

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
SEPTEMBER 16, 1997**

The one thousand seven hundred and seventy-fifth 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

Jean Schreiber
Rob Kappa

Also present:

Pat DuVal,
RIM Director
Ruthanne Bennett,
Civil Engineer

Jim Brink,
Public Works Director

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Consent Agenda which consisted of the City Council minutes of September 2, 1997. Passed unanimously among the members present.

AUDIENCE PARTICIPATION

Mark Saxe of 538 Holmes Lane, Oregon City stated he was concerned about the \$46.00 vehicle release fee the City is now charging. He wanted to know if the Council was aware that this fee is being charged to people that had their vehicle stolen. **Mayor Lomnick** responded no. Saxe stated that he hoped it was just an over sight. He had checked with Clackamas County Sheriff's Department, Oregon City and Milwaukie. To his surprise, Oregon City and Gladstone did have a vehicle release fee, and they did not charge innocent victims who had their cars stolen. He understands charging that fee for driving with no insurance and as far as someone driving drunk they should just take his car and never give it back. He stated he did not feel it was fair to charge for the release of stolen vehicles. If they don't have full coverage insurance they are already looking at having to pay for damage to the vehicle and the tow bill. He stated that he thought the Milwaukie Police Department should be instructed not to charge that fee to someone who had a vehicle stolen. He also felt it would only be fair to reimburse the people who have already been hit with this charge if they have had a stolen vehicle.

Mayor Lomnicki stated he was not prepared to make that recommendation but that he would make the recommendation that the City Council look at that fee

structure. City Council would have to go through a more formal process of changing the fee structure. He agreed that he was not sure it was fair for someone who was a victim to have to pay. He stated that the Council would have to look at the entire issue because there were costs still associated with vehicle release. He stated he was in sympathy with Mr. Saxe but at this point was not going to agree to give him back his \$46.00. Council would need to look at the issue and question of retroactive refunds.

Councilmember Schreiber stated the City needed to be careful who pays any related cost. If there is a cost involved and we follow a no charge to the victim policy then it needs to come out of some other pocket, and the question is what pocket. She asked Mr. Saxe if he had a recommendation to that.

Mr. Saxe stated he owns a towing company and is very familiar with how many uninsured people get their cars stolen. He stated he was very familiar with what is involved in making out a vehicle release. A release is made by someone already on the clock, takes them about 60 seconds to do, and in his opinion there is no cost involved.

Mayor Lomnicki clarified that the issue was with the vehicle release fee not towing charges. It was just a matter of processing the paper work and allowing that to happen. **Mr. Saxe** agreed.

Councilmember Kappa recommended staff bring the Fee Resolution back before the City Council. If there is no direct cost to the individual, he would not have a problem not charging for it. He also wanted to know if the vehicle is being towed off our City streets, whether it is stolen or not, what is the cost to us. Are we going to pay for it. He wants to that information first.

Councilmember Schreiber stated she felt there were a number of issues involved, individual insurance, who's liable for this, etc. Rather than an ordinance, she would like to see a discussion of the issue.

Mayor Lomnicki stated that first City Council needed to see the Fee Resolution, then they would have the discussion and review the fee. It would be noted that Mr. Saxes wanted a refund, and if Council made a change they would discuss refunds from that point on.

Mr. Saxe asked when he could check back with them on this issue. **Mayor Lomnicki** stated he could always check with the City Manager or the City Recorder. He also stated that City Council meets the first and third Tuesdays of the month, so the earliest it could come back would be two weeks.

OTHER BUSINESS

Cole Addition Local Improvement District Project Cost Share Resolution - Jim Brink

Jim Brink presented a resolution for final cost for the sanitary sewer improvements for the Cole Addition LID and additionally requested an apportionment of those cost between the City and the benefiting property owners. Staff would be directed to prepare the assessments to be provided to the property owners prior to the assessment hearing. The project is complete, and the final cost has been established. The resolution before Council shows 75% Property owner 25% City share for the costs associated with the local improvement district. The 75%/25% cost share was provided by Council as guidance in a previous work session.

Staff has no knowledge of any major issues at this time. There are some associated refunds that could be provided to the benefiting property owner if they elect an early hook up, but those kind of issues and refunds would be handled separately.

The project came in significantly under budget. All major factors with the exception of design were less than estimated.

Councilmember Kappa addressed a question on the rebate issue discussed at Council some months ago. Was that the formula they were going to use for the rebate if they owner hooked up early. **Brink** stated yes, and he believed it was \$327.00 which was fairly close to the reimbursement fees of system development costs if property owners hooked up early. He also stated that the 75/25 cost was for the whole project. Rebate costs would be handled separately. In other words, those would be checks provided by the City to the property owner in the event they either hook up early or they were owed a refund for a previous user fee or previous assessment but not connected.

Councilmember Kappa asked what the hook up fees were. **Brink** stated the system development charge is the standard \$893.00. That is the standard hook up fee the City must charge. It appears that the standard property owner cost in the Sherrett area will be \$1000.00.

Councilmember Schreiber asked how many properties the hundred thousand dollars were spread over. **Brink** answered it was 17.

Councilmember Schreiber stated she wanted to congratulate staff for its handling of the situation so that property owners would be pleasantly surprised.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the resolution determining the portion of the total cost

of the sanitary sewer improvements to be borne by the benefited properties in the Cole Addition Local Improvement District and directing the City Engineer to prepare an assessment roll. Passed unanimously among the members present.

RESOLUTION NO. 32-1997:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DETERMINING THE PORTION OF THE TOTAL COST OF THE SANITARY SEWER IMPROVEMENTS TO BE BORNE BY THE BENEFITTED PROPERTIES IN THE COLE ADDITION LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE CITY ENGINEER TO PREPARE AN ASSESSMENT ROLL.

1997 Island Station Stormline Construction ST-97-2 - Ruthanne Bennett

Bennett stated that on July 15 City Council authorized Public Works to advertise for bids on the Island Station Storm Line Construction; at that time the estimated cost was two hundred thousand dollars. There were seven contractors that submitted bids. Today when staff opened the bids, the low bid was one hundred twenty one thousand and sixty two dollars from Canby Excavating. Tonight staff was requesting City Council authorize City Manager to sign a contract with low bidder for this amount.

Councilmember Schreiber asked if, because there is such a spread in the bids, if there were any questions about lowest bid being most appropriate. **Bennet** called other cities, Forest Grove, Cornelius, and Newberg, who had worked with contractor (Canby Excavating). It was reported they were satisfied with their work and pleased with the low cost.

Mayor Lomnicki asked if the City required the company to have a performance bond. **Bennet** responded in the affirmative.

Work is warranted for a year after the City accepts their work. Once the completed work has been accepted, the City refunds any funds retained from their final payment. From the time the City accepts the project as completed it is under warranty for one year. **Mayor Lomnicki** asked if that gave us enough time to determine if there is proper sealing within the pipes or if there is slumping. **Bennett** stated Public Works requires compacting testing by a certified company. Public Works also checks to ensure the contractor is compacting as they work. The policy of warranting work has been used by the City for some time.

Councilmember Kappa asked if the City had used this company in the past. **Bennett** stated that she had heard that they did a waterline project six years ago but was unable verify it on short notice.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to authorize the City Manager to sign a contract with the lowest bidder, Canby Excavation, for the sum of one hundred twenty one thousand and sixty two dollars. Motion passed unanimously among the members present.

INFORMATION

Councilmember Kappa had question for staff on Neighborhood Traffic Management ranking spreadsheets because it appeared he had several copies of the same document. DuVal responded they could be duplications as she copied what was provided by Engineering Intern Shelton.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 7:20 p.m.



Barb Kwapich, Office Assistant

RL - not at next meeting

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
SEPTEMBER 16, 1997**

MILWAUKIE CITY HALL

10722 SE Main Street

1775th MEETING

WORK SESSION

- 4:45 - Council Information Sharing
- 5:00 - McLoughlin Blvd. Design Scenarios in the Regional Center (Dan Pava)
- 5:45 - Water Tower Park Master Plan (Diane Campbell)

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 September 2, 1997

1 - RL
2 - JS
UNCL

IV. AUDIENCE PARTICIPATION *(The Mayor will call for statements from citizens regarding issues relating to the City. It is the intention that this portion of the agenda shall be limited to items of City business which are properly the object of Council consideration. Persons wishing to speak shall be allowed to do so only after registering on the comment card provided. The Council may limit the time allowed for presentation.)*

V. PUBLIC HEARING *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*

None Scheduled.

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

- A. **Cole Addition Local Improvement District Project Cost Share -- Resolution (Jim Brink)** 1-RL; 2-JS; unans.
- B. **1997 Island Station Stormline Construction ST-97-2 (Ruthanne Bennett)** 1-JS; 2-RL; unans.

VII. **INFORMATION**

- A. **Grogan Street Improvements – Rejection of All Bids**
- B. **Planning Commission Minutes of August 12, 1997 (draft)**

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.

Audience participation

Cool him up

Mr. Sachs 332 Home Lane D.C.

• vehicle release fee for stolen vehicle

Self 85

look at fee structure

• four company owners

direct staff to bring this fee before Council and cost to the City

Brent

7:25

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
SEPTEMBER 2, 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; Community Development Director Collins; Information Services and Technology Manager Atanes; Civil Engineer Roeger; and Engineering Intern Shelton.

Information Sharing

The group discussed the feasibility and implications of the proposed Enterprise Zone and the work session tentatively scheduled for the September 16, 1997. All agreed more information was needed. **Councilmember Tomei** provided a *Willamette Week* article regarding a worker's salary. The issue may be whether or not an Enterprise Zone is acceptable to the community. A letter was being drafted addressing the City's concerns. Councilmembers discussed Milwaukie's relationship with the Clackamas County Board of Commissioners.

Fire Service Report

Bruegman presented the staff report on the *Planning for the 21st Century and Beyond, Fire/EMS Strategic Business Plan 1997 - 2001*.

Bartlett noted two additional memos to the Mayor and City Council from Bruegman. One provided additional information on the Commission on Fire Accreditation International (CFAI), and the other compiled and prioritized recommendations from the Emergency Services Consulting Group (ESCG) report. Two citizen involvement meetings are scheduled to discuss the ESCG recommendations pursuant to Council's request: the Historic Milwaukie NDA meeting on September 11 at 7:00 p.m. and the MDDA Board Meeting on September 12 at 7:30 a.m.

Bruegman said the Strategic Business Plan recognized long-term organizational needs from an internal perspective. Formal adoption of the Plan does not commit the City Council to any long-term funding.

Bartlett said the Plan assumes the entities are in business together for the next five years of the agreement and provides strategic guidelines under which the organizations would operate as one functionally-consolidated group.

Bruegman added that the Plan would be a living document providing information to the budget process and focusing on an organizational mission. The Plan outlined service level objectives including response times, staffing, per capita costs and fire losses, and dispatch and turnout times. The Plans goals and objectives should support these service level objectives. After the goals are adopted, an implementation plan will be developed.

Bruegman discussed *Standards of Response Coverage* and the ability to provide adequate resources in fire combat situations. He reviewed EMS needs and response times.

The final section of the Plan addressed *Strategic Programs*. Response Mapping and Community Emergency Response Teams (CERT) will be the focus during the next twelve months.

Councilmember Tomei referred the page ES-8 and asked for clarification of the standardization of pre-emergency plans. **Bruegman** said Fire Zone is a software program that develops a database used in response services. Capt. Johns is working with the Sabin Skill Center on the project.

Councilmember Kappa said the Plan leads to functional consolidation. **Bartlett** said the Plan itself clarifies goals and objectives.

Councilmember Kappa referred to page ES-1 and the objective of a four-minute response time in the urban service area. He asked about the concern in the northern section of Milwaukie with a five-minute response time. **Bruegman** said there would be 90 % reliability. He discussed Portland Engine Co. 20 and the ability of an effective automatic aid agreement to meet the response time.

Mayor Lomnicki noted the Plan did not make any reference to closing the downtown Milwaukie station or changing response times. He referred to page ES-7 and said it did not seem to preclude the City of Milwaukie from being a standalone agency. **Bruegman** said the Plan would still be used if Milwaukie were a standalone operation.

Mayor Lomnicki asked how difficult it would be for the City to alter its relationship with the two districts in the future. **Bartlett** said the Plan addressed non-standard processes and was begun well before the Snook contract.

Bruegman said, even if the City decides to be a standalone agency, the Plan will still provide good organizational tools.

Councilmember Schreiber felt the City needed to prepare for both consolidation and being a standalone agency.

Councilmember Trotter said closing the City Hall station cannot happen without organizational consolidation.

Mayor Lomnicki understood Waverley would be beyond the four-minute response area and discussed mutual aid service.

Bartlett discussed the Public Safety Building traffic study and the potential need to extend 36th Avenue or construct an overpass to support future growth.

Mayor Lomnicki was concerned the public might think the City Council had formally decided there would be a merger or consolidation. The Plan is a standardization strategy, and, even if the City decides not to participate, it can be modified for Milwaukie's internal use.

Councilmember Kappa said closing the City Hall station is a separate issue and needs to go through a public process.

Councilmember Trotter discussed the long-term cost effectiveness of building an overpass to save \$1 million a year.

Bruegman said the service level objectives were nationally-based guidelines which would be relevant if the City were to remain a standalone agency or if it decided to consolidate.

Councilmember Tomei asked the scope of the statistical information. **Bruegman** said the data is from 77 departments located throughout the country. The survey provides benchmark information and noted the "mean" column provided comparisons for the ESCG recommendation.

Mayor Lomnicki asked for clarification of the "square miles per station" data. **Bruegman** made the comparison that if the City of Portland had the same density of stations as Milwaukie, it would have 70 instead of the existing 28. If the City of Milwaukie decides to remain a standalone agency, then two stations are appropriate. He said there is an effort to minimize redundancy and to consider the effectiveness of current locations.

Mayor Lomnicki asked if the City would be planning for the future by closing the downtown station based on its Regional Center designation with higher densities and increased activity. **Bruegman** suggested shifting the paradigm and considering a roving station.

Councilmember Schreiber discussed EMS service delivery. **Bartlett** said some cities have gone to fully-certified ALS police officers.

Councilmember Kappa asked that there be more discussion of the Plan before it comes to the City Council as an action item.

Responding to an earlier comment on the 90% reliability on page ES-1, **Councilmember Trotter** pointed out this referred to the second response. Four minutes is still the first response goal. **Bartlett** said the 90% reliability should be included for both.

Mayor Lomnicki referred to page ES-9 and the issues of subsidizing future growth and urban and rural service levels. If the City were to become part of a larger organization, he felt there would be equity issues for those living in heavily urbanized areas who may have to capture expansion costs.

Councilmember Trotter said the Plan addressed the dual standard issue and the two types of service needs.

Bruegman said, working collectively, providers can offer better service levels. He felt expectation levels between the urban and rural areas were different.

Councilmember Trotter said the City of Milwaukie will have the opportunity during the next few months to look at the issues as Oak Lodge and Clackamas plan for consolidation.

Fire Capt. Johns discussed mutual aid to Portland and ALS responses.

Councilmember Trotter asked if there was a schedule for the ESCG report. **Bartlett** said he planned to schedule work sessions in October. Summaries and minutes will be available to Council from each of the citizen involvement meetings.

Bruegman reviewed his memo regarding the ESCG recommendation priorities.

Councilmember Schreiber asked Bruegman if he felt any items in the ESCG were inappropriate. **Bruegman** responded he did not see any "red flags."

Mayor Lomnicki said he might challenge some of the findings from a political point of view, but he felt the quality of the information could be trusted.

Councilmember Trotter recommended developing a list of issues that would have to be resolved before implementing any contractual agreements. **Bartlett** said some issues would depend on what the City Council identifies as its service level objectives.

Councilmember Trotter said the labor contract, for example, was one issue since the City has four years left on its current bargaining unit agreement. He suggested validating the ESCG report with previous studies such as the Carlson report. **Bartlett** said some of the data could be used for comparison, but there have been some significant changes due to Measure 50.

Mayor Lomnicki pointed out the numbers do not tell the full story because of the voter-passed serial levies for a new station and new equipment.

Councilmember Trotter said the report says funding needs will decrease if the City of Milwaukie decides to consolidate or contract for services.

Councilmember Schreiber said tax payers need to know if their assessments will be reduced or if funds will go to other City services.

Enterprise Zone

This item was re-scheduled for the September 16, 1997, work session.

County Gas Tax and Vehicle Registration Fee Ordinances

Bartlett presented the staff report. The Board of County Commissioners is asking mayors to agree to the Financial Terms of the proposed sharing of the Gas Tax and Vehicle Registration Fee. The county indicated it would like to have as many cities as possible participate. He reviewed discussions between the County and cities regarding sharing election costs vs. sharing campaign costs.

County ordinances reflected the changes recommended by the Mayors and Managers with a 60/40 split between the County and City in the first year. He discussed the projected amount over the next 10 years and added there are fewer restrictions on vehicle registration fee usage than gas taxes. The County has asked each entity for a project priority list.

Mayor Lomnicki said the split would be 60/40 in first year and re-adjust based on negotiations in the second year.

Bartlett discussed the level of maintenance needed by urban and rural roads. Cities would have to negotiate among themselves on how to share funds. There have also been talks about joint projects for county roads within cities to bring them up to urban standards. Regarding the request for project priority lists, he felt the cities needed to maintain flexibility to address changing conditions such as the ability to match funds for an ODOT project.

Mayor Lomnicki felt the maintenance backlog, TSP, and School Trip Safety Program projects could be used without being prohibitive.

Councilmember Trotter suggested using TSP graphics to indicate long-range goals and making it clear in the text that this is a five- to ten-year program.

It was consensus to put this on the regular session agenda as an action item.

Public Works Department Projects

School Trip Safety Program

Shelton reviewed the background and indicated about 50% of the four participating schools' projects have been or will soon be completed. Some of the projects, due to their scope, were rolled into the Lake Road Multimodal Plan, Transportation System Plan (TSP), or the Neighborhood Traffic Management Plan(NTMP). Public Works felt other projects were the responsibility of the School District, and other items were determined not appropriate. The goal of moving some of the projects into the long-range plans were to minimize duplication of effort and reduce conflicting priorities.

Council indicated it would like an annual update of completed projects, and **Mayor Lomnicki** suggested it be prepared before the budget process to provide a better understanding of the problems and needs. The budget drives what projects can be done in the broader context of all City programs.

Councilmember Schreiber said the public needs to know the cycle in order to submit its requests.

Neighborhood Traffic Management Program

Shelton provided an update on the Neighborhood Traffic Management Program (NTMP). Citizens requested traffic calming on twenty-nine City streets, and seven of them qualified for the NTMP.

Councilmember Trotter referred to the ranking list that included 32nd Avenue from Harrison to Johnson Creek Blvd. He was not sure the entire length of 32nd Avenue qualified since some of it is zoned CSO and commercial. He understood the NTMP was for residentially-zoned areas. He suggested asterisks indicating all of 32nd Avenue was not eligible under existing legislation.

Councilmember Tomei referred to staff report page 9 and asked the total points for 22nd Avenue from McLoughlin Blvd. to Sparrow St. **Shelton** said the total number of points was 36.96. **Mayor Lomnicki** said it was eliminated from the NTMP because it is designated a minor arterial.

Shelton said the next step is to prepare letters to the initial requesters and contact the Neighborhood District Associations regarding the proposed action on those street that qualified.

Shelton asked for comments on the process. **Councilmember Tomei** felt a group of people, rather than an individual, should make a request.

Councilmember Trotter believed the ordinance contained a process. Streets must compete with each other annually.

Mayor Lomnicki said projects have to be done with available funds. There may be circumstances, such as traffic routing changes, under which a project would have to be re-evaluated.

The group briefly discussed the "No Thru Trucks" sign proposal on the regular session agenda and some of the clarification questions members planned to ask of staff.

Mayor Lomnicki adjourned the work session at 6:45 p.m.

Pat DuVal, Recorder

Mayor Lomnicki reconvened the work session at 8:40 p.m.

Bartlett discussed upcoming City Council activities:

1. Iwaki Delegation Itinerary;
2. Fall Retreat scheduled for September 27 with planning work session on September 23, 5:00 - 7:00 p.m. at City Hall;
3. Forecast 97 scheduled for September 22, 23, and 24.

Recall Petition

Beery reported on the prospective petition received Friday August 29, 1997, and the potential recall of the Mayor and two Councilors. She reviewed the recall process based on the Oregon Constitution and Oregon Revised Statutes. There were several problems with the forms filed with the City Elections Officer. It was her opinion that all three petitions should be rejected and a letter sent to the petitioners indicating the deficiencies. She reviewed the SEL forms and areas that needed to be addressed.

The Elections Officer had two options: accept forms, start the 90-day clock, and ask for corrections; or reject the forms and give the petitioners an opportunity to correct the deficiencies. If the petition were accepted for filing, there would be election law violations to report.

The group discussed the time remaining in office, and **Beery** reviewed Charter provisions and the ability to gather a quorum. She gave an overview of the timelines involved with the recall petition.

Councilmember Kappa asked if the Mayor and two Councilors could be reappointed by the remaining members. **Beery** said they could not. The group discussed term limits.

Mayor Lomnicki said if enough signatures were gathered for a special election, there would be five days in which to resign or issue a 200-word statement for the voters pamphlet.

Beery said the position would be declared vacant when done so officially by the Elections Officer.

The work session adjourned at 9:12 p.m.

Pat DuVal
City Recorder

**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 FINANCIAL ALL 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

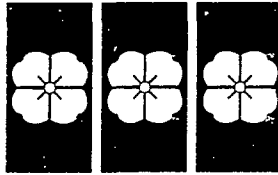
1. **Councilmember Tomei** read the press release announcing that Mayor Lomnicki had been presented the fifth annual Oregon Mayor's Leadership Award sponsored by the Oregon Mayor's Association. **Mayor Lomnicki** said he appreciated this recognition by his peers.
2. **Bartlett** discussed the Johnson 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, Recorder/Secretary

C I T Y O F



MILWAUKIE
MEMORANDUM

August 28, 1997

TO: Mayor and City Council
THRU: Dan R. Bartlett, City Manager
FROM: Jim Brink, Public Works Director *Jim*
SUBJECT: Cole Addition Local Improvement District (also known as the Sherrett St Sanitary Sewer Project)

Action Requested: Adopt a resolution that establishes the final costs of the sanitary sewer improvements for the Cole Addition LID, apportion the costs between the City and the benefiting property owners, and direct the preparation of a proposed assessment to the respective benefiting property owners. (Draft resolution is at Attachment A).

Purpose: Determine whether the benefiting properties shall bear all or a portion of the cost in accordance with MMC 3.08.07.

Discussion:

1. City Council established the Cole Addition LID by Ordinance No. 1815. City Council determined that project cost share would be determined once the sanitary sewer improvements were complete and final costs available.
2. The project is complete and final project costs have been tabulated (Attachment B). The formal project acceptance date is September 16, 1997.
3. Issues

a. **What should be the City share of the project cost?**

COUNCIL GUIDANCE (provided at work session on 1-7-97): The City will share 25% of the total costs which include design, construction and project management.

The spreadsheet at Attachment C shows final project costs and the city share of the total costs.

b. **What should be the property owners share of the project cost?**

COUNCIL GUIDANCE (provided at work session on 1-7-97): Benefiting property owners will share 75% of the total costs which include design, construction and project management.

The spreadsheet at Attachment C shows final project costs and the property owner share of the total costs.

4. The assessment hearing is tentatively scheduled for October 7th, 1997.

Fiscal Impact: \$134,211 from Fund 26 (Sewer Systems Development Charge Fund), capital project line item.

sewer\project\st-97-1\council9.doc
8-28-97

COMMUNITY DEVELOPMENT • PUBLIC WORKS
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

**RESOLUTION NO. _____
MILWAUKIE, OREGON**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE
DETERMINING THE PORTION OF THE TOTAL COST OF THE SANITARY SEWER
IMPROVEMENTS TO BE BORNE BY THE BENEFITTED PROPERTIES IN THE
COLE ADDITION LOCAL IMPROVEMENT DISTRICT AND DIRECTING THE CITY
ENGINEER TO PREPARE AN ASSESSMENT ROLL**

WHEREAS, the sanitary sewer improvements have been completed in the Cole Addition Local Improvement District; and

WHEREAS, the total cost of the improvements is \$134,211; and

WHEREAS, Section 3.08.070 of the Milwaukie Municipal Code provides "... after the work has been done and the cost thereof actually determined, the council shall determine whether the property benefitted shall bear all or a portion of the cost"; and

WHEREAS, Section 3.08.070 also provides that once the determination concerning cost has been made, the council shall direct that the proposed assessments for the benefitted lots be prepared;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Milwaukie that:

Section 1. The total cost of the sanitary sewer improvements for the Cole Addition Local Improvement district is \$134, 211. The City Council hereby determines that the benefitted properties shall pay seventy-five percent (75%) of the total cost which equals \$100, 657.

Section 2. The City Engineer is directed to prepared an assessment roll listing the proposed assessment for the lots benefitted by the improvements. The proposed assessment shall be on a tax lot basis to arrive at a fair apportionment of the cost among the benefitted properties.

Section 3. Pursuant to Section 3.08.070 of the Milwaukie Municipal Code, notice of the proposed assessment shall be mailed to the owner of each lot to be assessed and a public hearing shall be held to consider objections to the proposed assessments.

Introduced and adopted by the City Council on September 16, 1997.

Craig Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder

SE 33RD AVE & SHERRETT ST SAN SEWER EXTENSION

PROJECT 5906

Revisions per Progress Payment As-Built Drawings

SE 33rd Ave & Sherrett St San Sewer Extension Project					
CONTRACTOR: Copenhagen Utilities & Construction, Inc.					
No.	Items of Work and Materials	Unit Price		Quantity	Amount
1	8" ASTM D3034, SDR 35 PVC	30.00	LF	828.00	24840
2	6" ASTM D3034, SDR 35 PVC	28.00	LF	0.00	0.00
3	4" ASTM D3034, SDR 35 PVC	26.00	LF	467.40	12152.40
4	8" x 6" TEE, D3034, SCR 35 PVC	110.00	EA	0.00	0.00
5	8" x 4" TEE, D3034, SCR 35 PVC	100.00	EA	17.00	1700.00
6	COMMON TR EXC & NAT BACKFILL	15.00	CY	1605.06	24075.90
7	FOUNDATION STABILIZATION	35.00	CY	0.00	0.00
8	IMPORTED GRANULAR TR BACKFILL	9.00	CY	1238.09	11142.81
9	CRUSH ROCK FOR PAVEMENT BASE	15.00	CY	48.52	727.80
10	48" STD. PRECAST MH, 0-8' DEEP	2200.00	EA	3.53	7766.00
11	48" STD. PRECAST MH, OVER 8' DEEP	100.00	LF	17.54	1754.00
12	INSIDE DROP CONN. FOR MH	150.00	LF	0.00	0.00
13	TEMPORARY AC, 1" THICK	1.00	SY	0.00	0.00
14	AC PVMT REPLACEMENT, 2" THICK	20.00	SY	144.60	2892.00
15	AC PVMT REPLACEMENT, 4" THICK	25.00	SY	255.37	6384.25
16	ROCK RESURFACING	20.00	CY	0.00	0.00
17	SEDIMENTATION MH, 10' DEEP	2200.00	EA	0.00	0.00
18	SUMP ENCASED W/ HDPE NETTING	5000.00	EA	0.00	0.00
19	12" ASTM DC035 SDR 26 HDPE	50.00	LF	0.00	0.00
20	8" CONN TO EXISTING SEWER	500.00	EA	0.50	250.00
21	10" CONNECTION TO EXIST INLET	150.00	EA	0.00	0.00
22	ABANDON EXISTING SUMP	500.00	EA	0.00	0.00
23	DOUBLE INLET, 4-31-2	600.00	EA	0.00	0.00
24	CONCRETE CURB REPLACEMENT	10.00	LF	55.97	559.70
25	CLEAN OUT, 0-8'	350.00	EA	1.00	350.00
26	CLEAN OUT, OVER 8'	10.00	LF	2.50	25.00
27	POTHOLE COMPLETE	250.00	EA	0.00	0.00
					\$94,619.86

See attachment C for total project costs to include design, construction, and construction engineering.

TAXLOT NO.	OWNER	COOWNER	MAILING ADDRESS	"A" Front Footage	Total Cost	Sewer Assessment Refund	Sewer Use Refund				
11E25AB01500	KLOBERTANZ ANTON J	&MARGARET M	8616 SE 34TH AVE	100	5921	724					
11E25AB01600	OTIS DANIEL P		3416 SE KATHRYN CT	61	5921						
11E25AB01700	JOHNSON RALPH H	&JEAN E	3426 SE KATHRYN CT	42	5921	704					
11E25AB01800	NOACK WALTER TRUSTEE		8555 SE 36TH AVE	32	5921						
11E25AB01900	NOACK WALTER TRUSTEE		8555 SE 36TH AVE	42	5921						
11E25AB02000	ADAMS JOHN D		3536 SE SHERRETT ST	83	5921						
11E25AB00101	ADAMS JOHN D	&PATRICIA	3536 SE SHERRETT ST	56	5921						
11E25AB02100	HUNTLEY GERALD		14627 SW RAINBOW DR	83	5921						
11E25AB02200	HALLER BLAISE M	&SUSAN B	3415 SE KATHRYN CT	60	5921						
11E25AB02300	HODGKINSON LUCILLE R		8580 SE 34TH AVE	100	5921						
11E25AB02400	SCHULZ PALMER R	&TERESA M	8538 SE 34TH AVE	88	5921						
11E25AB02500	HELVEY CAROL A		3362 SE SHERRETT ST	99	5921						
11E25AB02600	MINGO LARRY T		8551 SE 34TH AVE	73	5921						
11E25AB02700	SAMUELSON HARRY M		8585 SE 34TH AVE	73	5921						
11E25AB02800	OCH ALBERT E JR		8609 SE 34TH AVE	73	5921						
11E25AB02900	SLIGER FLOYD H TRUSTEE		8629 SE 34TH AVE	73	5921	719					
11E25AB03600	MINGO DONALD A	&DIANE P	3330 SE SHERRETT ST	99	5921	1902					
# Taxlots	17			\$1,237	\$100,657	\$4,049					
"A"	Split Equally Among Taxlots							Inspection Fee	\$52		
								SDC Charge	\$893		
NOTES:	1) Refunds for previous payment of sewer assessment or sewer use fee are not included in these calculations. 2) Early hookup incentive is also not included in these calculations.						\$19,862		Total Cost for Sherrett St sanitary line from 30th Av to 32nd Av		
8/28/97											
sewerprojectse-97-1A.xls											

Project Cost Estimate	
114481.86	Construction
13273.53	Design
0.00	Contingency
6455.48	Const. Engring
\$134,211	Total

Property Owner Cost Share:	\$100,657	75%
City Cost Share	\$33,554	25%

City Costs	
13273.53	Design
6455.48	Const. Engring
13924.71	Sherrett St: 30th Av -32nd Av
\$33,554	Total



MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager
Jim Brink, Public Works Director *JTB*

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

RE: 1997 Island Station Stormline Construction ST-97-2

DATE: August 29, 1997

RECOMMENDATION

At the September 16th City Council Meeting we will be requesting that Council authorize the City Manager to sign a contract with the lowest qualified bidder for the Island Station Stormline Construction Project.

BACKGROUND

The City Council gave the Public Works Department approval to advertise for bids on this project July 15, 1997. 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 September 16, 1997 at 1:00pm 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
Jim Brink, Public Works Director/City Engineer *JEB*

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

RE: 1997 Island Station Stormline Construction ST-97-2

DATE: July 3, 1997

RECOMMENDATION

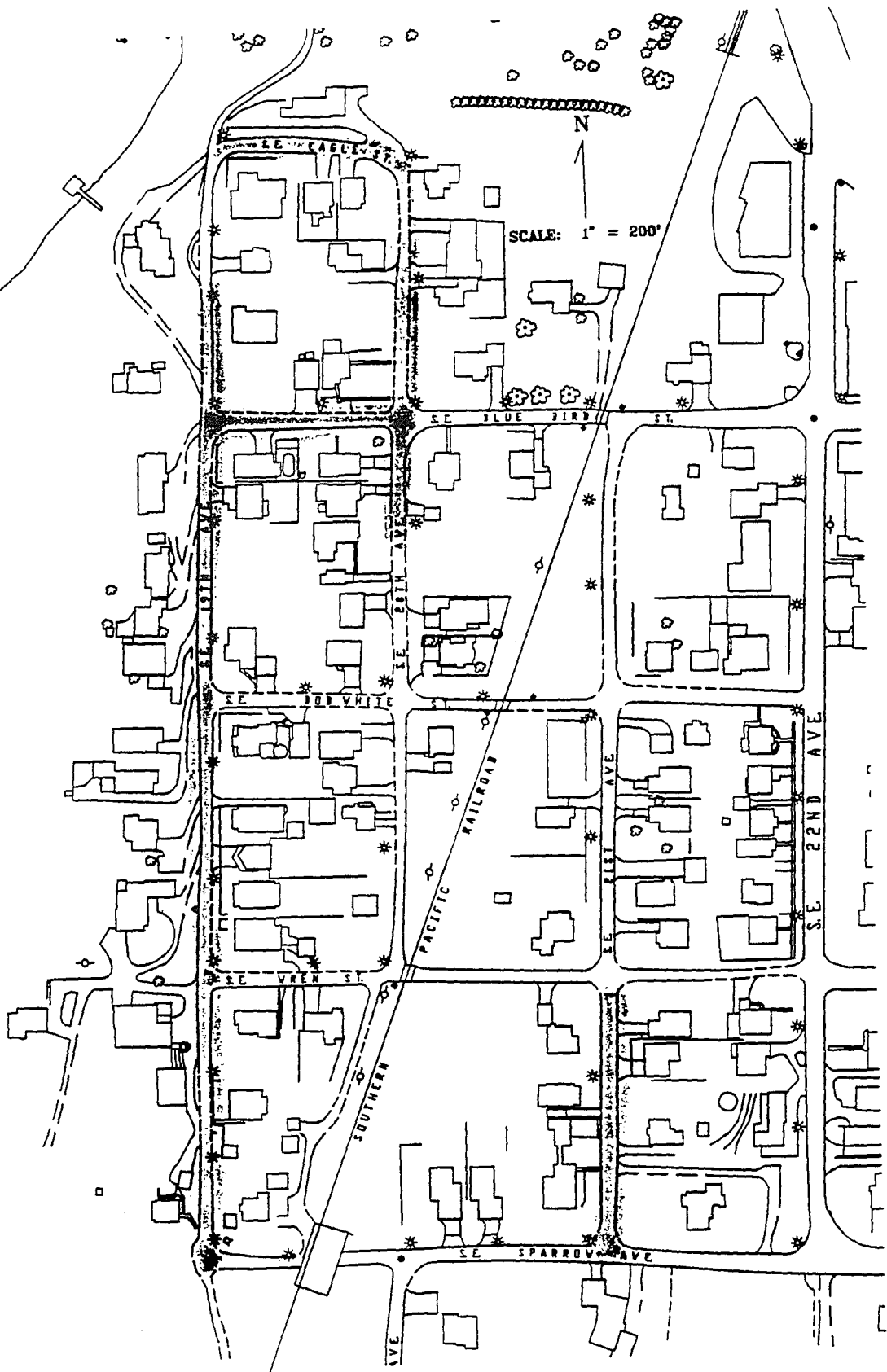
Authorize the Public Works Department to advertise for bids to construct a stormline on 19th, 20th and 21st Avenues between Eagle and Sparrow Streets.

BACKGROUND

Construction of 3300 feet of stormline with catch basins and manholes on 19th, 20th and 21st Avenues between Eagle and Sparrow Streets will collect surface water on those streets so the water will not contribute to local flooding of yards, garages and driveways. Field investigations have been made and plans are being drawn by the Engineering Department. Our intent is to advertise for bids in early August with the bid opening in early September. After receiving and evaluating the bids we will return to Council with our recommendations. We anticipate returning to Council for approval to award in early September. Construction could begin by mid September.

DISCUSSION

The estimated cost is \$200,000. There are sufficient funds under Capital Expenditures to cover the cost of this construction project.



SCALE: 1" = 200'

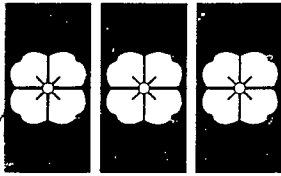
N

PACIFIC RAILROAD

SOUTHERN

1997 ISLAND STATION STORMLINE PROJECT	
BID DATE: SEPTEMBER 14, 1997	
1:00PM	
CANBY EXCAVATION	
PO BOX 848	\$121,062.00
CANBY, OR 97013	
HUBCO EXCAVATION	
2229 NE BURNSIDE #281	\$131,317.40
GRESHAM, OR 97030	
CJ'S CONSTRUCTION	
21104 125TH AVE, SE	\$162,822.00
KENT, WA 98031	
LES BROWN EXCAVATION	
PO BOX 1019	\$169,264.00
GRESHAM, OR 97030	
MOYER CONSTRUCTION	
PO BOX 3185	\$171,136.00
SALEM, OR 97302	
MILLER AND SONS CONST.	
23880 SE MIDDLETON RD	\$176,099.50
SHERWOOD, OR 97140-8809	
BRUNDIDGE CONSTRUCTION	
15635 SE 114TH, #205	\$223,161.80
CLACKAMAS, OR 97015	

C I T Y O F



MILWAUKIE

TO: Mayor
City Council

THRU: Dan Bartlett
City Manager

FROM: Jim Brink *JTB 9-8-97*
Public Works Director

RE: Grogan Street Improvement
Rejection of all bids

DATE: September 8, 1997

ACTION REQUESTED

None. For information only.

BACKGROUND

On September 2nd, 1997 Council approved a request to authorize the City Manager to award the Grogan Street Improvement project to the lowest responsible bidder, with the proviso that the bid was within 10% of the Engineer's estimate.

On September 5th, 1997, four bids were opened for the Grogan Street Improvement project. None of the bids fell within the 10% margin noted above.

The Public Works Director has decided to reject all bids for the following reasons:

- 1) The bids were above the 10% margin described above (see Attachment A).
- 2) Although the project is needed and necessary, it is not of such an urgent nature as to require completion before the end of the year.
- 3) Bids sought at the beginning of the year are generally much more competitive as contractors "sharpen their pencils" prior to the beginning of the construction season.
- 4) When rebid, expected savings on this single project may be as much as \$4,000 to \$6,000.

SUMMARY

The Public Works Department feels that it would be in the public interest to reject all four bids received on September 5th, and readvertise the project in February of 1998 for construction beginning in May and completion prior to the end of the '97-'98 fiscal year.

COMMUNITY DEVELOPMENT • PUBLIC WORKS
6101 SE JOHNSON CREEK BLVD.
MILWAUKIE, OREGON 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

GROGAN STREET IMPROVEMENT PROJECT

Bid Date: September 5, 1997
2:00 PM

CONTRACTOR NAME & ADDRESS	BID BOND?	SIGNED?	BID AMOUNT	RANK
- Vancouver Paving Co. 14502 NE 13 th Ave. Vancouver, WA 98685	Yes	Yes	35,787. ⁸² # 35,698.⁰⁰	RCS 9-5-97 2
- Hubco Excavation Inc. 2229 NE Burnside Rd #281 Gresham OR 97030	Yes	Yes	\$ 49,549. ⁰⁰	4
- Skyline Equipment & Utilities 12250 SE Capps Rd Clackamas OR 97015	Yes	Yes	\$ 38,705. ⁰⁰	3
- D & D Concrete & Utilities 9142 SW. Recitan Ct Tualatin OR 97062	Yes	Yes	\$ 33,639. ⁰⁰	1
Engineer's Estimate			\$ 29,444. ⁰⁰	
		10%	\$ 2,944. ⁴⁰	
Engineer's Estimate + 10% =			32,388. ⁴⁰	

ATTACHMENT "A"

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, AUGUST 12, 1997

COMMISSIONERS PRESENT

Michael Smith, Chair
Bryan Cosgrove
Tim Havel
Pat Lent
Charles Stoudt

STAFF PRESENT

Maggie Collins,
Com. Dev. Dir
Susan Heiser,
Senior Planner
Stacy Lawson,
Assistant Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Terry LaRocque

1.0 CALL TO ORDER

The meeting was called to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- None.

4.0 PLANNING COMMISSION MINUTES -- July 22, 1997

Pat Lent moved to approve the minutes of July 22, 1997, as corrected. **Charles Stoudt** seconded. MOTION CARRIED 4-0 with one abstention. Tim Havel was not at that meeting.

5.0 PUBLIC COMMENT -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Phil Harvey
Property Owner: Phil Harvey
Location: 3635 and 3707 SE Filbert
Proposal: Divide two existing lots into two lots each to create a four-lot subdivision. A variance is requested to reduce the 30-foot access strip to 20 feet.
File Number: S-97-02/VR-97-04

DRAFT

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of August 12, 1997

Page 3

6,713 sq.ft., below the minimum for the R-7 district. The Applicant will be required to alter the proposed property line between Lots 2 and 3 to make up the difference.

The Variance being requested is to reduce the joint access strip width to the flag lots 1 and 2 by 10-feet. Three variance review criteria must be met.

1. **The property in question has unusual conditions over which the applicant has no control.** Approximately 33 feet separates the existing homes on these parcels. Thirty-three feet does not allow for the required 5-foot setbacks on either side, in addition to the 30-foot access strip. This condition pre-exists the present ownership.
2. **There are no feasible alternatives to the variance.** The combined properties total 33,272 sq.ft which is ample area to accommodate two additional lots exceeding the R-7 District 7,000 sq.ft. minimum lot area. The requirement for a 30-foot wide access strip is based on the Fire Department need for clear access to residences for fighting fires. The Fire Marshal is satisfied that the proposed reduction to a 20-foot wide access strip will allow for the necessary clearance for fire fighting purposes. Alternatives were discussed with the Applicant and it was determined that the variance of ten feet, to allow a 20-foot wide access where 30 feet is required, is the minimum needed to allow full use of the applicant's property while providing adequate fire safety access to these sites.
3. **That adverse effects on other properties that result from this variance shall be mitigated to the extent feasible.** Single-family dwellings are located on all the surrounding properties. The reduced access strips will be located between the two existing homes and would not decrease fire safety access to any of the adjacent properties. All development on parcels 1 and 2 will be required to meet the side and yard setbacks of the R-7 District, as well as the lot coverage standards.

Staff has concluded that the Subdivision and Variance, as proposed and conditioned, is consistent with the City's Comprehensive Plan, Zoning Regulations, and Subdivision standards. Staff is recommending approval of Subdivision S-97-02 and Variance VR-97-05.

Pat Lent noted that on page 3 of the Staff report it indicates, "...Twenty feet of the 30-foot joint access strip must be paved and the entire width of the 30 foot access strip must be kept clear of obstructions." This is not consistent with the language

DRAFT

CITY OF MILWAUKIE PLANNING COMMISSION
Minutes of August 12, 1997
Page 5

APPLICANT PRESENTATION

Speaking: Phil Harvey 13245 SE Maple Lane, Milwaukie

Mr. Harvey stated that he has read the Staff Report and that Staff had covered all aspects of the Application and he concurs with all of the findings and conditions of approval. He stated that he agrees to the paving of the driveway and access drive to the deepest part of the parcel.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Mel Sampson, 3524 SE Filbert, Milwaukie

Mr. Sampson stated that he has lived at this address since 1979. He noted that several years back, Filbert Street was widened and developed and has now turned into a speedway. Filbert Street is the only street that the Ardenwald School path crosses completely. This is a very dangerous area and a bad situation. Signs have been posted, but children on bikes come out of the path without looking and the driver cannot see the child until he is in the street.

With this proposed development, more cars and houses on this street will result in tragedies. He feels this will create a real problem and should be looked into.

Speaking: Lynn Pagen, 3642 SE Wake Street, Milwaukie

Ms. Pagen noted that she is the property owner immediately north of the subject site. The Staff Report indicates, "The Applicant has indicated that he intends to construct fences to buffer the neighbors on either side of the development." She questions why the Applicant is only required to put fencing on the east and west side. She requested that the Planning Commission make it a condition of approval that the Applicant be required to construct fences along the north side also. She too has a flag lot. Her house will be one of the closest houses to the development and she would like to have a buffer.

Ms. Pagen asked if there were any requirements for the orientation of the house. Finding 9 indicates, "Of the 4 lots proposed, all are in a north-south orientation and building construction on each of the new lots can take advantage of solar access." Will the Applicant be allowed to put a house with a side setback of 5-feet from her property line? Is there any provisions for orientation of the

Speaking: Loraine Collins, 3521 SE Filbert Street, Milwaukie

Loraine Collins asked what type of construction will go on these lots, apartments, duplexes, etc.? **Susan Heiser** stated that in a R-7 district there must be 14,000 sq.ft. for a duplex. There is not enough area for duplexes or anything larger than a single-family dwelling for this Application.

Speaking Bryan Foster 3548 SE Filbert, Milwaukie

Mr. Foster asked if these dwellings will be single-family homes for sale or rental homes? **Chair Smith** stated that it is not under the purview of the Planning Commission to dictate whether a home will be rented.

TESTIMONY IN OPPOSITION

Speaking: Tim Good, 3835 SE Filbert

Mr. Good voiced concern about what is the best use for this property and what is available as far as land and lots. There is a lot of pressure for infill and use of available properties, but in this neighborhood, with the way the homes are situated, the best feature of the neighborhood is the size of the lots. If this infill continues, he is concerned about precedence. He purchased his lot because of the size of lots in the area and is disappointed by the proposed subdivision.

Mr. Good stated that he was assessed for sewerage and drainage. With the proposed development, more drainage will be needed. Continuing to add these facilities to this neighborhood is questionable. **Chair Smith** noted that the Planning Commission has received a letter from the Public Works Department which addresses sanitary and storm sewer capacity.

Mr. Good noted that the new owners have not shown interest in maintaining or caring for the property. He would like to see the neighborhood increase in value, not be reduced in value.

Mr. Good stated that there are traffic problems on this street now. With the increase in traffic, there is a decrease in safety. He has a small child that plays in this area and is concerned, as are others on this street, because of the speeding. He is in opposition to this Application.

DRAFT

CITY OF MILWAUKIE PLANNING COMMISSION

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Speaking: Virginia Mannex, 4144 SE Filbert, Milwaukie

Ms. Mannex stated that she has lived here for 45 years and she has seen a lot of changes in this neighborhood. She asked if the Applicant investigated the safety problems, if he knows of the speeding traffic and how unsafe it is for the children? She has had two parked cars totaled because of accidents on this street. Her daughter went to Ardenwald School and used the path. She feared for her daughter's safety every day.

Most of the people who purchased land in this area bought it for the large lots and country atmosphere. It is very disturbing to her to have these flag lots come in. She very strongly disapproves of flag lots in general.

Ms. Mannex asked for clarification on the proposed sidewalk on Filbert Street. **Chair Smith** explained that it is a City standard that as new development occurs, sidewalks must be installed as part of the requirement for development.

Ms. Mannex asked if new houses would be built on these lots or if manufactured homes will be brought in? **Chair Smith** informed Ms. Mannex that manufactured homes are allowed in this zone and would be allowed on this property.

Ms. Mannex concluded that she feels that flag lots depreciate the value of the surrounding property. She asked that the Planning Commission deny this application.

Speaking: Gentleman from the audience (name not audible), 3611 SE Filbert, Milwaukie

This gentleman stated that he wanted to be on record that he is in opposition to this application. Filbert Street has been paved and has curbs. Now sidewalks will be built. There will be spots of sidewalk and curbs. This will be a safety issue for the children walking to Ardenwald school. Requiring sidewalks is compounding the problem. A sidewalk should be developed on the whole street all at once.

He voiced concern about the condition of the subject property. The maintenance level has deteriorated. It is a potential fire hazard. **Bryan Cosgrove** stated that the City's Code Enforcement Officer is in charge of city nuisances. He does not think that testimony about the current condition of the property will have any bearing on the outcome of this Application.

DRAFT

Condition #13: "Lot 1 shall be oriented in a north/south direction to have a front parallel to Filbert Avenue."

QUESTIONS FOR CLARIFICATIONS -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Phil Harvey 13245 SE Maple Lane, Milwaukie

Mr. Harvey stated that he is available to talk to anyone regarding the issues that have been raised tonight or any concerns they may have concerning his development.

DISCUSSION AMONG PLANNING COMMISSIONERS

Chair Smith closed the public testimony portion of the hearing and opened the meeting to discussion among the Commissioners.

It was the consensus of the Commissioners that flag lots and infill are encouraged by the Comprehensive Plan. Flag lots are not very popular, but this Application meets all the criteria of the R-7 Zoning District and City Ordinances.

Bryan Cosgrove moved to approve S-97-02, based on the respective findings in the Staff Report, and subject to the conditions of approval contained in Exhibit 1, with language changes in Conditions #1 and #4, and additional Conditions #12 and #13 as stated by Susan Heiser tonight. **Tim Havel** seconded. MOTION CARRIED 5-0.

Bryan Cosgrove moved to approve VR-97-02, based on the respective findings in the Staff Report, and subject to the conditions of approval contained in Exhibit 9 of the Staff Report as amended tonight. **Pat Lent** seconded. MOTION CARRIED 5-0.

Recess was taken at 8:25 p.m. and the meeting reconvened at 8:35 p.m.

- 5.2 Applicant: North Clackamas Parks & Recreation District
Property Owner: City of Milwaukie
Location: North Clackamas Park - 5400 SE Kellogg Creek Drive
Proposal: Restore riparian vegetation and repair an eroding section of the bank of Mt. Scott Creek
File Number: NR-97-02

APPLICANT'S PRESENTATION

Speaking: Diane Campbell, North Clackamas Park and Recreation District

Ms. Campbell stated that Lynn Sharp is the volunteer who has done most of the background work on this project. She also serves on the District Advisory Board. One of the goals of the Park District is to preserve wetlands and stream banks. This is the first project done by the District for streambank restoration.

QUESTIONS FROM THE COMMISSIONERS

Chair Smith asked if there have been any studies done addressing the fact that the existing condition of the stream is due to the overloading of the stream flow from development? He also asked what management measures are in place to preserve the restorations once they are completed.

Speaking: Lynn Sharp, 10906 SE 54 Place, Milwaukie

Ms. Sharp stated that one of the things that affects water quality in urban areas is stream temperature. Trees provide shade and cool off the water. This Application will provide for bank stabilization and riparian revegetation of the bank of Mt. Scott Creek within the Natural Resources Area. An ultimate result would be a cooler water temperature.

This project, when completed, will continue to provide access to the Creek.

TESTIMONY IN FAVOR

Speaking: Dick Shuck, 4815 SE Casa Del Rey, Milwaukie

Mr. Shuck stated that he is a board member of the Friends of North Clackamas Kellogg Creek Planning Group and is very interested in this Application. He is in favor of this proposal for bank restoration. He hopes people are able to stay off the area until the vegetation has had an opportunity to grow and stabilize.

This area of the stream has been in heavy erosion for some time now and he is in favor of the restoration proposed.

APPLICANT'S CLOSING COMMENTS

Speaking: Lynn Sharp, 10906 SE 54th Place, Milwaukie

Ms. Sharp stated that when blackberries are planted, nothing else has an opportunity to grow. The blackberries growing along the Creek are called Himalayan Blackberries, they were introduced to this area. It takes a long time for trees to establish where there are blackberries. For the last two/three years there have been two different tree-planting efforts. There was a 70-80 percent survival rate. Some native plants were removed with the blackberries. Blackberries are not natural stream bank vegetation and should not be a part of the landscaping effort.

Ms. Sharp stated that she is a scientist and she does this type of work for a living. She keeps up with what happens in the urban areas and other areas in the Portland metropolitan area. If nothing is done, the area will continue to erode. She suggested logs around the area to keep the mowers out.

In regards to removal of the rock in the area, **Ms. Sharp** stated that the rock in the Creek is actually a small dam. This is not the right restoration for this part of the Creek. Rock is proposed to be removed and used for the foundation of the bank reconstruction.

Ms. Sharp stated that the goal is to have a 30-50 foot lineal buffer along the Creek. The trees will provide a canopy to cool the stream; blackberries do not provide shade. The duration of the period of establishment will be about three to four years.

DISCUSSION AMONG THE COMMISSIONERS

Chair Smith closed the public testimony portion of the hearing and opened the meeting to discussion among the Commissioners.

It was the consensus of the Commission that this was a well-planned proposal and that it will be an advancement towards a healthy stream.

Pat Lent moved to approve Natural Resources Overlay Designation, NR-97-02, based on the findings contained in the Staff Report and subject to the conditions in Exhibit 1 as amended. **Tim Havel** seconded. MOTION CARRIED 5-0.

The Applicant has cited several other freestanding signs in the area which are located on frontage adjacent to Highway 224. Staff feels that a large sign will not be out of character with the existing layout of signs along 224.

After review of the signs proposed, Staff believes that the proposal is in keeping with the existing character of signs along Highway 224. Staff believes that this church site is unusual in that it has much of its frontage along a State Highway and has frontage on three streets. Both of these facts point to a need for a greater amount of signage than a church in a residential area on a neighborhood street would require.

Chair Smith asked if any other correspondence had been received since the mailing of the Commission packets? **Stacy Lawson** stated that no further correspondence have been received.

APPLICANT PRESENTATION

Speaking: Ed Pagh, 2823 SE Balfour, Milwaukie

Mr. Pagh stated that they have worked very hard meeting with Staff to address all of the issues. He has read the Staff Report and concurs with all of the findings and conditions. The trees were addressed and they agree with the Public Works Department. There are seven trees that provide buffer. One of these trees may have to be removed. These trees are not on public right-of-way.

Mr. Pagh stated that he did not know about the Lake Road Neighborhood District and did not inform them of the proposal. The intent of the signatures was not to get a representative polling of the neighborhood, it was to get a flavor of the immediate neighbors on Rusk Road, informing them of the project to see if there were any impacts from the proposed signage.

Mr. Pagh stated that Condition #2 which states that all the letters used on the reader board sign be 8-inches in height, may be hard to comply with. After discussion with the sign manufacturer, compliance would result in changing the body of the sign. There may be a sacrifice to the information on the other parts of the sign to allow room for the 8 inch letters.

Pat Lent stated that in the report, the purpose of the sign was to identify the time and location of the services. Tonight, the Applicant has testified that the message board is the biggest part of the sign. She questions the intent of the sign, whether it is informational or an advertisement? She does not feel the sign is necessary for the community.

Discussion followed on how a large lit sign in this area, close to the freeway, would be a distraction to drivers. Other signs on the highway are higher and at eye level; this sign is lower and some of the letters are small.

It was the consensus of the Commissioners to deny the Application based on the reasons below and to ask Staff to draft findings for denial to be reviewed and voted on at the next meeting.

1. Sign location in conflict with existing trees in the Natural Resources Area.
2. Sign intent -- more advertisement than information.
3. Distraction to drivers on Highway 224.
4. Setting a precedent for large lighted church signs in a residential area.
5. Safe view triangle.

Pat Lent moved to provisionally deny SP 97 01 based on reasons stated tonight and directed Staff to prepare findings for review and decision at the next meeting. **Bryan Cosgrove** seconded. MOTION CARRIED 5-0.

- 5.4 Applicant: Northwest Housing Alternatives, Inc.
Property Owner: Northwest Housing Alternatives, Inc.
Location: 2302 SE Willard Street
Proposal: Convert existing 2-bedroom, 2-bath, single story home with basement into transitional housing and staff office space
File Number: CSO-97-05/TPR-97-07

Chair Smith opened the public hearing on File Numbers CSO-97-05/TPR-97-07 to convert an existing home to transitional housing and office space and add parking spaces to an existing parking area.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. He asked if any member of the Planning Commission visited the site; one hand was raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report.

ADDITIONAL COMMENTS FROM STAFF -- None.

APPLICANT CLOSING COMMENTS - None.

DISCUSSION AMONG PLANNING COMMISSIONERS

Chair Smith closed the public testimony portion of the hearing and opened the meeting to discussion among the Commissioners.

Tim Havel moved to approve CSO-97-05, based on the respective findings in the Staff Report, and subject to the conditions of approval contained in the Staff Report. **Pat Lent** seconded. MOTION CARRIED 5-0

Tim Havel moved to approve TPR-97-07, based on the respective findings in the Staff Report, and subject to the conditions of approval contained in the Staff Report. **Pat Lent** seconded. MOTION CARRIED 5-0

7.0 WORKSESSIONS None.

8.0 DISCUSSION ITEMS None.

9.0 OLD BUSINESS

9.1 Light Rail Study Update -- No Report

9.2 2040 Study Update -- No Report

Maggie Collins reminded the Commissioners to bring their ancillary documents to the Regional Center Master Plan Steering Committee meeting on August 21, 1997.

10.0 OTHER BUSINESS

10.1 Historic Resource Commission Report -- None.

10.2 Clackamas Regional Center Area Plan Report -- None.

10.3 Community Development Report

Date 11/16/07

I wish to address City Council on Agenda Item # _____

Name Mark Saxe

Organization _____

Address 538 Holmes Ln One. City, One.

Phone 656-1760

- Speaking in Support
- Speaking in Opposition
- Raising Questions
- Providing Information

Comments 46⁰⁰ fee for vehicle release

