

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
MARCH 4, 1997**

The one thousand seven hundred and sixty-second meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki, Mayor Jean Schreiber	Rob Kappa Don Trotter
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Absent: Carolyn Tomei

Also present:

Dan Bartlett, City Manager Charlene Richards, Assistant to the City Manager Pam Beery, City Attorney	Maggie Collins, Community Development Director Jim Brink, City Engineer Susan Heiser, Senior Planner JoAnn Herrigel, Program Services Coordinator
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**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Clackamas Basin River Council**

**Lowell Hanna** addressed the City Council as Milwaukie's representative to the Clackamas River Basin Council. He discussed current projects and upcoming meetings.

**CONSENT AGENDA**

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the Consent Agenda which consisted of the City Council minutes of February 18, 1997. Motion passed unanimously among the members present.**

**AUDIENCE PARTICIPATION**

None.

## PUBLIC HEARING

### Cole Addition Local Improvement District -- Ordinance

**Mayor Lomnicki** opened the public hearing on the formation of a local improvement district for sanitary sewer improvements in the Cole Addition at 7:08 p.m.

He explained the purpose of the hearing was to consider formation of a local improvement district. On January 21, 1997, the City Council adopted Resolution 3-1997 declaring its intention to form a local improvement district for sanitary sewer improvements in the area of Sherrett Street in the Cole Addition of the City. Notice of the public hearing on the proposed district was mailed to owners of property benefited by the proposed improvement on February 19, 1997.

The purpose of the public hearing was to provide an opportunity for the owners of benefited property to present oral and written testimony on the proposed district to the City Council for consideration. Property owners could submit or withdraw oral or written remonstrances prior to the close of the public hearing. A benefiting property owner not remonstrating prior to the close of the public hearing was considered to have waived any objections to the district's forming. Oral or written remonstrances by the owners of two-thirds of the property to be assessed for the proposed improvement would suspend formation of the district for at least six months. If insufficient remonstrances were received to suspend formation of the district, the Council would consider adoption of a proposed ordinance establishing the local improvement district.

Staff Report: **Brink** presented the staff report. The scope of work included 820 feet of sanitary sewer line and associated manholes. The current cost estimate was \$153,986. There are seventeen affected properties in the City of Milwaukie.

He reviewed information provided at previous City Council work sessions and discussed meetings with affected property owners. Staff recommended the interest rate for previously paid sewer assessments be established at 5.1% based on the Consumer Price Index (CPI).

**Councilmember Kappa** asked Brink if he had met with affected property owners since the last work session. **Brink** said he had not met with the property owners, but he did provide each with a letter based on Council direction.

Correspondence: **Mayor Lomnicki** entered a letter from **Larry Mingo**, 8551 SE 34th Street, Milwaukie, OR 97222, into the record. L. Mingo was opposed to the formation of the Cole Addition Local Improvement District. He indicated he did not understand why cesspools had to be replaced if they were not failing and felt the City should pay more of the cost. L. Mingo contended the City of Milwaukie made an error in a 1960's project making it impossible for the residents to hook up to the sanitary sewer at a time when costs were less.

Questions: **Don Mingo**, 3330 SE Sherrett, Cole Addition Lot 1, Block 2. He paid sewer fees for 33 years, but he was not actually hooked up to the system. When he purchased the property in 1964, Mingo said he paid the sewer assessment liens. He also received and paid water bills that included monthly sewer charges. At the time he purchased the property, the Realtor told him the property was not hooked up to the sewer, but City Hall assured him that it was. It was not until 1994 that a Public Works crew doing a smoke test determined he was indeed not on the system. At that time, he had the choice of either hooking up to the system immediately or waiting until his cesspool failed. He bought and paid for something he was never able to use. **Mingo** requested the City Council factor-in an additional 3% based on the interest he would have earned if he had invested in treasury bills instead of paying the sewer assessment and charges. He requested the City Council to provide him with a workable sewer system, and he would hook up and call it a draw.

**Mayor Lomnicki** said there seemed to be a question about the interest rate and asked Mingo if he was seeking a higher credit for his property. **Mingo** said he would call it even if the City of Milwaukie provided him with a sewer system.

**Councilmember Kappa** asked Mingo to be more specific. **Mingo** said he was supposed to be on the City's sanitary system. He wanted the City to run a lateral from the street in front of his house, and he would run a line to that.

**Anton Klobertanz**, 8616 SE 34th. He expressed concern about the engineering error that made it impossible for some residents to hook up to the system in the 1960's. He provided the City Council with copies of receipts issued in 1975 to show a comparison with today's costs. He felt he was being penalized twice: once for construction costs and then with increased property taxes.

**Councilmember Schreiber** noted the receipts were under the name of Feser. **Klobertanz** said the 1975 receipt was issues to his next-door neighbor, Mr. Feser.

**Councilmember Schreiber** asked Klobertanz what he expected of the City Council. **Klobertanz** said he would like the City Council to reduce the cost.

**Mayor Lomnicki** asked the basis for that request. **Klobertanz** said he felt property owners were being penalized for not being able to hook up to the system in 1975.

**Councilmember Trotter** asked what the \$94.60 payment was for. **Klobertanz** said it was for a sewer assessment in Ardenwald, and, as far as he knew, it was a one-time payment.

**Councilmember Kappa** asked for clarification of the connection between Feser and Klobertanz. **Klobertanz** responded the receipt indicated the payment made by Feser, the adjacent property owner, to connect to the system in 1975.

**Mayor Lomnicki** said the receipt establishes a relationship between 1975 and today's costs. **Klobertanz** added the project would cause a hardship because most of the property owners were either retired and on fixed incomes or young people raising families.

**Ralph Johnson**, 3426 Kathryn Court, supported the comments of the previous property owners. He also made a one-time payment of \$94.60. He was concerned that one month ago the property owners' shares were to be reduced by the amount of the Systems Develop Charge, \$893, but now the reduction was only \$327 per property. **Johnson** said one Councilor stated the entire amount should be credited to the property owners, and he agreed that was appropriate. This is an area of established homes not a new development.

**Gerald Huntley**, 3464 SE Sherrett, addressed Council with issues similar to Johnson's. The affected properties were developed many years ago, and the homes are still occupied by the original owners. He maintained the SDC fees came into effect because of Ballot Measure 5, and he believed these fees should not be retroactive. SDCs are appropriate only to new development. Property owners are being penalized for an engineering error made many years ago. **Huntley** addressed the Council's concern that a precedent would be set. Brink previously indicated this was the largest unsewered area in the City of Milwaukie. Other unsewered areas consisted of only one or two properties. He urged Council to waive the entire SDC fee.

**Mayor Lomnicki** asked, for clarification, if these comments were to be considered by the City Council as remonstrances.

**Mingo** said he did not wish to remonstrate against the formation of the LID. He was, however, interested in fairness and equity.

**Klobertanz** said his comments were not a remonstrance.

**Johnson** said he did not intend to remonstrate against the LID. Property owners would have been able to hook up to the system if there had not been an engineering error.

**Huntley** said he did not intend to remonstrate.

**Blase Heller**, 3415 SE Kathryn Court, expressed his concerns about the project. He suggested the City develop better financial incentives for the affected property owners. He indicated his comments were not intended as a remonstrance.

Testimony in Support: None.

Testimony in Opposition: None.

There were no further remonstrances or testimony.

Staff Comments: **Brink** said the suggestion to waive the SDC was a premature recommendation by staff. The municipal code does not allow the Council to waive SDC fees. He summarized staff's proposal to apply a credit for the infrastructure. Many of the homes have existing and functioning cesspools, but he felt it was a matter of time until these began to fail. There was no connection between the cesspools and the drinking water quality. He discussed the earlier sanitary sewer development and indicated staff was confident that no earlier assessment payments had been overlooked. He addressed the additional 3% requested by D. Mingo. He felt the percentage based on the CPI was a more appropriate guideline than an investment rate.

**Brink** agreed it was unfortunate the property owners could not have connected to the system in 1975. He discussed the potential for water, sewer, and street improvements in the area. He felt these combined projects would be a major benefit to the neighborhood.

**Councilmember Schreiber** suggested other utilities go underground since the street would be open. **Brink** said the property owners would have to be willing.

**Councilmember Kappa** asked if the amount of the credit was based on the CPI. **Brink** said it was the rate for the existing infrastructure.

**Mayor Lomnicki** made a final request for remonstrances.

Questions from the Council: **Councilmember Kappa** asked if the comments in L. Mingo's letter regarding neighborhood greenspaces were legally valid. **Beery** said the comments were not relevant to forming this LID.

Close of Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the formation of the Cole Addition Local Improvement District at 8:10 p.m.

Remonstrance Calculations: **Mayor Lomnicki** said there was one written remonstrance from Mr. Larry Mingo. This was not a sufficient number of remonstrances to suspend formation of the LID.

**Bartlett** referred to the sixth "Whereas" paragraph of the proposed ordinance in which figures should be added to read as follows: *"there are 17 benefited properties, and there was a total of one remonstrance representing .05938 of the land area."*

**Beery** said the assessment would not be spread at this time. The City Council determines at this session whether or not to form the LID. There will be another hearing scheduled after the work is completed to establish the assessment amounts.

Deliberation and Vote: **Councilmember Kappa** asked if the equity questions would be addressed at a later hearing. **Beery** said that was correct.

**Mayor Lomnicki** said the City will begin the work and return to the affected property owners with a dollar amount. **Beery** said the property owners may contest the benefit of the assessment amount at a subsequent hearing during which the City Council will consider an ordinance spreading the assessment among affected properties.

**Mayor Lomnicki** said at that time the property owners can address the City Council regarding the equity of the assessment. **Beery** added, by going forward with this decision, the City Council forms the LID and also recognizes there will be a City share of the costs.

**Councilmember Schreiber** wanted it to be clear that if the City Council adopted the ordinance, the project would be done. Property owners will be assessed, but the amount is yet to be determined. **Beery** indicated a preliminary process outline on page eight of the staff report.

**It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Cole Addition Local Improvement District for sanitary sewer improvements for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.**

**It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Cole Addition Local Improvement District for sanitary sewer improvements for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.**

**It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the ordinance establishing the Cole Addition Local Improvement District for sanitary sewer improvements. Motion passed unanimously among the members present.**

**ORDINANCE NO. 1815:****AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
ESTABLISHING THE COLE ADDITION LOCAL IMPROVEMENT  
DISTRICT FOR SANITARY SEWER IMPROVEMENTS.****Furnberg Park Master Plan -- File CPA-96-02 -- Ordinance**

**Mayor Lomnicki** called the public hearing on the proposed Comprehensive Plan amendment to order at 8:25 p.m.

The purpose of the hearing was to consider adopting the Furnberg Park Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan. He reviewed the order of business and the conduct of the hearing.

Staff Report: **Heiser** presented the staff report in which the City Council was requested to consider an ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. Furnberg Park is a 2.64 acre site in the Cedarcrest subdivision of the Linwood Neighborhood. She summarized the proposed improvements. The Planning Commission held a public hearing on the matter on January 28, 1997, and unanimously recommended the Master Plan to the City Council for adoption. Staff concluded the Planning Commission findings met the criteria for amendments to the Comprehensive Plan.

**Councilmember Kappa** asked if the Walker & Macy report would be the ancillary document. **Heiser** said that was correct.

Correspondence: None.

Testimony in Support: None.

Testimony in Opposition: None.

Staff Comments: None.

Questions of Clarification: None.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the Comprehensive Plan amendment at 8:32 p.m.

Discussion among Councilmembers: **Councilmember Schreiber** said she represented the City Council during the planning process and felt, based on public input, the park was designed to meet the needs of the neighborhood.

**Councilmember Kappa** said this was an excellent use of tax dollars.

**Councilmember Schreiber** added for clarification that the Master Plan was being approved now, and the improvements will be made later.

**Councilmember Trotter** added the Planning Commission findings were accurate from the standpoint that the proposed Master Plan meets the goals of the Comprehensive Plan.

**Mayor Lomnicki** said he felt this was a very good ancillary document and expressed his appreciation to all who worked on the project.

Determination Findings and Decision:

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Trotter** to read the ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Trotter** to read the ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.

It was moved by **Councilmember Schreiber** and seconded by **Councilmember Trotter** to adopt the ordinance adopting the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. Motion passed unanimously among the members present.

**ORDINANCE NO. 1816:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
AMENDING ORDINANCE NUMBER 1437, THE COMPREHENSIVE  
PLAN (CPA-96-02) BY ADOPTING THE FURNBERG PARK MASTER  
PLAN AS AN ANCILLARY DOCUMENT.**

## OTHER BUSINESS

### Accept Transfer of Cable System from Jones Intercable to TCI-- Resolution

**Herrigel** presented the staff report in which the City Council was requested to adopt a resolution giving the City's consent, with conditions, to the transfer of Milwaukie's cable television system from Jones Intercable to TCI - Georgia. The action would include authorization for the City Manager to sign an Assumption Agreement in which TCI agrees to comply with and perform in accordance with the existing franchise agreement. She discussed sections 6, cable hook-ups for City facilities; 7, institutional facilities; and 11, phone answering system. TCI has agreed to provide at least 1.5 people to operate the cable access studio. An audit indicated equipment met or exceeded franchise agreement requirements.

**Councilmember Trotter** asked for confirmation that the Sabin Skill Center was part of the institutional network. **Herrigel** said she believed the Skill Center was already hooked up, but she would confirm that.

**Councilmember Trotter** referred to the assumption agreement. The language referred to a good faith effort to complete certain elements by September 1, 1997. He asked if these would be outstanding items if not completed by that time. **Beery** said that was correct and indicated she was confident the City would have adequate leverage in the franchise renewal process.

**Councilmember Schreiber** said there is a concern in the community about fees and asked if there was any information on that subject. **Herrigel** responded that rates are set in compliance with FCC rules, and the City would have an opportunity to challenge charges in the future.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the resolution approving the transfer of the cable television franchise with staff's recommendations and authorize the City Manager to sign the assumption agreement.**

**Neal Sullivan**, Jones Intercable, and **Bill Tierny**, TCI, thanked General Manager Mike O'Leary and his staff for sustaining a quality system in the City of Milwaukie.

**Motion passed unanimously among those members present.**

#### RESOLUTION NO. 9-1997:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE.**

### Bid Awards for Storm Projects

This item was withdrawn to be continued to the regular City Council session on March 18, 1997.

### Amend Purchase Order to City of Portland for Sewage Treatment Costs

**Bartlett** presented the staff report in which the City Council was requested to authorize the interim Public Works Director to increase purchase order #970303 by \$100,000 for the purchase of sewage treatment services from the City of Portland. The causes appear to be an increase in the City of Portland's treatment rates, an increase in commercial usage, and the temporary decommissioning of the Brookside lift station.

**Councilmember Schreiber** asked if there were funds for this action. **Bartlett** said the amount was budgeted.

**Mayor Lomnicki** asked what the effect would be since the City of Milwaukie is more dependent on Portland. **Bartlett** said a financial consulting firm is looking at the potential for a split-rate system. The Citizens Utility Advisory Board will review the findings and make a recommendation to the City Council.

**Councilmember Kappa** said he would like to know the percentage of Milwaukie residences served by the City of Portland. **Bartlett** said he would ask the Finance Department to respond to that question.

**Councilmember Schreiber** asked if there would be an impact on next year's budget. **Bartlett** responded there is a certain amount of money budgeted for sewage treatment whether it is paid to the City of Portland or the Clackamas Service District. Information from the rate study, he added, should be available by May or June.

**It was moved by Councilmember Kappa and seconded by Councilmember Trotter to authorize the interim Public Works Director to increase purchase order #970303 by \$100,000 for the purchase of sewage treatment services from the City of Portland. Motion passed unanimously among the members present.**

### Bid Award for Public Safety Building Remodel

**Bartlett** presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract with DGS General Contracting, Inc., in the amount of \$46,100 for the Public Safety Building remodel project. There are funds available in the budget for this project. The project includes relocation of the reception area and interior offices to improve traffic flow.

**Councilmember Kappa** asked if there would be any protective glass for the reception area. **Bartlett** said there would not.

**Councilmember Kappa** felt it was important to make it clear that these funds could not be transferred. **Bartlett** said these funds are from the contingency of the bond sale. The contingency has lasted over three years and has been drawn from to make these types of improvements.

**Councilmember Kappa** asked what would take the place of the old reception area. **Bartlett** said that would become the waiting area.

**Councilmember Schreiber** referred to discussions in the past about re-routing vehicular traffic and asked if anything action would take place on that issue. **Bartlett** said there had been no further discussions of that issue.

It was moved by **Councilmember Kappa** and seconded **Councilmember Trotter** to authorize the City Manager to sign a contract with DGS General Contracting, Inc., in the amount of \$46,100 for the Public Safety Building remodel project. Motion passed unanimously among the members present.

#### INFORMATION

**Councilmember Trotter** announced the Parks District budget process would begin March 13, 1997.

#### **ADJOURNMENT**

**Mayor Lomnicki** adjourned the meeting at 9:15 p.m.

  
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Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
MARCH 4, 1997**

**MILWAUKIE CITY HALL**  
10722 SE Main Street

**1762nd MEETING**

A reception will be held for Linda Mullen from 4:30 p.m. - 6:00 p.m. in the conference room.

**WORK SESSION**

6:00 - Council Information Sharing  
6:15 - Televising City Council Work Sessions

**REGULAR SESSION**

7:00 p.m.

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

**Lowell Hanna -- Clackamas River Basin Council**

- III. **CONSENT AGENDA** *(These items are considered to be routine, and therefore, will not be allotted Council discussion time on the agenda. The items may be passed by the Council in one blanket motion. Any Council member may remove an item from the "Consent" portion of the agenda for discussion or questions by requesting such action prior to consideration of that portion of the agenda.)*

**City Council Minutes of February 18, 1997**

- 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.)*
  - A. **Cole Addition Local Improvement District -- Ordinance (Jim Brink)**
  - B. **Furnberg Park Master Plan -- File CPA-96-02 -- Ordinance (Susan Heiser)**

6980-259

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

- A. Accept Transfer of Cable System from Jones Intercable to TCI -- Resolution (JoAnn Herrigel)**
- B. Bid Awards for Storm Projects (Ruthanne Bennett)**
  - 1. 34th and 35th Stormline Construction**
  - 2. 40th Avenue Extension Stormline Construction**
- C. Amend Purchase Order to City of Portland for Sewage Treatment Costs (Dan Bartlett)**
- D. Bid Award for Public Safety Building Remodel (Dan Bartlett)**

**VII. INFORMATION**

**VIII. ADJOURNMENT**

**EXECUTIVE SESSION**

*At the end of the regular meeting, the Council may hold an Executive Session under the authority of Oregon Revised Statutes 192.660 as needed.*

*For assistance/service per the Americans with Disabilities Act (ADA), dial TDD 786-7555.*

# Two Concepts of Government

## 1. The Vending Machine



- Based on service delivery
- Undermines confidence in government and allegiance to government
- Contributes to passive consumerism
- "Deficit" model

## 2. Barn-Raising



- Based on everyone's unique contributions
- Promotes citizen responsibility
- "Asset" model

## **STRATEGIES FOR THE THIRD MILLENNIUM**

- **VISIONING**
- **COMMUNITY LEADERSHIP DEVELOPMENT**
- **MEDIATING INSTITUTIONS**
- **NEIGHBORHOOD POWER**

**GIVEN THESE NEW REALITIES, WHAT ARE IMPLICATIONS  
FOR LOCAL GOVERNMENT IN HOW WE DO OUR WORK?**

# Clackamas watershed council member asks public input

## RIVER BASIN COUNCIL

The Clackamas River Basin Council comprises 21 voting members, representing 20 groups that have a stake in the issues:

1. Cole Gardiner — Oregon Department of Fish & Wildlife
2. John Berry — U.S. Forest Service/Bureau of Land Management
3. Bill Atherton — government agencies
4. Gerry Willits — small wood-lot owners
5. Bryan Cox — special districts
6. Lowell Hanna — water providers
7. Don Miller — utilities
8. Herman Stepberger — commerce
9. Wayne Arnold — private industry
10. Jim Calcagno — agriculture (non-timber)
11. Randy Roop — environmental interests
12. Larry Palmer — recreation interests
13. Ed Hendrix — commercial wood products
14. Pete Mesteth — American Indian interests
15. Lloyd Marbet — citizen at large
16. Lori Dante — citizen at large
17. Marv Pemberton — education/youth
17. Stanley Stevens — property owners
18. Hazel Stevens — rural community planning organization
19. Barbara Kemper — urban community planning organization
20. to be announced — American Indian tribes

The officers that were elected are:  
 Chairman — Lloyd Marbet  
 Co-chairman — Bill Atherton  
 Secretary — Barbara Kemper  
 Treasurer — Herman Stepberger

By LORI DANTE

What do Warner Bros., mudslides, Ameri-corp, Portland General Electric, Metro and every third Thursday of the month have in common?

They were topics of discussion at the first meeting of the Clackamas River Basin Council on Jan. 30 at Clackamas Community College. The agenda was jampacked and the council wasn't even in an organizational form, as far as electing chairpersons, secretary and treasurer. What ensued was a roller-coaster ride of intensity.

You may ask, "What is a Clackamas River Basin Council?" as I did a few months ago. In Oregon, there are approximately 80 watersheds — rivers with their tributaries. Of these 80 rivers, there are 60 that are impacted by communities to the extent that they are considered to be managed by we, the people, who drink, clean, work and play with this abundance.

However, as in the case of the Clackamas River, we who live along the banks and the flood plains of this tributary to the Willamette River realize that management of the watershed is largely decided upon in other parts of the country. Practically 72 percent of the land base of the Clackamas basin is federally owned — U.S. Forest Service and the Bureau of Land Management.

Even though we pay taxes to

## MY TURN



Lori Dante is a citizen-at-large member of the Clackamas River Basin Council. A watercolorist and free-lance writer, she lives in Milwaukie with her three children.

maintain these agencies' resource extraction policies, and are directly impacted downstream, we have no effect on any decision-making that is implemented upstream from our towns and homes. If PGE gets its way, most of the dams on the Clackamas will be managed from Texas, including our electrical rates.

GWEB is a state program that stands for Governor's Watershed Enhancement Board. The board is offering funding to grass-roots representational councils to bring to the table groups that have a major stake in watersheds. This is so that local people can bring varied interests to a consensual meeting of the minds and offer collective advice for the management policies in our individual watersheds.

As you can imagine, reaching consensus with industry, private landowners, agriculture, educators and governmental agencies, not to mention citizenry, will take not only patience and humility, but time.

When you consider that council

members, along with alternates, are volunteers who are pressed by issues that demand resolution yesterday, you will begin to get a sense of the electricity that was snapping through the Jan. 30 meeting.

Bearing gifts for our newly formed assembly were Americorp and the University of Oregon. These institutions joined hands to present the council with a RARE (Resource Assistance for Rural Environments) opportunity in the form of Corrinne Humphrey, who will work for the council relatively free of charge. This will be complete with office and equipment for three months as our coordinator, grant writer extraordinaire. I say relatively free because Clackamas County will match a portion of the costs with \$15,000. How could we refuse? If we decide to retain this gift longer, RARE will provide Humphrey's services full time for the remainder of the year if we match 25 percent of the funding. This would be with our chickens that haven't yet been hatched, which Humphrey will incubate in the form of grants.

As the evening freight-trained at breakneck speed, we tried to keep the flow of traffic moving while the agenda multiplied like rabbits in three hours. Lloyd Marbet, our chairman, tried valiantly to keep track of those who wanted to speak from the council, as well as the alternate council members and the public.

Some of the issues were: picking a representative to attend Metro meet-

ings; Warner Bros. eliciting our support for a proposed Kevin Costner film to be partially shot up at Three Lynx; selecting a committee to guide Humphrey with grant writing in time for the Feb. 28 deadline; Mark Rappaport offered members a large spiral-bound glossy book about the future of ecosystem management, complements of Boise Cascade; the question arose as to when alternates should be allowed to speak during deliberations — followed by much debate; who would represent the council at a statewide meeting of watershed councils to discuss the president's Option 9 forest plan; and a representative for the Oregon Natural Resource Council presented photos of a major landslide along Fish Creek.

All this in three hours! For many of us, it was the first time we had eyeballed each other and, speaking for myself, "Robert's Rules of Order" is a little understood dance that I had to fake. A few times,

I could feel the scarlet heat of embarrassment rising, letting me know I was out of my league, but hey, wait a minute. I'm a citizen trying to represent the largest body of stakeholders in a highly competitive big money game.

I don't have the funding or experience to be a bureaucrat, nor do I want to. What I do want is your input, those of you who live in Clackamas County. I would like to inform you of the events and decisions that are happening upstream that heavily impact us downstream, so you can voice your desires about

the future well-being of our life source — land and water. Idealism and altruism is what grass-roots watershed decision-making is about.

We may not get to decide American foreign or economic policy, but we have a shot at deciding future management of our beautiful homeland in the Clackamas River Basin Watershed. I hope that you, like me, prefer that industry serve us, rather than us serving industry our lands and water on a silver platter to profit but a few. More will be revealed when we meet next. I will provide you with a council phone number and e-mail address.

Do you have an issue you feel strongly about? An experience you want to share? "My Turn" is an opportunity to express yourself. Submissions should be about 800 words, or three typewritten, double-spaced pages. Write to: MetroSouth Bureau, The Oregonian, P.O. Box 5029, Oregon City, Ore. 97045, or send a fax to 656-2417. Please include a telephone number where we can reach you during the day.

High  
&  
Mighty

TALL & BIG

MENS CLOTHING

**CITY OF MILWAUKIE  
CITY COUNCIL WORK SESSION  
FEBRUARY 18, 1997**

**Mayor Lomnicki** called the work session to order at 5:35 p.m. in the second floor conference room in City Hall.

Present were Councilmembers Tomei, Schreiber, Kappa and Trotter.

Also present: City Manager Dan Bartlett; Assistant to the City Manager Charlene Richards; City Attorney Pam Beery; Fire Chief Randy Bruegman; Interim Public Works Director Mike Swanson; City Engineer Jim Brink; and Building Official John Bennett.

**Information Sharing**

1. **Councilmember Kappa** discussed representation on the Clackamas River Water Group.
2. **Councilmember Schreiber** asked the City Council for comments she could provide MPAC regarding Metro code amendments and future land use impacts. **Mayor Lomnicki** indicated his feeling Happy Valley should be protected and there should be no general statements regarding the future of entities such as Damascus.
3. **Mayor Lomnicki** discussed city/county/state transportation funding issues currently before the legislature.
4. **Mayor Lomnicki** discussed DEQ's "*Clean Air Action Day*" and suggested the City of Milwaukie show its support for the program. **Bartlett** said the City of Milwaukie has programs in place through Metro and DEQ grants, and he did not feel staff could take on another project. He added this coincided with the City's annual "*Down to Earth Day*" program. **Councilmember Tomei** felt the City's image was important and suggested finding a project that would not be too time consuming. **Mayor Lomnicki** suggested, rather than implementing new programs, looking at changing practices. **Councilmember Trotter** recommended completing the pledge form noting Nancy Bond as contact the person.

## **Water Source Study**

**Brink** introduced Jim Helton, P.E., of Murray, Smith & Associates, Inc. (MSA).

**Helton** said he has done work for the City of Milwaukie since the early 1980's as a member of Cunningham & Associates. After the 1994 merger with MSA, he continued his work with the City.

The report before City Council at this meeting was an update of the 1993 Water Source/Demand Study. The purpose of the Study was to identify the City's needs for the next twenty years and to evaluate the options to meet current and future demands. The report also contained information regarding capital improvements to expand supply capabilities and to supplement the existing groundwater supply during peak demand. On peak demand days, the City is near its 6.6 million gallon capacity. The updated study was also supplemented with information from the recently completed Regional Water Supply Plan. The current situation was: no change in the aquifer capacity, no increase in the contamination level, and effective operation of the treatment facility. **Helton** added that DEQ was unable to find the origin of the contamination, and funding was depleted. DEQ still, however, holds the position that the City could be held responsible for changing the direction of the contamination if a new well were drilled.

**Helton** outlined the options for supplemental water sources. These included drilling a new well; purchasing water from the City of Portland, Clackamas River Water (CRW), or Oak Lodge Water District (OLWD); building a supplemental storage; and continuing with the Regional Water Supply Plan recommendations.

Purchasing water from the City of Portland is no longer a feasible alternative. Regional demands have increased, and Portland's transmission system is reaching capacity.

CRW currently has surplus capacity, connection points to meet incremental water demands, and water quality similar to Milwaukie's. The City of Milwaukie would be required to pay a capacity charge to ensure water would be available when needed. A designated amount of water would have to be purchased each day of the year, and CRW has expressed willingness to enter into an agreement.

**Councilmember Schreiber** asked if the City of Milwaukie would have to accept the daily water purchase in this scenario. **Helton** said the quantity would be about .75 million gallons per day (mgd).

**Mayor Lomnicki** asked if water could be “banked” if it was not used. **Helton** indicated CRW’s charges would be based on peak water demands and the system operating expenses. The same amount would be charged year-round. He added there would be a significant penalty for overuse. Rates could also change based on the number of entities being supplied and their usage.

**Helton** reviewed the next option which was purchasing water from OLWD. It is currently constructing a slow-sand filtration facility on the Clackamas River. When that facility is completed later this year, OLWD will no longer purchase water from CRW. The new facility will also provide supplemental water supplies to Mt. Scott and Damascus Water Districts. OLWD would be willing to sell Milwaukie water on a standby basis with no purchase minimum. The potential problem with this option was that it would be unknown if the water would be there when Milwaukie needed it. The group discussed transmission lines between the water suppliers.

**Helton** discussed the Clackamas Basin Water Authority concept. In 1994 it was determined this option would not be feasible for the City of Milwaukie and six other water purveyors, so the project was discontinued.

The next option was to build storage to accommodate additional volumes. According to **Helton**, this strategy would probably be effective for about five years while Milwaukie developed a permanent supply source to meet future needs.

The final point **Helton** discussed was following the Regional Water Supply Plan recommendation of using resources as efficiently as possible. The final report stressed coordination between suppliers to efficiently use current resources before developing any new supply sources. The Plan further recommended the City of Milwaukie use the Clackamas River Basin for its future water supply needs.

**Helton** said a numerical ranking system was developed, and the CRW option scored the highest. Storage development was second. Milwaukie must decide whether to pursue the surface water option or to find additional ground water. An agreement with CRW would probably have the most long-term benefits if the City chose the surface water alternative. CRW could supply Milwaukie with 2 million gallons without making any improvements. Beyond that point, the City would have to participate in funding system upgrades.

**Councilmember Kappa** asked why, instead of simply being a customer, the option of the City’s buying into a larger system was not considered. **Helton** said the study focused on supplemental issues. **Bartlett** added the City Council directed that Milwaukie should not participate in the Water Authority proposal.

**Helton** said the final recommendation was to maintain emergency connections with other providers in the event of a well field problem.

**Councilmember Schreiber** asked who is planning for future water needs in the unincorporated area between Happy Valley and Boring/Damascus. **Helton** said both Mt. Scott and Damascus Water Districts are considering serving the area. All of the providers have water rights on the river and can meet the projections of the 2040 Plan.

**Councilmember Kappa** referred to the staff report. The chart indicated the twenty-year cost of purchasing water from OLWD was about \$10.1 million. **Helton** said that was the total water supply cost. He referred to page A-21 of the study which gave a summary of water supply costs over a twenty-year period.

**Councilmember Trotter** asked two questions related to storage. How much land and what size facility would be needed for the short term? **Helton** responded two acres would probably be sufficient; however, no site-specific study has been done. **Councilmember Trotter** asked if the City of Milwaukie would need a storage facility if it supplemented its current supply from OLWD or CRW. **Helton** said storage amounts should be increased to meet emergency situations.

**Mayor Lomnicki** said he understood from Helton's comments that the City would not be wasting funds if it were to construct a storage facility. **Helton** said that was correct.

**Councilmember Trotter** said the City of Milwaukie could develop short-term storage and then move toward purchasing water. **Helton** pointed out CRW would have an excess capacity when the OLWD filtration facility was complete. The City of Milwaukie is in a good bargaining position now, but the appropriate point in time to enter into a contract would have to be determined.

**Mayor Lomnicki** asked if the usage figures included full build-out to I-205. **Helton** said the figures include the area within the current city limits and dual interest areas A and B. He added current peak usage is about 6.7 million gallons per day (mgd) with an average of 2.75 mgd. **Mayor Lomnicki** said based on these numbers peak days would be 15 mgd with an average daily usage of 6 mgd if the City were to build out and double in size.

**Mayor Lomnicki** discussed the potential of storing ground water and never needing to enter into a purchase agreement with another water supplier. The City can always draw from ground water to meet capacity and purchase on an emergency basis. **Helton** said peak consumption takes place once every year or two. He pointed out, however, it is not known if the aquifer can supply that amount of water on a daily basis. Water stored over a long period of time can also become stagnant.

**Bartlett** pointed out the City is close to an SB 122 agreement as long as CRW is a wholesale provider.

**Councilmember Kappa** referred to the recommendation on page two of the staff report and asked for clarification. **Brink** said staff's initial recommendation was the additional storage option followed by the recommendation to purchase water from CRW on a daily basis. He felt water storage would carry the City through the short term into the long-term option of seeking an outside, supplemental source.

**Mayor Lomnicki** adjourned the work session at 6:55 p.m.

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Pat DuVal, City Recorder

**CITY OF MILWAUKIE  
CITY COUNCIL MEETING  
FEBRUARY 18, 1997**

The one thousand seven hundred and sixty-first meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:05 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,  
Mayor  
Carolyn Tomei

Jean Schreiber  
Rob Kappa  
Don Trotter

Also present:

Dan Bartlett,  
City Manager  
Charlene Richards,  
Assistant to the  
City Manager  
Pam Beery,  
City Attorney  
Angus Anderson,  
Finance Director

Randy Bruegman,  
Fire Chief  
Mike Swanson,  
Interim Public Works Director  
Jim Brink,  
City Engineer  
John Bennett,  
Building Official

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

**Presentation of 1995 - 1996 Comprehensive Annual Financial Report and Audit**

**Anderson** presented the Comprehensive Annual Financial Report (CAFR) for the City of Milwaukie Fiscal Year 1995 - 1996. The City's auditor, Grove, Mueller, Hall & Swank, P.C., provided the Budget Committee with a detailed review of the CAFR and responded to the group's questions. The auditor's opinion was that the general purpose financial statements fairly represented the City's financial position as of June 30, 1996, and conformed with generally accepted accounting principles.

**Certificate of Achievement for Excellence in Financial Reporting**

**Dave Boyer**, Multnomah County, presented the Milwaukie City Council with the *Certificate of Achievement for Excellence in Financial Reporting* for the fiscal year ending 1996. He pointed out this award was presented to only about 1,300 municipalities annually throughout the US and Canada, and this was the seventh consecutive year the City of Milwaukie received this award.

## CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the Consent Agenda which consisted of the City Council minutes of February 4, 1997. Motion passed unanimously.

AUDIENCE PARTICIPATION -- None.

PUBLIC HEARING -- None scheduled.

## OTHER BUSINESS

### Municipal Code Building Amendment

Swanson introduced John Bennett, Building Official. Bennett said the purpose of the proposed ordinance was to bring the City of Milwaukie program into compliance with current state legislation. The ordinance was an integral part of compliance with SB 35 in which jurisdictions are required to file a four-year plan with the state Building Codes Division. In order to meet the filing deadline of March 1, 1997, an emergency clause was added. The ordinance was reviewed by the City Attorney.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the ordinance adopting Oregon Revised Statutes, Administrative Rules and Specialty Codes related to building construction, and improvements within the jurisdiction of the City of Milwaukie, delegating administration and enforcement to the Building Official, and declaring an emergency for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the ordinance adopting Oregon Revised Statutes, Administrative Rules and Specialty Codes related to building construction, and improvements within the jurisdiction of the City of Milwaukie, delegating administration and enforcement to the Building Official, and declaring an emergency for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the ordinance adopting Oregon Revised Statutes, Administrative Rules and Specialty Codes related to building construction, and improvements within the jurisdiction of the City of Milwaukie, delegating administration and enforcement to the Building Official, and declaring an emergency. Motion passed unanimously.

**ORDINANCE NO. 1814:**

**AN ORDINANCE ADOPTING OREGON REVISED STATUTES, ADMINISTRATIVE RULES AND SPECIALTY CODES RELATED TO BUILDING CONSTRUCTION, AND IMPROVEMENTS WITHIN THE JURISDICTION OF THE CITY OF MILWAUKIE, DELEGATING ADMINISTRATION AND ENFORCEMENT TO THE BUILDING OFFICIAL, AND DECLARING AN EMERGENCY.**

**JPACT Nomination**

**Mayor Lomnicki** discussed the Clackamas Cities' position on JPACT.

**Councilmember Kappa** nominated **Mayor Lomnicki** and **Councilmember Tomei** seconded. The nomination to put **Mayor Lomnicki's** name on the ballot as Clackamas Cities' JPACT representative passed unanimously.

**INFORMATION**

**Bartlett** discussed the information item regarding the Governor's Symposium on Smart Development.

**Mayor Lomnicki** announced that an executive session pursuant to ORS 192.660 to discuss labor relations, property acquisition, and to consult with legal counsel would be held immediately following adjournment of the regular session.

**ADJOURNMENT**

**Mayor Lomnicki** adjourned the meeting at 7:25 p.m.

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Pat DuVal, Recorder/Secretary

## EXECUTIVE SESSION

**Mayor Lomnicki** called the executive session to order for the purposes of labor relations, property acquisition, and consultation with legal counsel. Those present were the City Council, City Manager, City Attorney, Assistant to the City Manager, and Fire Chief.

**Charlene Richards**, Assistant to the City Manager, reported on a personnel matter involving the Fire Union. On occasion, the parties have agreed to individual exceptions to the labor agreement. These exceptions were mutually agreed to and did not set precedent. The parties discussed an exception that would benefit all parties. The proposed agreement is within the City Manager's authority and can be signed off by the union's bargaining agent. **Randy Bruegman**, Fire Chief, explained the issue. He noted that the proposal was similar to practices in other fire departments. **Dan Bartlett** indicated he planned to sign the agreement based on the request from the firefighter and concurrence from the bargaining agent. At this time, the Fire Chief and Assistant to the City Manager left the room.

The City Manager distributed a Court Protective Order and an Appeal Application. **Pam Beery**, representing the City Attorney's Office, discussed the legal issues and appropriate Council response for these items. Councilors discussed appropriate action and asked questions of Ms. Beery. The City Manager discussed the manner in which the City prosecutes cases. **Ms. Beery** discussed the issues involved. Both issues were thoroughly discussed and appropriate Council action noted.

The City Manager distributed a spreadsheet listing proposed offers on real property transactions. He reviewed the status of various transactions and asked Council for direction. Councilors discussed property acquisition procedures and the locations of the various properties. **Bartlett** noted the prices paid for previous purchases. Concern was expressed over the difference between appraised value and the assessor's values. **Bartlett** noted the final action on any transaction would be brought before Council at a regular meeting.

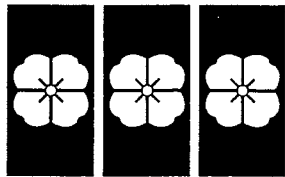
Council discussed the status of a possible property donation. **Bartlett** noted that Mr. Tashman had contacted the owner, and the owner indicated he did not want to donate the property. Council discussed other options. Staff was directed to bring the matter back to Council for action.

The executive session adjourned at 9:00 p.m.

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Dan Bartlett, City Manager

C I T Y O F



MILWAUKIE  
MEMORANDUM

February 20, 1997

**TO:** Mayor and City Council

**THRU:** Dan R. Bartlett, City Manager *DB*

**FROM:** Jim Brink, City Engineer *JEB*

**SUBJECT:** Cole Addition Local Improvement District (also known as the Sherrett St Sanitary Sewer Project)

**Action Requested:**

- a. Hold a public hearing concerning the formation of a Local Improvement District (LID) to construct sanitary sewer improvements that would benefit 17 tax lots in the Ardenwald neighborhood.
- b. Adopt a resolution creating the Cole Addition Local Improvement District, order the construction of sanitary sewer improvements, direct proposals be requested, and set forth the method of assessment and the method of financing (Draft ordinance is at Attachment A).

**Purpose:** Hold a public hearing concerning the proposed Cole Addition LID and, if approved, adopt an implementing resolution.

**Background:**

- 1. City Council stated its intention to form the LID, to make improvements, and to hold a public hearing to receive remonstrances by Resolution No. 3-1997.
- 2. The hearing is scheduled for March 4, 1997.

**Discussion:**

- 1. Notification of the public hearing was mailed to all affected property owners on February 19, 1997.
- 2. A recap of City Council guidance to staff on major issues was also mailed to affected property owners with a spread sheet showing probable costs (Attachment B). Credit for either previously paid sewer assessments or sewer usage fees was not included in the calculations. Credit for early connection was also not included in the calculations. These credits will be applied on a case by case basis.
- 3. A summary of major issues is as follows (issues are summarized in the same order as in the memo to property owners):
  - a. Credit for value of existing private infrastructure that would be abandoned and additional incentive(s) to connect immediately to the public sewer system. Herein lies the issue of increasing the City share from 25% to 28%.
  - b. City of Milwaukie (COM) financing of the private sewer connection.
  - c. Credit for previous assessments and at what interest rate.
  - d. Who pays for change orders.
  - e. Reasons for doing the sanitary sewer improvement now rather than later.

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- f. Maximum amount of time to connect to the public sewer system.
- g. The cost to property owners for the improvement (the spreadsheet at Attachment B shows estimated project costs and the breakdown of costs).
- h. The amount the City share of the project cost.
- i. City financing options for both the LID assessment and the private sewer connection.

4. Other property owner issues:

- a. The belief by some that their homes should have been connected to the public system in 1975 (the date of the last sanitary improvement in the south part of Cole Addition) when the assessment cost was approximately \$1000 and the cost of a private connection was \$175. Current costs are 7 to 8 times more expensive.
- b. Concern that an engineering mistake may be made (related to 4a).
- c. Payment of the Systems Development Charge of \$893 per residence. By Chapter 13.28 of the Milwaukie Municipal Code, payment of the SDC is not negotiable.
- d. Mr. & Mrs Donald Mingo may make the case that they should not be included in the LID because they paid sewer usage fees for thirty (30) years. They are being given credit for their payments. The Mingos should be included; otherwise, the City or the other residents will have to pay the Mingo share which is estimated to be \$2008 after credits.

5. Other issues:

- a. A major factor in favor of the project is that the City can program funds for a street overlay much earlier than otherwise possible. The Public Works plan is to move the FY 2000-2001 water line improvement project to 1997-1998. Once the water line and sanitary sewer line projects are complete, then an asphalt concrete overlay can be done. The estimated time frame is 1997-1998 or 1998-1999 depending on availability of street capital improvement funds.
- b. The project start date may have to slip to July 1, 1997 because of a funding issue within the City of Portland.

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MILWAUKIE, OREGON  
ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON ESTABLISHING THE COLE ADDITION LOCAL IMPROVEMENT DISTRICT FOR SANITARY SEWER IMPROVEMENTS.

WHEREAS, the City Council initiated proceedings for the creation of a local improvement district by the adoption of Resolution No. 4-1997; and

WHEREAS, the City Engineer submitted a report to the City Council, based on a Preliminary Engineering Report, recommending the district be formed. There are seventeen (17) benefitted properties within the local improvement district; and

WHEREAS, by Resolution No. 3-1997 the City Council stated its intention to form the district, to make the improvements, and to hold a public hearing to receive remonstrances; and

WHEREAS, the City mailed individual notices by first class mail to all property owners within the local improvement district at least ten days prior to the public hearing; and

WHEREAS, the public hearing was held on March 4, 1997, at which time the City Council considered written remonstrances to and oral testimony on the improvements; and

WHEREAS, there are \_\_\_\_\_ benefitted properties, and there were a total of \_\_\_\_\_ remonstrances representing \_\_\_\_\_ [fraction] of the land area. The Charter provides that a local improvement district cannot be formed if the property owners of two-thirds (2/3) of the property to be assessed remonstrate; now, therefore;

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1: The Cole Addition Local Improvement District for sanitary sewer improvements is hereby created. The map of the District boundaries is attached hereto as Exhibit "A" and incorporated herein by this reference. The list of properties to be benefitted is attached hereto as Exhibit "B" and incorporated herein by this reference.

Section 2: The improvements shall be made in accordance with the City's plans and specifications as shown in the report entitled "Sherrett Street Sanitary Sewer Project". The final plans and specifications for the project shall be set forth in a final engineering report.

Section 3: The "Sherrett Street Sanitary Sewer Project" report contains appropriate findings showing the improvements are consistent with the comprehensive plan, which is hereby adopted.

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Section 4: The City Manager is directed to work with the City of Portland for awarding the contract for the improvements and is authorized to sign any and all documents required to award, construct, and otherwise administer these improvements. The City may use any contract awarded by the City of Portland for this project in accordance with the City of Milwaukie's Purchasing Rules.

Section 5: The total estimated cost for the proposed improvements is \$153,986, and the benefitted properties shall be assessed according to a formula to be adopted by a separate future ordinance, following a public hearing.

READ for the first time at the regular meeting of the City Council, City of Milwaukie, Oregon, on the \_\_\_\_ day of \_\_\_\_\_, 1997.

READ for the second time and passed by the City Council, City of Milwaukie, Oregon at the regular meeting on the \_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

pcr/acrn/65021/jidform.orl(2/21/97)

Please call me at 786-7605 if you have any questions.

TO: Affected Property Owners  
FROM: Jim Brink  
City Engineer  
City of Milwaukie

SUBJECT: Recap of City Council Guidance on Major Issues Concerning the Sherrett St Sanitary Sewer Project

**Purpose:** Provide a recap of City Council guidance on major issues concerning the proposed sanitary sewer improvements on Sherrett St, 34th Av, and Kathryn Ct. City Council will make their final determination on these issues on March 4, 1997 at the public hearing on the proposed local improvement district.

**Background:**

1. The Sherrett St sanitary sewer project is a 1996-97 Capital Improvement Program (CIP) project with a budgeted cost of \$154,000. The current engineer's estimate is \$153,986 which includes design engineering, a 10% contingency and 15% for construction engineering. The project cost also includes \$19,862 for sewer system work done last summer by the City of Portland on Sherrett St from 30th Av to 32nd Av.
2. Project scope of work: 820' of sanitary sewer line and associated manholes in Milwaukie on Sherrett St, 34th Av and Kathryn Ct and 791' of sewer line and associated manholes in Portland on Sherrett St, 33rd Av and Harney Ct.
3. Total project cost for engineering and construction will be split between the City of Milwaukie (COM) and the City of Portland (COP). City of Portland has the lead in concluding project design, and advertising, awarding and managing the project.
4. Within the COM there are 17 affected properties and within COP there are 42 affected properties (see attached map).
5. Work on the project is expected to begin on or about 5-1-97 and last 45-60 days.
7. Public Works staff briefed City Council on 1-7-97 and 2-4-97 and received Council guidance on all major issues.

**A Recap of Major Issues from the 1-15-97 meeting (second meeting):**

1. **Will the City provide an additional incentive for immediate connection by reducing the property owner share by an amount equal to the Systems Development Charge (\$893) or some portion thereof?**

**Staff Recommendation:** Yes, in the amount of \$327 per property with residence.

The Milwaukie Municipal Code, Chapter 13.28, does not permit the City Council to waive all or part of the Systems Development Charge (SDC); however, in order to provide additional incentive for immediate connection to the public sewer system and to recognize the "established" nature of the neighborhood, the City Council directed staff to increase the city share of the project cost by \$327 per property subject to the conditions cited below. \$327 is an amount equal to the "reimbursement" amount of the SDC. Assuming that all property owners take advantage of this savings, the project cost share is revised from 75/25% to 72/28% (property owner/city).

The incentive would only apply to properties with an existing residence and for property owners that elect immediate connection. Immediate connection is defined as not later than three (3) months from project completion. The official project completion date would be established at the time of the assessment hearing.

**COUNCIL GUIDANCE:** Increase the city share by \$327 per property with residence if a property owner connects to the public system within 3 months of project completion.

**2. Will affected property owners be able to include the cost of the private sewer connection in COM financing?**

Staff Recommendation: Yes, because assistance with private sewer connections appears to be part of the intent of Milwaukie Municipal Code 13.12.020. This option would be limited to properties with a residence and to the time that the property owner selects a financing option. Those that elect to connect to the public system at a later date (up to three years from project completion) will have time to arrange their own financing. The primary advantage for each property owner is a guaranteed loan..

COUNCIL GUIDANCE: Yes. The loan would be limited to the occasion when the property owner selects a COM financing option, i.e. immediately following Council passage of an assessment ordinance. The intent of making such a loan is to encourage immediate connection to the public sewer system. The loan for the private sewer connection would be separate from the Local Improvement District (LID) assessment loan.

**3. Will previous assessments for sewer projects on 32nd, 33rd or 34th Av and/or sewer usage payments be credited against an individual assessment for the Sherrett St project?**

Staff Recommendation: Yes. A list of affected property owners and their associated credit is on the attached project cost spread sheet. The interest rate used to determine the present value of previous assessments is 4%.

COUNCIL GUIDANCE: Yes, on a case by case basis and in a fair manner for property owners that can document previous payments specifically for either **sanitary sewer assessments** or **sanitary sewer usage fees**.

**4. Will affected property owners have to pay for changes to the project (change orders)?**

Staff Recommendation: Yes. Increases in cost required by existing conditions that could not have reasonably been foreseen at the time of the project’s design and bid will (to the extent they exceed the amount of project contingency funds) be included in and added to the property owners’ share of the cost.

For example, in the event that an underground spring is first discovered during the course of the project’s construction which then requires “dewatering” for the project to proceed, the increased costs associated with addressing the dewatering will be included into the over-all project cost. If the costs for the unforeseen event(s) are more than the amount which has been set aside for contingency, the increase will be made part of the project’s cost.

COUNCIL GUIDANCE: Yes, consistent with the above staff recommendation.

**A Recap of Major Issues from the 12-11-96 meeting (first meeting):**

**1. Does the City of Milwaukie (COM) want to accomplish this project at this time?**

Staff Recommendation: Yes

- 1) All other residences in the area are connected to public sewer.
- 2) Protects against the potential of ground water contamination.
- 3) Less expensive to do the improvement now than later particularly since the costs for the Sherrett St portion are being split with the COP and because COM is getting the benefit of COP experience in sanitary sewer projects at little or no cost. COM would not get the anticipated unit prices if it bid the COM piece separately. In short, a good price for the benefiting residents and the COM is possible because of COP participation which is a one time deal.
- 4) Minimizes disruption to neighborhood by combining COP and COM pieces of the project rather than having each City do their piece separately. Combining the projects reduces project time by roughly one-half, i.e. 45-60 days rather than 90-120 days.
- 5) Improvement is consistent with well kept and attractive nature of the neighborhood.
- 6) Most of the homes were built in the late 1950’s. Several of the cesspools have failed and had to be replaced.

7) Allows City to take advantage of excavation and install water line improvements where possible. The project area also needs a water line upgrade which is programmed for FY2000-2001. This project would also require excavation for main line and laterals. City would move the water line project forward to FY97-98. The earlier the sanitary and water line projects are complete, the sooner that the streets in the area can be programmed for an overlay. An overlay should not occur until all utilities are installed or improved.

COUNCIL GUIDANCE: Proceed with project at this time.

**2. Will affected properties with structures be required to connect to the public sewer system?**

Staff Recommendation: Yes. Section 13.12.020 of the Milwaukie Municipal Code (MMC) requires mandatory connection if a structure containing sanitary facilities is located with 200' of a sewer line. All the affected properties with structures will be located within 200' of the proposed public sewer line. Three of the lots are undeveloped.

COUNCIL GUIDANCE: Yes.

**3. How long will property owners be given to complete connection to the public sewer system?**

Staff Recommendation: Either three (3) years from the date that the project is accepted by the COM, or at the time a private cesspool fails, or at the time of sale of the residence whichever occurs first. The MMC does not specify a time frame for connection. Three years gives affected property owners the opportunity to spread out expenses and recognizes to a limited extent the value of the existing private system. The cost for the private connection ranges from \$500 to \$2500 (source is COP Mid County Sewer Project) and takes two weeks to complete for the typical residence located close to a public sewer line. Other associated costs are an SDC charge of \$893 and a sewer inspection charge of \$52.

COUNCIL GUIDANCE: As recommended by staff; however, Council would like to see connection as soon as possible and supports incentives that would make immediate connection more appealing.

**4. Will benefiting property owners be required to pay for the public sewer improvements?**

Staff Recommendation: Yes. A spreadsheet showing three methods for distributing "total project cost" is attached. The "total project cost" includes all estimated construction costs. The three methods include 1) tax lot area, 2) equally among tax lots, and 3) front footage. The recommended method is "**equally among tax lots**" because it is the most simple and understandable and because none of the benefiting properties can be split under existing zoning. The area is zoned R-7. **Payment of the project assessment, either lump sum or partial as decided by the property owner, shall begin after passage of an assessment ordinance.** This applies to all affected property owners, even those that elect not to connect immediately.

COUNCIL GUIDANCE: Yes, equally among tax lots.

**5. Under what authority will benefiting property be assessed for the public sewer improvements?**

Staff Recommendation: Local Improvement District (LID).

Council guidance: LID in accordance with Chapter 3.08 of the Milwaukie Municipal Code.

**6. Will the City also share some of the cost?**

Recommendation: Yes. City costs are shown on the attached project cost spread sheet.

COUNCIL GUIDANCE: Yes, the City will share 25% of the total costs which include design, construction and project management. The City share could increase to 28% if property owners with a residence elect to connect within 3 months of project completion.

**7. Will the City offer any financing similar to that offered by the City of Portland?**

Recommendation: Yes. MMC 13.12.020 states that “the city may adopt policies to assist the connection of property not connected to the sewer system on the effective date of the ordinance codified in this chapter. These policies may provide for an amortization period, city loans, or any other assistance deemed necessary by the city.” Most of the property owners asked for loan periods similar to those provided by COP in order to make their assessment affordable, e.g.”x” dollars per month over 5, 10 or 20 years.

COUNCIL GUIDANCE: Yes. The details need to be worked out by the Finance Director.

**8. How will COM cover the estimated project cost above \$75000, the amount estimated in the 1996-1997 CIP program budget?**

Staff Recommendation: Cover the unbudgeted amount of \$78,986 from either the Sewer SDC Fund or Sewer Fund in priority.

COUNCIL GUIDANCE: Sewer SDC Fund or Sewer Fund in priority.

**Schedule**

Dec 11 First meeting with affected property owners  
 Jan 15 Second meeting with affected property owners  
 Jan 21 City Council - Engineer’s Report and Resolution of intent to initiate LID  
 Mar 4 City Council - LID hearing  
 May 1 Estimated project start date  
 Jun 30 Estimated project completion date  
 TBD City Council - Assessment hearing (after project completion and determination of final costs)

sewer\project\st-97-1\hearprep.doc  
 2-19-97

9

SHERRETT ST SANITARY SEWER PROJECT  
COST SHARE OPTIONS

			"A"	"B"	"C"															
	Front		Total	Total	Total															
	Footage	Area(sf)	Cost *	Cost	Cost															
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Johnson	42	8240	6794	3921	7766															
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	"B"	Split by Front Footage																		
	"C"	Split by Area																		

1/8/97  
2/19/97

1. Credit for previous payment of sewer assessment(s) or sewer usage fees are not included in these calculations. Credit will be subtracted from property owner share if applicable.
2. Early hook-up incentive is also not included in these calculations.



**MEMORANDUM**

To: Mayor and City Council

From: Pat DuVal, City Recorder *pat*

Subject: March 4, 1997, City Council Agenda Material

Date: February 28, 1997

Please add attached pages to your March 4 Council packet material. They are referred to as "Exhibits A & B" in the proposed ordinance establishing the Cole Addition Local Improvement District.

If you have any questions, please contact Jim Brink or me.

MILWAUKIE CITY HALL  
10722 SE MAIN STREET  
MILWAUKIE, OREGON 97222  
PHONE: (503) 786-7555 • FAX: (503) 652-4433

MULTNOMAH

COUNTY

SHERRETT ST.

N 1/4  
Cor.

SHERRETT

Public by plat

STREET

NOT CONSTRUCTED  
Clock Co. 527/181

NO. 163  
CO. RD.

VAN WATER ST.

SEE MAP I IE 25BA

12-02

ST.

33rd.

SE MARY

ST.

BARBA

STREET

SE KATHRYN CT.

COURT

35th ST.

STREET

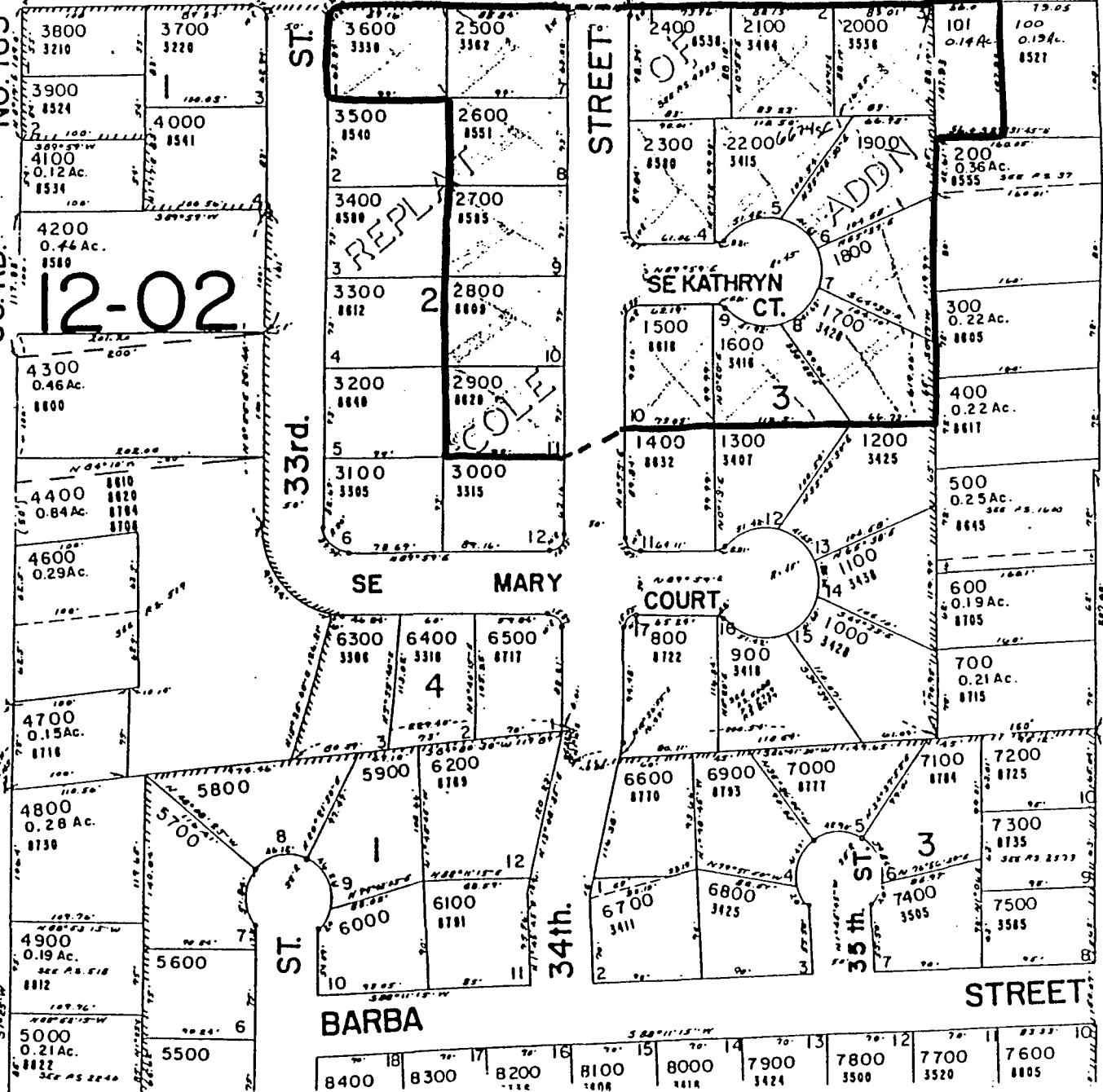


Exhibit A

Exhibit A

**ASSESSMENT ROLL**

<u>Tax Lot Number</u>	<u>Lot</u>	<u>Block</u>	<u>Addition Name</u>
R11E25AB1500	10	3	Cole Addition
R11E25AB1600	9	3	Cole Addition
R11E25AB1700	8	3	Cole Addition
R11E25AB1800	7	3	Cole Addition
R11E25AB1900	6	3	Cole Addition
R11E25AB2200	5	3	Cole Addition
R11E25AB2300	4	3	Cole Addition
R11E25AB2400	1	3	Cole Addition
R11E25AB2100	2	3	Cole Addition
R11E25AB2000	3	3	Cole Addition
R11E25AB3600	1	2	Cole Addition
R11E25AB2500	7	2	Cole Addition
R11E25AB2600	8	2	Cole Addition
R11E25AB2700	9	2	Cole Addition
R11E25AB2800	10	2	Cole Addition
R11E25AB2900	11	2	Cole Addition
R11E25AB0101			



\*\*\*MEMORANDUM\*\*\*

Community Development Director  
 City of Milwaukie  
 March 4, 1997

**TO:** Milwaukie City Council

**THRU:** Dan Bartlett, City Manager *DB*

**FROM:** Maggie Collins, Community Development Director  
 Susan Heiser, Senior Planner

**SUBJECT:** Furnberg Park Master Plan  
 File No. CPA 96-02

**Action Requested**

Consideration and adoption of the Furnberg Park Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan.

**Background**

The Planning Commission held a public hearing on this matter on January 28, 1997 and unanimously voted to recommend City Council adoption of the Furnberg Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan. No one from the public spoke in favor or against the proposal. Attached is a copy of the staff report and Findings on which the Planning Commission based their recommendation. A draft Ordinance has also been prepared (Exhibit 1) for Council consideration.

**Staff Recommendation**

Staff recommends that the Council adopt the Furnberg Park Master Plan, as recommended by the Planning Commission, based on the Findings contained in the Staff Report dated January 28, 1997.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1437, THE COMPREHENSIVE PLAN (CPA-96-02) BY ADOPTING THE FURNBERG PARK MASTER PLAN AS AN ANCILLARY DOCUMENT.**

**WHEREAS**, the City of Milwaukie desires to review, amend and revise its Comprehensive Plan on a regular basis; and

**WHEREAS**, review of the Furnberg Park Master Plan has been coordinated with the appropriate neighborhood groups and affected agencies; and

**WHEREAS**, the Planning Commission has reviewed the Furnberg Park Master Plan, CPA-96-02, at a duly advertised Public Hearing on January 28, 1997; and

**WHEREAS**, the City Council held a duly advertised Public Hearing on March 4, 1997;

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

Section 1. Findings. Finds of fact in support of this proposed amendment are as follows:

Policy 7 of Objective 1 requires all Plan amendments to be evaluated based on the following criteria:

**1. Conformance with the Comprehensive Plan, its goals, policies, and spirit.**

The document proposed for adoption is consistent with the goals and policies of the Comprehensive Plan Chapter 4 - Recreational Needs Element - in that the document will serve to guide development which will provide for the recreational needs of City residents by maximizing the use of current public facilities. Specifically the proposed amendment is consistent with Objectives 3, 5, and 6 which call for intergovernmental cooperation; the provision of a system of neighborhood and community parks; and maximizing the use of existing parks.

Furnberg Park is classified as a Neighborhood Park which serves the recreational needs of the residents of the Linwood Neighborhood. The proposed developed is consistent with Objective 1, which identifies the City's Comprehensive Plan Policies for Neighborhood Parks. Improvements will be designed to

accommodate the needs of the very young (1 to 6 years old), the handicapped and the elderly. Boardwalks will provide a place for local residents to walk and will improve access to observe wetlands and wildlife in the park. The wetland area will be protected from future development and enhanced by clearing trash and debris.

**2. Public need for the change.**

The current Comprehensive Plan does not contain a plan for Furnberg Park. The adoption of the Furnberg Park Master Plan will provide specific direction for public park development, as well as the protection and enhancement of wetlands within the park.

**3. Public need is best satisfied by this particular change.**

The Furnberg Park Master Plan provides a comprehensive approach to balancing the need for active recreational use of the site with the need to protect the wetland by maximizing the unique passive recreational opportunities that the site has to offer.

**4. The change will not adversely affect the health, safety, and welfare of the community.**

The Furnberg Park Master Plan will protect the health, safety, and welfare of the community by identifying actions to preserve, protect and enhance the natural wetlands and wildlife habitat within the park.

**5. The change is in conformance with applicable Statewide Planning Goals.**

The Furnberg Park Master Plan is in conformance with Planning Goal 5 - Open Spaces, Scenic and Historic areas, and Natural Resources - by providing direction for conserving and protecting natural wetland and wildlife resources.

Section 2. Comprehensive Plan Ancillary Document. The Furnberg Park Master Plan is adopted as an Ancillary Document to the Comprehensive Plan of Ordinance 1437.

Read the first time on \_\_\_\_\_, 1997 and moved to second reading by \_\_\_\_\_ vote of City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Craig Lomnicki, Mayor

4

Ordinance No. \_\_\_\_\_  
Page 3 of 3

Exhibit 1

ATTEST:

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

Approved as to form:

\_\_\_\_\_  
O'Donnell, Ramis, Crew, Corrigan & Bachrach

**Application:**           **Comprehensive Plan Amendment- Furnberg Park Master Plan  
File No.: CPA-96-02**

**Applicant:**           **City of Milwaukie**

**Location:**           **West of SE Furnberg Street, north of Plum Drive, Milwaukie  
Tax Lot 1700 1 2E 32 CA (Exhibit 1)**

**Proposal:**           **To amend the City of Milwaukie Comprehensive Plan by  
adopting the Furnberg Park Master Plan as an ancillary  
document.**

Furnberg Park is a 2.64 acre neighborhood park located in the Cedar Crest Subdivision north of Harmony Road and east of Linwood Avenue. Approximately one half of the land area within the park is considered jurisdictional wetlands. The wetland provides a local haven for wildlife and is a unique recreational resource to surrounding residents.

Furnberg Park currently contains two old pieces of playground equipment, a horseshoe pit, lawn area, a large wetland/pond area and four parking spaces. The Furnberg Master Plan proposes the following enhancements:

- \* Add a boardwalk around the existing wetland;
- \* Install a new play structure;
- \* Install a concrete pad for a portable toilet in the summer months;
- \* Install an asphalt path to connect the boardwalk with the public street;
- \* Reconfigure the parking to meet ADA handicapped accessible requirements;
- \* Remove and replace the unhealthy cottonwood trees in the park.

CITY OF MILWAUKIE  
COMMUNITY DEVELOPMENT DEPARTMENT  
STAFF REPORT

Date: January 28, 1997

Application: Comprehensive Plan Amendment- Furnberg Park Master Plan  
File No.: CPA-96-02

Applicant: City of Milwaukie

Property Owner: Same

Location: West of SE Furnberg Street, north of Plum Drive, Milwaukie  
Tax Lot 1700 1 2E 32 CA (Exhibit 1)

\*\*\*\*\*

**PROPOSAL**

To amend the City of Milwaukie Comprehensive Plan by adopting the Furnberg Park Master Plan as an ancillary document (Exhibit 2).

**RECOMMENDATION**

**That the Planning Commission consider and make recommendation to the City Council for the adoption of the Furnberg Park Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan.**

**BACKGROUND**

Furnberg Park is a 2.64 acre neighborhood park located in the Cedar Crest Subdivision north of Harmony Road and east of Linwood Avenue. The site is surrounded on the south, west and east by single family residences. The property to the north is located with in Clackamas County and is currently in active agricultural production. The land forms a low point in the area which has historically collected drainage from the surrounding lands. Approximately one half of the land area within the park is considered jurisdictional wetlands. The wetland provides a local haven for wildlife and is a unique recreational resource to surrounding residents.

The North Clackamas Park and Recreation District (NCPRD) and the City have a partnership to provide parks and recreation for the City of Milwaukie. The City owns

existing parks and the NCPRD operates and maintains the parks. Currently Furnberg park contains two old pieces of playground equipment, a horseshoe pit, lawn area, a large wetland/pond area and four parking spaces. The Furnberg Master Plan proposes the following enhancements:

- \* Add a boardwalk around the existing wetland;
- \* Install a new play structure;
- \* Install a concrete pad for a portable toilet in the summer months;
- \* Install an asphalt path to connect the boardwalk with the public street;
- \* Reconfigure the parking to meet ADA handicapped accessible requirements;
- \* Remove and replace the unhealthy cottonwood trees in the park.

**Chronology:**

- 1960's - Furnberg Park donated to the City of Milwaukie
- 1972 - Park area graded to form "pond" and to install various park features.
- 1996 - City Council requests that the NCPRD develop a plan to improve park facilities.
- May 1996 - NCPRD initiates master planning process working with Linwood Neighborhood Association and park design consultant.
- September 6, 1996 - Preliminary Master Plan presented to the Milwaukie City Council as property owner prior to submittal
- October 4, 1996 - Application for Natural Resource (NR) and Community Service Overlay (CSO) review submitted.
- November 12, 1996 - Planning Commission approves NR and CSO applications.
- December 24, 1996 - Final Furnberg Master Plan issued.
- January 1997 - Comprehensive Plan Amendment request set for Planning Commission January 28th public hearing.

**FINDINGS**

All Comprehensive Plan Amendments are subject to the criteria found in Chapter 2, (Plan Review and Amendment Process), of the Comprehensive Plan.

8

Policy 7 of Objective 1 requires all Plan amendments to be evaluated based on the following criteria:

**1. Conformance with the Comprehensive Plan, its goals, policies, and spirit.**

The document proposed for adoption is consistent with the goals and policies of the Comprehensive Plan Chapter 4 - Recreational Needs Element - in that the document will serve to guide development which will provide for the recreational needs of City residents by maximizing the use of current public facilities. Specifically the proposed amendment is consistent with Objectives 3, 5, and 6 which call for intergovernmental cooperation; the provision of a system of neighborhood and community parks; and maximizing the use of existing parks.

Furnberg Park is classified as a Neighborhood Park which serves the recreational needs of the residents of the Linwood Neighborhood. In 1990, the City of Milwaukie developed an master plan for parks within its jurisdiction. The proposed plan is consistent with the City-wide plan. Improvements will be designed to accommodate the needs of the very young (1 to 6 years old), the handicapped and the elderly. Boardwalks will provide a place for local residents to walk and will improve access to observe wetlands and wildlife in the park. The wetland area will be protected from future development and enhanced by clearing trash and debris.

**2. Public need for the change.**

The current Comprehensive Plan does not contain a plan for Furnberg Park. The adoption of the Furnberg Park Master Plan will provide specific direction for public park development, as well as the protection and enhancement of wetlands with in the park.

**3. Public need is best satisfied by this particular change.**

The Furnberg Park Master Plan provides a comprehensive approach to balancing the need for active recreational use of the site with the need to protect the wetland by maximizing the unique passive recreational opportunities that the site has to offer.

**4. The change will not adversely affect the health, safety, and welfare of the community.**

The Furnberg Park Master Plan will protect the health, safety, and welfare of the community by identifying actions to preserve, protect and enhance the natural wetlands and wildlife habitat within the park.

**5. The change is in conformance with applicable Statewide Planning Goals.**

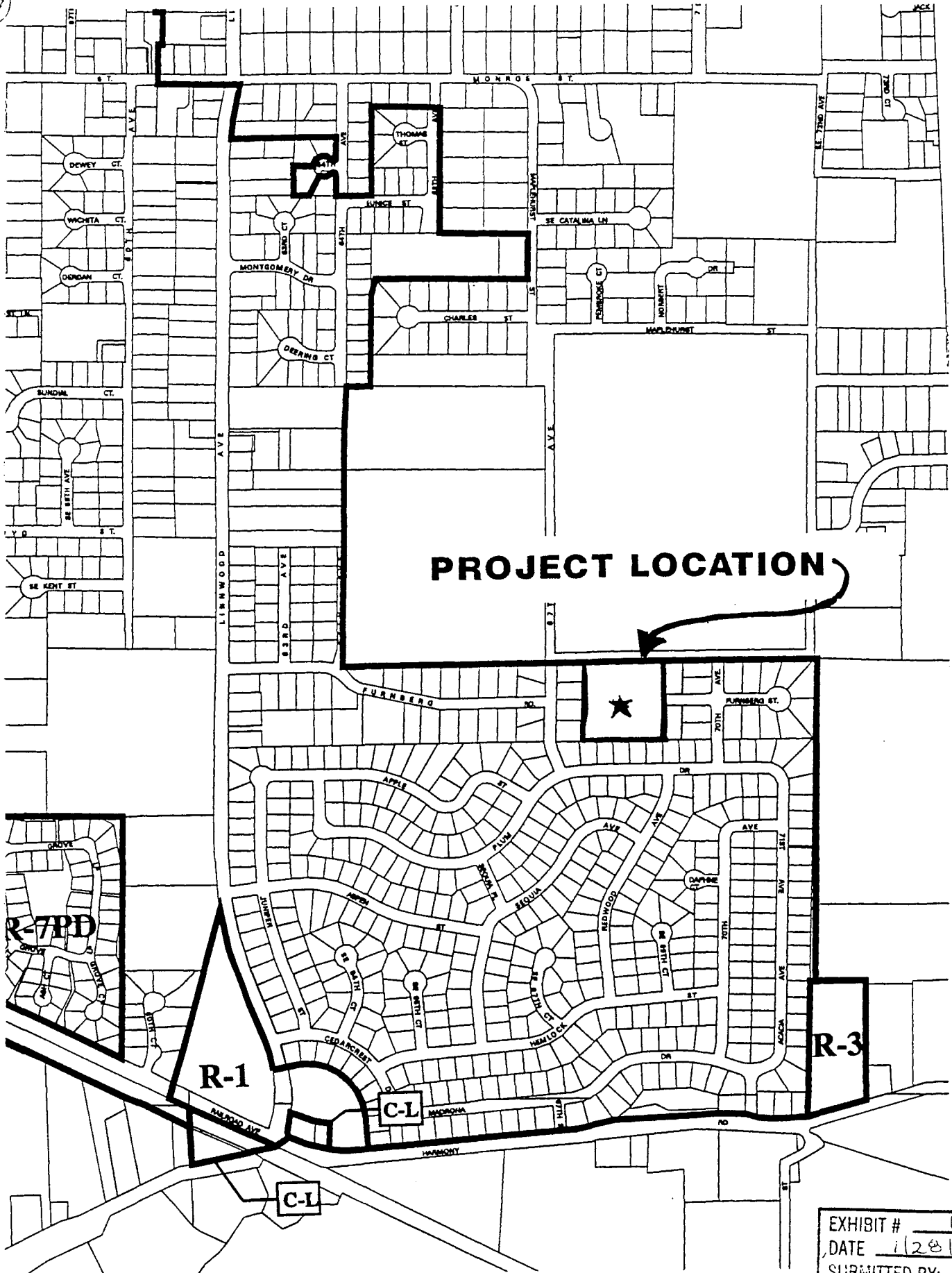
The Furnberg Park Master Plan is in conformance with Planning Goal 5 - Open Spaces, Scenic and Historic areas, and Natural Resources - by providing direction for conserving and protecting natural wetland and wildlife resources.

**CONCLUSION**

The above findings demonstrate that the proposed amendment meets the required criteria for amendments to the Comprehensive Plan. Staff suggests that the Planning Commission consider the findings listed above, and make a recommendation to the City Council for adoption of the Furnberg Park Master Plan as an Ancillary document to the Comprehensive Plan.

**Exhibits:**

- 1. Location Map
- 2. Furnberg Park Master Plan



**PROJECT LOCATION**



**R-7PD**

**R-1**

**C-L**

**R-3**

**C-L**

EXHIBIT #	1
DATE	1/28/97
SUBMITTED BY:	Staff
# OF PAGES	1
FILE #	CPA-96-02



**FURNBERG PARK**  
DEVELOPMENT MASTER PLAN REPORT  
NORTH CLACKAMAS PARKS & RECREATION DISTRICT

NOVEMBER 1996

EXHIBIT #	<u>2</u>
DATE	<u>11/28/97</u>
SUBMITTED BY:	<u>Staff</u>
# OF PAGES	<u>28</u>
FILE #	<u>CPA-96-02</u>

## **Project Advisory & Approval Boards**

- North Clackamas Parks and Recreation District Advisory Board
- Milwaukie City Council
- City of Milwaukie Parks and Recreation Board

## **District Staff**

- Roger Brown, Director
- Thomas Kaffun, Parks Services Manager
- Diane Campbell, Administrative Analyst, Project Manager
- Don Robertson, Program Services Manager

## **Project Team**

### **Walker & Macy**

- Michael W. Zilis, Principal in Charge
- Laura Herbon, Project Manager / Environmental Designer

### **Maurita Smythe**

- Wildlife Biologist/Environmental Consultant

### **Geotechnical Resources, Inc.**

- Dwight Hardin, Principal

Fall 1996

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## **Introduction**

The North Clackamas Parks and Recreation District (NCPRD) is committed to providing high quality recreation in neighborhood settings through the development of neighborhood parks within the District. Each park is individually planned and designed to capture the unique qualities and characteristics of the site. The goal of the planning process is to develop facilities that are of high quality, that meet the specific needs of the neighborhood park users, and that are affordable to construct and maintain.

Furnberg Park is within the City of Milwaukie and is operated and maintained by the NCPRD. In early 1996, the City of Milwaukie City Council made a request that the North Clackamas Parks and Recreation District begin master planning the redevelopment of Furnberg Park. This report summarizes the efforts undertaken on behalf of the NCPRD in formulating a Master Plan for the park.

## **The Planning Process**

The master planning approach for Furnberg Park involved an open and interactive public process which solicited input from the public, the Linwood Neighborhood District Association, the City of Milwaukie Parks and Recreation Board, the City Council, the Planning Commission, and the District Advisory Board. Public meetings and workshops were conducted at critical points throughout the planning process for information gathering purposes, to facilitate discussion of the neighborhood park's potential and for the design team to gain valuable feedback. By utilizing this process, the team arrived at a master plan for a neighborhood park facility that responded to the public's needs, the unique site features at Furnberg Park and met the District's goals and objectives.

The master planning process for Furnberg Park involved four steps: Site Assessment; Programming and Preliminary Design; Preliminary Master Planning and Cost Estimating; and Final Master Plan Development. The following report describes this process.

## **The District Development Program**

Furnberg Park is considered a neighborhood park within the established North Clackamas Parks and Recreation District system. Neighborhood parks are typically 1 to 5 acres in size. They generally include walking paths, picnic areas, sports courts, and open lawn areas. The types of recreational experiences offered in each neighborhood park depend upon the size, available facilities in the area, and the local preferences for recreational opportunities. These facilities are intended to service primarily those living within the adjacent neighborhoods. The parks are intentionally designed to accommodate pedestrian access and to discourage users from outside the immediate area. Neighborhood parks do not typically include parking lots.



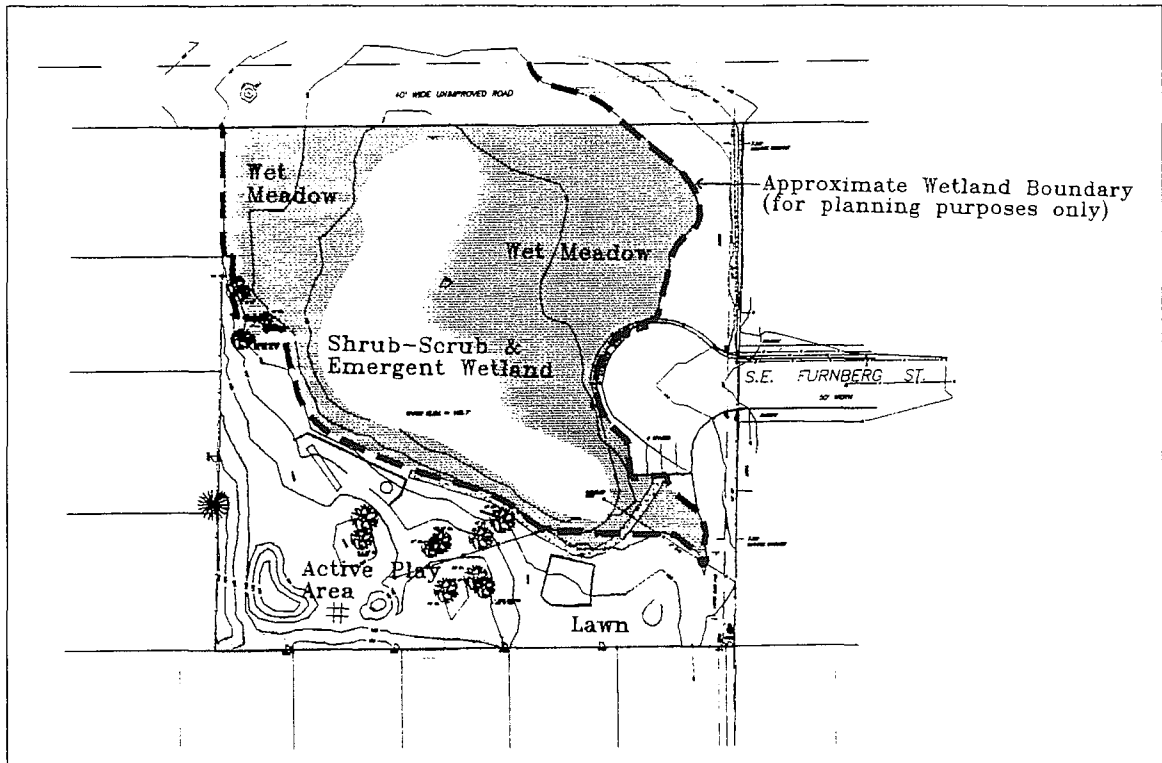
### Site Location and Context

Furnberg Park is a 2.64 acre site located within the Cedar Crest Subdivision north of Harmony Road and east of Linwood Avenue. The site is surrounded on the east, south and west sides by single family residences. Directly north of the park site is a farm in active agricultural production. The northern property boundary also forms the boundary between the north urban area of Clackamas County and the City of Milwaukie. The farm and the adjacent residential neighborhoods are currently zoned Low Density Residential.

The site has been a City of Milwaukie Park since the 1960's, when Mr. Furnberg donated it to the City. The site has always been a local low spot which collected water from the adjacent areas, especially from the land to the north. Approximately one half of the land area within the park site is considered jurisdictional wetland. The wetland provides a local haven for wildlife and

offers the residents of Cedar Crest subdivision a unique recreational opportunity. The master planning effort for Furnberg Park was greatly influenced by the site's wetland character and configuration.

In the event that the site to the north gets developed into single family residences, the Furnberg Park site will be completely surrounded by residential land uses and a large portion of the site's watershed will be changed. This kind of a change within the watershed may have an impact upon the amount and frequency of water draining to the wetland on the park site, depending upon how the developing site drainage is manipulated. Clackamas County stormwater regulations currently provide for the consideration of the impact of development on adjacent natural resources.



### Site Assessment

Data was gathered and analyzed, including: topography, soils, vegetation, wetland extent and site hydrology, wildlife habitat, existing infrastructure and play equipment condition. The site parameters were assessed to determine both physical and regulatory opportunities and constraints. Following the analysis, conclusions about the site parameters were synthesized to determine the site's suitability for development. Since the site has a wetland complex occupying approximately one half of the area, it was important to initiate discussion with jurisdictional agencies. Specific codes and requirements that were relevant to the project site development were identified.

### Vegetation and Wetlands

The site has been disturbed by past development activities and adjacent land use changes. The area was graded in 1972 to form the current "pond" configuration and to install various park features such as the cul-de-sac parking, the walkway and mounded play areas at the southern end of the site. Historically the wetland area was probably larger,

and extended east onto the land where the two adjacent homes are now found. This was indicated on a historic topographic map (1967) made available by Paul Roeger with the City of Milwaukie Engineering Department. There may have also been some excavation to form the open water zones, but the adjacent neighbors report that no excavation has ever occurred.

There are three basic zones or plant community types on the site: a shrub/scrub and emergent wetland complex that includes an open water component and four islands; a seasonally inundated wet meadow surrounding the shrub/scrub and emergent complex; and an upland grassy area which provides area for a small playground. Together, the shrub/scrub and emergent wetland complex, and wet meadow meet the Federal criteria of a jurisdictional wetland. The total wetland area on the site is 1.30 acres with an estimated 0.6 acres supporting the shrub/scrub and emergent wetland plant community and approximately 0.7 acres supporting a wet meadow plant community.



Shrub-scrub plant communities are found at the pond edge and are associated with the islands. Within the shrub-scrub community, the canopy dominants are black cottonwood, Hooker's willow and pacific willow and the ground cover species include, roughstalk bluestem, reed canary grass, creeping bentgrass and Himalayan blackberry. The emergent communities within the ponded area are dominated by soft rush, cattails, water smartweed, duckweed, American brooklime and horsetails. There are two small islands within the complex which support black cottonwood, soft rush, Hooker's willow, and various grasses. One small snag was located within the complex. A list of plant species observed on the site is included in Appendix A attached to this report.

The wet meadow surrounds the shrub/scrub and emergent wetland complex on the west, north, and east sides. The predominant plant species observed in the wet meadow community include: roughstalk bluegrass, Kentucky bluegrass, water foxtail, reed canary grass and creeping buttercup. Early in the growing season, there are patches of standing water under the herbaceous vegetation. The wet meadow usually dries out by mid to late June, depending upon the amount of precipitation each year.

South of the wetland area, is an upland lawn area in which a playground, an asphalt pathway and some hilly landforms created for play are located. The lawn and playground area supports some large black cottonwoods, a cherry and a few small hawthorns which provide shade and canopy coverage for the southern portion of the park. The large cottonwoods may be a potential liability to the park users given the trees' habit of dropping branches throughout the year.

The U.S. Army Corps of Engineers and the Oregon Division of State Lands regulate certain activities, such as grading and installation of structures, within wetlands. The City of Milwaukie also regulates activities within the wetland and some of the adjacent uplands through its Natural Resources Overlay Zone regulations. This zone is generally located north of the existing asphalt pathway in the park. The Natural Resources Zone constitutes the portion of the site most valuable to wildlife and encompasses most of the jurisdictional wetland area as well as two areas of associated uplands. The small portion of wetland east of the asphalt pathway has been excluded from the Natural Resources Zone because it is currently managed as a lawn area and this landscape management practice is likely to continue in this part of the wetland in the future.

## Wildlife Habitat

The shrub/scrub and emergent wetland complex provides nesting and foraging habitat for a number of birds, small mammals, and herptofauna (snakes, turtles, frogs, etc.). Neighbors to the park say that fish have historically been caught in the pond, which was apparently mostly open water many years ago. No fish were observed during the site visit but pacific chorus frog tadpoles, springtail, small bivalve (clam like species), and other small invertebrates were observed in the emergent wetland. The wet meadow provides foraging for birds, such as violet green swallows, and nesting habitat for small mammals.

Other wildlife species, or their sign, observed during the site visit include: red-winged blackbird, mallard (nesting pairs in wetland), house finch, unidentified hawk, red-tailed hawk, northern flicker, western wood pewee, killdeer, American robin (nesting), violet green swallow, yellow warbler, brown-headed cowbird, black-capped chickadee, and mourning dove (flock of 30). Eastern gray squirrel and cabbage white butterfly were also observed in the open areas.

Habitat value on the site has been diminished from the likely historic value through grading, the development of adjacent housing, and agricultural land use practices. Habitat value at this time would be considered moderate to moderately high. Limiting factors contributing to this value include a high level of disturbance from human activities and domestic animals and the frequent occurrence of non-native plants. The wet meadow portion of the site is also maintained as a semi-manicured lawn through mowing as soon as the ground is dry enough to support a vehicle. However, native plants still exist on the site and the wetland continues to function ecologically by providing suitable habitat for several species of birds and mammals. Although not well connected to other habitats, the site lies adjacent to an agricultural cropland that provides forages for birds and likely for small mammals.

The site serves as a repository for native wetland plants within the general area where this habitat type is lacking. Improving the vegetation and vegetation management practices, and possibly the hydrology and water quality on the site in addition to protecting the area from further disturbance would raise the overall habitat value.

## Soils and Hydrology

The site is the low spot within the local topography. It receives surface runoff and possibly subsurface drainage from the agricultural field to the north and negligible drainage from the adjacent residential lots. Saturated to ponded site conditions usually exist in the wetland portions of the site until the spring and early summer rains subside. The water level within the wetland is regulated by a stand pipe outlet at the southeast end. The wet meadow portions of the wetland then dry out while the shrub/scrub and emergent portions of the wetland continue to hold water. From July until late October when the precipitation rate lessens, the water in the wettest part of the wetland continues to evaporate. Some years, the entire wetland completely dries out, although neighbors have reported that this is an infrequent occurrence.

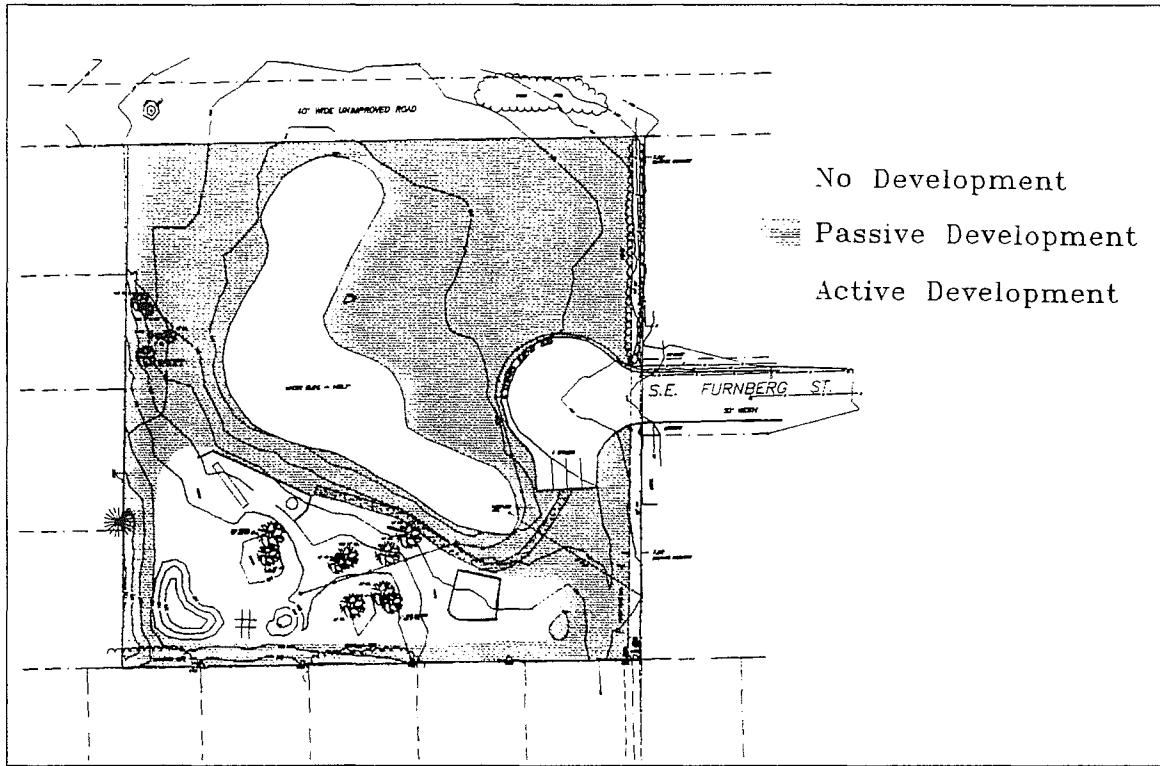
The Soil Survey of Clackamas County (SCS, 1985) indicates that Wapato silty clay loam is the predominant soil type found on the site. Latourell Loam is also present. Wapato is considered a hydric soil and is poorly drained. Field inspection of the soils revealed that the surface soils have been moved around and natural profiles are not evident in many areas of the site. Surface soils throughout the site have been disturbed by past development activities, including the grading in 1972 to form the current "pond" configuration.



### Existing Infrastructure

Some of the existing park facilities are in a state of disrepair or don't meet present codes for safety and accessibility. There are plenty of parking spaces on site adjacent to the cul-de-sac. The asphalt trail leading from the parking is narrow and in poor condition and does not interconnect all of the park facilities. The play equipment and surfacing, if constructed today, would not meet current codes for safety and accessibility. Many of the park facilities are not handicap accessible including the picnic tables and benches.

The site is served with electrical power, water and storm sewer.



### Site Suitability

Based upon the analysis of the site's vegetation patterns, soils, hydrology and zoning codes that affect development, the site's development suitability was determined and presented in the first public meeting. The site's development potential was divided into three categories: areas that cannot be developed; areas that can accommodate passive recreation only; and areas that can accommodate a mixture of passive and active recreation.

The configuration of the wetland on the Furnberg Park site naturally organizes the site and dictates how circulation will occur on the site. The site hydrology and wetland character limit certain kinds of development activities, but offer unique recreational experiences for a neighborhood park. The site is best suited to support passive recreational experiences such as nature and wildlife observation, walking, picnicking with limited active recreational spaces. The centrally located shrub/scrub and emergent wetland complex with the controlled water elevation is essentially undevelopable because of the persistent wetness and the value of this portion of the site to wildlife. The seasonally inundated wet

meadow zone which surrounds the shrub/scrub and emergent wetland can support some passive recreation such as walking trails or wildlife observation points. This area has been characterized as a zone which can accommodate passive recreation only. Preliminary soil investigations indicated that draining this portion of the site would probably not be possible in order to accommodate more active recreation. Substantial filling to support active development in the wet meadow zone would likely not be permissible and is not be in keeping with the best use for this portion of the site.

The drainage easement along the eastern property boundary and the 20' setback areas along the southern and western property lines were designated passive development zones because development potential within these areas would be limited by established local regulations. A combination of active and passive recreation is most suitable in the upland area south of the wetland. This area is already used for active play and can accommodate the desired program elements.



## Program Development

Program elements for Furnberg Park were developed through examining the District's guidelines for neighborhood park facilities and by getting public input about the desired park facilities. Park program elements that were appropriate to the location and met the District's criteria for viability were incorporated into the design concepts.

The first public meeting began with a presentation of the site's opportunities and constraints for recreation development and moved into program development. During this meeting, the public offered information about the history and character of the site and their ideas for future directions for the development of Furnberg Park. A summary of public input can be found in the Appendix B attached to this report.

Program development for the Furnberg Park site is greatly influenced by the wetland's configuration and location within the park site. The usable upland space on the site is limited by the size of the wetland and its central location within the park site. Site circulation is also predetermined by the wetland configuration. While the wetland feature may

preclude the addition of recreational uses such as field or court games because of their size requirements, the natural setting at Furnberg Park offers other unique recreational opportunities for a neighborhood park such as wildlife observation, wetland interpretation and nature appreciation.

Many of the neighborhood participants echoed this sentiment. They enjoy the natural character and inherent opportunities for wildlife observation and want to see a development plan that enhances these qualities. Many ideas about how to restore the wetland and wildlife habitat were brought forth, including: grading around the pond, selective clearing of vegetation, cleaning up the wetland and the park. Related to the idea of habitat restoration, concerns were raised about the current use of the site and the wetland by local children and teenagers.

In general, the program direction established for Furnberg Park centered around developing a park with a primarily passive uses with some active uses. Passive activities include a trail all the way around the wetland, picnic areas, and opportunities for wildlife observation and interpretation. Active use areas include a playground with a 'tot-lot' component and open grass areas for play.



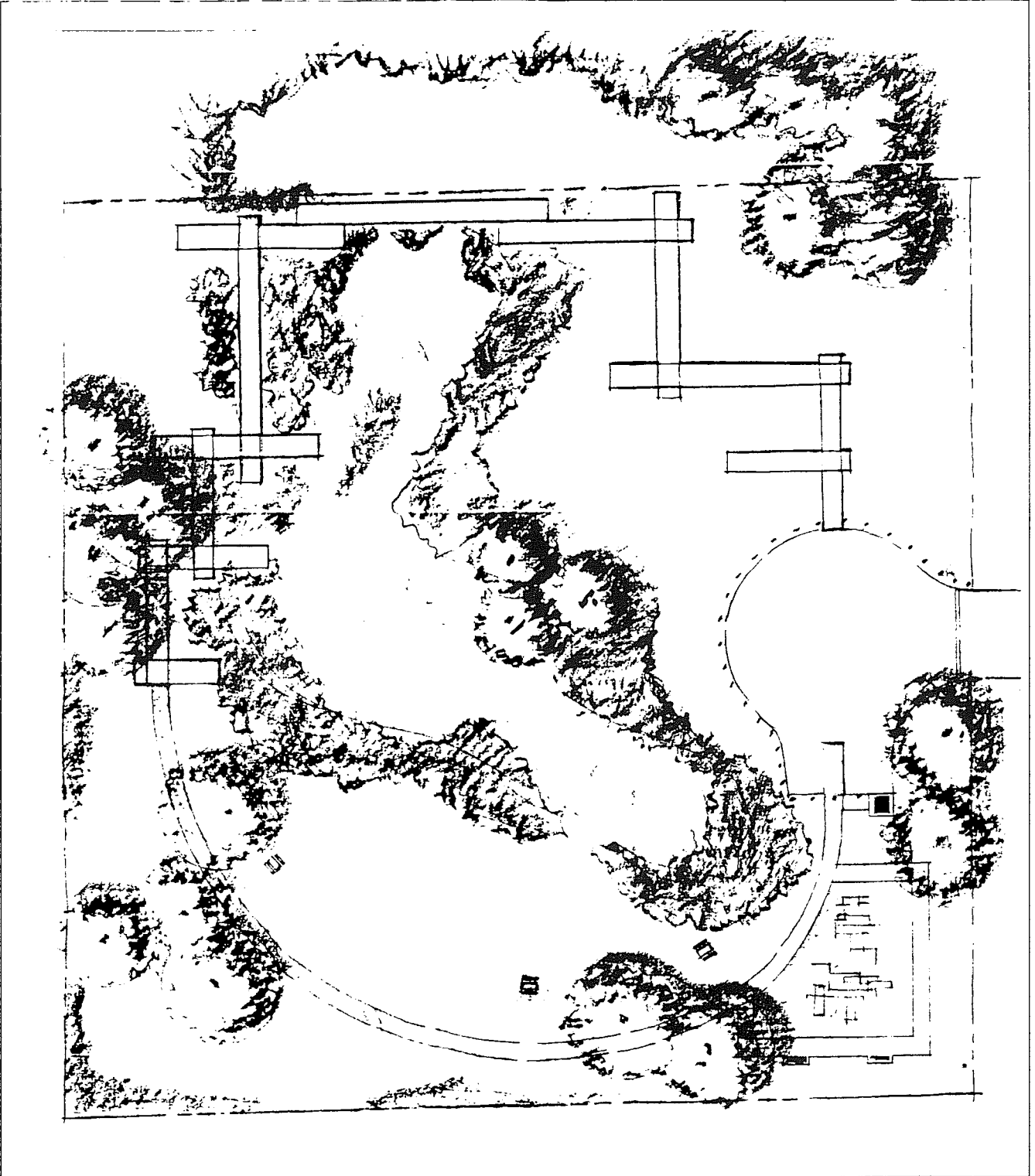
## Preliminary Design

Based upon an approved program and known site characteristics, three design concepts were developed for the site. Each concept explored various ways of locating the desired program elements on the site in ways that would insure park safety, and would result in a park design that could be constructed and maintained by a reasonable level of future effort. All three concepts incorporated all of the program elements developed earlier including, methods of enhancing and restoring the wetland, a trail all the way around the site, and a playground area. Plans were presented to the public and to the District for input.

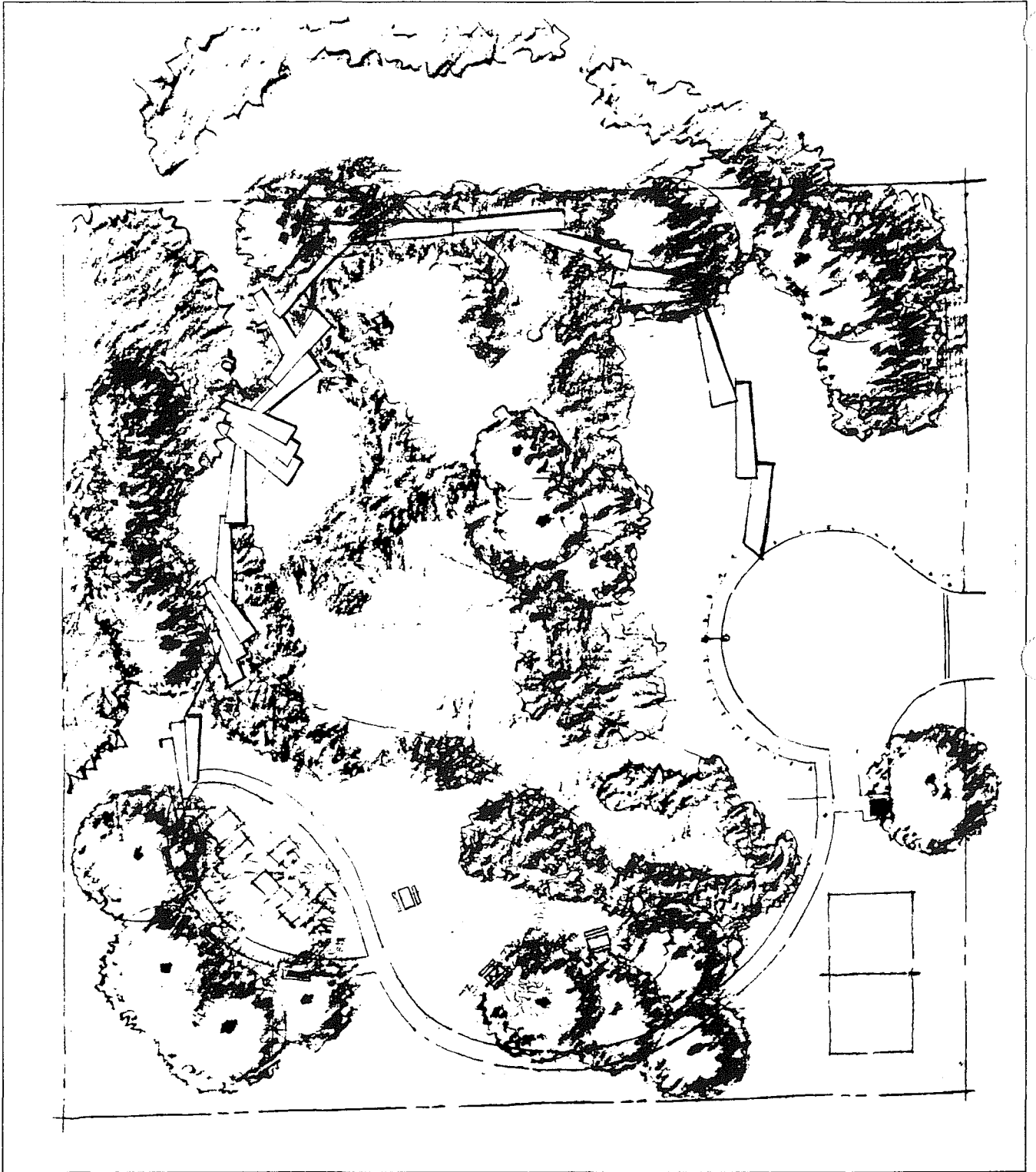
In Concept Plan A, the playground area is located in the southeast portion of the active recreation zone where it can be readily viewed from the cul-de-sac. A trail provides circulation around the park on the southern end and this connects to a boardwalk with a "pier" form. The ends of the piers function as wetland interpretive and wildlife observation points. In Concept Plan B, the playground area is shifted to the southwest portion of the active recreation zone and vegetation around the wetland would be

selectively cleared to provide views from the cul-de-sac to the playground. The boardwalk configuration is more naturalistic and is inspired by the idea of driftwood around the edge of a lake or pond. The random arrangement of deck pieces allows for established observation points to occur around the wetland. In Concept Plan C, the playground is again located in the southwest portion of the site. The trail and boardwalk configuration are deliberately more curvilinear. At the north end, where the trail becomes a boardwalk, it is located as far away from the wetland as possible to minimize disturbance to wildlife while providing access to this portion of the site.

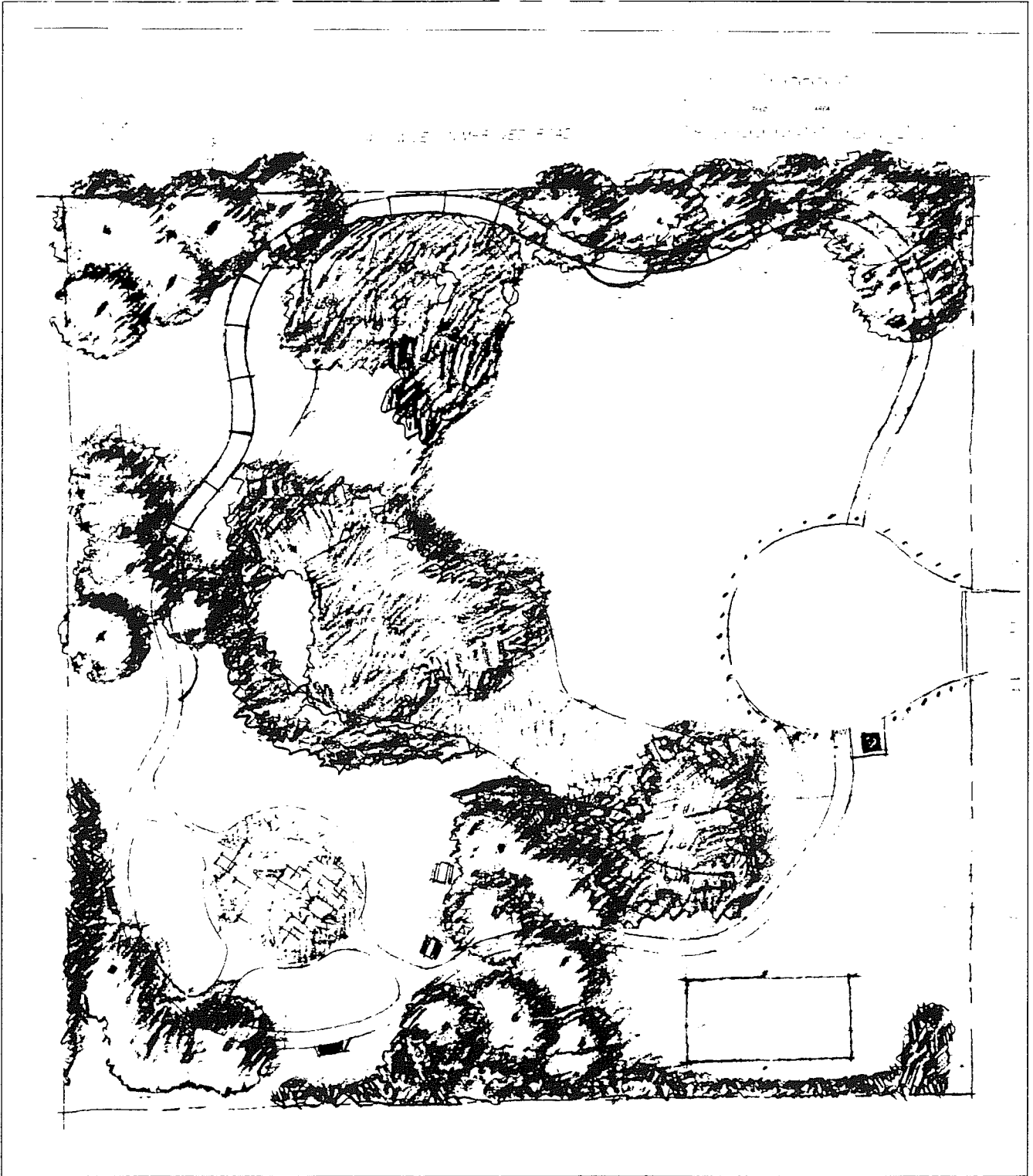
All three schemes illustrate various patterns of selective vegetation clearing and planting zones. The restroom pad is located near the cul-de-sac for easy access and maintenance. Picnic areas are proposed at the south end in conjunction with a cottonwood replacement planting, and would provide seating and observation of the adjacent playground area.



Concept Plan A



Concept Plan B



Concept Plan C

## Site Development Master Plan

Given the public and the District's response, a single plan was generated which incorporated the preferred components of the three initial concepts. All development costs associated with the preliminary master plan were estimated and the plan was presented to the public and the District for review and comment. Minor revisions were made to the preliminary master plan as a result of these discussions before presenting the master plan to the City of Milwaukie reviewing bodies. A summary of the estimated costs for future development can be found in Appendix C attached to this report.

Following preliminary approvals within the City process, the final master plan was then prepared. It was presented to the North Clackamas Parks and Recreation District Advisory Board and to the City of Milwaukie Planning Commission for final approvals. The final site development Master Plan provides the framework to guide future redevelopment in Furnberg Park over the coming years, as funding becomes available.

In general, because the public preferred the patterns and spatial arrangement of Concept Plan B, this plan was developed further into the site development Master Plan. Continuous circulation around the site is provided by installing a new (realigned) paved walkway on the southern portions of the site and a boardwalk through the wetland portions of the site. The wetland boardwalk configuration is the naturalistic concept from Concept Plan B. The boardwalk incorporates observation deck modules in designated places which will provide stop-off points along the trail to observe wildlife and the natural wetland habitat.

Bollards are proposed around the cul-de-sac to prevent people in cars from driving up onto adjacent areas. The four existing parking spaces are proposed to be converted into two parking spaces: one accessible, one standard; a permanent concrete pad for the restroom facility and trash container; and the beginning of the paved walkway into the park. The concrete pad for the temporary restroom facility must be located on the cul-de-sac to accommodate maintenance. It is positioned to minimize impacts on adjacent neighbors. A speed bump is proposed at the park entrance to slow vehicles upon arrival into the park.

Integral to the Master Plan is a strategy for enhancing the wetland. The plan includes native tree, shrub and

wetland plug planting, and seeding to increase native plant species diversity. The site will be graded to pull the previously filled pond edges back to a more gently sloped condition. This action will increase the width of the emergent and shrub/scrub edge zone and will encourage a more diverse and higher quality wetland plant community along the edge. Grading around some of the edges will also promote the selective clearing of vegetation in certain areas, opening up views across the site and facilitating the removal of non-native, invasive plant species like Himalayan Blackberry. The new edge configuration will also tend to make it more difficult for children to reach the interior islands by providing a greater (wetter) separation between the islands and the wetland edge.

By the neighbors request, no screen planting is proposed around the park property lines which abut the residences. Some shrub and tree planting is proposed at the north end to buffer the site from northern winds and to promote habitat connectivity with the small wooded area just north of the site. To the south, a grove of trees is planned, replacing the existing cottonwoods. The cherry at south end, the white birch on the southern most island and the large willows in northwest corner will remain in place.

A playground area is planned for the southwest portion of the active recreation zone. Tentatively, the equipment planned for the playground includes: a tire swing, ring bars, a spring platform, a slide, tunnels, a talk tube and a fire pole. The playground will be a designed primarily for young children. The southwest corner of the site will be regraded to partially enclose the playground and to accept excess cut material from other parts of the site. Vegetation around certain areas of the wetland edge are proposed to be selectively cleared to open up views from the cul-de-sac to the playground.

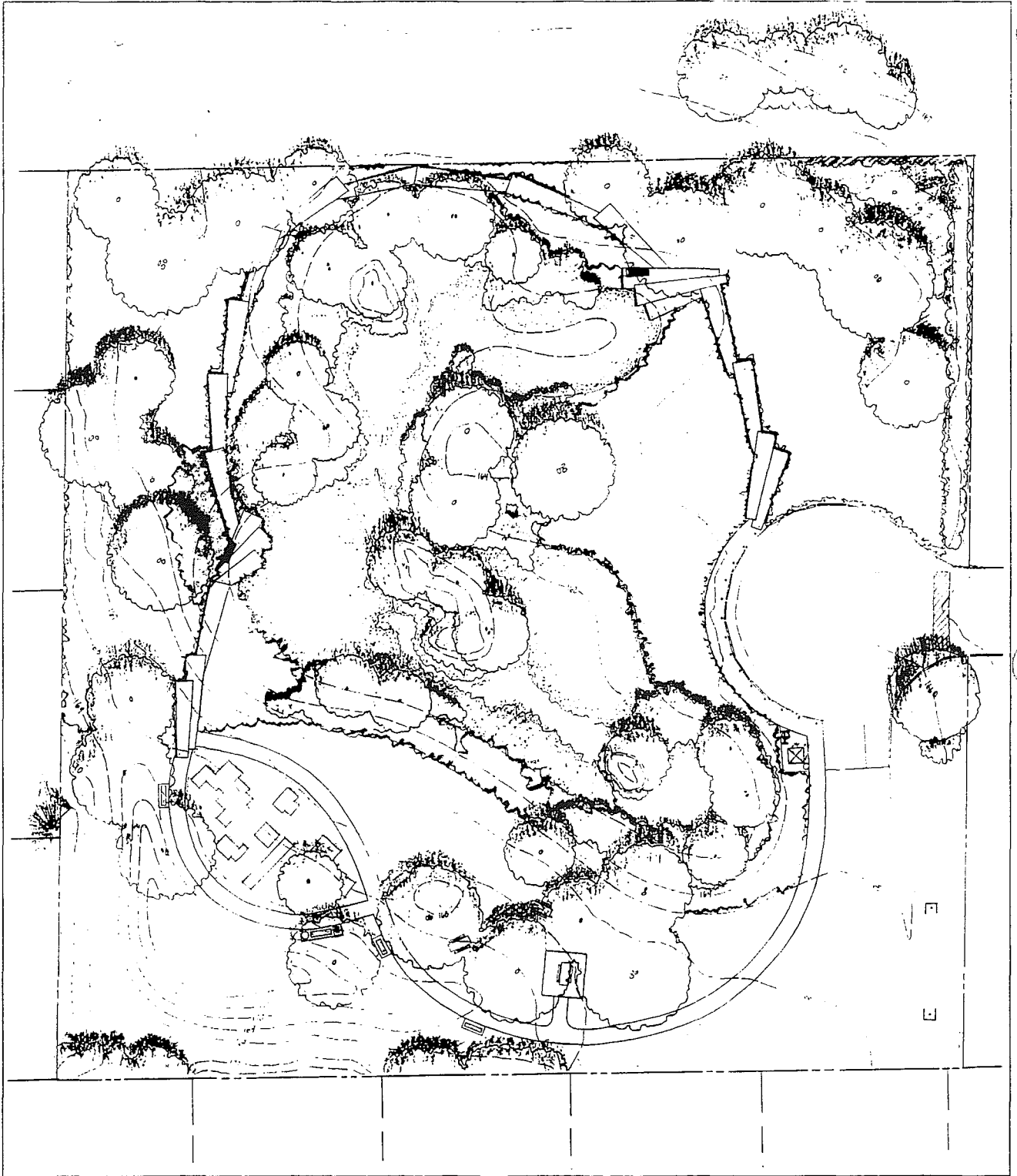
Other recreational opportunities provided for in the site development Master Plan include re-establishing the horse shoe pits in the southeast corner and establishing an open grass area next to the horse shoe pits. The potential for future educational and interpretive observation points exist along the boardwalk, primarily at the observation points. Benches for observing playground activities and wetland/ wildlife are planned throughout the park. Picnic areas are proposed under the southern grove of trees near the playground where wildlife or playground activity can



be readily observed. Bike racks and a drinking fountain are also included.

#### **Vegetation Management**

After the proposed earthwork is completed and the planting improvements are implemented, the vegetation within the wetland zones on the site will have to be managed specifically in order to maintain the proposed plant communities. This means that the wet meadow will no longer be maintained as a traditional lawn. Instead, it will be mowed less frequently (once or twice a year) to provide a taller vegetative cover for wildlife and to encourage native species to become established within the plant community and keep shrub growth to a minimum. Edge zones that have been cleared and graded to establish emergent wetland benches will have to be mowed periodically to prevent shrub growth from becoming dominant. Selective clearing of woody plant material at edges that are important to keep open for safety reasons may also be an ongoing activity within the park.



Master Plan

**Appendix A**

**Plants Observed on the Site**

## Plant Species Observed on the Furnberg Park Site

### Shrub/Scrub and Emergent Complex with Open Water:

<u>Common Name</u>	<u>Botanical Name</u>
Soft Brome .....	<i>Bromus mollis</i>
Spikerush .....	<i>Eleocharis sp.</i>
Horsetail .....	<i>Equisetum sp. pos. fluviatile</i>
Oregon Ash .....	<i>Fraxinus latifolia</i>
Soft Rush .....	<i>Juncus effusus</i>
Duckweed .....	<i>Lemna sp.</i>
Roughstalk Bluegrass .....	<i>Poa trivialis</i>
Water Smartweed .....	<i>Polygonum sp. pos. lapathifolium</i>
Black Cottonwood .....	<i>Populus balsamifera var. trichocarpa</i>
Himalayan Blackberry .....	<i>Rubus discolor</i>
Hooker's Willow .....	<i>Salix hookeriana</i>
Pacific Willow .....	<i>S. lasiandra</i>
Willow .....	<i>S. sitchensis</i>
Cattails .....	<i>Typha sp.</i>
American Brooklime .....	<i>Veronica americana</i>

### Wet Meadow:

Creeping Bentgrass .....	<i>Agrostis stolonifera</i>
Meadow Foxtail .....	<i>Alopecurus geniculatus</i>
Orchard Grass .....	<i>Dactylis glomerata</i>
Fescue .....	<i>Festuca sp.</i>
Tall Fescue .....	<i>Festuca arundinacea</i>
Bird's Foot Trefoil .....	<i>Lotus corniculatus</i>
Reed Canarygrass .....	<i>Phalaris arundinacea</i>
Kentucky Bluegrass .....	<i>Poa pratensis</i>
Roughstalk Bluegrass .....	<i>Poa trivialis</i>
Creeping Buttercup .....	<i>Ranunculus repens</i>
Celery-leaf Buttercup .....	<i>Ranunculus sceleratus</i>
Curly Dock .....	<i>Rumex crispus</i>

### Lawn and Upland Areas (not a complete survey):

Annual Lobelia .....	<i>Lobelia sp. (cultivated)</i>
Common Willow-herb .....	<i>Epilobium glandulosum</i>
Fescue .....	<i>Festuca sp.</i>
Annual Bluegrass .....	<i>Poa annua</i>
Kentucky Bluegrass .....	<i>Poa pratensis</i>
Cherry .....	<i>Prunus sp.</i>
Hawthorne .....	<i>Crataegus pos. monogyna</i>
Black Cottonwood .....	<i>Populus balsamifera var. trichocarpa</i>
Climbing Nightshade .....	<i>Solanum dulcumara</i>

**Appendix B**

**Summary of Public Input**

**FURNBERG PARK**  
**FIRST PUBLIC MEETING**  
**4 June 1996**

The following items were offered by the public during the meeting:

- North winds may limit activities at the north end of the park - buffer planting may help
- It may not be appropriate to mow the 'wet meadow'
- Cottonwoods are a problem - some are rotten - would like to see them go away
- Don't take out cottonwoods without replacing them with other trees
- The focus of Furnberg could be a 'Tot Park'
- Discourage Teen Use - 3:00 p.m. regular problem
- Consider putting a speed bump in the cul-de-sac
- There should be a path all the way around the park
- More benches are needed
- The neighbors enjoy wildlife observation
- The neighbors would like an area to feed the ducks
- No baseball, basketball or tennis
- Develop play areas similar to Lentz Park
- Provide regular swings as well as 'kiddie' swings
- Path may have some parts that are raised walkways
- Pond edge was filled - pull the grades back
- Selective clearing of wetland vegetation is desirable. to open-up the canopy and provide views to the back of the park
- Teenagers use of the islands is a problem
- Night lighting may be needed
- Add bollards around the cul-de-sac
- Drainage is a problem at the south end - should not be increased
- Install a permanent base for the temporary restroom
- Consider dredging in the pond to provide open water
- Provide a comfortable place for adults to watch children
- Additional picnic areas would be appropriate
- Establish an educational facility for young kids
- Wetland character provides opportunity for interpretive education
- Local neighborhood work groups would be interested in park clean-up and other projects

**FURNBERG PARK  
SECOND PUBLIC MEETING  
19 June 1996**

During the second public meeting, the master planning process was described, the analysis conclusions were reviewed and the three preliminary design concepts were presented to the neighborhood participants. The following response was given by the public to the presentation of the three conceptual design alternatives:

**General Input - All Concepts:**

- The location of the restroom pad is not desirable. Locate the restroom further away from the property line.
- Save the Cherry and Hawthorne near the Cottonwoods south of the walkway and save the White Birch on the southernmost island. There is also a really nice Willow in the northwest corner of the ponded zone.
- Extensive planting around the edges (for screening) that abut the residential lots is not desirable. Planting along the north park edge is preferred.
- An open edge treatment around the wetland is preferred. Clear the "junk" trees out around the edges, so the limbs are not so easily accessible to children.
- If planting occurs along the edge, don't limit access to the wetland.
- Deepening the pond and removing the muck and debris is desirable.
- The neighbors would like an ash tray and a heavy-duty trash can located on the cul-de-sac.
- Add bicycle parking and a drinking fountain.
- Add benches along the boardwalk.
- Consider a gravel path through the wetland instead of a wooden boardwalk.
- Consider reestablishing horseshoe pits.
- One resident expressed an opinion that the hills at the south end should be graded out (i.e. flatter), while another disagreed and thought that children enjoyed playing upon them.
- It was suggested that we talk to the farmer to the north about planting trees at the north end.

**Concept A:**

- The location of the play area in Concept A may encourage teenager destructiveness.
- Pulling the boardwalk out towards the eastern property line is not desirable.

**Concept B:**

- Concept B is definitely the preferred concept. The boardwalk configuration is preferred because it accommodates circulation around the site and the random configuration may tend to discourage skateboard and bicycle use.

**Concept C: No distinct comments were made about Concept C.**

## *Second Public Meeting, continued*

### **Playground Equipment Discussion:**

There was much discussion about playground equipment choices for an updated and improved playground facility at Furnberg Park. Diane Campbell of NCPRD spoke about ideas that were brought forth by the children at the Linwood School meeting. Out of this meeting, the most unique play idea for Furnberg Park was a proposed bridge over the wetland, where one could experience the wetland habitat from above. Other ideas from the children focused upon elaborate play structures. It was mentioned that the Linwood School playground will have an elaborate play structure and children will have access to that. Equipment selection for Furnberg should add diversity to the neighborhood play opportunities, not replicate them. All age groups should be considered, not just one age group. The following items were mentioned by the neighbors as desirable additions.

- Square springboard
- A series of platforms with a steering wheel
- Simple structures or separate pieces of equipment
- Swings, slides and something to climb on

### **Other Information:**

- The big island supports green-backed herons.
- Boy/Girl Scouts groups may be interested in building houses for birds.
- There was a question about whether it was possible to reestablish "Gambusia" fish in the pond.

**FURNBERG PARK  
THIRD PUBLIC MEETING -  
LINWOOD NEIGHBORHOOD DISTRICT ASSOCIATION  
27 June 1996**

This third public meeting was basically a repeat of the second public meeting, only with the Linwood Neighborhood District Association. At least three members of the Land Use Committee were present as well as two City of Milwaukie Council members. As in the second public meeting, the master planning process was discussed, the analysis conclusions were reviewed and the three preliminary design concepts were presented to the group. The following comments were offered by the public during the meeting:

- Consider plastic materials for construction of the boardwalks.
- Limb up trees for safety.
- The City of Milwaukie has a new safety program that was just established. Get a copy of the recommended policies from the City of Milwaukie and review them in conjunction with refining the Master Plan.
- Consider a light weight pre-cast concrete product for construction of the boardwalks.
- Pull the boardwalk away from the wetland to minimize impacts to wildlife.

**FURNBERG PARK  
FOURTH PUBLIC MEETING -  
LINWOOD NEIGHBORHOOD DISTRICT ASSOCIATION and  
FURNBERG PARK NEIGHBORS  
25 July 1996**

This fourth public meeting was held in conjunction with the regularly scheduled Linwood Neighborhood District Association monthly meeting. At least two members of the Land Use Committee were present. As in the second and third public meetings, the master planning process was discussed, the analysis conclusions were reviewed. Then the Preliminary Master Plan was presented to the group. The following comments were offered by the public during the meeting:

- Re-introduce cattails in the wetland.
- Include Oregon Ash species in the planting scheme.
- Add conifer trees to the planting scheme.
- Fill bollards with concrete to prevent vandalism and theft.
- Remove bamboo plants from western property line.
- Plant shrubs near the property line southeast of the cul-de-sac (where large dip is).

**Appendix C**

**Cost Estimate**

## Furnberg Park Master Plan Development Cost Estimate

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### Site Preparation

<u>Item</u>	<u>Quantity</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Subtotal</u>	<u>Total</u>
Clear and grub grass	41,480	sf	\$ 0.12	\$ 4,980.00	
Asphalt removal	1,355	sf	0.50	680.00	
Tree removal	11	each	200.00	2,200.00	
Lighting removal	1	each	300.00	300.00	
Clear and grub edge	3,850	sf	0.15	580.00	<b>\$ 8,740.00</b>

### Earthwork

Cut and fill	1,265	cy	\$ 4.00	\$ 5,060.00	
Fine grading	41,480	sf	0.15	6,222.00	
Haul excess	30	cy	20.00	600.00	<b>\$ 11,882.00</b>

### Landscape Construction

Concrete area	850	sf	\$ 3.00	\$ 2,550.00	
Bollards	25	each	100.00	2,500.00	
New walkway	4,240	sf	1.50	6,360.00	
Boardwalk	3,800	sf	30.00	114,000.00	
Speedbump	170	sf	3.00	510.00	<b>\$ 125,920.00</b>

### Planting

Install logs		lump sum		\$ 500.00	
Trees - large	16	each	250.00	4,000.00	
Trees - small	12	each	100.00	1,200.00	
Shrubs (4' o.c.)	675	each	22.00	14,850.00	
Wetland plugs (2' o.c.)	1,650	each	2.00	3,300.00	
Lawn (not irrigated)	33,500	sf	0.35	11,725.00	
Seeded meadow	4,720	sy	1.00	4,720.00	<b>\$ 40,295.00</b>

<b>Playground</b>	1	lump sum			<b>\$ 30,000.00</b>
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### Miscellaneous

Barrier fence	360	lf	\$ 2.50	\$ 900.00	
Horseshoe pit	1	lump sum		600.00	
Picnic tables (no labor)	3	each	200.00	600.00	
Benches (no labor)	6	each	350.00	2,100.00	
Trash cans	2	each	500.00	1,000.00	
Interpretive panels	2	lump sum		3,000.00	
Ash urn	1	each	200.00	200.00	
Bike rack	3	each	100.00	300.00	
Drinking fountain		lump sum		1,200.00	
" piping	330	lf	2.00	660.00	<b>\$ 10,560.00</b>

<b>Fees/Permitting</b>		lump sum			<b>\$ 5,000.00</b>
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<b>Subtotal</b>	<b>\$ 232,397.00</b>
<b>20% Contingency:</b>	<b>46,480.00</b>
<b>GRAND TOTAL:</b>	<b>\$ 278,877.00</b>



February 21, 1997

To: Mayor and City Council  
Through: Charlene Richards, Assistant to the City Manager *CR*  
Dan Bartlett, City Manager *DB*  
From: JoAnn Herrigel, Program Services Coordinator *JH*  
Subject: Approval of Cable Transfer

**Action Requested/Recommended**

Approve a resolution giving the City's consent, with conditions, to the transfer of Milwaukie's cable television system from Jones Intercable to TCI, Georgia. (The resolution will be forwarded to you as soon as it is available.)

**Background**

The city was notified in November that TCI, Georgia proposed to buy the Milwaukie cable television franchise from Jones Intercable. According to FCC rules, the city is allowed to review the transfer documents and request additional information before taking action on the transfer of our system.

City staff has focused on three areas during this review. First, we wanted to be assured that TCI, Georgia was financially able to purchase and operate the Milwaukie system. Second, we wanted to be confident that TCI had adequate technical resources and staff to operate the system according to the existing franchise specifications. Finally, we wanted to make sure that Jones Intercable was in compliance with the existing franchise before the transfer moved forward.

Staff has worked closely with City legal council, our cable consultant and both TCI and Jones Intercable over the past several months. Representatives of TCI and Jones have been extremely willing to provide us with information. However, as of this date (February 21) several issues remain unsettled. In order to include this issue in the Council packet, staff has submitted this memo, without the resolution and before all issues have been formally resolved. Those unresolved issues are listed in attached Exhibit A as conditions of the transfer approval. We anticipate that all issues will be resolved before the March 4 meeting. At or before the March 4 Council meeting, staff will provide Council with a revised list of conditions for the transfer.

**Exhibit A**  
**Transfer Conditions**

- 1) TCI provides the city with adequate information regarding TCI, Georgia and their affiliation with TCI Portland.
- 2) TCI agrees to City's right to retain option to acquire cable system.
- 3) Legal council and cable consultant are satisfied with financial information provided to the City by TCI.
- 4) Jones provides the City with a proposed I-Net system and TCI signs a document agreeing to install the proposed system within a time frame satisfactory to the City.
- 5) TCI agrees to provide 2 staff people to run the access studio.
- 6) TCI chooses and agrees to install a phone answering system that meets the requirements of the existing franchise.
- 7) Jones or TCI agrees to purchase any studio equipment required by the existing franchise that is found to be absent from the current inventory.
- 8) TCI formally agrees to comply with all requirements of the existing franchise.



February 27, 1997

To: Mayor and City Council  
Through: Charlene Richards, Assistant to the City Manager *CR*  
Dan Bartlett, City Manager *DB*  
From: JoAnn Herrigel, Program Services Coordinator *JH*  
Subject: Approval of Cable Transfer

**Action Requested/Recommended**

Approve the attached resolution giving the City's consent to the transfer of Milwaukie's cable television system from Jones Intercable to TCI, Georgia with the understanding that the attached Assumption Agreement will be finalized and signed by TCI and the city before the transfer takes place.

**Background**

Since the last staff correspondence with Council, TCI, Jones Intercable and staff have resolved all but two issues which staff had identified. The remaining two issues are the Institutional Network design and installation and the cable drop for the Johnson Creek Blvd. Public Works Facility.

In order to facilitate the transfer process we are submitting the resolution with an attached "Assumption Agreement" for Council approval. This agreement states that TCI agrees to comply with all of the sections of the franchise including those which Jones had not complied with. The agreement further states that the I-Net system and the JCB hookup will be completed by TCI by September of 1997. The assumption agreement will be signed by TCI and the City as soon as the design for the I-Net system has been finalized. We anticipate that this will be within one day of the March 4 Council meeting.

RESOLUTION NO. \_\_\_\_\_  
CITY OF MILWAUKIE, OREGON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON  
APPROVING THE TRANSFER OF THE CABLE TELEVISION FRANCHISE.

WHEREAS, Jones Cable Income Fund 1-A, Ltd., a Colorado limited partnership ("Franchisee"), owns, operates, and maintains a cable television system ("System") in the City of Milwaukie, Oregon ("Franchise authority"), pursuant to Ordinance Number 1540 dated May 3, 1983, as amended by Ordinance 1596 dated April 1, 1986 ("Franchise"), and Franchisee is the duly authorized holder of the Franchise; and

WHEREAS, TCI Cablevision of Georgia, Inc. ("TCI-GA") and Franchisee are parties to an agreement (the "Purchase Agreement") whereby Franchisee has agreed to assign and transfer all of the assets of the System, including all right, title, interest and obligations of Franchisee under the Franchise, to TCI-GA; and

WHEREAS, Franchisee and TCI-GA have requested consent by the Franchise authority to the assignment and transfer of all of the assets of the System, including all right, title, interest and obligations of Franchisee under the Franchise, to TCI-GA (the "Transaction") in accordance with the requirements of the Franchise; and

WHEREAS, the Transaction is deemed to be in the best interests of the residents of the City of Milwaukie, Oregon, provided the condition contained herein can be met; now, therefore;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON  
THAT:

Section 1: The Franchise Authority hereby consents to and approves the transfer of the System and the Franchise to TCI-GA, all in accordance with the terms of the Franchise.

Section 2: Pursuant to Resolution No. 5-1997 adopted by the Franchise Authority on January 21, 1997, as a condition of the Franchise Authority's consent to the transfer of the System and the Franchise to TCI-GA, Franchisee shall pay to the Franchise Authority the amount of the Franchise Authority's reasonable costs above normal operating expenses, provided that such expenses do not exceed \$4,000.00, for reviewing the transfer application, including staff time, consultant fees, attorney's fees and other related expenses, and the Franchise Authority agrees to provide Franchisee with a statement for such expenses as soon as possible and not later than 2 days prior to the meeting of the City council to consider the Franchise transfer to TCI-GA.

**Section 3:** The Franchise Authority confirms that (a) the Franchise was properly granted to Franchisee; (b) the Franchise is currently in full force and effect and expires June 2, 1998; (c) the Franchise supersedes all other agreements between Franchisee and the Franchise Authority and represents the entire understanding of the parties; and (d) Franchisee is in compliance with the Franchise with the exception of portions of Section 6 and 7. Upon completion of the issues described in the attached Assumption Agreement, the City will consider TCI-GA in full compliance with all sections of the Franchise.

In recommending that the transfer of ownership be approved, the City Council highlights the following issues which merit particular attention by TCI-GA:

1. That a strong local and community presence be maintained by TCI-GA including local operations personnel who can address day-to-day customer service and related performance issues.
2. That TCI-GA and its parent companies actively work to maintain the localism of the Milwaukie/Clackamas County cable television system so that services are responsive to the community.
3. That TCI-GA provide written assurance that efforts begun by Jones Cable Income Fund 1-A, Ltd. to provide services required by the Franchise be implemented in cooperation with the City Council.
4. The City Council hopes that TCI-GA will be sensitive to transitional issues for customers such as changes in billing, etc. It is strongly recommended that TCI-GA work with staff and the City Council to minimize customer disruption and confusion during the transition from Jones Cable Income Fund 1-A, Ltd. to TCI-GA.

**Section 4:** The Franchise Authority hereby acknowledges the sufficiency of the notice provided by Franchisee and TCI-GA regarding the transfer of the Franchise and the System to TCI-GA.

**Section 5:** TCI-GA may transfer the Franchise or control related thereto to any entity controlling, controlled by or under common control with TCI-GA in accordance with the provisions of the Franchise.

**Section 6:** This resolution shall be deemed effective upon the closing of the Transaction.

Introduced and adopted by the City Council on \_\_\_\_\_, 1997.

\_\_\_\_\_  
Craig Lomnicki, Mayor

**ATTEST:**

\_\_\_\_\_  
Pat DuVal, City Recorder  
pjl/sent/65021/cmb/tra.re3(2/26/97)

## ASSUMPTION AGREEMENT

This Assumption Agreement (this "Assumption") is made as of this \_\_\_\_\_, 1997 by and between TCI Cablevision of Georgia, Inc., a Georgia corporation ("TCI-GA") and the City of Milwaukie, Oregon (the "City").

This Assumption is entered into pursuant to the terms of the Cable Television Ordinance dated May 3, 1983 (the "Franchise") by and between the City and Jones Cable Income Fund 1-A, Ltd. ("Jones").

Subject to the consummation of the Asset Purchase Agreement by and between TCI-GA and Jones dated November 8, 1996, TCI-GA hereby agrees to: (i) comply with and perform in accordance with the Franchise; (ii) assume all obligations and liabilities arising under the Franchise, including, without limitation, those arising under Sections 6.3B, 6.4, 7.8, 7.9, 8.2, 8.4, 8.6A, 11.1E, 11.2, 11.6, 11.10D, 12.4, and 12.6D, from and after the closing of the transaction whereby the cable television system located in the City will be transferred from Jones to TCI-GA; and (iii) subject to force majeure delays, ensure the substantial completion of the technical improvements to the system serving the City (the "System") which are described on Exhibit 1 by September 1, 1997 (the "Completion Deadline"). The City acknowledges that, upon the completion of the technical improvements described on Exhibit 1 (the "Technical Improvements"), the System will be in material compliance with all requirements of Sections 6 and 7 of the Franchise.

Upon substantial completion of the Technical Improvements, TCI-GA shall provide written notice of completion of the Technical Improvements to the City (the "Completion Notice"). Following the City's receipt of the Completion Notice, the City will have ~~thirty~~ <sup>30</sup> days to inspect the Technical Improvements (the "Inspection Period") and to provide TCI-GA with written notice of any Technical Improvements that the City believes have not been completed in accordance with Exhibit 1 (the "Objection Notice"). In the event that the City agrees that the Technical Improvements have been completed in accordance with Exhibit 1, the City shall provide TCI-GA with a written certification acknowledging the completion of the Technical Improvements in accordance with Exhibit 1 ("Certification"). In the event that the City fails to provide TCI-GA with an Objection Notice or a Certification on or before the expiration of the Inspection Period, the Technical Improvements shall be deemed to have been completed as provided on Exhibit 1. In the event that the City has objections to the Technical Improvements as they have been completed by TCI-GA ("Objections"), TCI-GA will attempt to correct such Objections on or before the Completion Deadline. Upon the correction of any such Objections, TCI-GA shall be deemed to have completed the Technical Improvements as provided on Exhibit 1. In the event of any dispute over the completion of the Technical Improvements and/or any Objections raised by the City, the City and TCI-GA will use good faith efforts to resolve such dispute by the Completion Deadline.

**IN WITNESS WHEREOF**, the undersigned have executed this Assumption effective as of the date first written above.

**TCI CABLEVISION OF GEORGIA, INC.**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**CITY OF MILWAUKIE, OREGON**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

## Exhibit 1

### [Description of Technical Improvements]

#### I. Institutional Network or I-Net (Section 7.8 of the Franchise)

##### General Description

TCI-GA will activate an institutional network comprised of one video channel within the System's existing residential broadband infrastructure (the "I-Net"). The I-Net shall be capable of providing one time-shared video channel in the upstream direction combined with one broadcast video channel in the downstream direction which can be received and transmitted from the following sites ("Institutional Site"):

##### Schools

Milwaukie High School  
 Rowe Junior High  
 Hector Campbell Elementary  
 Linwood Elementary  
 St. John's (private)  
 Milwaukie Junior High  
 Ardenwald Elementary  
 Lewelling Elementary  
 Milwaukie Elementary

##### Other

Johnson Creek Blvd Public Works Facility  
 Milwaukie Public Library  
 PSB Fire and Police Station  
 Milwaukie Senior Center  
 Milwaukie City Hall

TCI-GA shall not be required to provide any equipment at the Institutional Sites except as otherwise provided in the Franchise.

##### Technical Specifications

The I-Net will be installed with equipment and facilities and in a manner determined by TCI-GA in its reasonable discretion; provided, however, that the I-Net will have the following technical characteristics.

At each Institutional Site TCI-GA will provide one programmable T-9 channel modulator and one remote control modem. This equipment will interface with the System's existing residential network via the cable drop connected to each Institutional Site. The signal from this equipment will be routed to the System's headend via the coaxial network. Within the System headend, the T-9 signal will be routed to a T-9 de-modulator, the signal processed and put onto the residential feed. Also within the System headend will reside a communications hub, a

communications server, and a data modem necessary to coordinate and schedule the I-Net transmission from each Institutional Site.

## II. Johnson Creek Boulevard Public Works Facility (the "JCB Facility")

TCI-GA will extend the existing residential cable plant to the JCB facility in such a manner as to provide the same level of service received by other public institutions in the City of Milwaukie.

## III. Interconnect (Section 7.9 of the Franchise)

### General Description

The System is currently interconnected with an existing TCI headend which services portions of unincorporated Clackamas County (the "TCI Clackamas Headend"). This existing headend interconnect currently provides 6 access channels into the System. TCI-GA will activate two outbound video channels from the System headend to the TCI Clackamas Headend through the existing interconnect (the New Interconnect"). This would provide the System Headend with the capability of transmitting signals from the I-Net described above to the TCI headend for distribution into portions of unincorporated Clackamas County. Notwithstanding the foregoing, TCI-GA make no representations that such signals will actually be transmitted to areas within unincorporated Clackamas County because the transmission of such signals to such areas would be beyond the scope of the franchise and may be beyond the technical capacity of the cable television system serving these areas.

### Technical Specifications

The New Interconnect will be installed with equipment and facilities and in a manner determined by TCI-GA in its reasonable discretion; provided, however, that the I-Net will have the following technical characteristics:

Within the Milwaukie headend, TCI-GA will install two T-channel modulators and connect them to the interconnect existing between the Systems headend and the TCI Clackamas Headend.

## IV. Answering System

[The specifications for the new answering system are still being determined]



MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager  
Jim Brink, City Engineer *JSB 2-21-97*

FROM: Ruthanne Bennett, Civil Engineering Assistant *R. B.*

RE: 34th and 35th Stormline Construction

DATE: February 21, 1997

RECOMMENDATION

At the March 4th City Council Meeting we will be requesting that Council authorize the City Manager to sign a contract with the lowest qualified bidder for the 34th and 35th Stormline Construction Project.

BACKGROUND

The City Council gave the Public Works Department approval to advertise for bids on this project November 19, 1996. A copy of the memo from that City Council meeting is attached and provides additional information on the layout of the project. Advertising was done as required. Bids will be opened March 4, 1997 at 2:00pm at the Johnson Creek Facility.

DISCUSSION

Information on the bidders and the bids received will be provided at the City Council meeting.



MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager  
Dave Wheaton, Public Works Director  
Jim Brink, City Engineer *JB*

FROM: Ruthanne Bennett, Civil Engineering Assistant *RB*

RE: 34th and 35th Stormline Construction

DATE: November 8, 1996

RECOMMENDATION/ACTION REQUESTED

Authorize the Public Works Department to advertise for bids to replace the stormline on Washington Street east of 32nd Avenue, and to replace and extend the stormline on 33rd, 34th and 35th Avenues south of Washington Street

BACKGROUND

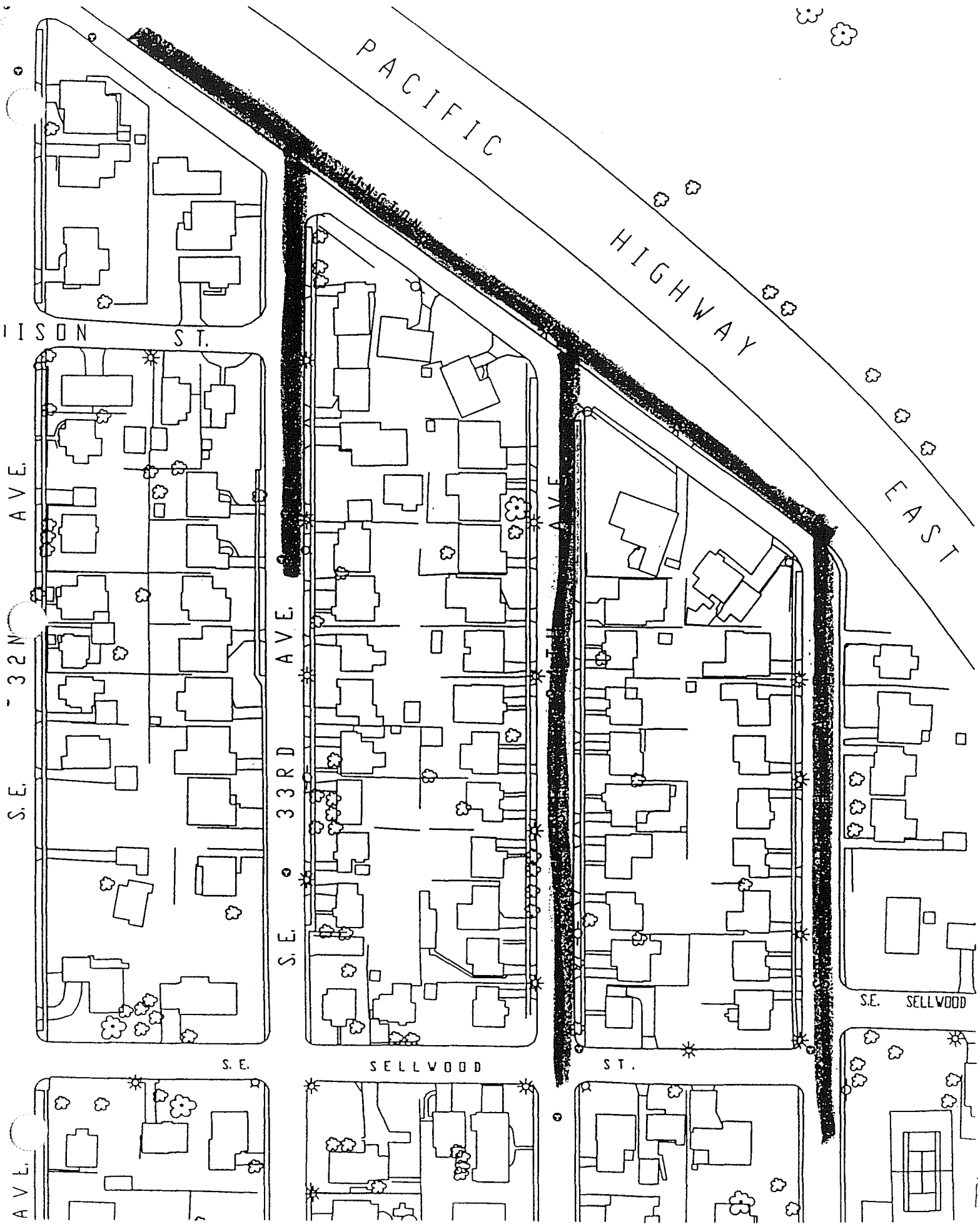
Replacement of 2400 feet and construction of 400 feet of stormline with catch basins and manholes on Washington Street and 33rd, 34th and 35th Avenues will collect surface water on those streets so the water will not contribute to local flooding of yards, garages and sidewalks. Field investigations have been made and plans are being drawn by the Engineering Department. Our intent is to advertise for bids in the latter part of November with the bid opening in December. After receiving and evaluating the bids we will return to Council with our recommendations. We anticipate returning to Council for approval to award in late December. Construction could begin in early January.

DISCUSSION

Initially \$20,000 was budgeted to extend the existing stormline 300 feet. During field investigations it was determined that the pipe size of 2400 feet of existing stormline is inadequate and replacement is needed, increasing the cost estimate to \$130,000. In the General Storm Projects Budget line item there are enough dollars to cover the cost of this project with Council approval. This project is consistent with the proposed Surface Water Master Plan.

FISCAL IMPACT

\$130,000 from General Storm Projects Budget





MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *Dan*  
Jim Brink, City Engineer *JEB 2-21-97*

FROM: Ruthanne Bennett, Civil Engineering Assistant *R. B.*

RE: 40th Avenue Extension Stormline Construction

DATE: February 21, 1997

RECOMMENDATION

At the March 4th City Council Meeting we will be requesting that Council authorize the City Manager to sign a contract with the lowest qualified bidder for the 40th Avenue Extension Stormline Construction Project.

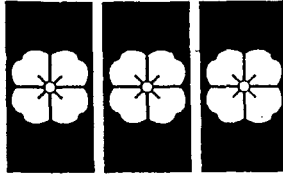
BACKGROUND

The City Council gave the Public Works Department approval to advertise for bids on this project November 19, 1996. A copy of the memo from that City Council meeting is attached and provides additional information on the layout of the project. Advertising was done as required. Bids will be opened March 4, 1997 at 2:00pm at the Johnson Creek Facility.

DISCUSSION

Information on the bidders and the bids received will be provided at the City Council meeting.

CITY OF



MILWAUKIE

MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager  
Dave Wheaton, Public Works Director  
Jim Brink, City Engineer JEB

FROM: Ruthanne Bennett, Civil Engineering Assistant R.B.

RE: 40th Avenue Extension Stormline Construction

DATE: November 8, 1996

RECOMMENDATION/ACTION REQUESTED

Authorize the Public Works Department to advertise for bids to construct a stormline on Monroe Street from 40th Avenue to 37th Avenue.

BACKGROUND

Construction of 800 feet of stormline with catch basins will provide initial storm drainage on Monroe Street between 40th Avenue and 37th Avenue. This stormline will collect surface water on Monroe Street so the water will not contribute to local flooding of yards and will not damage the sidewalk, curbs or retaining walls. Also, less ice will form on this steep street and sidewalk. Field investigations have been made and plans are being drawn by the Engineering Department. Our intent is to advertise for bids in the latter part of November with the bid opening in December. After receiving and evaluating the bids we will return to Council with our recommendations. We anticipate returning to Council for approval to award in late December. Construction could begin in early January.

DISCUSSION

Citizens have provided information regarding the need for a stormline at this location. The project, with an estimated cost of \$60,000, was not initially budgeted for this fiscal year. In the General Storm Projects Budget line item there are enough dollars to cover the cost of this project with Council approval. This project is consistent with the proposed Surface Water Master Plan.

FISCAL IMPACT

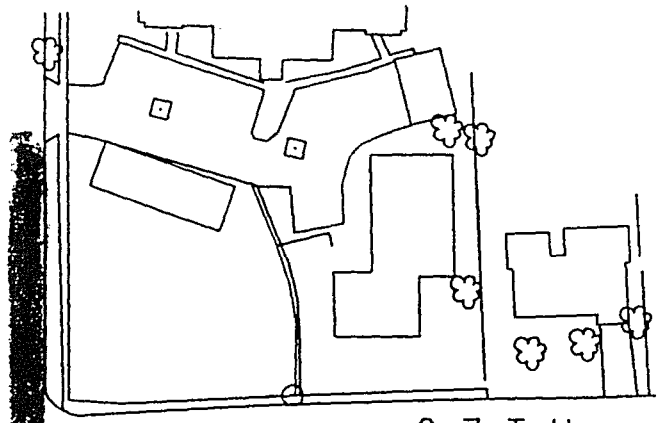
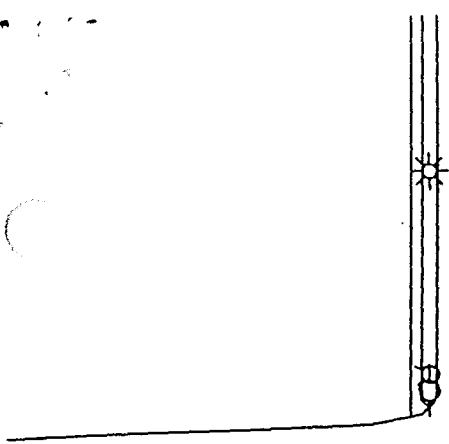
\$60,000 from General Storm Projects Budget

COMMUNITY DEVELOPMENT • PUBLIC WORKS

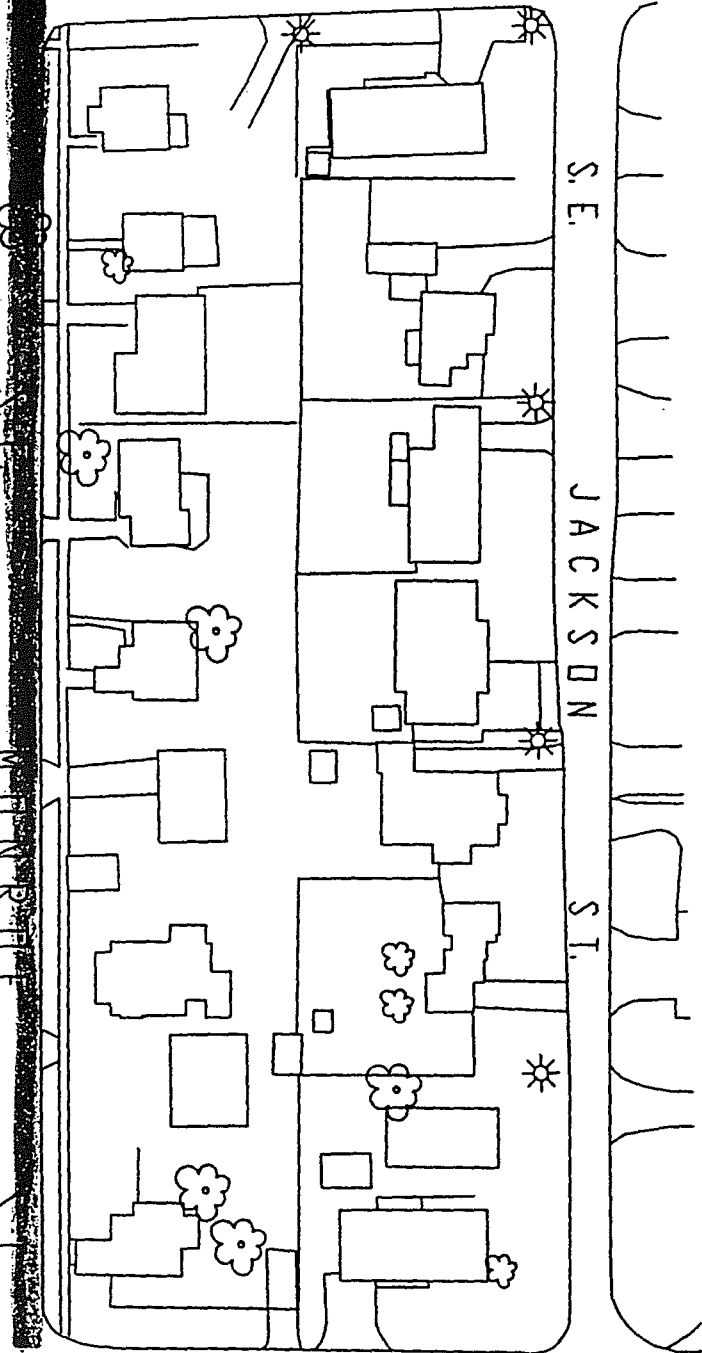
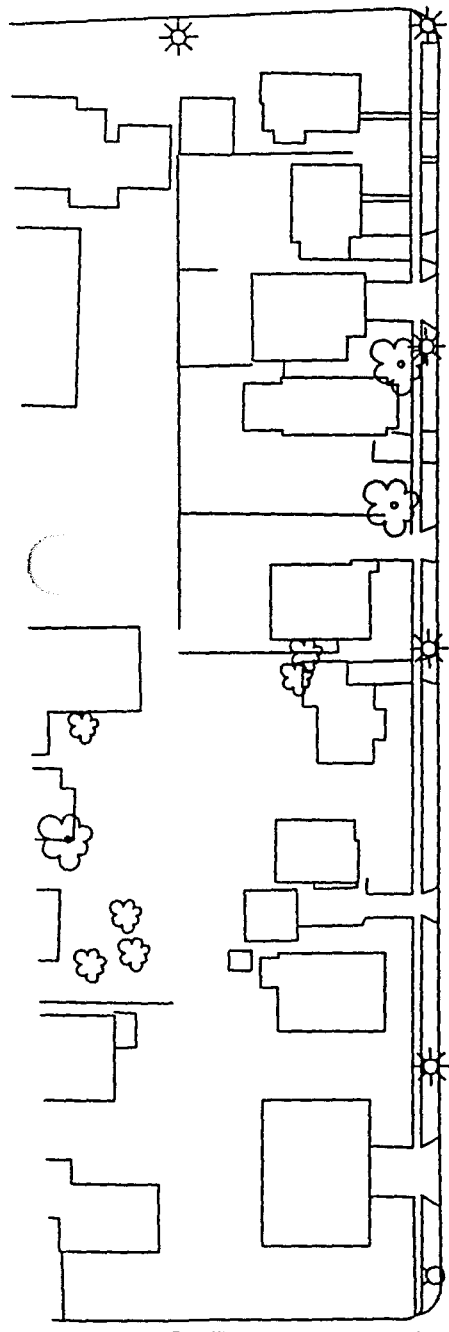
6101 SE JOHNSON CREEK BLVD.

MILWAUKIE, OREGON 97206

PHONE: (503) 786-7600 • FAX: (503) 774-8236



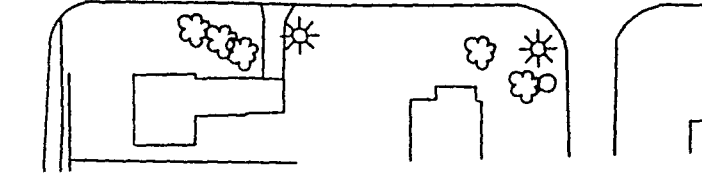
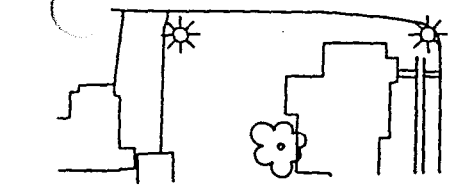
S. E. 37 T H



S. E. JACKSON ST.

S. E. 40 T H

A V E.





**To:** Mayor and City Council

**Through:** Dan Bartlett, City Manager *DB*

**From:** Mike Swanson, Interim Public Works Director

**Re:** Amendment to PO#970303  
for Sewage Treatment Costs from the City of Portland.

**Date:** February 21, 1997

**Action Requested**

Authorize the interim Public Works Director to increase purchase order #970303 by \$100,000 for the purchase of sewage treatment services from the City of Portland.

**Background**

The Brookside lift station was taken off line due to numerous problems, including its age (constructed in 1968) and the need for rehab work together with a possible overflow problem. Prior to the Brookside lift station removal, the sewage was being treated at Clackamas County treatment plant; now it is directed to the Lents Interceptor and treated by City of Portland. The result of the changeover is an increase above the original estimate of \$120,000 authorized by purchase order #970303.

The balance remaining under the existing purchase order will not be sufficient to cover the cost of Portland's treatment services for the months of Oct., Nov. and Dec. '96, & Jan. '97, not including the remainder of the current fiscal year. I estimate that the amount of \$100,000 should cover all such charges through the remainder of the fiscal year.

**Council Discussion**

**Identifying Problems**

1. shortage in '95-'96 due to sewer rate increases from the City of Portland as well as significantly increased water consumption by commercial customers
2. shortage in '96-'97 due to another 12% Portland sewer rate increase
3. rerouting of Brookside Lift Station flows to the City of Portland via the Lents line-estimated at \$16,194 from Dec '96-June '97.



TO: Mayor and City Council  
THRU: Dan Bartlett, City Manager *Dan*  
FROM: Kelly Somers, Fleet/Facilities Manager *Kelly*  
DATE: February 20, 1997  
RE: Award Bid PSB remodel

RECOMMENDATION/ACTION REQUESTED

Authorize the City Manager to sign a contract with DGS General Contracting Inc., the low bidder, in the amount of \$46,100.00 for the Public Safety Building remodel project.

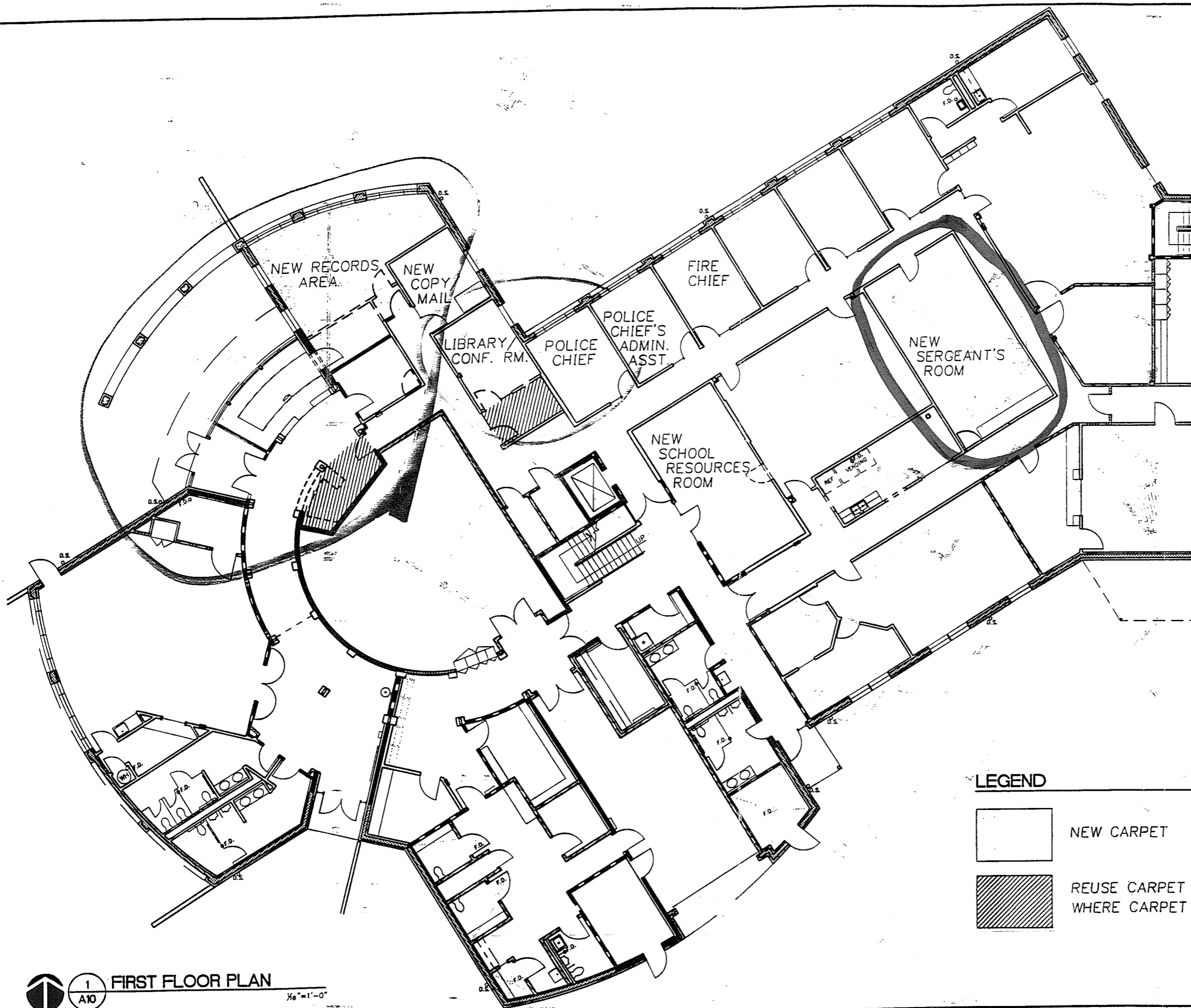
Background

The location of the current reception area in the Public Safety Building does not allow the receptionists a clear avenue to escape if confronted by hostel intruders. The new location will allow the receptionist an escape route, in addition, some other changes are being made to relocate some of the interior offices and the conference room for better traffic flow.

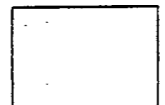

Discussion

We received a total of nine bids for the project ranging from the low bid of \$46,100.00 to a high bid of \$90,350.00. Staff has checked the references of the low bidder and found them satisfactory. Staff recommends that the award be made to DGS General Contracting Inc. in the amount of \$46,100.00.

PSB Remodel project bid results					
#	Bidders name	Total bid	Part A	Part B	Part C
1	DGS General Contracting Inc.	\$46,100.00	\$38,750.00	\$4,500.00	\$1,850.00
2	CMJ Custom Construction	\$55,617.00	\$29,050.00	\$25,050.00	\$2,200.00
3	Russell Construction Inc.	\$57,931.00	na	na	na
4	Hartzell & Sons Construction, Inc.	\$60,300.00	\$46,492.00	\$11,000.00	\$2,808.00
5	J D Custom Construction	\$63,041.00	\$40,743.00	\$16,799.00	\$5,499.00
6	Michael J. Watt, Inc.	\$64,592.00	\$48,921.00	\$11,351.00	\$4,320.00
7	Pro-Teck Construction Co.	\$66,370.00	\$46,108.00	\$12,433.00	\$7,829.00
8	Select Contracting Inc.	\$73,816.00	\$53,165.00	\$16,033.00	\$4,618.00
9	Pacific Tech Construction, Inc.	\$90,350.00	\$65,500.00	\$14,100.00	\$10,750.00
<p>● Part A is the New Reception Desk and Records Area. Changing the size and configuration of the waiting room and demolition of the existing reception desk.</p>					
<p>● Part B is the enlargement of the new Library, Modifications and relocation of existing Library bookshelves, and relocation of Police Chief's office furniture to former Library .</p>					
<p>● Part C Installation of new infill wall and door at new Sergeant's room.</p>					



**LEGEND**

 NEW CARPET  
 REUSE CARPET FROM AREA'S WHERE CARPET HAS BEEN REDONE.


1 FIRST FLOOR PLAN  
 A10 1/8" = 1'-0"

**MACKENZIE/SAITO & ASSOCIATES, P.C.**  
 Architecture • Planning • Interior Design  
 0690 S. W. Bancroft Street • P.O. Box 69039  
 Portland, Oregon 97201-0039  
 Phone: (503)224-9570 • FAX: (503)228-1285

**MILWAUKIE PUBLIC SAFETY BUILDING - ALTERATIONS TO LOBBY & RECORDS**  
**FIRST FLOOR PLAN**  
**CARPET PLAN**

DATE: SEPTEMBER 1996  
 DRAWN BY: ENR  
 CHECKED BY: JJW

REVISION NUMBER	REVISION	EDITION	CLOSING	DATE

SHEET  
A10  
 JOB NO. 295591

01/13/97 11:36 1:192.00  
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