blvd.), in anticipation of sidewalk construction on 42nd Avenue during the summer of 2004. The final cost of the improvements was within the purchase order amount approved by Council on January 21, 2003.

Alternatives

1. Identify any work on this project that is not satisfactory.
2. Identify any bid item quantity that is not correct.

Attachment

1. Cost Breakdown Spreadsheet

**City of Milwaukie
40th and 43rd Storm Project**

III. C. 3

ATTACHMENT 1

Item No.	Bid Quan.	Unit	Description	Bid Values		First Month		Entire Project	
				Unit Price	Total	Quan.	Total	Quan.	Total
1	1	L.S.	Mobilization	\$7,593.00	\$7,593.00	1	\$ 7,593.00	1	\$7,593.00
2	1	L.S.	Traffic Control	\$3,287.48	\$3,287.48	0.75	\$ 2,465.61	1.576	\$5,181.07
3	1	L.S.	Erosion Control	\$593.28	\$593.28	0.75	\$ 444.96	1	\$593.28
4	335	L.F.	Trench Excavation 12" pipeline	\$19.37	\$6,488.95	264	\$ 5,113.68	439	\$8,503.43
5	1055	L.F.	Trench Excavation 18" pipeline	\$11.62	\$12,259.10	1055	\$ 12,259.10	1055	\$12,259.10
6	160	L.F.	Trench Excavation 24" pipeline	\$15.87	\$2,539.20	150	\$ 2,380.50	154	\$2,443.98
7	335	L.F.	1"-0 Crushed Rock (bedding, pipe zone, and structural backfill within roadways) for 12" pipe	\$6.60	\$2,211.00	264	\$ 1,742.40	409	\$2,699.40
8	1035	L.F.	1"-0 Crushed Rock (bedding, pipe zone, and structural backfill within roadways) for 18" pipe	\$7.16	\$7,410.60	1035	\$ 7,410.60	1035	\$7,410.60
9	130	L.F.	1"-0 Crushed Rock (bedding, pipe zone, and structural backfill within roadways) for 24" pipe	\$10.25	\$1,332.50	120	\$ 1,230.00	119	\$1,219.75
10	50	L.F.	Controlled Density Fill	\$58.40	\$2,920.00	50	\$ 2,920.00	85	\$4,964.00
11	335	L.F.	Furnish & Install 12" dia. Pipe	\$4.90	\$1,641.50	264	\$ 1,293.60	439	\$2,151.10
12	1055	L.F.	Furnish & Install 18" dia. Pipe	\$7.60	\$8,018.00	1055	\$ 8,018.00	1055	\$8,018.00
13	160	L.F.	Furnish & Install 24" dia. Pipe	\$13.86	\$2,217.60	150	\$ 2,079.00	154	\$2,134.44
14	6	EA.	Furnish & Install Inserta Tee	\$167.64	\$1,005.84	5	\$ 838.20	6	\$1,005.84
15	6	EA.	Furnish & Install 48" Manhole	\$1,964.34	\$11,786.04	6	\$ 11,786.04	7	\$13,750.38
16	1	EA.	Furnish & Install 60" Manhole	\$3,379.25	\$3,379.25	1	\$ 3,379.25	1	\$3,379.25
17	12	EA.	Furnish & Install Catch Basin	\$883.38	\$10,600.56	7	\$ 6,183.66	14	\$12,367.32
18	1000	S.Y.	Asphalt, Class C	\$14.39	\$14,390.00	50	\$ 719.50	1276	\$18,361.64
19	20	L.F.	Relocate Sanitary Lateral	\$23.16	\$463.20	76	\$ 1,760.16	76	\$1,760.16
20	4000	L.F.	Saw Cut AC	\$0.68	\$2,720.00	3022	\$ 2,054.96	6044	\$4,109.92
TOTAL					\$102,857.10		\$ 81,672.22		\$119,905.66
			Less payment mailed to contractor Mar. 7, 2003						-\$77,588.61
			Less payment mailed to contractor April 4, 2003						-\$36,321.77
			Final payment to contractor, return 5% retainage						\$5,995.28

APPROVALS

Contractor _____
Project Manager _____
Engrg. Director _____



To: Mayor and City Council

Through: Mike Swanson, City Manager

From: Alice Rouyer, Director of Community Development and Public Works
Paul Shirey, Engineering Director *PK*

Subject: Minor amendment to an intergovernmental agreement between Oregon Department of Transportation (ODOT), City of Portland and City of Milwaukie for Johnson Creek Blvd. Project, Phase III

Date: May 23, 2003 for June 10, 2003 Council Action

Action Requested

Authorize the City Manager to execute an amendment to an Agreement with ODOT and the City of Portland for the Johnson Creek Blvd. improvement project, Phase III.

Background

In December 2002, Milwaukie City Council approved an amendment to the two-party agreement between City of Portland and City of Milwaukie for the total amount of federal funds and local match requirements to complete the engineering design, right-of-way acquisition and construction of the SE Johnson Creek Blvd improvements between SE 36th and SE 45th Avenues.

The City of Portland has taken the lead in management of the project including coordination of the various agreements necessary to implement the project. The City of Portland inadvertently failed to also amend another joint agreement with ODOT and the two cities to reflect the total amount of federal funds awarded for this project in July 2001. This amendment is needed to merely correct an oversight and ensure that all joint project agreements include federal funding amounts that are consistent in both agreements. ODOT has also added new standard language

III. D. 2

reflecting the liability of both Portland and Milwaukie to reimburse the federal government for any violation of federal requirements as part of the grant award for the project. Amending the funding agreement with ODOT at this time is critical since the project has been bid and construction is scheduled to begin in early July. ODOT will not release funding without this minor amendment.

Concurrence

The City Attorney has reviewed and approved the proposed amendment (see attachment.) The amended agreement will be forwarded to ODOT for signature once it has been approved by the City of Milwaukie and City of Portland.

Fiscal Impact

This amendment will not result in any additional City financial obligations for the project.

Work Load Impacts

None

Alternatives

1. Approve the proposed amendment.
2. Amend the proposal.
3. Take no action.



To: Mayor and City Council

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

From: Jack R. Ostlund Jr., Associate Engineer JRO
Paul Shirey, Engineering Director P.S.

Subject: Amended Purchase Order for additional funds needed for
Portland Sewage Treatment Costs

Date: May 23, 2003 for June 10, 2003 Meeting

Action Requested

Approve a purchase order in the amount of \$107,000 from the Sewer Fund to pay for additional City of Portland sewage treatment costs.

Background

Currently, a limited number of the City of Milwaukie sewer/water customers have their sewage processed by City of Portland. Under the terms of an intergovernmental agreement, Portland bills Milwaukie monthly for these accounts. Funding for this purpose comes out of the Sewer Fund. The sewer fund is reimbursed from customer billings.

Due to a recent increase in water usage by a Precision Castparts, the cost of sewage treatment paid to Portland has exceeded the amount budgeted and is reflected in the \$163,000 purchase order approved in June 2002. The amended purchase order is expected to be sufficient to cover the costs for the remainder of this fiscal year. The funds for this purchase order will come from the contract services budget line item used to pay intergovernmental contract costs.

III. E. 2

Staff recently identified the fact that the City has been subsidizing sewage treatment costs for this small number of customers. Milwaukie's sewer rates are less than those charged by Portland. On April 15, the City Council approved a rate increase for these customers to match Portland rates. Newer, updated Portland rates will be considered again by the Council on July 1, 2003. The new rates will ensure that the revenue stream from these customers matches the cost of providing service in upcoming fiscal years.

Concurrence

Engineering staff is working closely with Finance staff to ensure rates and purchase orders are sufficient to cover the cost of services.

Fiscal Impact

Approval of this purchase order will enable the City of Milwaukie to pay for Portland treatment services for the remainder of this fiscal year. Beginning with the billing cycle in late May, Milwaukie will begin charging the Portland rates to these customers. This will eliminate a subsidy that Milwaukie ratepayers have been covering for this small set of customers for some time. The additional \$107,000 can be covered in the approved fiscal year 2002-03 budget. The City is paying less than expected to Clackamas Service District #1 for sewage treatment. This, in turn, offsets the increased Portland costs.

Work Load Impacts

No additional staff time would be needed upon adoption.

Alternatives

1. Approve purchase order.
2. Deny approval of the purchase order.
3. Take no action.



To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police *LR*
Date: May 23, 2003
Subject: O.L.C.C. Application – 7-Eleven – 10435 S.E. 42nd Avenue


Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from 7-Eleven – 10435 S.E. 42nd Avenue.

Background:

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



To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police 
Date: May 23, 2003
Subject: O.L.C.C. Application – City Grill – 11050 S.E. 21st Avenue

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from City Grill – 11050 S.E. 21st Avenue.

Background:

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



To: Mayor Bernard and Milwaukie City Council
Through: Mike Swanson, City Manager
From: Larry R. Kanzler, Chief of Police *LRK*
Date: May 23, 2003
Subject: O.L.C.C. Application – Miller Brewing Company – 9696 S.E. Omark Drive

Action Requested:

It is respectfully requested the Council approve the O.L.C.C. Application To Obtain A Liquor License from Miller Brewing Company – 9696 S.E. 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: Alice Rouyer, Community Development and Public Works Director

From: Tom Larsen, Building Official

Subject: Amendments to the Municipal Code

Date: May 16, 2003 for the June 10, 2003 Meeting

Action Requested

Adopt an ordinance amending Milwaukie Municipal Code Title 2, Administration and Personnel, Title 15, Buildings and Construction, and Title 16, Environment.

Background

Some provisions of the City Municipal Code are outdated, due to changes in the Building Code and changes in the Building Department's Operating Plan. In addition to updating references to seismic zones and the current Plumbing Code, these amendments eliminate the need to maintain a Building Department Board of Appeals. This is in line with recent legislation affecting the Tri-Counties Area.

Concurrence

The City Manager and the Community Development Director concur with staff recommendation.

Fiscal Impact

None

VI. 2

Work Load Impacts

The new appeals process will reduce staff workload.

Alternatives

1. Approve the amendments as drafted.
2. Request staff to make additional changes.
3. Take no action.

Exhibits

- A. Municipal Code with strike out/underline changes.
- B. Ordinance with amended Municipal Code language.

Amendments to Milwaukie Municipal Code

Underlined text is to be inserted

Strikeout ~~text~~ is to be deleted

Title 15—BUILDINGS AND CONSTRUCTION

Chapter 15.04 BUILDING CODES

~~Section 15.04.030 Board of construction appeals—Rules and regulations.~~

~~A. A board of construction appeals is created with the following general membership:~~

- ~~1. Building official, ex officio and secretary to the board (nonvoting);~~
- ~~2. Seven members, who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the city.~~

~~B. The board of construction appeals members shall be appointed and approved by the city council.~~

~~C. The board of construction appeals shall establish such rules and regulations for its government and procedure consistent with the laws of the state and the ordinance of the city.~~

Section 15.04.030 Appeals.

A. Any person aggrieved by a decision of the Building Official shall first appeal the decision in writing to the Building Official and request a written determination.

B. If the person disagrees with the written determination of the Building Official, he or she may file an appeal with the appropriate State of Oregon Building Codes Division Program Chief.

C. An appeal shall be solely on the basis of an interpretation of the code and shall not be used as a request for a waiver or modification.

Chapter 15.08 PLUMBING CODE

Section 15.08.010 Compliance with county plumbing code Oregon Plumbing Specialty Code required.

All repairs, alterations, renovations or installations of plumbing in buildings and structures within the city, or sewage disposal system repairs, alterations, renovations or installations in and for any building or structure within the city shall conform to the requirements of this chapter.

Section 15.08.015 Plumbing code Repealed.

~~The city adopts the 1987 edition of the Oregon Plumbing Specialty Codes.~~

Section 15.08.030 Enforcement official.

The ~~city manager~~ Building Official is designated as the official responsible for the enforcement of this chapter, ~~and is authorized to contract with the county for the inspection and administration of regulations regarding plumbing and sewage disposal systems installed in any building or structure to a point not more than five feet outside the line of such building or structure.~~

Title 16—ENVIRONMENT

Chapter 16.12 SEISMIC CONDITIONS

Section 16.12.020 Building requirements.

Construction of new commercial, industrial and multifamily structures ~~with maximum expected occupancies of over one hundred people per structure~~ shall conform to the requirements of the ~~Uniform Building~~ Oregon Structural Specialty Code requirements for Seismic Zone 2-3.

Construction of single-family residences and duplexes shall conform to the requirements of the Oregon One And Two Family Dwelling Specialty Code for Seismic Category D₁

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE TITLE 2, ADMINISTRATION AND PERSONNEL, TITLE 15, BUILDING CODES AND CONSTRUCTION, AND TITLE 16 ENVIRONMENT TO AMEND THE PROCEDURE FOR APPEAL OF DECISIONS OF THE BUILDING OFFICIAL.

WHEREAS, some of the provisions of the City of Milwaukie Municipal Code are outdated due to changes in state statutes, the State Building Codes and changes in the Building Department's Operating Plan; and

WHEREAS, the City has in interest in maintaining conformity between its Municipal Code and the State Building Codes; and

WHEREAS, the Building Official has determined that the following changes are necessary to ensure such conformity;

NOW, THEREFORE, THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Milwaukie Municipal Code Sections 15.04.030, 15.08.010, 15.08.030, and 16.12.020 are amended to read as shown in Exhibit A, and Municipal Code Section 15.08.015 is repealed.

Section 2. Milwaukie Municipal Code Chapter 2.22 is repealed, and Ordinance No. 1794 is amended to delete those portions of the ordinance that were incorporated into Municipal Code Chapter 2.22.

Section 3. Milwaukie Municipal Code Section 2.10.010I is repealed.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.

James Bernard, Mayor

ATTEST:

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

Pat DuVal, City Recorder

City Attorney

Amendments to Milwaukie Municipal Code

Title 15—BUILDINGS AND CONSTRUCTION

Chapter 15.04 BUILDING CODES

Section 15.04.030 Appeals.

A. Any person aggrieved by a decision of the Building Official shall first appeal the decision in writing to the Building Official and request a written determination.

B. If the person disagrees with the written determination of the Building Official, he or she may file an appeal with the appropriate State of Oregon Building Codes Division Program Chief.

C. An appeal shall be solely on the basis of an interpretation of the code and shall not be used as a request for a waiver or modification.

Chapter 15.08 PLUMBING CODE

Section 15.08.010 Compliance with Oregon Plumbing Specialty Code required.

All repairs, alterations, renovations or installations of plumbing in buildings and structures within the city, or sewage disposal system repairs, alterations, renovations or installations in and for any building or structure within the city shall conform to the requirements of this chapter.

Section 15.08.015 Repealed.

Section 15.08.030 Enforcement official.

The Building Official is designated as the official responsible for the enforcement of this chapter.

Title 16—ENVIRONMENT

Chapter 16.12 SEISMIC CONDITIONS

Section 16.12.020 Building requirements.

Construction of new commercial, industrial and multifamily structures shall conform to the requirements of the Oregon Structural Specialty Code requirements for Seismic Zone 3.

Construction of single-family residences and duplexes shall conform to the requirements of the Oregon One And Two Family Dwelling Specialty Code for Seismic Category D₄.

North Clackamas Parks and Recreation District
Milwaukie Center/Community Advisory Board
Minutes of April 11, 2003

VII. A. 1

Members present: Eleanor Johnson, Kim Buehholz, Jim McCready, Janet Witter, Joan Staley, Jane Hanno, Carol Storment, Joan Newman, Ben Tabler, Molly Hanthorn

Member excused: Sharon Phillips, Lynn Wright, Alice Neely

Staff: Joan Young, Cheryl Nally, Pat Kennedy

Call to Order: Eleanor Johnson called the meeting to order at 10:00 am. The minutes of the previous meeting were approved as printed.

Board/Committee Reports

NCPRD Board: Eleanor presented the "add backs" which applied to the Milwaukie Center. These were based on the Reorganization Plan. 1. To help with the loss of the office specialist position it was proposed to give the Center ½ of an Aquatic Park Administrative Assistant. This left 24 hours of unmanned phones per week. The add-back requested 20 hours of a part time receptionist to cover telephone needs. One Board member commented that the combined cost with the add-back was only \$414 more than the eliminated position. 2. With the loss of ½ time Case Manager in June, we would need some part-time temp. hours to train someone to move into the remaining ½ time Social Services job and we would need 7 hours more of the Client Services Assistant hours to support social services. 3. To address the lack of volunteer coordination, fund a 20 hr. part-time temp. in the district office to coordinate volunteers district-wide. There was some discussion of how exactly this would address the needs at the Milwaukie Center.

Budget/Finance: No meeting.

Programs and Services: Cheryl presented the 2001-2002 Annual Report. She reviewed it and answered questions. Cheryl presented the Service Impacts report due to 03-04 staff reductions and reorganization. The criteria for the reductions were discussed and explained. Pat Kennedy reviewed the method used in making Program cuts and answered questions.

Nutrition/Transportation: Ben reported a net profit from the Rummage Sale of \$2,130. The new steamer for the kitchen will be installed next week. This was purchased with a grant from Meyer Memorial.

Building Review: No meeting.

History: Janet reported on the cost of printing the Twentieth Anniversary Book. The Friends will be asked if they are interested in financing this. Molly told the group of the Downtown Milwaukie History Walk on May 18th at 1 pm.

VII. A. 2

Friends of the Milwaukie Center: Eleanor reminded the group of the Wine and Roses Casino night on May 17. The Annual Campaign is still on.

Director's Report: Joan announced some good news. The Center received a national grant for diabetes education and support for \$20,000. A group from the National Council on Aging recently toured the Center and they were pleased with what they saw. A Place at the Center received a \$1,700 Social Services grant from the City of Milwaukie. From PGE a small grant will replace Meals on Wheels food carriers to insure that food is kept at the right temperature for home delivery. The Quilt Show was fantastic this year, bigger and better than ever, and will be kept as a program for next year because we have one more year of an Oregon Council of the Humanities grant plus support from the Mill End Store. C/CAB members were invited to Volunteer Recognition on Friday, April 25, 2003, at 2 pm.

Meeting adjourned at 11:30 am.

m. hanthorn, secretary

North Clackamas Parks and Recreation District
MILWAUKIE CENTER
Monthly Report for April, 2003

VII. A. 3

Programs/Services:

Milwaukie Center celebrated National Volunteer Week with the theme, "Always Caring, Always Sharing" by honoring our volunteers on April 24th. Over 175 volunteers attended the event, which featured nationally renowned singer, Marilyn Keller, refreshments, "good egg" awards and other door prizes for all. In the last year, Milwaukie Center volunteers gave over 92,000 documented hours of service, which translates to \$1,522,143 at the national figure for the worth of volunteers.

The Center partners with Legacy Visiting Nurses Association to provide foot care and nail trimming several times a month; an important preventative tool to infection and disease. Over 150 older adults received these foot care services during April.

A Place at the Center participants, the respite program that serves people with memory loss and/or confusion and their families, are busy with spring projects -- planting tomato, cucumber, and flower seeds which will be transplanted to their outdoor garden area later, and making bird feeders out of pine cones, birdseed and peanut butter.

The Recreation and Education Program staff have started to streamline programs offered at the Milwaukie Center, in light of the upcoming staff reductions. To date, the Friday Bridge group has moved to Gladstone Senior Center with an offer they couldn't refuse, Wood Carvers has transitioned from two groups to one Wednesday mornings, and Craft Corner is no longer meeting formally but still meets informally as space is available.

One of our community partners, Master Gardeners of Clackamas County, held Spring Garden and PH Testing Day on April 5. Thirty-seven people dropped by to have their soil tested, with a total of 111 soil samples tested. Thanks to Grey Thompson and Twilla Hayden with the Master Gardeners for coordinating this event.

Fund-raising:

It is true that "one man's junk is another man's treasures" – the Nutrition Program's annual Rummage Sale the first weekend in April netted \$2130 for the event.

The Friends of the Milwaukie Center Annual Campaign continues through May and June. It is indicative of our current economic climate that the campaign has slowed down this year – please help support the Milwaukie Center through the annual campaign!

The Friends of the Milwaukie Center are currently selling Papa John's Pizza Coupons for \$5.00 each. The coupon is good for a free large pizza along with 8 other offers such as "buy one pizza get one free."

The Transportation Program is selling Purdy's Car Wash coupon books. Each 5 wash coupon book will sell for \$25 (\$35 face value) with proceeds directly supporting transportation services. These make a great gift!



Park & Recreation Board PARB

VII. B. /

Tuesday, February 25, 2003
7:00 PM to 9:00 PM
Neighborhood Services Office

MINUTES

Attendees: Mart Hughes, Kathy Buss, Joe Loomis, Sherri Dow, Ray Harris
Staff: JoAnn Herrigel
Absent: Joan Young

Meeting called to order by Chair Hughes at 7:00 PM

Open Period: No audience

Minutes:

Dow motioned to approve the minutes, Buss seconded, motion passed 4-0.

Update on Board Members

Herrigel announced that Don McCarty had formally resigned from the Board. She said two prospective Board members had submitted applications and would be interviewed by Council in April. Herrigel also noted that Joe Loomis had filed to run for Council and his position on PARB might soon be open too. Kathy Buss noted that her term on the PARB is up in March.

Staff Updates

Three Bridges Working Group

Tomorrow (Feb 26) from 1 to 4:30 at the SMILE Station (8210 SE 13th) Portland Parks will have a working group meeting which will go over the concept for this project and also involve a tour of the proposed trail.

Future meetings are tentatively scheduled for April 30 and June 18 from 4 to 6.

Johnson Creek Restoration

March 8 from 9 to 12 there will be two restoration activities taking place along Johnson Creek. One site is the Tideman Johnson Creek Park (meet at 45th and Johnson Creek Blvd.) The other site is the confluence of Johnson Creek and Willamette River (meet at 17th and Lava Dr.)

Monroe and 37th

Hector Campbell and Ardenwald NDAs are coordinating the development of an "open space" area at the corner of Monroe and 37th. This is a triangle of property that the City owns which is on the IGA with the District. The NDAs are interested in installing two benches and some plants on the site. City staff is staking the boundaries and I will assist the NDAs in any land use process involved.

Spring Park/Elk Rock Island

An Island Station resident (Lisa Batey) applied for and received a SOLV grant to do a project in Spring Park in April. More details later.

VII. B. 2

Board Comments:

- Parking at Spring Park is needed. Not having parking there is short sighted. We (PARB) may need to take this issue out of the hands of the NDA. This park is a regional facility and a public resource for everyone. How and where the street is improved and parking is placed is important, though. Hughes asked where the upgrading of the street near the park was in the City's CIP.

Project Assignments:

Herrigel listed upcoming meetings and asked if members could try to attend:

Three Bridges (Feb 26) – Hughes said he'd try

District budget process (List of District meeting times) – Buss and Dow said they'd try

Herrigel described a Downtown Historic Walk that Sharon Phillips had proposed to Joe Loomis. Loomis said he (and PARB) would help coordinate it.

Herrigel also asked if the group should be doing more for the Centennial. Buss noted that PARB would be involved in the Ardenwald walk in Sept or Oct, the Historic Downtown Walk, the naming of the Waterfront Park, the closing ceremony at the Riverfront and potentially flicks night. The group seemed to think that was enough.

District Update

Mart Hughes gave the group copies of the budget and reorganization information he'd received at the District Advisory Board meeting. He asked members to review the documents and get him any input they had. He noted that the District was looking at a \$450,000 deficit for 03-04. He said Mike Henley had said that further belt tightening was impossible and that big program changes were needed to fill this gap. 7 positions are proposed to be eliminated. Hughes said these cuts would affect the senior center the most. He said he hadn't heard that any summer rec programs were being cut. He noted that the District couldn't close the Aquatic Park because of bond payment issues.

Hughes asked what input the PARB members would like to have. The group discussed writing a letter regarding their input but no consensus was arrived at for what this letter might say. In lieu of a letter, Herrigel encouraged members to attend at least one of the upcoming input sessions the District was holding (one of which was March 6.)

Other

Hughes said he would be away from March 18 through March 29. Sherri Dow said she would be unable to attend the April PARB meeting.

Harris motioned to adjourn, Buss seconded – motion passed 5-0.



Park & Recreation Board

PARB

VII. B. 3

Tuesday, April 22, 2003
7:00 PM to 9:00 PM
Conference Room – City Hall

MINUTES

Attendees: Mart Hughes, Kathy Buss, Rob Gabrish, Sherri Dow, Kate McCready
Staff: JoAnn Herrigel
Absent: Joan Young, Ray Harris (unfortunately he was locked out...)

Meeting called to order by Chair Hughes at 7:08 PM

Open Period: No audience

Minutes:

Minutes were not approved due to lack of quorum.

Update on Board Members

Herrigel introduced Kate McCready and Rob Gabrish. Kate was appointed by Council and Rob will be approved soon. Herrigel also noted that Ayla Montgomery had expressed interest in the Board.

Trolley Trail Support Letter

Herrigel asked if there were any comments on a draft letter of support for the Trolley Trail she'd sent to members via e mail. The following suggestions were made:

- Emphasize the regional nature of the trail
- Emphasize that the trail provides an alternative type of transportation
- Emphasize the importance of a safe way to travel along McLoughlin
- Clarify that preliminary engineering will be for the whole trail and constriction only for three segments

Hughes said Herrigel could sign the letter for him.

Historic Walk

Herrigel reminded members that the Downtown Historic Walk would be May 18 at 1:00. She encouraged anyone interested in helping to call Joe Loomis.

Staff Updates

There was a general discussion of the Park District meetings that had taken place since the last PARB meeting. Following were some concerns expressed:

- How much of the reorganization will actually be forwarded to the County Commissioners for approval (even after all the testimony against the reorganization, no changes seem to have resulted)
- We need someone (as District Director) to look at the big picture regarding how to run the District
- Staff should meet with Charlie Ceiko (the interim Director)
- The job description for a new Director should include people skills and consensus building
- The District should switch to a ORS 206 type of organization

VII. B. 4

- The master plan still hasn't gone to the County Commissioners – but DAB passed a resolution to send it to them at their last meeting
- There was a general concern about who would make the decision on who the new Director would be. It was suggested that the DAB should be involved and that the decision making should be done within the District, if possible.

Other

It was suggested that new members of the PARB be provided with the District Master Plan, a map of parks in the City and a final District budget.

The meeting adjourned at 8:50.