

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
SEPTEMBER 2, 1997**

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

Mayor Lomnicki, Mayor Carolyn Tomei	Jean Schreiber Rob Kappa Don Trotter
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Also present:

Dan Bartlett, City Manager Charlene Richards, Assistant City Manager Pam Beery, City Attorney	Maggie Collins, Community Development Director Paul Roeger, Civil Engineer Rob Shelton, Engineering Intern
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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 August 19, 1997. Motion passed unanimously.

AUDIENCE PARTICIPATION

Nancy Faber, 12109 SE 22nd Ave. She asked the process for interviewing applicants for vacancies on the Traffic Safety and Transportation Board (TSTB) and noted the Board's activities were currently suspended for lack of a quorum. She endorsed Eric Main as a candidate for the TSTB.

Mayor Lomnicki said Board and Commission interviews were scheduled for the first meeting in October, and staff will contact applicants to schedule appointments. He noted there were currently three applicants for the TSTB.

Analise Hummel, 2802 SE Monroe St. Referring to a *Pilot* article, she found it hard to believe there were no qualified local applicants for the City's Neighborhood Services Coordinator position. Her second concern was the monthly sewer and storm fees. She felt one person in one house she should not have to pay the same amount as a household with more people. **Hummel** discussed her concerns with diminishing world-wide water tables and the need to conserve resources. Her next issue was recycling, and she suggested the City provide its citizens with more information and encouragement in the City newsletter. She urged the City Council to make its decisions with everyone in mind. **Hummel** expressed concern with littering and said the gutters on Harrison were cleaner than those on Monroe Street. She asked everyone to be attentive to de-forestation. She thanked the Milwaukie Police Department for helping her in a private matter. She discussed the City Manager's salary increases over the past two years.

Mayor Lomnicki responded to Hummel's concerns. The City of Milwaukie has taken the position that, in order to best serve its citizens, it wants to hire highly qualified people, and the Neighborhood Services Coordinator position was nationally advertised. The Citizens Utility Advisory Board (CUAB) reviews proposed sewer rate increases and makes a recommendation to the City Council. Rates are evaluated on the basis of adequately funding City service levels. He noted there was also a low income program.

Bartlett added the rate was set based on the average water usage equivalent per dwelling unit and is not broken down by the number of people in the unit. It is based on typical usage in the winter months, so the rate is not calculated on high summer volumes. The rate formula is reviewed annually to assure sufficient, but not excess, funds to maintain the system. He discussed the Water Supply Study in which conservation was a primary strategy.

Mayor Lomnicki discussed the City's ongoing recycling efforts using Metro grant funds. Addressing the street cleaning concern, he noted only streets with curbs have cleaning services. Regarding the City Manager's salary increases, **Mayor Lomnicki** said, since 1989, it has been the City's policy to be within 95% of the regional average salary. Last year's 20% increase brought Bartlett, who has been with the City of Milwaukie for nine years, within that range. The 3.5% increase was equivalent to that that given other City employees this fiscal year.

Councilmember Tomei suggested Hummel contact Nancy Bond, Program Coordinator – Conservation, for information on City projects.

PUBLIC HEARING

Willow Street Local Improvement District

Mayor Lomnicki called the public hearing on the Willow Street Local Improvement District to order at 7:27 p.m.

The purpose of the hearing was to consider formation of a local improvement district. On July 15, 1997, the City Council adopted Resolution 27-1997 declaring its intent to form a local improvement district for street and storm drain improvements on Willow Street in the Lewelling area of the City. Notice of the public hearing on the proposed district was mailed to owners of the property benefited by the proposed improvement on August 22, 1997.

This public hearing provided an opportunity for the owners of benefited property to present oral and written testimony on the proposed district to the City Council for consideration. If a benefited property owner did not remonstrate prior to the close of the public hearing, the owner waived any objections to forming the district. 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 are received to suspend formation of the district, the Council would consider adopting the proposed ordinance establishing the local improvement district.

Staff Report: **Roeger** presented the staff report. The scope of work included street paving, curb, sidewalk, and storm drainage benefiting three tax lots in the Lewelling Neighborhood. Affected properties are located between two subdivisions already having curb and sidewalk improvements.

Staff met with the affected property owners on August 26, 1997. The issue with the Love property, 5511 SE Willow, was resolved when it was found that the public road easement was established prior to Love's owning the property. Two of the three property owners signed an Agreement for Real Property Improvements and waived remonstrance rights.

Correspondence: None.

Audience Testimony: None.

Staff Comments: None.

Questions from the Council: None.

Close of Public Testimony: **Mayor Lomnicki** closed the public testimony portion of the hearing at 7:35 p.m.

Deliberation and Vote:

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Willow Street Local Improvement District for Street and Storm Improvements 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 Schreiber and seconded by Councilmember Kappa to read the ordinance establishing the Willow Street Local Improvement District for Street and Storm Improvements 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 Schreiber and seconded by Councilmember Kappa to adopt the ordinance establishing the Willow Street Local Improvement District for Street and Storm Improvements. Motion passed unanimously.

ORDINANCE NO. 1821:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING THE WILLOW STREET LOCALIMPROVEMENT
DISTRICT FOR STREET AND STORM IMPROVEMENTS.**

OTHER BUSINESS**Installation of 'No Thru Trucks' Signs**

Shelton presented the staff report in which the City Council was requested to approve a traffic regulation for installation of "No Thru Trucks" signs on Lake Road and Monroe Street. Public Works receives complaints on a daily basis regarding trucks on Oatfield Road and Monroe Street between Hwy. 224 and 99E. Staff requested the assignment of "No Thru Trucks" signs authority be given to the City Manager for the purpose of expediting installation. The purpose would be to create an exclusion zone for trucks except for local deliveries.

Councilmember Tomei noted that ODOT had rejected installation of signs on Hwy. 224 and 99E and expressed concern the signs would not be seen until the drivers had already turned onto the City streets. **Shelton** said ODOT refused to install these signs on its right-of-way. The intent would be for the drivers to see these signs and find an alternate route the next time.

Councilmember Kappa had seen similar signage in other cities. Drivers will see the signs, and the message will get out, although it will take a while.

Bartlett said, if the City Council directed, staff would prepare an ordinance addressing recommendations 2 and 3: approval for the City Manager to have authority over future placement of "No Thru Trucks" signs in accordance with the Transportation System Plan (TSP); and approval for exemption from the "No Thru Trucks" regulation for local deliveries, including truck traffic generated by businesses located on a street that is posted with "No Thru Trucks" signs. The resolution before Council allows the City Manager to take action in only this specific instance.

Councilmember Kappa asked Shelton to define trucks as referred to in the resolution. **Shelton** said the municipal code defines a truck as any vehicle over seventy-two feet or in excess of six thousand pounds.

Mayor Lomnicki said delivery trucks with a downtown destination could use Monroe Street. **Shelton** said he understood a delivery in the downtown area would be considered local.

Councilmember Tomei asked the consequences. **Bartlett** said a fine could be rendered based on the bail schedule, and the vehicle could be impounded.

Councilmember Kappa noted the availability of state truck routes such as Harrison to 17th Avenue. **Shelton** discussed the desirability of truck routes and avoidance of the transit mall.

Hummel hoped this was not a "Band-Aid" approach and suggested traffic calming devices as a solution.

John Coryell, 5501 SE Willow, suggested the signs have a phone number for additional route information.

Councilmember Kappa commented local delivery trucks use the optimum route and urged drivers to be aware of the neighborhoods especially when making late night deliveries.

It was moved by Councilmember Trotter and seconded by Councilmember Tomei to adopt the resolution authorizing installation of "No Thru Trucks" signs on Lake Road and Monroe Street. Motion passed unanimously.

RESOLUTION 30-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DECLARING THE INTENT TO INSTALL NO THRU TRUCK SIGNS ON MONROE STREET WHERE IT INTERSECTS WITH STATE HIGHWAY 99E AND STATE HIGHWAY 224, AND ON LAKE ROAD WHERE IT INTERSECTS WITH FREEMAN WAY AND 21ST AVENUE.

It was moved by Councilmember Tomei and seconded by Councilmember Trotter to direct staff to prepare an ordinance addressing recommendations 2 and 3 in the staff report for Council consideration. Motion passed unanimously.

Grogan Street Improvements

Roeger presented the staff report in which the City Council was requested to authorize the City Manager to award the project if the lowest responsible bidder was within 10% of the engineer's estimate.

Both 36th Ave. and Grogan St. were candidates for the 1997 - 1998 street overlay project based on their low Pavement Quality Indexes. Staff determined the south half of Grogan could not be overlaid in its current condition, and the north half of the street, recently improved, is in excellent condition. Public Works advertised for half-street improvements, and ten contractors requested bid packages.

Councilmember Tomei asked if this was the type of project for which the monthly \$4 storm fee was used. **Bartlett** said the fee would go toward the storm drainage portion of the project.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to authorize the City Manager to award the project if the lowest responsible bidder was within 10% of the engineer's estimate. Councilmember Trotter noted for the record that Grogan was at the end of his street, but he had nothing to do with project. Motion passed unanimously.

Suspend Council Rules

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to suspend City Council rules to discuss an additional action item. Motion passed unanimously.

County Gas Tax and Vehicle Registration Fee

Bartlett presented the staff report in which the City Council was requested to adopt a resolution authorizing the Mayor to sign a Resolution agreeing to the financial terms of the proposed sharing of the gas tax and vehicle registration fee.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the resolution endorsing the County Gas Tax and Vehicle Registration Fee Ordinances and authorizing the Mayor to sign an intergovernmental agreement regarding the financial terms of sharing revenues if approved. Motion passed unanimously.

RESOLUTION NO. 31-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING THE COUNTY GAS TAX AND VEHILLCE REGISTRATION FEE ORDINANCES AND AUTHORIZING THE MAYOR TO SIGN AN INTERGOVERNMENTAL AGREEMENT CONCERNING THE FINANCIALL TERMS OF SHARING REVENUES FROM THESE ORDINANCES IF APPROVED BY VOTERS.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa that the City Manager negotiate a fair share amount of the election fees, approximately \$5,600, if the measure succeeds. Motion passed unanimously.

Councilmember Kappa asked for clarification of the "No Thru Trucks" sign process. **Bartlett** said staff would revise the ordinance so that he could process this type of request as if it were a traffic control device request. If requests are submitted before the ordinance is adopted, City Council will have to consider them on a case-by-case basis.

Councilmember Kappa asked the status of the downtown parking lot project. **Bartlett** said the enforcement program began in 1993 - 1994, and it is time for a periodic review. The City will evaluate the current service provider and the feasibility of using technology and other innovations in parking management.

INFORMATION

1. **Councilmember Tomei** read the press release announcing that Mayor Lomnicki had been presented the fifth annual Oregon Mayor's Leadership Award sponsored by the Oregon Mayor's Association. **Mayor Lomnicki** said he appreciated this recognition by his peers.
2. **Bartlett** discussed the Johnson Creek Watershed Council and the Milport project.

ADJOURNMENT

Mayor Lomnicki announced the work session would continue after adjournment of the regular session. He adjourned the meeting at 8:32 p.m.

Pat DuVal

Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
REVISED -- SEPTEMBER 2, 1997**

MILWAUKIE CITY HALL
10722 SE Main Street

1774th MEETING

WORK SESSION

- 4:00 - Council Information Sharing
- 4:15 - Fire Services
- 5:45 - Enterprise Zone – Pat Allen OEDD (this item set forward to September 16, 1997)
- 5:45 - County Gas Tax and Vehicle Registration Fee
- 6:15 - Public Works Department Projects: School Trip Safety Program; Neighborhood Traffic Management Program; and Willow Street Local Improvement District

REGULAR SESSION

7:00 p.m.

- I. CALL TO ORDER**
Pledge of Allegiance

- II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

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

City Council Minutes of August 19, 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.)*

Willow Street Local Improvement District – Ordinance (Jim Brink)

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. Installation of "No Thru Trucks" Signs (Jim Brink/Rob Shelton)**
- B. Grogan Street Improvements (Jim Brink)**

VII. INFORMATION

- A. North Clackamas Parks & Recreation District Minutes, July 28, 1997**
- B. Mayor's Leadership Award**
- C. Municipal Law Bulletin**

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.

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
AUGUST 19, 1997**

Mayor Lomnicki called the work session to order at 4:00 p.m. in the second floor conference room at Milwaukie City Hall.

Councilors present: Tomei, Schreiber, Kappa, and Trotter.

Staff present: City Manager Bartlett; Assistant City Manager Richards; Fire Chief Bruegman; Public Works Director Brink; Engineering Intern Shelton.

Information Sharing

1. **Mayor Lomnicki** discussed Metro's pilot project dealing with vehicle congestion. The segment of McLoughlin Blvd. between the Ross Island Bridge and Hwy. 224 may be included in the project. He would keep the City Council apprised of upcoming information.
2. **Councilmember Trotter** discussed the recent Fire Oversight Committee meeting and announced the City Council would be able to review the final draft of the strategic business plan in September 2.
3. **Councilmember Kappa** discussed the information on the garage sale sign complaints and urged a solution that would accommodate all parties. **Bartlett** said Neighborhood Services Coordinator Gregory had put together a solving group to address the sign issues.
4. **Councilmember Trotter** asked why Tri-Met had objected to any type of increased vehicle registration fees.

Councilmember Schreiber felt Tri-Met was looking for a comprehensive solution, but now it is fragmented.

Mayor Lomnicki added he had hoped for a regional effort, but cities and counties were looking at their own transportation funding mechanisms. Both Tom Walsh of Tri-Met and Mike Burton of Metro addressed JPACT and expressed their disappointment that the package was not comprehensive. He discussed Clackamas County's current proposal for an increase in both vehicle registrations and gas taxes of which cities would get about 40%.

Councilmember Kappa said many people were concerned that voters would not pass both increases. He felt the City would need to find solutions to its own problems.

Fire Service Report

Bartlett said Consultant Jack Snook prepared the report on the Milwaukie Fire Department in concert with a similar report being done for the Oak Lodge and Clackamas County Fire Districts. The City Council was asked to define a public process to address the long- and short-term recommendations and to reach its decision by the end of October.

Snook said the purpose of his report was to: audit and evaluate the Milwaukie Fire Department; prepare a financial analysis to compare with other systems and organizations in the region; and develop options for future fire and medical emergency services.

One of the most significant recommendations in the report was the closure of the City Hall Fire Station. The two Milwaukie Fire Stations are within one-half mile of each other. The obvious factor is the railroad track, but Snook believed the risk was acceptable based on his experience and expertise. Rail road track blockage is minimal, and, even more importantly, Milwaukie has very good response from other agencies. He summarized by saying the City has adequate coverage from one station and more strength with overall coverage from neighboring jurisdictions.

Mayor Lomnicki asked for a more complete response to the concerns of businesses and citizens regarding the proposed downtown station closure.

Snook indicated the Milwaukie, District #1, and Oak Lodge four-minute response areas on a map. He added that Portland was also a response resource. He felt the entire City would be covered with a five-minute response. He concluded the City would be adequately served, and there would be no adverse effects if the City Hall Station were closed. Response would be stronger based on the number of people available for a call.

Councilmember Schreiber felt Snook's scenario addressed the optimum situation. **Snook** said Clackamas County's response system was sufficient to shift resources and to backfill in areas that needed coverage.

Councilmember Schreiber noted many calls were for medical emergencies. **Mayor Lomnicki** understood response time was more critical in a medical emergency. **Snook** felt E-55 could maintain these response times if the City Hall Station were closed. The community would be adequately protected by utilizing County resources.

Councilmember Schreiber said people were also concerned about the emergency vehicles being able to communicate. **Snook** said the technology is there to solve that problem.

Mayor Lomnicki understood District #1 was not on an 800 MHz system. **Bruegman** said that was correct and discussed the recommendation to consolidate dispatch facilities at the Milwaukie Public Safety Building.

Councilmember Tomei asked Snook the longest time it could take a train to cross. **Snook** said 15 minutes would be the longest period of time, but that could be overcome by developing a protocol to communicate with the rail road in order to clear the tracks in the event of an emergency. A unit could also be moved up if there was a significant event or a train on the tracks for a long period of time. Response could potentially come from three directions including Station 10 in Portland. Departments would be legally obligated to move up resources in an operational consolidation. Ambulance companies have the same type of move-up situations.

Councilmember Kappa asked if the system could be tested in a hypothetical situation. **Bruegman** said during a recent three alarm fire, the integrated command worked when tested. The downfall was the communications factor in that the City dispatch center was overloaded. Operationally, things went well, but communications did not.

Bartlett pointed out the City Hall Station was closed at one point between levies, so the Department has already operated with one station and mutual aid agreements. He discussed using GIS software to carry out emergency planning.

Councilmember Tomei asked how messages were transmitted if there was only one dispatcher on duty and there is a communications problem. **Bruegman** said the Battalion Chief would act as the conduit to move resources, but the problem needed to be addressed as soon as possible.

Snook added the report recommended consolidating dispatch functions. In response to Kappa's request, a test period could be designed. He showed a map indicating the normal overlap of regional responses. There is good coverage within the region with adequate manpower and apparatus resources. The City is well protected from a regional perspective.

Councilmember Trotter asked if the potential closure of the City Hall Station was predicated on an operational consolidation or if it could be done as a standalone department. **Snook** said it would probably have to be based on an operational consolidation or, at least, an agreement with the expectation there would be some kind of contract in the future.

Mayor Lomnicki said he had concerns with the portion of the report he had read. He understood the City was more a mutual aid giver, and there was an indication the City of Milwaukie had been subsidizing departments outside the City. He also questioned closing the City Hall Station and the asked the feasibility of remaining a standalone department. Would the City have the service level it needed if automatic and mutual aid agreements were signed?

Snook said he did not recommend closing one station and trying to maintain a standalone department. The resources would not be there without willing, outside help. There is usually some form of agreement or contract so all parties can benefit.

Councilmember Schreiber noted the City could save up to \$1 million annually and added it appeared it would cost the City more not to consolidate. One of the many questions was why not invest the money saved in better services. **Bartlett** said options include investing funds in projects such as the riverfront and downtown redevelopment, other services citizens are demanding, or fire services.

Councilmember Schreiber commented all departments in the region have developed some resources. **Snook** said the resources deployed will be at least what they are now or greater. Performance criteria such as this could be identified in the agreement.

Mayor Lomnicki said the board would determine the standards if there were a merger. **Snook** thought representation on the board could be required in the agreement. **Bruegman** said service level objectives would be established through the strategic plan.

Mayor Lomnicki was concerned about meeting the four-minute response standard. Agreements with the City of Portland may be needed. The report seems to indicate a merger, and there are serious questions that need to be addressed with the public. **Bartlett** added a majority of the report's recommendations would remain if the City remained a standalone department.

Councilmember Kappa urged a public process, trial period, and annual review process to ensure the system worked well.

Councilmember Tomei understood the response time was actually six minutes when including dispatch, and the time on the road is four minutes.

Snook outlined the other recommendations: develop an intergovernmental agreement to operationally consolidate the department and the districts; clearly define the Fire Chief's authority and responsibility; review and modify departmental goals and job descriptions; and conduct follow up assessment of the last ISO grading and survey to develop an improvement plan.

Mayor Lomnicki noted improving the ISO would help commercial and industrial properties. **Snook** said there was significant potential for reductions, and the assessment would indicate improvement areas.

Snook continued the list of recommendations: complete a customer-centered strategic plan; develop a multi-agency policy and procedure manual; improve station security; develop a plan to integrate dispatch centers; and align the labor contracts between agencies. **Mayor Lomnicki** pointed out the City of Milwaukie had a good working relationship with its Fire Department with a recently signed five-year contract. **Bruegman** explained there were day-to-day issues to be addressed such as start times and vacations.

Other recommendations included integrating testing and promotional functions; adopting physical performance standards; providing annual medical exams; developing joint capital replacement schedules; involving fire suppression personnel in inspections and establishing a plan to come into compliance with SARA Title III.

The Council identified the following groups to contact: Neighborhood Associations; MDDA; Omark Industrial Park. Providence Milwaukie Hospital; McLoughlin Industrial Area; North Clackamas School district; and churches.

City Council wanted to make it clear it had not made its decision, and the meetings were a starting point. The City was looking for ways to more economically provide services. **Mayor Lomnicki** suggested a survey or exit poll to gather information that could be tabulated. **Councilmember Trotter** felt there should be another work session before meeting with the public. The Council seemed to have a lot of questions, and he was concerned the report was somewhat confusing.

Enterprise Zone

Pat Allen, Oregon Department of Development, addressed the City Council regarding PCC Structural's expansion plan. The company already purchased a property near Richland, WA. Potentially, money and job opportunities could be created if PCC were to expand in the Johnson Creek area.

Allen reviewed Enterprise Zone requirements, mechanics, and costs/benefits. Requirements included increases in the number of jobs and average annual wage. Potential co-sponsors would be the Cities of Milwaukie and Portland and Clackamas County. The logical Zone Manager for that area would be either Clackamas County or the Portland Development Commission. The management fee is one-tenth percent of each project. **Mayor Lomnicki** commented tax abatement would not be forced on any jurisdiction that did not wish to co-sponsor.

Councilmember Kappa asked if there were any land use issues. **Allen** replied information must be supplied indicating consistency with land use planning.

Allen referred City Council to the Cost-Benefit discussion. The cost would be the loss of taxes on the improved property for a certain number of years, but the benefit would be an investment that otherwise might not have occurred.

City Council would have to consider the issue of whether it felt local governments should provide tax benefits. It must also determine whether it thinks development will occur anyway. Finally, the Council must look at the jobs to housing balance and traffic planning impacts.

Allen asked the City Council if it was interested in looking further into this type of action after a broad public input process.

Councilmember Schreiber asked **Allen** if he had any numbers on Milwaukie's actual involvement. **Allen** said the City of Milwaukie probably has about 50% involvement.

Councilmember Schreiber asked the tax implications if Milwaukie were to annex into that area. **Allen** said to assume that everything goes with the Zone if it is annexed.

Councilmember Trotter said he was certainly interested in seeing a proposal that included more high-paying local jobs.

Mayor Lomnicki was concerned about working with the County on transportation issues in an already congested corridor. He agreed it was important to concentrate well-paying jobs in an accessible location.

Councilmember Schreiber agreed the main issue was coordinating with Clackamas County.

Bartlett said Milwaukie only has one significant parcel of undeveloped industrial land. He suggested taking the message that Milwaukie would be more open to the proposal if the County agreed to address issues in addition to PCC. **Allen** said he needed to focus on the needs of PCC; however, talks with the County might provide a good forum to discuss longer-term issues. He added he normally looked at areas for this type of project that were not being used to their highest and best use.

Councilmember Trotter wanted to see the plan because it seemed as if there could be benefits for the City.

Allen asked if the City of Milwaukie was comfortable with the tax abatement issue. **Mayor Lomnicki** and **Councilmember Tomei** expressed mixed feelings but agreed they would like to see the plan. **Mayor Lomnicki** was concerned with negative impacts on the rest of the community and wanted to see more information on potential revenue losses and infrastructure improvement needs.

Bike Grant Application

Shelton presented the staff report. ODOT will provide up to \$100,000 for construction projects on local streets. The application must be submitted by September 5, and the results will be out by January 1998 with funds available the following July. The project proposed by the City of Milwaukie is on Roswell Street between 32nd and 42nd Avenues and is designed to serve the handicapped, school children, and the elderly. The project can be done without requiring additional right-of-way. The Ardenwald School Trip Safety Program recommended walkways on Roswell. Roswell was considered for Neighborhood Traffic Management but did not accumulate sufficient points for placement on the priority list.

Mayor Lomnicki asked if the City of Portland had been asked to participate. **Bartlett** said during SB 122 discussions, the City of Portland indicated it would like to turn that area over to Milwaukie.

Shelton said, to accomplish the planting strip design, parking will be eliminated on one side of the street. Sidewalks will be five feet wide.

Mayor Lomnicki asked how much would remain in the Bike Path Fund after using \$80,000 for this project. **Brink** said \$80,000 is committed to this project and \$8,000 to the riverfront multi-use path, so the fund will be depleted. **Bartlett** added the State allows a city to borrow on its Bike Fund for a period of up to five years.

Shelton said he made his presentation to the Ardenwald Neighborhood District Association, and the group was enthusiastic. Ardenwald Principal Leet also supported the application. Narrow street design, he added, is one of several traffic calming devices. The South Metro Fire Marshal's Office may indicate some concerns with the street width.

Bartlett told the Council that approximately \$100,000, or about 10%, of the General Fund Contingency will be transferred to the Street Fund for this project if the grant is awarded.

Councilmember Schreiber said the City must consider expectations from the rest of the community.

Bartlett said the issue is a \$2 million backlog in pavement management projects in addition to other demands. He felt the City should approach the problem unit-by-unit with one neighborhood not getting all the improvements at once. This is one of the School Trip Safety projects, and the Ardenwald NDA will prevail upon the City to do this project at one time or another. He commented that Ardenwald is no longer eligible for the low income projects as it had once been, and the City cannot target this neighborhood for all the improvements.

Council directed staff to move forward with the application and prepare a letter of support from the Mayor.

Mayor Lomnicki adjourned the work session at 6:30 p.m.

EXECUTIVE SESSION

City Council, City Manager, and City Attorney met in executive session at 6:40 p.m. The City Manager reviewed key terms of a lease purchase agreement negotiated by staff based on Council consideration at an executive session on February 18, 1997.

Staff noted restrictions in the agreement and the basic financial terms. Councilmember Trotter asked about insurance requirements and costs. Bartlett noted that these had not been detailed, but that he would estimate the total cost would not exceed \$110,000 annually.

Bartlett noted that some staff activities had begun to determine cost recovery strategies.

The executive session was adjourned at 6:55 p.m.

Dan Bartlett, City Manager

WORK SESSION

The work session resumed at 8:05 p.m. Present were the Mayor and Council, City Manager Bartlett, and Assistant City Manager Richards.

City Sign Ordinance

Bartlett reviewed the August 14 memo in which he compared City, County, State, and Federal regulations allowing removal of signs from the public right-of-way. It is a matter of risk management and liability issues. All City employees are empowered to remove signs from the right-of-way.

Councilmember Schreiber said one complaint she got indicated not only was the sign removed, but the person was also treated rudely when he called to inquire about getting the sign back.

Bartlett said staff has tried to explain to Realtors that they should check with the property owner and place their signs inside the utility poles. On Lake Road, one company put a series of signs in the bike lane. Staff generally tries to work with people, but they do not call individuals to let them know their signs have been removed from the right-of-way.

Mike Clark, Stacy Lawson, and Michelle Gregory have worked on a short- and long term strategy to effectively address the issue. The informational campaign would include distributing information through the Neighborhood District Associations, publishing articles in the *Pilot*, developing a brochure, and providing customer service training for employees. In the long-term, the sign code will be reviewed and clarified and a permit process will be developed.

Councilmember Kappa said the people he has talked to want to comply, but they also want to be able to post their signs somewhere.

Councilmember Trotter supported the short-term education campaign with a long-term review of the sign ordinance by the Planning Commission.

Councilmember Kappa was concerned about making an issue when one did not actually exist. **Bartlett** said amending the code would be a long process that would include the Planning Commission, Traffic Safety and Transportation Board, and Code Enforcement. He cautioned the City Council could run the risk of going contrary to State and Federal direction.

Councilmember Trotter suggested the City publish a notice with the garage sale ads in the newspaper. **Murray** did not think most people look up garage sales in the paper. He discussed the need to have signs directing potential buyers to properties located "off the beaten path." He felt some signs should be allowed for doing business in a community the size of Milwaukie. He noted there were usually obstructions on private properties. He suggested an annual sign fee. **Mayor Lomnicki** pointed out someone would have to administer the program. He was in favor of looking at the sign ordinance in a comprehensive manner, and in the short-term remind people that the City of Milwaukie has a sign ordinance that must be followed.

Councilmember Tomei asked if an off-premise sandwich board permit could be issued to each property for sale. **Bartlett** said, if the real estate company wanted to go through all the hoops, he thought the current ordinance would accommodate that.

City Council directed staff to work on the short-term information campaign and to determine if any solutions could be within the current sign ordinance.

The work session was adjourned at 8:55 p.m.

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
AUGUST 19, 1997**

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

Mayor Lomnicki,	Jean Schreiber
Mayor	Rob Kappa
Carolyn Tomei	Don Trotter

Also present:

Dan Bartlett,	Angus Anderson,
City Manager	Finance Director
Charlene Richards,	Tim Ramis,
Assistant City Manager	City Attorney

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 August 5, 1997. Motion passed unanimously.

AUDIENCE PARTICIPATION

David Murray, 4055 SE Washington, address the City Council regarding the City's sign ordinance and complained City crews had removed his real estate signs and put them in a dumpster. He felt the municipal code should be formulated to meet the needs of the citizens and expressed concern with severe and erratic enforcement of the sign ordinance.

Mayor Lomnicki explained the sign ordinance was a City law. He suggested Murray attend the work session immediately following adjournment of the regular session at which time the City Council would discuss issues relating to the sign ordinance.

Murray felt a person conducting business should be allowed to post a sign for a period of time. In some areas, it is difficult and sometimes confusing to post a real estate sign on private property. He felt the Public Works Department should be responsible for notifying people when their signs are removed. He stated he did not believe the sign ordinance met people's needs.

Art Lewellan, LOTI, 3205 SE 8th, Portland. He requested the City Council review a proposed south/north light rail alignment he had developed for the City of Milwaukie. His recommendation included reducing expenses with smaller-scale light rail vehicles and using the savings to extend the line. He felt citizens should have an opportunity to review his plan. Lewellan provided a review copy for Council.

Analise Somers, 2802 SE Monroe, addressed the City Council regarding traffic on Monroe. She has recently noticed higher vehicle speeds and volumes and a greater number of trucks. She has contacted Milwaukie Lumber regarding the problem many times. She believed the sign on Hwy. 224 pointing to the City Center should be removed. She was told staff would look into "no thru trucks" signs, but nothing has been done.

Consider Lease/Option Agreement – Resolution

Mayor Lomnicki said he would step down from this decision because his wife was an employee of the company, and he owned some stock. Council President Trotter took over as presiding officer.

Bartlett presented the staff report. This was the topic at an earlier executive session with final determination in open session. Funds have been budgeted for leasing this piece of vacant, downtown commercial property. The City has come to terms with the property owners, and the level one environmental assessment was completed. The lease agreement included an option to purchase. The property being considered was the vacant Safeway lot and building.

Councilmember Schreiber asked for a brief discussion of the potential uses of the property. **Bartlett** said, according to the lease, it cannot be used for a competing use. He discussed the Regional Center Plan design to increase the number of downtown blocks. An immediate use being considered was a permit park and ride lot. The City may use part of the building and sublease a percentage of it. The property, adjacent to the Ledding Library, fits well with the library's activities.

Councilmember Tomei asked if the City would receive revenue from a park and ride lot. **Bartlett** said the City would see revenues and discussed "smart lots" that used credit cards. The City currently contracts with Ashforth Pacific to manage its other permit parking lots.

Councilmember Kappa was concerned that the park and ride lot might compete with library activities. **Bartlett** said lot utilization would be managed.

Council President Trotter pointed out Council was considering signing the lease, and the property's use would be discussed at length in the future.

Bartlett added the City could not lease more than 60% of the property without owner approval, and business community input would be sought. He discussed the City's parking standards.

Councilmember Schreiber noted this property would provide a base for the long-range Regional Center Plan.

Bartlett said the City is working on a full utilization plan, and the property will be part of the downtown redevelopment.

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the resolution authorizing the City Manager to sign the lease agreement with purchase option. Motion passed 4 - 0 with the following vote: Councilmember Tomei, Councilmember Schreiber, Councilmember Kappa, and Council President Trotter aye and no nays.

RESOLUTION NO. 28-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO SIGN A LEASE AGREEMENT WITH PURCHASE OPTION.

Problem Solving Partnership Grant – Resolution

Anderson presented the staff report in which the City Council was requested to adopt a resolution accepting grant funds and appropriating expenditures. The Police Department was awarded a Problem Solving Partnership (PSP) Grant in the amount of \$147,888. The proposed resolution appropriated funds for this specific purpose grant.

Councilmember Kappa asked why a Police Department representative was not present. **Anderson** said the action before Council was a financial one to appropriate expenditure funds. **Bartlett** added Chief Collier was on vacation, and Police Department representatives would be scheduled to make their presentations after the re-programming had taken place.

Councilmember Schreiber noted most of the funds were targeted for a program coordinator and equipment and technology. **Bartlett** said that was correct. Current programs will be updated and laptops will be purchased; the City should own the equipment at the end of the grant period.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the resolution accepting the \$147,888 Problem Solving Partnerships (PSP) Grant Award and appropriate expenditures.

Councilmember Schreiber asked the amount of the City's match. Anderson said there are in kind contributions but no City match.

Motion passed unanimously.

RESOLUTION NO. 29-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ACCEPTING PROBLEM SOLVING PARTNERSHIP (PSP) GRANT AND APPROPRIATING EXPENDITURES OF FUNDS.

Consider Intergovernmental Agreement for Fire Chief Coverage

Bartlett presented the staff report. The agreement allowed Oak Lodge Chief Cannici to administer Milwaukie's forces in the event Chief Bruegman was out of town or incapacitated. There would be no additional costs to the City.

Councilmember Trotter referred to the last sentence of Agreement item 1 – *Functions to Be Performed*. It was not obvious who made appointments when both chiefs were absent. **Bartlett** said Bruegman or Cannici would select one of the assistant chiefs to fill the role.

Councilmember Schreiber said this agreement would allow the Oak Lodge Chief to directly supervise the Milwaukie Fire Department in Bruegman's absence. **Bartlett** said that was correct. He referred to chain of command and standard operating procedures as discussed in the work session.

Mayor Lomnicki asked if Oak Lodge and Clackamas were functionally merged. **Bruegman** said the departments were primarily in the same interagency agreement for fire chief services. In the three-party agreement, Cannici would assume the chief's responsibilities in his absence.

Mayor Lomnicki said this agreement informs the City of Milwaukie Cannici would be in charge during Bruegman's absence and that Bruegman will still have the ultimate authority.

Councilmember Tomei asked if additional funds would be required. **Bartlett** said there was no financial impact with this agreement.

It was moved by Councilmember Schreiber and seconded by Councilmember Tomei to enter into the Intergovernmental Agreement between the three jurisdictions. Motion passed unanimously.

Results of City Manager Evaluation

Mayor Lomnicki said the City Council met in executive session on August 12 to review the City Manager's performance. After talking to the City Manager, the City Council rated Bartlett's management of the City as "good" to "good plus" in performance areas. Areas of improvement included tighter oversight of the Regional Center planning effort and scheduling additional Citywide customer service training. Council also recognized Bartlett for his sound fiscal planning and strong intergovernmental relationships with Metro and the fire districts.

It was moved by Mayor Lomnicki and seconded by Councilmember Tomei to grant the City manager a 3.5% increase, equivalent to that given the management and non-represented employees, retroactive to July 1, 1997, and to extend his contract.

Councilmember Tomei noted she was impressed with staff's current level of customer service and perhaps the improvement should refer to continued training. She added that Bartlett had done an exemplary job of putting together a City staff.

Councilmember Kappa agreed that Bartlett had put the City of Milwaukie in a very good financial position.

Motion passed unanimously.

INFORMATION

1. **Councilmember Tomei** discussed a recent letter regarding rottweilers running loose in a City neighborhood. She asked if it was feasible for the City to develop its own ordinance.

Mayor Lomnicki said the City's Animal Control Officer position was cut from the budget about eight years ago. Since that time, Milwaukie has relied on Clackamas County laws and enforcement personnel.

Bartlett said it is very expensive to operate a dual licensing system, and, in the past, Milwaukie put a lot of effort into controlling animals from outside the City limits. The Clackamas County ordinance has a rural focus, and he recommended evaluating the Multnomah County ordinance. He also suggested lobbying the Clackamas County Commissioners to consider a Multnomah County type of animal control ordinance.

City Council directed staff to express the City's concern with the existing animal control ordinance to the Clackamas County Board of Commissioners and urge them to offer more protection to people living the densely populated urban settings.

2. **Councilmember Tomei** recognized the Planning Commission and Community Development staff for their work on Zoning Ordinance Review of Obstacles Study (ZORO).
3. **Councilmember Tomei** thanked staff for providing Neighborhood Services Team meeting notes and asked for an overview of Milwaukie University. **Richards** said a curriculum was developed for employees based on key competencies identified in the World Class Management process. The training program includes customer service, computer skills, leader effectiveness, and drug awareness.
4. The group briefly discussed the upcoming City Council, Board and Commission, and Neighborhood District Association Fall Retreat.
5. Bartlett announced the Sister City delegation visit on September 4th and 5th.

ADJOURNMENT

Mayor Lomnicki adjourned the regular session at 8:05 p.m. He announced the work session would resume in the conference room.

Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
AUGUST 5, 1997**

The one thousand seven hundred and seventy-first meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 5:05 p.m. in the Milwaukie City Hall Council Chambers. The following Councilors were present:

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

Also present:

Dan Bartlett, City Manager	Randy Bruegman, Fire Chief
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CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Tomei to adopt the Consent Agenda which consisted of the following:

- 1. City Council minutes of July 15, 1997; and**
- 2. IGA for Community Development Block Grant Sidewalk Project.**

Motion passed unanimously.

AUDIENCE PARTICIPATION

Mart Hughes, 3006 SE Washington. He discussed the referendum petition he recently filed with the City of Milwaukie to repeal Ordinance 1820 which adopted the Transportation System Plan. He entered a letter into the record expressing his concerns with City contacts with citizens engaged in political activities. He stated when he was chief petitioner for the Riverfront Referendum, he had concerns about losing his job because of his political position. He stated he had also been contacted by City Code Enforcement after taking a position on light rail, although that may have been coincidental. **Hughes** urged the City Council to work with staff so there would be no appearance civil rights infringements.

Mayor Lomnicki said the City Manager is responsible for the day-to-day operations of the City, and any problems should be reported to Bartlett to rectify.

Hughes said he was seeking assurances that the system would be open and fair and to express concerns with innuendoes that might be in the background.

Mayor Lomnicki felt City employees worked to do the right thing, and, if Hughes had a grievance, he should follow the appropriate process and go through the necessary steps to report his concerns.

Hughes said he was seeking a dialogue to make sure allegations would not surface in the future.

Councilmember Schreiber felt both she and Hughes had a firm foundation in the protection of civil rights. If Hughes felt there was a transgression, he would need to present the facts. If there has been or is a problem with someone feeling harassed because of a political position, it should be addressed openly and be evaluated on legal grounds.

Bartlett said any concerns with election law violations need to go the City Elections Officer who would forward the complaint to the Secretary of State for investigation. He noted the last edition of the employee newsletter contained information on state election laws and activities.

Councilmember Schreiber added there would be not problem with neutrality.

INFORMATION

1. **Councilmember Kappa** announced several young men from Milwaukie attended the Boy Scout National Jamboree and suggested they address the City Council regarding their experience. **Bartlett** suggested the August 19 meeting.
2. **Councilmember Schreiber** commented that many Milwaukie residents were participating on Clackamas County Boards and Commissions and noted that this was a very active community.
3. **Councilmember Tomei** announced the *Island Station National Night Out* event would begin at 6:30 p.m.
4. **Bartlett** announced the Regional Center Steering Committee would meet on August 21 and discussed Livable Oregon activities.

Mayor Lomnicki announced the City Council would meet in executive session pursuant to ORS 192.660 to discuss property acquisition immediately following adjournment of the regular session.

Mayor Lomnicki adjourned the meeting at 5:20 p.m.

Pat DuVal, City Recorder

Executive Session

Mayor Lomnicki called the Executive Session to order following the Council meeting. Present were the Council and Dan Bartlett, City Manager. Bartlett reported to Council on the status of negotiations for two property transactions. Bartlett indicated that Mr. Tashman, the City's contractor to conduct the negotiations, had reported that the City Attorney was completing language on one transaction. He indicated that the property owner on the second transaction had finally met with the City's environmental review consultant to complete "due diligence" testing.

Executive Session adjourned after fifteen minutes and Councilors left for various National Night Out engagements.

Dan Bartlett



*** MEMORANDUM ***
August 11, 1997

To: Mayor and City Council
From: Dan Bartlett, City Manager *Dan*
Re: Resolution: Property Lease Agreement

Action Requested

I would like Council to review in Executive Session a Lease Agreement for a parcel of property and building that Council has previously directed staff to investigate. If Council finds that it is still in the City's interest to acquire this property, then I would ask Council to adopt the attached Resolution authorizing the City Manager to sign this Lease.

Background

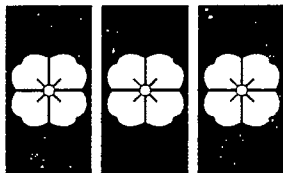
In 1990 the City began investigating the potential of redevelopment and possible City use of a key downtown parcel. In early 1997, this parcel came on the real estate market. Council held an Executive Session and asked staff to explore possible lease of this parcel. Funds were budgeted for leasing this parcel and negotiations were begun with the owner's representative in March.

Negotiations have continued and have reached the point where the Agreement is ready for Council's decision. The City has completed the environmental "due diligence" and has protected the City should the City lease this property. Once the lease is executed the City will conduct an appraisal of the property as called for in the agreement. The City would then complete a planning process on the parcel as called for in the Public Review Draft, Milwaukie Regional Center Master Plan. Once a development plan was completed on this parcel, the City would seek proposals for a public-private partnership to develop the site consistent with the Sub Area Plan.

Attachments: Resolution
Lease Agreement (Public after Executive Session)

cc: File
CM2017/hd

CITY OF



MILWAUKIE
MEMORANDUM

August 22, 1997

TO: Mayor and City Council

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

FROM: Jim Brink, City Engineer *JEB 8-22-97*

SUBJECT: Willow Street Local Improvement District

Action Requested:

- a. Hold a public hearing concerning the formation of a Local Improvement District (LID) to construct street and storm improvements that would benefit 3 tax lots in the Lewelling neighborhood.
- b. Adopt a resolution creating the Willow Street Local Improvement District, order the construction of street and storm 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 Willow Street LID and, if approved, adopt an implementing ordinance.

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. 27-1997.
- 2. The hearing is scheduled for September 2, 1997.

Discussion:

- 1. Notification of the public hearing was mailed to all affected property owners on August 22, 1997.
- 2. The scope of work is modest and includes street paving, curb, sidewalk, and storm. The purpose of the project is to connect existing improvements located on Winsor Dr to the west and 56th Av to the east. The project limits extend 310 feet.
- 3. A revised project cost estimate and schedule of prices is at Attachments B and C.
- 3. PW staff will meet with affected property owners on 8-26-97 to review the project and discuss issues. There currently is only one unresolved issue which is the ownership of a 5' wide strip of property in front of 5511 SE willow St (Mr. Love's residence). It appears to be public right of way according to the tax assessor's map while he contends that it is private property.

5. Other issues:

a. Can the City get a decently priced bid at this time of year? PW may bid the project and recommend that bids are not in the best interest of the City and that the project be rebid in February 1998.

b. Can the project be completed prior to really bad weather? A fast track schedule would include a project start date of 9-22-97 and a project completion date of 11-7-97. Contractors will have 45 calendar days to complete the project or begin to pay a penalty. The required project time may contribute to higher bid prices.

Fiscal Impact: \$31,200 from the Street Fund capital projects budget line and \$20,800 from the Storm Fund capital projects budget line in the FY97-98 budget.

street\project\rd971_11.doc
8-22-97

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON ESTABLISHING THE WILLOW STREET LOCAL IMPROVEMENT DISTRICT FOR STREET AND STORM IMPROVEMENTS.

WHEREAS, the City Council initiated proceedings for the creation of a local improvement district by the adoption of Resolution No. 25-1997; 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 three (3) benefited properties within the local improvement district; and

WHEREAS, by Resolution No. 27-1997 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 September 2, 1997, at which time the City Council considered written remonstrances to and oral testimony on the improvements; and

WHEREAS, there are ___ benefited 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 Willow Street Local Improvement District for street and storm 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 benefited 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 "Willow Street Improvement Project". The final plans and specifications for the project shall be set forth in a final engineering report.

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



Section 4: The City Manager is authorized to sign any and all documents required to award, construct, and otherwise administer these improvements.

Section 5: The total estimated cost for the proposed improvements is \$57,600 and the benefited properties shall be assessed according to a formula to be adopted by a separate future ordinance, following a public hearing.

Read the first time at the regular meeting of the City Council, City of Milwaukie, Oregon, on the 2nd day of September, 1997.

Read the second time and passed by the City Council, City of Milwaukie, Oregon, at the regular meeting on the 2nd day of September, 1997.

Mayor

ATTEST:

City Recorder

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**EXHIBIT B
ASSESSMENT ROLL**

Tax Lot Number

Address

R12E30DB1800
R12E30BB1801
R12E30DB4100

5511 SE Willow Street
5501 SE Willow Street
5656 SE Willow Street

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WILLOW STREET PROJECT COST SHARE OPTIONS							
	Front Footage	"A" Total Cost	"B" Total Cost *	Project Cost Estimate			
Love	80	6168	4780	45000	Construction		
Coryell	80	6168	4780	4500	Design		
Wright	150	11565	4780	4500	Contingency		
	310	23900	14340	3600	Const. Engring		
				57,600	Total		
				City Costs			
				2,250	Design		
				1,800	Const. Engring		
				9,800	Storm		
				2250	Contingency		
"A"	Split by Front Footage			17600	Street		
"B"	Split Equally Among Taxlots			33,700	Total		
				Property Owner Cost share		23,900	
				City Cost Chare		33,700	
				Total Project Cost Estimate		57,600	
As of 8-22-97							



WILLOW ST LID SCHEDULE OF PRICES					
Item No	Bid Item	Qty	Unit	Unit Cost	Total Est Cost
1	Mobilization	1	LS	2000	2000
2	Traffic Control	1	LS	1000	1000
3	General Excavation	419	CY	10	4190
4	Sawcut AC	175	LF	1.5	263
5	Aggregate Base, 10" of 1"-0	967	SY	3.34	3230
6	AC, Class C, 4"	216	TN	45	9720
6	Curb & Gutter	310	LF	11	3410
7	Sidewalk, 5' Concrete	134	SY	25	3350
8	Concrete Driveway	4	EA	1300	5200
9	Subgrade Geotextile	500	SY	1.2	600
10	Catchbasin, GB2	2	EA	800	1600
11	Manhole 48"	1	EA	1000	1000
12	Pipe, 12", ADS with Class C Backfill	210	LF	30	6300
13	Pipe, 6", Perforated with Drain Rock & Fabric	65	LF	35	2275
14	Regade Ditch	260	LF	1.5	390
15	Fire Hydrant Relocation	1	EA	500	500
					\$45,027

August 8th, 1997

To: Mayor Lomnicki and City Council

Through: Dan R. Bartlett
City Manager



Jim Brink
Public Works Director

JCB 8-8-97

From: Robert Shelton
Civil Engineer-Intern

RCS 8-8-97

Subject: Traffic Regulation for Installation of **No Thru Trucks** Signs

Purpose: To Request Authority to install **No Thru Trucks** signs on Lake Road and Monroe Street.

- Recommendations:
- 1) Approval of the attached Traffic Regulation.
 - 2) Approval for the City Manager to have authority over future placement of **No Thru Trucks** signs in accordance with the TSP.
 - 3) Approval for exemption from the **No Thru Trucks** regulation for local deliveries, including truck traffic generated by businesses located on a street that is posted with **No Thru Trucks** signs.

Discussion:

- 1) The Transportation System Plan designates truck routes within the City of Milwaukie.
- 2) The latest traffic data indicates that, on average, 425 vehicles greater than 30 ft. in length drive on Oatfield Rd between the city limit and Lake Rd every day (this number includes trucks and buses).
- 3) In order to respond to the intent of the TSP, citizen requests and the recommendations of the Lake Road Multimodal Report, we have investigated three options to exclude through truck traffic on Lake Road and Monroe Street.
Option 1: Install truck route signs on state highways (224 and 99E). This option has been rejected, at least temporarily, because ODOT does not want us to post **Truck Route** signs on the right-of-ways of Hwy 224 and Hwy 99E.
Option 2: Change the wording on existing signs on Hwy 224 that direct traffic to use Monroe St. to reach City Center. This option has been rejected because it is too expensive. The cost to re-word and replace existing signs on Hwy 224, which currently read "**MONROE ST. CITY CENTER**" is about \$2000 (compared to \$150 to install a pair of No Thru Truck signs).
Option 3: Install No Thru Trucks signs at the following intersections:
 - Monroe Street and Highway 224
 - Monroe Street and Highway 99E
 - Lake Road and 21st Avenue
 - Lake Road and Freeman Way
- 4) The TSP designates truck routes, and by the inverse, designates which streets are not truck routes. Staff recommends that the City Manager be given the authority to determine future placement of **No Thru Trucks** signs in order to carry out the intent of the TSP.
- 4) Public Works contacted Steve Morse, owner of Milwaukie Lumber which is located at Monroe Street and 21st Avenue, and asked his opinion about directing truck traffic generated by his business operation onto Harrison Street. Mr. Morse indicated that he reserved the right to use Monroe Street since his business is located there, and that directing trucks to Harrison St. would

cost his business time and money. Monroe Street is the most direct route from Milwaukee Lumber to Hwy 99E and Hwy 224.

The sign should be a truck symbol with a red circle and a slash (MUTCD R 5-2). At the intersection of Monroe and Highway 224 the sign will replace an existing sign which reads **“USE OF JAKE BRAKES PROHIBITED”**. At the intersection of Lake and Freeman Way, an additional advisory sign is suggested to re-route trucks back onto Highway 224 (**“TRUCKS USE NEXT RIGHT TO HWY 224”**).

The intent of this regulation is to exclude trucks on Monroe between 99E and 224, and on Lake between Freeman Way and Main. The exclusion on Lake helps to reinforce the exclusion of trucks in the entire area, including 34th Avenue.

Fiscal Impact: Approximately \$300 from the Street Fund.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON DECLARING THE INTENT TO INSTALL NO THRU TRUCK SIGNS ON MONROE STREET WHERE IT INTERSECTS WITH STATE HIGHWAY 99E AND STATE HIGHWAY 224 , AND ON LAKE ROAD WHERE IT INTERSECTS WITH FREEMAN WAY AND 21ST AVENUE.

WHEREAS, there has been community concern regarding excessive truck volume along certain city streets.

WHEREAS, the term truck is as defined in Milwaukie Municipal Code Section 10.04.440.

WHEREAS, Milwaukie Municipal Code Section 10.08.010 paragraph A4 provides the City Council authority to designate streets where trucks are prohibited except under specified conditions.

WHEREAS, the Transportation System Plan will define which routes will be designated as truck routes within the City of Milwaukie.

WHEREAS, NO THRU TRUCK signs comply with the intent of the proposed Transportation System Plan.

WHEREAS, the recommended signs comply with the Manual on Uniform Traffic Control Devices.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie that the Department of Public Works is hereby directed to install the traffic control signs cited above.

Introduced and adopted by the City Council on _____, 1997.

Craig J. Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:
O'DONNELL, RAMIS, CREW & CORRIGAN

Pat DuVal, City Recorder

City Attorney

C I T Y O F



MILWAUKIE
MEMORANDUM
August 20, 1997

TO: Mayor and City Council

THRU: Dan R. Bartlett, City Manager

FROM: Jim Brink, City Engineer *JEB 8-20-97*

SUBJECT: Grogan Street Improvement

Action Requested: Authorize City Manager to award the project if the lowest responsible bidder is within 10% of the Engineer's Estimate.

Purpose: Provide information concerning the proposed street and storm improvements on Grogan Street and obtain Council authorization for the City Manager to award the project if the lowest responsible bidder is within 10% of the Engineer's Estimate.

Discussion:

1. When Public Works was putting together the FY97-98 street overlay project, both 36th Av and Grogan St were candidates due to their low Pavement Quality Indexes (see Attachment A). Streets with a PQI less than 6 are candidates for overlays.
2. I determined that the south half of Grogan St could not be overlaid in its current condition primarily because of the abrupt changes in vertical alignment and the lack of crown. The north half of the street was recently improved and in excellent condition; the south half is the original street and in poor condition.
3. The PW plan was to overlay the 1248 feet of 36th Av as part of the 1997 Overlay project and deal with the 266 feet of Grogan Street separately; however, PW did not want to leave Grogan St unaddressed and have residents wonder why something was not done.
4. PW contracted with Lin and Associates to do the survey and engineering for a half street improvement. The fee for their services was \$2,987. A copy of the plans and Engineer's Estimate of \$29,444 is attached.
5. The scope of work is the reconstruction of approximately 750 square yards of street and includes 200 cy of excavation, installation of 82 feet of storm pipe and 2 catchbasins, placement of 295 tons of base rock and 74 tons of Class "C" asphalt concrete, and construction of 229 feet of curb.
6. PW advertised the project on 8-15 and will open bids on 9-5. To date four (4) contractors have requested bid packages. If the low bid is reasonably close to the Engineer's Estimate, PW plans to bring the project to Council on 9-16 with a recommendation to award. At this time of year contractors are very busy and will often bid projects high. If the bids are unreasonably high, PW will recommend that the project be rebid in Feb 98.
7. Two property owners have requested the construction of sidewalks at their expense.

7

Fiscal Impact: \$21,000 from the Street Fund capital projects budget line and \$9,000 from the Storm Fund capital projects budget line.

street\project\rd973_8.doc
8-20-97

Full Street Name	Map Location	Street Number	Avg PQI	From	To	Length (ft)
36TH AV	B2	21	3.5	LAKE RD	GROGAN ST	1248
GROGAN ST	B2	119	5	36TH AV	37TH AV	266

4

GROGAN STREET IMPROVEMENT
Bid Item List

Item No.	Description	Est. Qty.	Unit	Unit Price	Total Cost
1.	Mobilization	1	L.S.	<u>1000</u>	<u>1000</u>
2.	Traffic Control	1	L.S.	<u>200</u>	<u>200</u>
3.	Erosion Control	1	L.S.	<u>300</u>	<u>300</u>
4.	Clearing & Grubbing Including Removal of 1 Catchbasin	1	L.S.	<u>1000</u>	<u>1000</u>
5.	Landscape Restoration	1	L.S.	<u>900</u>	<u>900</u>
6.	Class 100 Riprap	2	C.Y.	<u>20</u>	<u>40</u>
7.	Furnish & Install 12" HDPE Pipe & Fittings	82	L.F.	<u>20</u>	<u>1640</u>
8.	Furnish & Install CG-2 Catchbasins	2	E.A.	<u>1200</u>	<u>2400</u>
9.	Excavation	200	C.Y.	<u>35</u>	<u>7000</u>
10.	Sawcut, Asphalt Concrete	330	L.F.	<u>3</u>	<u>990</u>
11.	Crushed Rock Base, 6" of 1 1/2"-0	221	T.N.	<u>20</u>	<u>4420</u>
12.	Crushed Rock Base, 2" of 3/4"-0	74	T.N.	<u>20</u>	<u>1480</u>
13.	Asphalt Concrete, Class C,	74	T.N.	<u>50</u>	<u>3700</u>
14.	Driveway Approach, Concrete, Including Removal of Existing Driveway Approach	1	E.A.	<u>1000</u>	<u>1000</u>
15.	Curb, Type C and A, Including Removal of Existing Curb	229	L.F.	<u>11</u>	<u>2519</u>
16.	Asphalt Sidewalk, 4'	57	L.F.	<u>15</u>	<u>855</u>
				Total Bid Price	<u>\$ 29,444</u>

Total Bid Price (in letters) is _____

ALTERNATE BID ITEM(S)

Item No.	Description	Est. Qty.	Unit	Unit Price	Total Cost
1.	Sanitary Sewer Repair	1	L.S.	<u>1300</u>	<u>1300</u>
2.	Concrete Sidewalk, 4'	149	L.F.	<u>18</u>	<u>2682</u>
3.	Asphalt Sidewalk, 4'	38	L.F.	<u>15</u>	<u>570</u>
					4552

North Clackamas Parks and Recreation District
Advisory Board Minutes

Meeting # 73, July 16, 1997

Board Members Present:

Jim Ellis, Vice Chair, presiding
Elton Storment
Don Trotter, Chair
Lynn Sharp
Bill Brod
Mitchell Wall (7:25)
Sarah Eraker (7:28)
Daisa Lawson (via telephone)

Board Alternates Present:

Eleanor Johnson

Board members absent:

Champ Husted

Guests:

Miles Ward, County Counsel
Roy Truelson, Metro Open Spaces

Minutes

I. Call to Order/Set Agenda

The meeting was called to order by Vice Chair Jim Ellis, presiding, at 7:10 PM in the Salal Room of the Milwaukie Center.

II. Approval of Minutes

*Elton Storment recommended approval as read.
Don Trotter seconded. Approved by Board.*

III. Discussion item

A. Land Acquisition.

Don introduced Miles Ward, County Counsel, and reviewed the memo in the board packet on eminent domain. It was reported that at DAB direction staff had discussed this issue with a number of other agency staff regarding their practices of land acquisition. Miles explained the process of acquiring land by condemnation. It would require going to the BCC and filing a request. This may or may not be approved by the BCC. Prior to doing such, it is important to do some work ahead of approaching the BCC. An accurate appraisal must be completed, a real estate agent must be hired (right of way acquisition specialist) and an effort to put together a fair deal with the owners must have been attempted. Also, you must

C. Urban Services Agreement

Jim Ellis stated that staff and Board members made a presentation to City of Happy Valley City Council and Parks Commission at the City Council's request. Currently Happy Valley's Park tax base is \$.25 per 1000 and it would go up to \$.50+ per 1000. However, this increase would provide a broad base of programs, services and facilities. It was pointed out that the City of Milwaukie relationship and use of SDC's is going well. Mitch Wall brought up the idea that a member of the DAB would be from Happy Valley. His concern is that while this was reported at the Happy Valley meeting, he did not recall it being formally decided at the Board and BCC level.

D. Summerfield

Thom Kaffun referred to Board packet documents from Hinton Homes. Hinton has requested to install an irrigation system in addition to the already agreed upon grading and seeding plans. Hinton needs to grade the site as the plans have indicated. Thom suggests that staff tell Hinton that NCPRD will not be able to pay for installation of irrigation unless Hinton wishes to install at NCPRD's specifications and at his own cost. This was concurred with by the Board. Thom indicated that the SDC ordinance will not allow for development credits on a park site in the East Sunnyside Village.

V. Speakers from floor

None.

VI. Board Member Comments

1. Don Trotter shared Willamette Week article "Best Place to Catch a Wave Indoors."
2. Trotter asked a question regarding upcoming skate event advertised in Oregonian South Metro which says event funds will be earmarked toward skate park development. Jim Ellis states that NCPRD needs to be clear about statements that go public and also that dollars needs to be earmarked in the budget if funds received and projects are designated. Trotter feels it is poor policy to make statement publicly that cannot be backed up.

VII. Director's Comments

1. Risley Park -- Thom Kaffun gave an update and passed out a memo on the status of Risley Park. The site was not completed prior to June 30, 1997, as expected. The balance of the funds are \$27,000. Staff, therefore, requests authorization for supplemental budget of \$27,000 to complete the construction of the playground in this fiscal year.

*Special Meeting of the
North Clackamas Parks & Recreation District
Advisory Board
July 28, 1997*

Board Members Attending:

Bill Brod (arrived at 7:08)

Jim Ellis

Sarah Eraker

Champ Husted

Daisa Lawson

Lynn Sharp

Elton Storment

Don Trotter

Mitch Wall)

Staff Attending:

Don Robertson

June Southworth

Guest:

Jack Hammond

A special meeting of the District Advisory Board was called to order at 6:08 p.m. in Parkside A room of the North Clackamas Aquatic Park by Chair Don Trotter.

1. Executive Session:

Executive Session was in accordance with provisions of ORS 192.660 at 6:10 p.m. to discuss property issues. Executive Session ended at 7:08 p.m.

2. Bridge Agreement for the Disposition and Development Agreement:

Mitch Wall moved to authorize the DDA with the request that they correct NCPRD's name on the agreement. Sarah Eraker seconded the motion. Approved unanimously.

3. Letter on the Process for Hiring of District Director:

Don Robertson passed around copies of a letter and brochure created by David M. Griffith & Associates, Ltd. for the recruitment of the Park District Director's position.

Oregon Mayors Association

LOCAL GOVERNMENT CENTER
1201 Court Street N.E. ♦ P.O. Box 928
Salem, Oregon 97308
Phone (503) 588-6550

- City hall
- "Oregonian"
- Milwaukie's
"Clackamas
Review

August 12, 1997

FOR IMMEDIATE RELEASE:

For further information, contact:

Richard Townsend
League of Oregon Cities
PO Box 928
Salem, OR 97308
(503) 588-6550

The fifth annual Oregon *Mayor's Leadership Award*, sponsored by the Oregon Mayor's Association (OMA), was presented during the OMA annual conference August 7 - 10 at the Seaside Convention Center in Seaside. Receiving the awards were Mayor **Craig Lomnicki** of Milwaukie and Mayor **Gussie McRobert** of Gresham. An Award of Merit was received by Mayor **Dave McFall** of Eagle Point.

Craig Lomnicki has served on the Milwaukie city council since 1985 and was elected mayor in 1990. During his tenure on the city council, he has accepted significant local and statewide responsibilities, including representing the city on the chamber of commerce, downtown development association, the regional elected group, and sister cities association.

On a broader level, many of his efforts have been focused on Oregon's transportation system challenges. He serves on ODOT's Willamette Valley Policy Advisory Committee on Transportation, Metro's Joint Policy Advisory Committee on Transportation, the League of Oregon Cities' Transportation Standing Committee as well as the League's Board of Directors (this year's Vice-President). Recognizing his commitment, Governor's Kitzhaber appointed him to the Willamette Valley Livability Council Blue Ribbon Panel in 1995 and the Oregon Transportation Initiative Statewide Advisory Committee in 1996.

Milwaukie's City Manager, Dan Bartlett, writes about Craig: *"Those of us who have worked with him see the attributes of a gifted leader whose energy helps us to see the rewards of public service. We believe him to be a great example of a citizen giving back to his community; and we believe that he has set a high leadership standard for those who follow."*

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O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH

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1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

MUNICIPAL LAW BULLETIN

DATE: August 21, 1997
TO: Municipal Clients
FROM: Pamela J. Beery, Municipal Law Department

We think these three major legislative changes will be of interest to our municipal clients.

HOUSE BILL 2910 - PUBLIC CONTRACTING

Summary

On July 30, 1997, the Governor signed House Bill 2910. The bill, which takes effect October 4, 1997, amends the public bidding laws found in ORS chapter 279. Among other things, the bill requires a public hearing prior to adopting findings of a public bidding exemption; authorizes negotiation with the lowest bidder when all bids exceed the estimated project cost; and requires a report to be delivered to the local contract review board upon completion of certain noncompetitive public improvement contracts.

Background

Prior to adoption of this bill, the local contract review board (usually the City Council) could adopt findings exempting a certain contract from the public bidding requirements without a public hearing. That is no longer the case. Furthermore, negotiation with any bidder was not allowed until after the award of the contract. Now, in certain circumstances, negotiation is authorized.

Analysis

House Bill 2910 amends ORS chapter 279 and specifically ORS 279.015(1)(h) and 279.015(3). Some highlights are as follows: ORS 279.015(1)(h) has been amended to allow negotiation with the lowest bidder if all bids received exceeded the public agency's cost estimate for the project. ORS 279.015(3) has been amended to require the public agency to hold a public hearing prior to adoption

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of findings exempting a contract from the public bidding requirements. Finally, an evaluation report is now required for any public improvement contract in excess of \$100,000 for which the public agency did not use the competitive bidding process.

Action Required

Many municipalities have adopted purchasing rules. It is likely that, those purchasing rules will need to be amended to reflect the legislative changes found in House Bill 2910. Cities should also look for an updated version of the Attorney General's Model Public Contract Rules Manual.

* * * * *

SENATE BILL 1215 - BALLOT TITLE CHANGE

Summary

On July 14, 1997, the Governor signed Senate Bill 1215, making it effective as of that date. The bill contains the implementing legislation for Measure 50, approved by the voters at the May 1997 election and has an emergency clause. Among many other things, the bill changes the limit on the number of words in a ballot title summary from 85 words to 175 words, for measures other than a state measure.

Background

Prior to adoption of this bill, ORS 250.035(1) provided that the ballot title of any measure other than a state measure consist of a caption of not more than 10 words, a question of not more than 20 words and a summary of not more than 85 words. However, ORS 310.390(1)(c) specifically provided that a ballot title of any measure other than a state measure which authorized a tax levy or a new tax base consist of caption of not more than 10 words, a question of not more than 20 words and a summary of not more than 175 words. Therefore, only money measures were authorized to have a summary of more than 85 words.

Analysis

Senate Bill 1215 repeals ORS 310.390 and amends ORS 250.035(1) by increasing the word limitation in the summary from 85 words to 175 words. Whether it was intentional or not, the ballot title of any measure other than a state measure shall now consist of a caption of not more than 10 words,

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a question of not more than 20 words and a summary of not more than 175 words. Therefore, if a city is proposing a charter amendment or the issuance of revenue bonds, the ballot title summary for the measure can now contain up to 175 words.

Action Required

When working with your City Attorney on upcoming measures, remember that the limitation of the number of words in the ballot title summary has been increased to 175 words. The summary is still required to be a "concise and impartial statement . . . summarizing the measure and its major effect".

* * * * *

SENATE BILL 947 - BOUNDARY COMMISSION

Summary

During the 1997 session, the legislature passed Senate Bill 947, eliminating the Portland Metropolitan Area Local Government Boundary Commission (Boundary Commission). This legislation has an effective date of January 1, 1999.

Background

The precursor of this bill was a provision in the METRO charter to study the Boundary Commission. This study was concluded in September, 1996 and was adopted at the end of 1996. This study was done by MPAC, a subcommittee of METRO. The METRO council then adopted the committee report. This legislation followed.

Analysis

Cities within the Boundary Commission's jurisdiction should be aware that in addition to the elimination of the Boundary Commission, as of the effective date of the legislation there are important changes in the criteria applicable to boundary changes in this area. Instead of the local comprehensive plan and related documents providing the decision criteria, the legislation requires METRO to adopt criteria for boundary changes which cities would then implement. Those criteria are now required by the new law to be in compliance with METRO's adopted functional plan, regional urban growth goals and objectives, the new regional framework plan and any ORS chapter 195 cooperative urban

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service agreements. This is a major change in criteria applicable to all annexations from January 1, 1999 forward.

Cities will be primarily responsible for deciding annexations and for record keeping of annexations though contested cases will be heard by a three-person commission established by METRO. Contested cases are defined as only those cases challenged by a city, county or special district. Thus, citizen challenges will have no recourse other than an appeal of a city boundary change decision to the Land Use Board of Appeals.

The Boundary Commission staff is currently working with METRO on implementation of this legislation. Some preliminary approaches may include assistance to cities with record keeping by METRO.

Action Required

Affected cities should 1) carefully monitor METRO's implementation of this new legislation, and 2) prepare for the more detailed decision making and record keeping which will be required under the new law.

* * * * *

For further information, please contact Pamela J. Beery at O'Donnell Ramis Crew Corrigan & Bachrach - Phone (503) 222-4402, Fax (503) 243-2944, Address 1727 NW Hoyt, Portland, Oregon, 97209, email: pbeery@orccb.com.

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