

MINUTES

MILWAUKIE CITY COUNCIL NOVEMBER 17, 2003

CALL TO ORDER

Mayor Bernard called the 1922nd meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Larry Lancaster	Councilor Deborah Barnes
Councilor Joe Loomis	Councilor Susan Stone

Staff present:

Mike Swanson, City Manager	Steve Smith, Finance Director
Gary Firestone, City Attorney	Paul Shirey, Engineering Director
Alice Rouyer, Community Development and Public Works Director	Jason Wachs, Program Coordinator
Jeff King, Project Manager	Grady Wheeler, Information Specialist

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Centennial Year Final Events

Program Coordinator Jason Wachs and **Information Specialist Grady Wheeler** briefly outlined plans for the Centennial Closing Event scheduled for December 20, 2003. The day's highlights include burial of the time capsule, announcement of the riverfront park name, sponsor recognition, music, viewing the Christmas Fleet, refreshments, and bonfire.

Historic Moments

Councilor Barnes read a poem about the Milwaukie Pioneer Cemetery from *The Western Star*, 1850. 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 Councilor Barnes and seconded by Councilor Stone to approve the Consent Agenda that consisted of:

- A. City Council Minutes of October 20 and November 3 & 4, 2003;
- B. Award Contract for Final Design of Seismic Upgrade to Elevated Tank; and
- C. Resolution No. 49-2003: A Resolution of the City Council of the City of Milwaukie, Oregon Acting as the Local Contract Review Board, Authorizing the City Manager to Execute Certain Contracts for Fiscal Year 2003 – 2004.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION -- None

PUBLIC HEARING – None scheduled

OTHER BUSINESS – None scheduled

Mayor Bernard announced the Council would meet in work session after the regular session adjourns.

Mayor Bernard announced the Council will hold an Executive Session immediately following adjournment of the work session under the authority of Oregon Revised Statutes 192.660(1)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations and ORS 192.660(1)(h) to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 6:15 p.m.

Pat DuVal

Pat DuVal, Recorder

AGENDA

MILWAUKIE CITY COUNCIL NOVEMBER 17, 2003

MILWAUKIE CITY HALL
10722 SE Main Street

1922nd MEETING

REGULAR SESSION - 6:00 p.m.

- I. **CALL TO ORDER**
Pledge of Allegiance
- II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Centennial Year Final Events (Jason Wachs/Grady Wheeler)

- 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 October 20, November 3 and 4, 2003**
 - B. **Award Contract for Final Design of Seismic Upgrade to Elevated Tank**
 - C. **Workers Compensation Insurance Premium Purchase Order -- Resolution**

- 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.)*

None Scheduled

VII. INFORMATION

- A. Center/Community Advisory Board Minutes, September 12, 2003**
- B. Riverfront Board Minutes, September 22, 2003**

VIII. ADJOURNMENT

Public Information

- Executive Session: The Milwaukie City Council may go into Executive Session immediately following adjournment of the regular session pursuant to ORS 192.660.

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.



TO: Mayor and City Council
FROM: Mike Swanson, City Manager
DATE: November 10, 2003
RE: FYI Memo for the Weeks of November 10, 2003 Through
November 21, 2003

November 17, 2003 Regular Session

Please be reminded that we have changed the date of the regular session originally scheduled for November 18 to November 17, which is the same evening as the work session. The regular session will start at 6:00 P.M., to be immediately followed by the work session.

Agenda items for the regular session are as follows:

1. **Centennial Year Final Events:** This will be a presentation on the Centennial closing ceremony, which will occur on December 20, 2003 at the riverfront. Events will begin at 3:30 P.M. with burial of the time capsule, naming of the park, and speeches by local and regional officials. At approximately 5:00 P.M. the Christmas ships will pass by. Those on Milwaukie's riverfront will listen to a choir, salute the ships, enjoy a bonfire, and drink warm refreshments.
2. **Award Contract for Final Design of Seismic Upgrade to Elevated Tank:** The City's elevated water tank at 40th and Harvey does not meet current codes for protection of facilities essential to operations following a catastrophic event. In addition, the risk assessment of the Portland area has been changed, resulting in the possibility of more severe earthquakes than previously thought. The action requested is approval of a contract in the amount of \$22,400 for final engineering design of structural modifications to improve the tank's earthquake resistance.
3. **Workers Compensation Insurance Premium Purchase Order:** At the beginning of each fiscal year Council authorizes the execution of purchase orders for those expenditures that are known. The workers compensation premium was inadvertently omitted from the purchase orders presented in June.

November 17, 2003 Work Session

1. **North Main Redevelopment Project Update:** Since July staff has worked with the project team and conducted outreach efforts with a number of downtown interests. In addition, progress has been made on financing and project funding through grant programs and investigation into the State Vertical Housing Tax Credit process. The project schedule calls for design to be completed later in the fall with the land use application being filed in March. Staff will provide an update.
2. **Milwaukie Pioneer Cemetery Maintenance:** This item arose because the City was approached by a citizen group interested in forming a non-profit to assume maintenance responsibilities for the Pioneer Cemetery. I am making three recommendations: (1) that the City transfer the Cemetery back from the North Clackamas Regional Parks District to the City; (2) that the City negotiate an agreement with the non-profit; and (3) that the City direct the City Attorney to initiate legal action to appoint Cemetery Trustees pursuant to the 1874 deed establishing the Cemetery.
3. At the conclusion of the above two items Gary Firestone will be conducting a refresher on public meetings/records issues. Following that we will go into executive session pursuant to ORS 192.660(d)—“To conduct deliberations with persons designated by the governing body to carry on labor negotiations,” and ORS 192.660(h)—“To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.”

Other Items of Interest

1. On Tuesday, November 18 Council is invited to attend the dedication ceremony of the Schellenberg Technology Center located at 14450 SE Johnson Road (formerly McLoughlin Middle School). Councilor Barnes suggests meeting in her classroom – room 201. If you wish to tour the building, please be there at 6:30 p.m. Otherwise, everyone should be there by the 7:00 p.m. ceremony start time, as Council will be recognized in the opening.
2. There will be a Centennial Volunteer Reception on Tuesday, December 2 at 4:00 p.m. in the City Hall Conference Room.
3. In observance of Veterans Day City facilities will be closed on November 11. Later in November facilities will be closed on November 27 and 28 in observance of Thanksgiving Day.

4. On November 13 Representative Carolyn Tomei will hold a Town Hall at City Hall in the Council Chambers from 7:00 P.M. to 9:00 P.M.
5. The Annual League of Oregon Cities Conference starts on Thursday, November 13 and runs through Sunday, November 16. Milwaukie will be presented with a CIS/LOC Safety/Wellness Award during the Saturday banquet. The City Safety Committee, chaired by Barb Kwapich, has worked diligently throughout the year, and staged major workplace safety campaigns in May and June. More details will follow.
6. We received a letter from Detective Craig Robert of the Clackamas County Sheriff's Office noting the "leadership" of Milwaukie Police Department officers Steve Bartol, Dan Cloyes, and Floyd Marl and their participation in the National Family Violence Apprehension Detail. In his words: "This successful mission sends a clear message to offenders, as well as the public, that there is zero tolerance for family violence and offenders will be held accountable for their behavior."



To: Mayor and City Council

Through: Mike Swanson, City Manager
JoAnn Herrigel, Community Services Director *JH*

From: Jason Wachs, Program Coordinator *JW*
Grady Wheeler, Information Coordinator *GW*

Subject: Centennial Closing Ceremony (December 20, 2003)

Date: November 6, 2003

Action Requested

No action is requested. Intended for your information only.

Background

The Closing Ceremony for the Centennial is scheduled for Saturday, December 20, 2003 from 3:30 p.m. until 4:30 p.m. The event will take place on the west side of McLoughlin Blvd. just north of the Antique Mall near the grassy knoll. Canopies will be in place to protect onlookers from the elements and chairs will be available. The event will include the following components, but may not occur in this order:

1. Presentation of the colors by a local Boy Scout troop.
2. Burying of the Time Capsule that is being filled with mementos. The Time Capsule will be buried and a commemorative stone will be placed on top that marks its location and when it should be opened (2028).
3. Elected officials from the state, regional and local level have been asked to say a few words and toss some soil onto the Time Capsule. We are currently waiting for RSVP's. Other distinguished guests, such as major Centennial sponsors, will be acknowledged and awarded plaques for their generous contributions.
4. The unveiling of the riverfront park's name.

5. Various parties will be thanked for their participation in the Centennial. This will include the Centennial Committee itself, the major sponsors, and others.

A separate event will also be happening on the riverfront that evening for the winter solstice. Those who attend the Closing Ceremony will have the opportunity to walk down closer to the water and enjoy the following attractions:

1. Decorated holiday boats will pass by on the Willamette at approximately 5 p.m.
2. A choir will sing seasonal favorites beginning at 5 as well.
3. The Centennial Committee is obtaining “glow sticks” for all participants so that the ships can be saluted as they pass.
4. A bonfire will be burning throughout the festivities.
5. The Lewelling Neighborhood Association will be serving warm refreshments and food to raise money for their developing neighborhood park.

Concurrence

This event is currently going through the Special Event Permitting Process and will be reviewed by Streets, Planning, Engineering, Fleet/Facilities, Community Services, CCFD#1, and Tri-Met.

Fiscal Impact

The fiscal impact of this event, as well as the other Centennial events, revolves around staff time. The largest demands come from the Community Services Office for coordination and planning, the Fleet/Facilities Department for assistance with needed utilities, preparing the site, and moving chairs, tables, and other furniture, and the Police Department for traffic control and security. Lesser staff time includes the time needed to review and respond to the Special Event Permitting process. Ed Zumwalt, of Celebrate Milwaukie Inc., is working to secure donations from area businesses to cover costs associated with the event.

Work Load Impacts

Refer to Fiscal Impacts

Alternatives

The Closing Ceremony for the Centennial continues to develop so new ideas are welcome and will be considered by the Centennial Committee.

MINUTES**MILWAUKIE CITY COUNCIL WORK SESSION
OCTOBER 20, 2003**

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

Councilors present: Barnes, Lancaster, and Loomis.

Staff present: City Manager Mike Swanson, Community Development and Public Works Director Alice Rouyer, Planning Director John Gessner, Fleet & Facilities Manager Kelly Somers, and Program Specialist Jason Wachs.

Information Sharing

The City Council discussed the Design and Landmarks Commission's responsibilities in the downtown zone related to signs. The Council members present selected a design for the Rotary "Welcome to Milwaukie" sign.

Rouyer provided a brief update on regional transportation project funding and reported Milwaukie had come in second after Beaverton for Metro's center project funding.

Swanson announced the session on public records scheduled for this work session was postponed until a full Council was present. He also recommended a Council motion to delay adoption of the Mayor/Council Communication Agreements. He shared email from Milwaukie Building Official Tom Larsen relaying how pleased the Bob's Red Mill contractor was with his interaction with City staff during the construction project.

Open Public Forum

None.

Public Works Operations Building

Somers discussed construction of the operations building that would house the water, sewer, streets, and storm water divisions. These divisions have been housed in a temporary trailer for the past 5 years, and the funds for construction a new building were approved in the FY 2003/2004 budget. The estimated cost is \$160,000, and each division will share that cost equally. To ensure cost effectiveness, the facilities division proposes act as the general contractor, and Somers is confident the project will come in under budget. The proposed structure will be 2 stories with the second floor will being used for storage until such time as and elevator is installed and finished for office space. The

III. A. 2

operations building will be adjacent to the new wash area, so water, sewer, and electrical if readily available. The City will purchase the building shell, and an architect will do the interior design.

Mayor Bernard asked where the money is coming from if the City has a budget shortfall.

Somers responded each of the 4 utilities would put \$40,000 into the project. He feels building a 2-story building is a good approach, and an elevator can be added in the future for about \$60,000. Council will be asked to approve any purchase orders in a dollar amount exceeding staff signature authority.

Mayor Bernard asked Somers about his experience in this type of project and how long he has worked for the City.

Somers has been with the City for 15 years and worked in various areas of construction since he was 14.

It was City Council consensus that the City would act as its own contractor in the public works operations building project and directed Somers to move forward.

Tri-Met Light Rail Working Group

Gessner said staff came before the City Council in August 2003 to identify the Tri-Met process that responds to the Council's concerns with the transit center relocation and site specific traffic and business impacts associated with the South Corridor locally preferred alternative (LPA). The working group, that included business and property owners in the North Industrial area, neighborhood leaders, TriMet, ODOT, and City staff, has met 4 times.

About 8 alternatives have identified for dealing with potential impacts. The group is working toward a process of refining issues, identifying mitigation efforts, and determining generally what works for the community. Gessner discussed the project schedule that includes a Milwaukie-only meeting on October 28 to come to a consensus platform. He noted the summary of work-to-date in the staff report.

Councilor Barnes asked if there have been any changes to the Council's directive.

Gessner said the working group has embraced the Council's concerns, and the agencies are taking the matters seriously. A number of the issues are being addressed specifically in the 8 alternatives. He feels all participants are working toward answers to the Council's concerns through an open and democratic process.

Mayor Bernard met with staff and several property owners. He wanted to make sure the working group addresses property owners' issues. He feels there are some potential win-win solutions to protect current business interests and to promote future development opportunities. Harder Mechanical, for instance, must remain to protect the business investment and jobs. ODOT and the governor have indicated a desire to improve access to industrial lands, and the Mayor feels there will be great opportunities in the future. He discussed the potential for opening Mailwell as a street and restricting Milport.

Metro Regionally Significant Industrial Lands

Gessner sought preliminary Council direction on Metro's recent changes related to employment and industrial lands protection. He briefly reviewed the 1998 Functional Plan Compliance process. Currently, preservation of industrial lands is a statewide issue. Based on Metro's 20-year projection, the region is about 4,300 acres short of industrial lands. There was a discussion at the Metro level about preserving existing industrial lands in response to the projected shortage. Title 4 has been more restrictive through the designation of regionally significant industrial areas. Milwaukie does not have any such land on Metro's map due for adoption in December. Gessner understands when Metro did the mapping for Milwaukie in 1998, it was assuming light rail might be converting land uses away from industrial in the North Industrial area. After talking with people involved at the time, there does not seem to be a good explanation as to why so few acres of the manufacturing areas did not get those designations. There was a prohibition against big box retail of 60,000 square feet or more that was adopted into the Zoning Ordinance with some supporting polices in the Comprehensive Plan.

In elevating the importance of industrial lands, staff is looking for direction on whether or not the City should pursue the regionally significant industrial area and comply with new restrictions on employment and industrial lands. The most important change would be reducing the retail prohibition to 20,000 square feet. Based on current Comprehensive Plan policies, there would be no conflict with zoning or future land use. It is a way of protecting industrial and employment lands from retail use. Sites along McLoughlin Boulevard and Hwy. 224 are very attractive to retailers. Having spoken with Metro, City staff does not believe the business industrial zone would, at this point, qualify for the Metro designation because is very permissive regarding office uses. Metro most recently indicated it is looking to preserve regionally significant industrial areas for manufacturing, warehousing, distribution, and production. City staff does not believe the Johnson Creek Boulevard manufacturing area offers a great deal in terms of manufacturing potential.

Councilor Lancaster asked how Metro arrived at the 20,000 square feet and thought a range might be more logical.

III. A. 4

Gessner responded there is also a percentage limitation of 20,000 square feet or 5% of the area. He will provide more information in future updates.

Councilor Lancaster believes there needs to be some flexibility to reach a desirable mix of businesses.

Gessner replied that is reflected in the business industrial zone where retail elements support office and industrial efforts.

Mayor Bernard commented on Bob's Red Mill and the allowance for a retail showroom. One of the advantages to this designation is funding, and he asked staff to look at the manufacturing zone. He discussed Milwaukie's having a seat at the table when Clackamas County considers land uses in the City's urban growth boundary.

Gessner added staff would come back with a more detailed analysis of advantages and disadvantages in preparation for a Council action that would be forwarded to Metro.

Proposed House Move Regulations

Gessner said a lot was learned from the Marinos house experience. Parties struggled with the conflict surrounding the problem. There are opportunities to amend the City's house moving regulations to minimize the likelihood of this type of conflict happening again. From a policy perspective, the major issue is allowing the temporary placement of moved buildings on any property in the City. Staff proposes it be prohibited.

To protect against future conflict resulting the planning department's rejection of applications, staff recommends making it clear in the code what has to be done to demonstrate zoning compliance. He discussed a certification process in which the applicant demonstrates the donor site complies with historic regulations and the receiving site is adequate or can be adequate with a variance.

Conflicts can easily be resolved by amending the code. There would be more process for the applicant, but conflict would be managed. The City issues about 1 house-moving permit annually, so the burden of a certification process will not be felt by a great number of applications. Some of the policy questions include violation penalties, which he noted as \$1,000 per day in the staff report, temporary placement, zoning certification prior to moving, and administrative requirements. Applicants generally want to know what they have to do and are happy to do so once they know the rules of the game. There is also a proposal that Council hear appeal of house moving decisions.

Councilor Barnes commented she does not feel knowledgeable enough to make decisions about house moving and engineering and counts on City staff to

make those decisions. Her preference would be to rely on community development to make the decision. She also has a concern with how the word "temporary" is interpreted. To her, the \$1,000 per day is too little, but \$10,000 might make people listen. Donor and receiving site compliance should be a given.

Councilor Lancaster said Barnes made some very good points. His concern with the penalty is not one of how much, but is it reasonable and is it consistent with how other fines are adjudicated. He has no problem with additional front-end process if it offers the applicant greater understanding before he starts. He suggested managing people's expectations in the appeal provision because he would not anticipate turning over a staff decision unless there were a gross error.

Gessner said staff, with the city attorney, could set criteria that would minimize the opportunity for frivolous appeals. He understood Council agreed to taking appeals.

Councilor Lancaster understood the engineering director would be responsible for making decisions on the project. He asked how staff arrived at the insurance values.

Gessner asked the city risk manager and city attorney. The question is what is the proper insurance amount and should those amounts be in the code.

Councilor Lancaster thought these limits are too low and should be analyzed annually based on market and business conditions. He felt the verbiage should be general.

Park and Recreation Board Applicant Interview

Council interviewed Harold "Sonny" Newson for a vacant position on the Park and Recreation Board.

Other

Rosemary Crites announced an event November 7 – 9 honoring Native American History Month. The event will include an artists reception at Windhorse, fine art sale, music, storytelling, dancing, and other entertainment.

Mayor Bernard adjourned the meeting at 6:55 p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL WORK SESSION NOVEMBER 3, 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, Planning Director John Gessner, Engineering Director Paul Shirey, and Civil Engineer Brion Barnett.

Information Sharing

1. **Councilor Barnes** provided an update on current efforts to form a community theatre.
2. **Mayor Bernard** announced the Farmers Market would contribute \$1,000 to Celebrate Milwaukie, Inc.
3. The group briefly discussed changing the November 18 meeting date in order to attend the opening of North Clackamas School District's Schellenberg Center; the feasibility of implementing a PGE privilege tax; and traffic congestion at the intersection of Harmony Road and Linwood Avenue.

Consider Meeting Date of Second Council Meeting of November

City Manager Mike Swanson said there is a conflict with the regular session on November 18 and dedication of North Clackamas School District's dedication of the Schellenberg Center. The Charter requires the Council hold 2 regular meetings each month, so the question is when to hold that meeting. There are few work session topics on the November 17, so the regular session could be called to order at 6:00 p.m. followed by the work session. He discussed rescheduling the water and sewer rate hearing. The sewer rate issue, in any event, would be delayed because the consolidation study is nearly finished, and some of that information will be brought into the rate consideration. Although the water and sewer rates are not linked, Council had indicated it wished to consider them simultaneously.

Councilor Loomis was in favor of considering both the water and sewer rates at the same meeting.

Mayor Bernard complimented the Johnson Creek Facility staff on its work on the Bob's Red Mill project. The contractor particularly appreciated the work done by Bonnie Lanz, Tom Larsen, Brion Barnett, and the water and sewer staff. City

Manager Mike Swanson was instrumental in facilitating contacts between staff, the business owner, and the construction contractor.

McLoughlin Boulevard Improvements Project, Introduction of Design Team and Project Next Steps

Civil Engineer Brion Barnett introduced Project Manager Walt Bartell of David Evans and Associates, Inc. (DEA). Planning Commission members present were Chair Donald Hammang, Brent Carter, Howard Steward, Rosemary Crites, and Teresa Bresaw.

Bartell reviewed the history of the project, which he has followed since 1991 as Oregon Department of Transportation (ODOT) assistant region manager. He has worked with DEA for about 2 years and is glad to see the project at the point of being implemented. Subconsultants on the project team are Archeological Investigations NW which is responsible for the historic study of the properties along the waterfront; Cascade Earth Sciences is responsible for the Level 2 Hazmat work dealing with site contamination; Pavement Services, Inc. who will design the pavement; Geo Design, Inc. responsible for issues related to the detention facilities and retaining walls; and Jeanne Lawson & Associates that will handle the public involvement process. Final plans should be ready by the end of summer 2004.

Responding to a comment from Councilor Lancaster about a pedestrian underpass, **Barnett** said a pedestrian/bike bridge would cost about \$5 - \$10 million. The project is at the point of implementing boulevard improvements once the final design is completed. He discussed the role of the Public Advisory Committee (PAC) that involves key stakeholders including the Riverfront Board, boating community, treatment plant, business representatives, and technical advisors. The purpose of establishing this type of group is to ensure all concerns are addressed in one forum and to streamline the process as much as possible. The PAC is charged with endorsing a final alternative to the City Council in February or March 2004. There will be public open houses throughout the project to keep the general public informed and offer an opportunity for input. Council will be asked for direction at its first March meeting so DEA can begin its design work. The Planning Commission will consider the project as it relates to the Willamette Greenway in April or May. The public open houses planned for July and August will show the project in its more finished stages before the design is finalized. Plans will be sufficiently complete in August/September 2004 to identify such things as refined cost estimates, traffic detours, and business impacts. Although the federal funds are available, there must be a request to have appropriate funds obligated at each phase. The City is responsible for matching funds during the course of the project. The estimated cost to the City is about \$220,000. An additional \$50,000 - \$60,000 will go to property acquisition once the ultimate west line of the project is established.

III. A. 8

Mayor Bernard asked if certain elements such as the street lighting identified in the Downtown Riverfront Plan would be included.

Bartell responded that they are.

Barnett said it is important that Milwaukie has an adopted Plan, and these elements will be part of the design work negotiated with ODOT in a maintenance agreement.

Bartell hopes that traffic will not have to be detoured from McLoughlin Boulevard and that it can be staged based on certain restrictions in the contractor's work schedule. He discussed minimizing project costs by salvaging concrete under the current asphalt layer.

Barnett said the intent is to avoid detouring traffic through downtown.

Councilor Stone asked if Pavement Services, Inc. would look at different kinds of surfaces to designate crosswalks.

Bartell said, if the City wants a crosswalk treatment, there are certainly things that can be considered but would not normally be seen in a pavement design report. Pavement Services considers actual axle loading, and ODOT will require testing, traffic data, and a road design that will be good for 20 years.

Barnett added Pavement Services, Inc. would look at the structural aspect but noting aesthetic. He assured Council that treatments would be considered within the constraints of the project budget.

Hammang did not believe the Commission had any questions at this time and added he believed all members looking forward to the project.

Bresaw asked if there would be a sprinkler system in the median strip.

Barnett said irrigation is normal and will be considered in the greater maintenance agreement with ODOT.

Bartell added normally a drip system is installed.

Other

Councilor Barnes reminded people that Centennial Dogwoods could be picked up on Saturday, November 8.

Rotary Sign Donation

Councilor Stone understands this issue came before the Design and Landmarks Commission (DLC) last month, and Gessner explained this review was not within the Commission's guidelines. In speaking with one of the members, she understands they all expressed an interest in changing the ordinance to be able to look at these types of signs. She referred to evaluation criteria for graphic design and signage that she believes was given to DLC members in October. She understands a code amendment will be considered.

Mayor Bernard does not believe the ordinance is on the Council's agenda in the near future but felt it could be considered. The Commission does not really have jurisdiction at this time.

Councilor Stone is looking at it strictly from a professional artistic viewpoint in terms of sign design and criteria. Although she does not know about the Planning Commission, she knows there are DLC members who are architects and graphic arts designers who know a lot about sign design. She would like to see them be able to review signs.

Mayor Bernard said an ordinance could certainly be considered in the future.

Councilor Stone asked the criteria used when the City Council selected a design at its last meeting. She asked what the rush was on the sign. Will the sign be up by December 31? It seems like there is a real push.

Mayor Bernard said the Rotary Club is ready and wants to move on the project. Club members have been working on this project for about 2 years. The Milwaukie Downtown Development Association began looking at signs some time ago, and at this point the Rotary has volunteered to pay for it. They would simply like to wrap up the project. He thinks the sign is great, and he is ready to go with it. Council discussed it at the last meeting and felt it was a much better design and were ready to go with it.

Councilor Stone was concerned because this is going to be a highly visible sign. She is also concerned about the dimensions. She still thinks it is a good idea to send it to DLC. She asked if the Planning Commission had seen the design, and if it had not, should it?

Mayor Bernard believed at this point it is the Council's decision, and the design does not have to go to the Planning Commission.

Swanson clarified that the municipal code outlines standards to which people and designers must adhere. Those criteria are developed so people have some kind of independent guidelines when investing in a sign. The City does not add any criteria other than those set out in the code, and these are what people are expected to follow. It is always permissible to change or add to the criteria as long as it is done through the code. The Planning Commission does not review

individual designs. The DLC does have review of internally illuminated signs in the downtown. When considering a sign application, staff looks at the proposal and compares it with standards in the code. If the sign does not meet those standards, then the staff will not issue a permit and the applicant is advised of the variance procedure. The DLC has the responsibility to grant variances from the sign code in the downtown zone. Other than that, a separate body does not review each sign except for those, which are internally illuminated. Additionally, such things as pole toppers and neighborhood welcome signs go through the planning department and are weighed against the code. The City Council, by adopting ordinances, sets the standards.

Councilor Stone understands staff is looking more at sign dimension and not looking at them artistically.

Swanson said it is difficult to set artistic standards. There are problems with turning down signs based on a lack of artistic merit and not applying standards. We are not allowed to do that. Standards have to be reasonable and guide judgments with decisions measured against the standards in the code. Creating new expectations is unfair to applicants. Artistic merit is a difficult area because artistic taste can vary so greatly. Other issues such as size, illumination, placement, and moving parts are standards upon which decisions can be based. Making determinations on artistic merit are difficult. Signs are a form of speech and are afforded a different status because of Constitutional protections. Sign ordinances sometimes regulate too much and are seen as interfering with one's freedom of speech and do not hold up legally when challenged.

Councilor Stone said the DLC certainly measures artistic merit with the downtown design plan in terms of what it will look like. The members are experts in architecture and graphic arts, so that is very important to them. She thinks it is not out of the question for the DLC to look at things like this. It is a matter of just changing the ordinance.

Gessner said the DLC was interested in seeing additional signs particularly downtown if limited only to municipal signs. The direction given to staff was to look at the legal and administrative issues and report back to the DLC to determine if a formal request should be made to Council. Staff will spend some time on this issue and report back to Council. Due to workload and staffing issues, this may not be for some time.

Councilor Stone asked if there is a target date.

Mayor Bernard commented the City has standards for review. At some point he would like to make the decision, and he is comfortable with the sign. One person who saw this design suggested putting "river city" on it, but other than that, people have responded positively. He would like to make a decision so the Rotary can carry on.

Councilor Stone asked if the sign was being made right now. The City has these experts in art on a commission, and she wants to see them utilized and make sure a good choice is being made. She does not see anything wrong with waiting.

Councilor Barnes suggested voting on the design.

Councilor Barnes moved to accept the sign the way it is and request the Rotary to begin work. Mayor Bernard seconded the motion.

Councilor Loomis feels this is basic, but, if another Councilor has a problem, it should be discussed further. The first sign was too much. The current simple design is better and will probably raise fewer issues. He asked if the DLC would review only public signs or would business signs be included. He understands the proposed sign meets current standards.

Mayor Bernard said this sign went through the planning department, and it meets existing standards.

Councilor Loomis would be in favor of public signs going through the DLC but not business signs that meet City standards.

Swanson said it is very difficult to set an objective standard on art and grafted on that is the freedom of speech issue.

Gessner added those difficulties are well represented in today's sign ordinance. The Planning Commission has the authority to review community service overlay and conditional use signs. The code does tie the Commission's hands when it comes to review of actual design or content.

Councilor Lancaster's only concern with sending the design to the Commission is that unless it is simply applying the standards, there is no other reason to look at it other than for artistic value. This puts the City in a bad place. He thinks doing it that way could create a problem. The alternatives would be for the DLC, rather than staff, to apply the standards on an objective basis or continue with current practice.

Councilor Loomis understands the DLC would provide a recommendation.

Councilor Stone said that is correct.

Mayor Bernard pointed out the sign already meets the standards.

Councilor Loomis said the DLC is made up of citizens and represent Milwaukie. The Council wants something everybody likes and finds attractive. If a sign is for

III. A. 12

a private business that meets the standards, the DLC and Council do not have a right to tell the applicant it should be green or red. If it is a public sign representing all of us, he thinks the DLC recommendation would have some weight in the Council's decision.

Councilor Stone asked if it would make a difference if this sign were one the City was purchasing versus one being donated in terms of artistic standards. The DLC has the experts. The Council members are not experts. She would not know anything about the typography of the sign. The size is also important. She does not want people to drive by and say, "You can't even read it. Why is there a sign there?" There has been a lot of ridicule in the past about the "art" previously displayed in that area. She wants to present the City in its best light.

Mayor Bernard was involved in the art display. Some were critical while others thought it was fantastic. What was important was that people saw the art and took notice of Milwaukie. Although he was not involved in the selection, he thought there were some great pieces of art around town. He asked what the process is for approving the neighborhood pole toppers.

Gessner believes it has been handled by neighborhood services and public works. Pole toppers are exempt signs and are not subject to specific design standards in the code.

Councilor Barnes commented this is an example of Milwaukie neighborhoods making their own decisions. She called for the question.

Motion passed 3 – 2 with the following vote: Mayor Bernard, Councilor Barnes, and Councilor Lancaster aye; Councilor Loomis and Councilor Stone nay.

Update on Johnson Creek Boulevard Project

Engineering Director Paul Shirey said signage indicates the project will be complete on November 30, and that is when the road will re-open. As he has explained to residents, there was a good reason why the City of Portland extended the contract by one week. The contractor wants more time because of the slowness of the utilities. Unless Portland approves an additional extension, the contract calls for liquidated damages to accrue at \$700 a day. The sidewalks, curbs, and driveways are slowly coming together. The rock base is down, and the initial asphalt portion is a 5-day job. Typically, the top layer of asphalt does not go on until everything else is done, however, it is sensitive to temperature and weather conditions. Depending on the weather, the top layer may or may not be done, but the road would be usable without it. The objective is to get the job done, but the road may open with only the base layers and completed spring 2004.

The group discussed the improvements. **Councilor Loomis** asked how long the street would be closed to put on the top layer.

Shirey said that would be about a 2-day job done under traffic. The fences are weather dependent but are not crucial to opening the road.

Mayor Bernard adjourned the meeting at 6:55 p.m.

Pat DuVal, Recorder

MINUTES

MILWAUKIE CITY COUNCIL NOVEMBER 4, 2003

CALL TO ORDER

Mayor Bernard called the 1921st meeting of the Milwaukie City Council to order at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Council President Larry Lancaster	Councilor Deborah Barnes
Councilor Joe Loomis	Councilor Susan Stone

Staff present:

Mike Swanson, City Manager	JoAnn Herrigel, Community Services Director
Gary Firestone, City Attorney	Scott Guy, Police Sergeant

PLEDGE OF ALLEGIANCE

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Historic Moments

Councilor Barnes read an article entitled "Hot Time in the Old Town" from *The Bee* dated December 1, 1906 in which the reporter told the story of a rather heated political encounter in Milwaukie. Milwaukie Museum Curator Madalaine Bohl is preparing this series of historical notes in honor of the City's Centennial Year.

Public Safety Appreciation Week

Mayor Bernard read a proclamation naming the week of November 24 – 30, 2003 as *Public Safety Awareness Week*. Sergeant Scott Guy was present representing the Milwaukie Police Department.

Donation to Celebrate Milwaukie, Inc. for Riverfront Development

James Bernard spoke as a member of the non-profit organization Celebrate Milwaukie, Inc. (CMI). In May he took over the business management of the Sunday Farmers Market and agreed to share the profit with CMI. He presented a check for \$1,000 to Ed Zumwalt to be dedicated to riverfront development. He challenged others to contribute. He thanked members of the Riverfront Board Gary Klein, Dave Green, Steve Loaiza,

Mike Stacey, Mitch Wall, Michael Martin, and Paul Verbout and staff liaison JoAnn Herrigel.

Ed Zumwalt said this is the kick-off of CMI's efforts to raise \$1 million for the riverfront project. The members of the Riverfront Board have been key to the project. The Centennial Committee was charged with getting the community in touch with its waterfront, and residents and visitors enjoyed this year's events. He committed to an ongoing effort to get riverfront park access over McLoughlin Boulevard.

Community Services Director JoAnn Herrigel briefly discussed fund raising plans including a flyer that talks about the riverfront and design and development costs. CMI, as a non-profit, would accept donations, and the City would use those funds to develop the plan and the park itself.

Zumwalt added when the neighborhoods met on the riverfront for a joint National Night Out Event, many of the 200 visitors had never seen the natural beauty of the area.

The group discussed the Centennial Event on December 20. It will start about 3:00 p.m. with the burial of the time capsule north of the Antique Mall followed by a bonfire, food, music, and the Christmas Fleet viewing. People interested in putting something in the time capsule can contact City Hall or the Lake Road Neighborhood Association.

CONSENT AGENDA

It was moved by Mayor Bernard and seconded by Councilor Barnes to move the resolution approving the communication agreement and the resolution changing the date of the second meeting of the month to November 17. Motion passed unanimously.

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

- A. City Council Minutes of October 21, 2003;
- B. Public Safety Advisory Board Appointments: Karen Martin, Hector Campbell Neighborhood, and Gene Covey, Lewelling Neighborhood;
- C. Resolution No. 45-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Adopting the Mayor/Council Communication Agreements.
- D. Resolution No. 46-2003: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the Second Regular Council Session of November Will Be Called to Order at 6:00 p.m. on November 17, 2003.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION – None.
CITY COUNCIL MEETING NOVEMBER 4, 2003
DRAFT MINUTES
Page 2 of 6

III. A. 16

PUBLIC HEARING – None scheduled

OTHER BUSINESS

Consider Donation Agreement and Easement Agreement between the City and Gary E. and Sharon L. Klein -- Resolution

Swanson said the Kleins have been working with the City for several months on this land donation and easement agreement. The property lies on the north end of the publicly owned riverfront property. The landscape architect working for the City identified it as being an “extremely important addition” to the riverfront project.

Herrigel said an agreement was worked out with the Kleins whereby they would sign a donation agreement and the City would provide an easement to the property, which is landlocked. She wished to convey that the Kleins worked very hard to make this happen because they believe in the riverfront project, the preservation of the property as an open space, and allowing trails in one section. They have been very open and beneficent, and this is a very lovely gift from the Kleins to the City during its Centennial Year. She noted that some adjustments needed to be made to the legal description.

Swanson said the actual transaction is a donation agreement and grant of easement. The donation agreement sets forth the terms of the transfer. The grant of easement would be recorded and become part of the record. An appraiser has been retained to value the property, and there are some timing and income tax issues. The Kleins will have to execute a quit claim deed before the end of the calendar year or the easement will be extinguished. The one change that needs to be made at this point is the legal description of the easement, but it does not impact the terms of the transaction. The resolution before Council allows the Mayor to sign the agreement even though the legal description of the easement will be different.

The agreement does have some restrictions. The Kleins own a house that overlooks the area, and they are interested in maintaining its natural state. There is a provision that requires the City keep it in a clean and natural condition. If the Kleins feel the City is failing to do so, there is a notice provision. If the City does not cure the problem, then the Kleins can take certain actions. The right to do that is limited to only the Kleins and their heirs and only as long as they own the property. If the Kleins sell the property to a third party, then that restriction would not succeed.

City Attorney Gary Firestone had little to add with the exception of stressing the need for revising the legal description to provide an adequate easement.

Swanson said the Kleins moved to Milwaukie in the past few years to what was Gary’s boyhood home. Klein joined the Riverfront Board and has become a fairly ardent supporter of the riverfront and the City’s efforts. The land donation is the expression of his support. This action is above and beyond, and over the past year people like Gary

CITY COUNCIL MEETING NOVEMBER 4, 2003

DRAFT MINUTES

Page 3 of 6

and Sharon Klein, Ed Zumwalt, and City staff have put a lot of energy into the riverfront and Centennial projects.

It was moved by Councilor Lancaster and seconded by Councilor Loomis to adopt the resolution authorizing the Mayor to sign the donation agreement and grant of easement for ingress and egress between the City of Milwaukie and Gary E. and Sharon L. Klein.

Mayor Bernard said this is a good example of the potential the riverfront offers this community. Although he would not guess at the value of the property, it is the key piece to getting the path near the riverfront. He felt the community should express its thanks to the Kleins for this gift.

Councilor Lancaster added it seems the city manager deserves some credit for engaging people despite some negative history. These people are donating a critical piece to a beautiful picture, and he feels all the riverfront supporters should be recognized.

Motion passed unanimously.

**RESOLUTION NO. 47-2003
RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE DONATION
AGREEMENT AND GRANT OF EASEMENT FOR INGRESS AND
EGRESS BETWEEN THE CITY OF MILWAUKIE AND GARY E. KLEIN
AND SHARON L. KLEIN.**

Councilor Loomis added Milwaukie has a rich history of donations and this is a wonderful thing to happen in the Centennial Year. He hopes to have the chance to thank the Kleins in person.

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

Firestone felt it would be best to initiate the discussion in executive session and return to the regular session if the Council wishes to act. The executive session would be held pursuant to ORS 192.660 1(h) to consult with counsel regarding litigation likely to be filed. The Milwaukie City Council went into executive session at 6:30 p.m. and returned to the regular open session at 6:48 p.m.

AUDIENCE PARTICIPATION

While the city attorney and city recorder prepared a resolution to be considered during the regular session pursuant to executive session direction, the Council heard public comment on general community issues.

Ed Zumwalt, 10888 SE 29th Avenue, Milwaukie, discussed institutional memory and City Council resolutions which seem to go forgotten. He cannot count the number of visioning and goal setting meetings he has attended over the past 7 years. Where is the continuity? There is a lot of work to do in developing the City and the riverfront. He understands it is politics, democracy, and a system of checks and balances, but it bothers him when there is so much to be done.

The group discussed the issue. **Councilor Loomis** commented he does not want Council decisions to be personal. This is a strong community and broad-based decisions will live on, and he does not feel anyone on Council has a personal agenda.

Zumwalt added there have been people in the past with their own agendas, and those decisions are difficult to overcome.

Councilor Stone asked Zumwalt to clarify what he meant by resolutions going by the wayside in a month. Are they being adopted and not implemented?

Zumwalt clarified it was not this Council, but he has seen resolutions go by the wayside in a couple of months after adoption. One of these had to do with the school, which he did not want to discuss at this time. Councilor Lancaster brought another up during budget deliberations. For example, how many of the community goals hold true at this time?

Councilor Lancaster thought Zumwalt's point was very good. As the elder statesman of the Council, he agrees there have been resolutions adopted but not acted upon. Every activity of a City employee, in addition to those activities that are legally required, should be directed toward accomplishing the community goals. The Council's job is to make sure those goals are accurate by listening each year to the neighborhoods. Part of that is acting upon past resolutions.

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

Firestone said one option the Council has is to change the effective date of the previously adopted resolution to December 17, 2003 to allow time for additional negotiations. It would prevent the filing of the lien until that time.

It was moved by Mayor Bernard and seconded by Councilor Barnes to adopt the resolution amending Resolution 39-2003 and changing the effective date. Motion passed unanimously.

RESOLUTION NO. 48-2003:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AMENDING RESOLUTION 39-2003.

Donated Rotary Sign and Design and Landmarks Commission Review

Mayor Bernard announced the City Council voted on this item at the previous night's work work session.

Other

Swanson said one action at this meeting was to change the next regular session from November 18 to November 17 at 6:00 p.m. The change is due to an unavoidable conflict for Councilors. The second issue is consideration of the water rate and reconsideration of the sanitary sewer rates. Out of necessity, these dates have changed, and he wants to ensure the public understands that. The hearing has been advertised, so he will be at City Hall on November 18 at 6:00 p.m. to explain the situation if people come expecting a Council meeting. The rate considerations will be rescheduled for January 20, 2004. The sewer consolidation study is nearing its end, and staff would like to fold those findings into the sewer rate issue.

Councilor Loomis suggested the Mayor discuss the Council vote on the sign.

Mayor Bernard said the Rotary Club donated the design, creation and placement of a welcome sign on the Milwaukie riverfront. Council selected one design out of a series. Sharon Klein will carve this sign as well as one to be on placed on the property she and her husband Gary donated to be named Klein Point. The welcome sign will be placed on the southwest corner of McLoughlin Boulevard and Harrison Street. Mrs. Klein created the chosen design.

Councilor Loomis congratulated the Milwaukie High School boys and girls soccer teams that made it to the state playoffs.

Councilor Lancaster hoped that all citizens would personally speak to a public safety employee and thank them for their contributions. It is an important, and often times dangerous job, and they would appreciate the recognition.

ADJOURNMENT

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

Mayor Bernard adjourned the regular session at 7:15 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

From: Paul Roeger, Civil Engineer *PRR*

Subject: Seismic Upgrade of the Elevated Water Tank Final Design

Date: November 3, 2003, for November 17, 2003

Action Requested

Authorize the City Manager to sign a contract with Murray Smith & Associates, Inc. for the final engineering design for the seismic upgrade of the elevated water tank for \$22,400.

Background

The city has three water supply tanks. One is elevated, and the other two are at ground level.¹ A 1993 study focused on their ability to withstand earthquakes. Since then there have been changes in building codes and an increase in the earthquake risk assessment for the Portland area. In addition, the elevated tank has been reclassified as an "essential facility", which is a designation indicating that it is needed for emergency operations following a natural hazard or other catastrophic event. Tank failure would damage surrounding homes and result in an inadequate water supply or pressure.

A preliminary design was completed for the elevated tank this past year. It applied current codes and standards, which require an additional 25 percent safety factor for essential facilities to better enable them to resist damage caused by earthquakes.

¹ The tank is located at 40th and Harvey and is surrounded by many homes.

III. B. 2

Funding for the upgrade was included in the 2001 Capital Improvement Plan. Engineering design was originally planned for 2001/2002 with construction in 2002/2003. The project schedule was pushed back a year so that construction would occur in the 2003/2004 fiscal year. If approved, this request will complete the final design, and the construction contract may be awarded in the spring 2004.

Alternatives to the requested action include the following but are not recommended:

- Do not upgrade the tank. This results in greater risk of failure during an earthquake when compared to today's higher design standards.
- Design the tank as a nonessential facility. The risk of failure is reduced from the "do not upgrade," alternative, but not sufficiently, given the essential health and safety functions of the tank.

Concurrence

Staff reviewed the proposal and is satisfied that Murray Smith & Associates is qualified to complete the project.

Fiscal Impact

The estimate to upgrade the tank to meet essential facility specifications is approximately \$234,000. The current budget for design and construction is \$150,000. \$2,273 has been spent to date. The recommended final design cost of \$22,400 will leave \$125,327 in the current budget. The estimated construction cost will exceed the current budgeted amount due to the more stringent seismic standards adopted since the original planning for the project. This design project will further refine the construction costs and enable staff to recommend a funding solution prior to final award of a construction contract.

Work Load Impacts

This project is scheduled in the 2003/2004-work plan. A staff engineer will manage the project. The consultant, along with City engineering and operations staff, will conduct inspections. An independent testing agency will be retained by the City to perform continuous special inspection of all structural welding.

Alternatives

1. Authorize the City Manager to sign a contract in the amount of \$22,400 for final design engineering at essential facility standards. The resulting design will minimize risk of tank failure during an earthquake.
2. Do not authorize the City Manager to sign the final design contract.
3. Take no action.



To: Mayor and City Council
Through: Mike Swanson, City Manager
From: Steve Smith, Finance Director
Subject: Workers Compensation Insurance Premium Purchase Order
Date: November 4, 2003

Action Requested

Adopt the proposed Resolution which authorizes execution of a purchase order for the workers compensation insurance premium payment.

Background

In the July Resolution for Purchase Orders over twenty five thousand dollars approved by the Council, a purchase order for the workers compensation insurance premium was inadvertently omitted. Prior approval by Council of expenditures over \$25,000 is required.

Concurrence

The City Manager, City Attorney, and Finance Director concur with the proposed action.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACTING AS THE LOCAL CONTRACT REVIEW BOARD, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS FOR FISCAL YEAR 2003 - 2004.

WHEREAS, the City of Milwaukie, by adopting Ordinance No. 1865 and Resolutions 8-2002, 21-2002, and 30-2003 has put into place purchasing procedures; and

WHEREAS, contracts for certain services which have projected annual expenditures in excess of \$25,000 require City Council review pursuant to purchasing procedures; and

WHEREAS, the City Council has reviewed the listed services and the projected annual expenditures for such services; and

WHEREAS, the City Council finds such services needed and vital to the operations of the City of Milwaukie;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie, Oregon, acting as the Local Contract Review Board:

SECTION 1. The City Council authorizes the City Manager to execute purchase orders for the following services.

Vendor	Service Provided	Projected Amount
Liberty Northwest Company	Workmen's Compensation Insurance Premiums	\$ 135,000.00

SECTION 2. The effective date of this resolution is November 17, 2003.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on November 17, 2003.

Mayor James Bernard

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Ramis, Crew, Corrigan & Bachrach, LLP

**MILWAUKIE CENTER
CENTER/COMMUNITY ADVISORY BOARD**

September 12, 2003

Members Present: Kim Buchholz, Jane Hanno, Eleanor Johnson, Jim McCreedy, Sharon Phillips, Katie Rudfelt, Joan Staley, Ben Tabler, Janet Witter

Members Excused: Molly Jo Hanthorn, Joan Newman, Carol Storment

Guests Present: Charlie Ciecko

Staff Present: Joan Young, Cheryl Nally

Call to Order: Chairman Kim Buchholz called the meeting to order at 10:03 a.m. Janet moved, Ben seconded, the minutes be approved as written. Motion carried.

Special Topic: An overview of the Friends was presented by Jim McBee. He said the Friends are actively pursuing new members. They will be sending a mailing to about 1,500 businesses in the area.

The Friends budget is \$160,000 for 03-04. In 2003, the group's overhead was 11% - this will need to be reduced or they will need increased support. Their long-term plan is to have their endowment fund reach one million dollars, which would be used to support the center. The group is submitting a grant to the Meyer Memorial Trust for funding to cover the cost of the newsletter.

Jim reminded everyone of the Rose Garden concerts which are being held the first three Sundays in September and of the reception for Anne Hinds and the showing of her photos. She is graciously donating some of the photos that will be available for sale in the Gift Shop.

Correspondence: Reapplications for Board membership were received from Eleanor Johnson and Jim McCreedy. Joan moved that we recommend approval of their applications and that they be sent to the District Advisory Board and the Board of County Commissioners for approval. Jane seconded the motion. Motion carried.

Board/Committee Reports:

Executive Committee: Kim reviewed the "Ground Rule Tools" for board meetings, which was presented last month. Copies were given to members who were not present at the August meeting.

NC District Park Board: The newly developed Rules and Regulations Ordinance will be reviewed by County Counsel and will be submitted to the Board of County Commissioners. Eleanor said the results of the Priority Survey were approved last night (September 11) by the District Advisory Board and will be presented to the Board of County Commissioners.

Budget/Finance Committee: The committee did not meet. Joan said they have been requested to hold to a 97% cap for all expenses.

Program/Services Committee: Did not meet.

Nutrition/Transportation: Ben reported that the committee is working a proposed policy regarding donations. Staff will be taking a written proposal to the committee. A determination will need to be made as to whether donated funds should go to the operating budget or the endowment fund. There needs to be a policy regarding amounts of a

donation and where it would go, or whether the donor would make that decision. Don and Marty are working on this. Ben said Harold said the Nutrition/Focal Point would like to change their name from Loaves and Fishes, Meals on Wheels in order to clarify that it is a center program. Don and Joan visited the new Loaves and Fishes facility. The Bazaar will be held October 25-26. They have sold more than 25 tables.

Family Caregiver dollars are OAA (Older Americans Act) funds. They are used to help support the caregiver and a stipend can be paid to anyone 60 years or older who provides unpaid care. The funds also help support A Place at the Center. Money is used to cover costs of training, medical equipment, among other things.

Building Review: Jim said Chuck has been doing a great job. The bathrooms have been updated and new toilet valves, which use less water, have been installed. Lisa recently redid her office. One window in the poolroom will need to be replaced when funds are available. Lots of painting was done during the annual maintenance week. Kim suggested businesses could be asked to fund a specific maintenance item.

History Committee: The 20th anniversary book is completed. The Friends donated funds to cover the printing of five copies.

Milwaukie Centennial Update: Sharon said she and Madaline Bohl will be hosting a "Sharing Milwaukie Memories" on October 18. The Ardenwald Neighborhood Association will conduct walks on October 25 and 26. The walks will show historic sites. Mary King – 503-654-2969 – is the coordinator and has additional information.

Friends of Milwaukie Center: Eleanor said the Friends are involved as volunteers in so many areas. They will complete their commitments but will have fewer events next year. The Bridge Tournament signup is going well. They are working on next year's Wine and Roses event.

Director's Report: Joan said many offices have shifted. Client files are now in a more secure place. Joan and Jason Kemmerich are working on a Fee and Cost Study. Joan is working on a report on the potentials for contracting out the food services part of the Nutrition Program. What would it cost to go under the county contract for food services or ways in which costs could be reduced. Preliminary costs (from all over the west coast) show we are doing a "bang-up job" on keeping costs down.

October agenda items: Expenditures for 04-05; possible consolidation with county parks; looking at contracting out services. Concessions at the Aquatic Park. Cheryl will present the October Special Topic – a 10 minute presentation on community senior services.

There being no further business, the meeting was adjourned at 11:32 a.m.

Joan Staley
Joan Staley
Acting Secretary

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

Programs and Services

The Milwaukie Center has partnered with Providence Center on Aging and the Volunteer Hospital Association to pilot a computer program, "Get Engaged", designed to help older adults through a comprehensive and confidential assessment of health in terms of physical activity, healthy behaviors and civic involvement. The results of the assessment will offer suggestions for improving health and will include programs at the Center as part of a healthy lifestyle.

In the Recreation/Education department, most Fall term classes began the last week of September, and the enrollments are very healthy! Rachel Teige, Recreation Supervisor, is overseeing all Recreation/Education classes for the entire District. She is eager to work with folks and busy meeting people at the Milwaukie Center. Stop by the Program office and say hello!

Anne Hinds, a renowned Northwest photographer, has generously donated many of her photos to the Friends of the Milwaukie Center. The photos are on display and sale through the month of December. An Artist's Reception was held on September 25 in honor of Anne and her gifts.

The North Clackamas Arts Guild 10th Annual Art Exhibit and Sale featured over 200 paintings of local artists. The event had steady attendance by community members September 20 & 21.

The Oregon Construction Contractors Board provided a booth at the Center on September 24 to encourage older adults to learn about how to protect themselves against home repair scams.

Fund-raisers

The Friends of the Milwaukie Center, Inc. joined forces with Willamette Falls Symphony to present the Scents and Sounds on Sunday Concert Series during 3 Sundays in September. Over 600 people enjoyed the musical programs in the wonderful Sara Hite Memorial Rose Garden venue.

To date, the Nutrition Program has netted \$240 on the Masterpiece Cookie Dough sales. The cookie sales are ongoing so all interested parties are encouraged to feed their inner "cookie monster" – a 3 lb. tub of dough is only \$10. Flavors abound – chocolate chip, oatmeal raisin, peanut butter, white chocolate macadamia nut, sugar, fudge brownie with peanut butter chips, lemon drop, mint chocolate chip, tuxedo with walnuts....call 503-654-3030 to put in your order!

Coming up...

October 4, 10 am – 12 noon, Fall Garden Day. Bring your soil sample for pH testing and your gardening questions for the Master Gardeners of Clackamas County to help you.

October 18, 10 am – 4 pm, Bridge Tournament, sponsored by the Friend of the Milwaukie Center.

October 24 & 25, "The Best in the West" Bazaar – featuring 45 crafter tables, bake sale and snack bar deli. Supports Nutrition Program services for older adults.

November 15, 10 am – 4 pm, *Bridal Dreams* Bridal Fair – over 30 vendors, fashion shows, door prizes, gifts, good samples for people looking ahead at weddings. Sponsored by the Friends of the Milwaukie Center, Inc.

Riverfront Board Meeting
September 22, 2003
Minutes

Members Present: Wall, Verbout, Green, Loaiza, Martin, Klein, Stacey

Jeff King, from City staff, and representatives of the Oregon Downtown Development Association (ODDA) and SERA met with the Board to identify priorities the group had for Downtown or Riverfront Development. Input from this Board and other groups will be collated into a report to the City regarding how to move forward with projects identified in the Downtown Riverfront Plan. This project is funded by a grant from ODDA.

Herrigel described the history of the Riverfront Plan development. She noted that the next steps involved finishing the final design for Phase I, submitting the plan for Planning Commission approval and finally, developing Phase I. The largest stumbling block to all these activities is funding, she said. To that end, she is working on a brochure that will assist with fund raising and working with Ed Zumwalt to try to organize a luncheon for prospective funders.

Board comments included the following:

- The treatment plant removal seems to be on its own schedule and is not on our priority list (although members would love to see it gone)
- The McLoughlin widening project will be a catalyst for removing the remaining buildings on the Riverfront. Then we'll own the whole thing.
- The group reinforced their interest in an at-grade crossing of McLoughlin to facilitate pedestrian movement from downtown to the Riverfront.
- A potential crossing associated with the Kellogg Dam project was suggested.
- Parking is needed at the Boat ramp from February to April to accommodate anglers.
- It was noted that a walking loop around the City was an element of the original plan as was the highlighting of the various creeks we have throughout the downtown area.
- The group noted that they had conducted discussions with the Marine Board but that the Riverfront Board was unwilling to accept 20 year grant terms.
- The consultant stressed during plan development that if public funds were put forward, private funds would follow.

There was a discussion of tax increment financing and urban renewal for the Downtown area. The key, all agreed, is how to sell it. Herrigel noted that there had been an effort to do tax increment financing in the past and that it had been put on the ballot and defeated.

VII. B. 2

The group agreed that it would be a good to have a representative of the Waldorf school attend an up coming meeting to discuss Riverfront projects that their kids might be involved in. Herrigel said she would invite Ed Parecki to the next meeting.

Minutes

Mitch noted that he hadn't been present when a vote was taken at the last meeting. With that modification, the minutes of the August 4 meeting were approved 7-0.

McLoughlin Advisory Group

The group agreed that Dave Green would represent them on the McLoughlin Advisory Committee. Wall noted that his time would be "valuably invested." The group asked if they might attend these meetings to observe. Herrigel said she would look into it.

The next meeting of the Riverfront Board was set for November 3 at 6 pm. Paul Verbout volunteered to buy dinner.

Verbout motioned to adjourn and Stacey seconded. Motion passed 7-0.