

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
OCTOBER 7, 1997**

The one thousand seven hundred and seventy-sixth 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 Don Trotter
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Also present:

Dan Bartlett, City Manager Charlene Richards, Assistant City Manager Tim Ramis, City Attorney	Randy Bruegman, Fire Chief Jim Brink, Public Works Director Angus Anderson, Finance Director
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CONSENT AGENDA

It was moved by Councilmember Tomei and seconded by Councilmember Trotter to adopt the Consent Agenda which consisted of the City Council minutes of September 16 and 23, 1997. Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

None.

PUBLIC HEARING

Cole Addition Local Improvement District Assessment Hearing – Ordinance

Mayor Lomnicki called the public hearing on the Cole Addition Local Improvement District to order at 7:04 p.m.

The purpose of the hearing was to consider an ordinance spreading the assessments against benefited properties in the Cole Addition. Council established the LID by adopting Ordinance 1815 on March 4, 1997. The project was completed and the final construction costs tabulated. The proposed ordinance apportioned the costs among those benefited properties.

Staff Report: **Brink** presented the staff report on the assessment Ordinance for the Sherrett Street Sanitary Sewer Improvement Project. Staff made several points concerning the project and addressed issues raised on March 4, 1997. He referred to staff report page eight indicating the total cost to each property owner of \$5,921 and the amount of the sewer assessment refunds.

On September 16, 1997, the City Council adopted Resolution 32-1997 determining the benefited properties would pay seventy-five percent (75%), and the City would pay twenty-five percent (25%). The total cost of the project was \$134,211. **Brink** discussed staff's recommendation to provide a \$327 incentive to those connecting to the system within a determined time period. The City will provide financing for the LID assessment and private sewer connections. In response to property owners' questions, he said the SDC charge, \$893 per residence, could not be waived based on Municipal Code Chapter 13.28. Property owners had also expressed concern they were being penalized because of a 1975 engineering error. Staff did not recommend any compensation based on the belief current sanitary sewer rate payers should not be held responsible for the situation.

Correspondence: **Mayor Lomnicki** noted the property owner's petition dated September 30, 1997.

Questions of Clarification: **Councilmember Trotter** referred to staff report page 8. He asked if the column labeled "Project Cost Estimate" was correct. **Brink** said that portion of the table should be labeled "Project Final Cost."

Councilmember Schreiber asked the procedure if a property were divided and a portion transferred to a different owner. **Brink** said, under current zoning, these properties could not be divided.

Councilmember Tomei asked for clarification of the ending date of the connection incentive. **Brink** said staff recommended March 31, 1998, in order to accommodate the holidays.

Councilmember Trotter asked **Brink** to comment on items two and three in the residents' letter. **Brink** referred to staff report page eight and noted there were only four properties involved in the previous assessment. The SDC amounts cannot be waived, and he did not recommend, based on Citywide needs, additional incentives paid for by the Sewer Fund.

Audience Testimony: **Tony Klobertanz**, 8616 SE 34th Avenue. He understood the current sewer customers should not pay for the engineering mistake, but he felt the property owners in this LID were being penalized for someone else's mistake. The Council was in a position to rectify the problem. He asked when the SDC ordinance went into effect. There was no SDC or connection fee in 1975. He felt a three month period for connection to the public system was too short.

Councilmember Trotter said the petition indicates citizens do not feel they should have to pay full price for an "engineering error." **Klobertanz** said people on the current system should not have to pay. Cole Addition residents would have connected in 1975, but they were not able to because of the error.

Councilmember Trotter asked Klobertanz what he felt would be a reasonable deduction. **Klobertanz** responded he would prefer the full amount, but, if not that, then something.

Mayor Lomnicki asked Klobertanz what he felt were the damages. **Klobertanz** said about \$5,000.

Councilmember Schreiber asked Klobertanz if he was the property owner in 1975 and if he was aware that some neighbors had the ability to connect to the system. **Klobertanz** said only the residents on Marys Court could connect because of the "engineering error." At the time, it was suggested that residents could form an LID and install and maintain a pump, but people did not feel they were the cause of the problem. **Councilmember Schreiber** said people were aware of the circumstances at the time and made a decision.

Mayor Lomnicki commented there would have been a cost at that time.

Larry Mingo, 8551 SE 34th Avenue. He requested the incentive be increased to \$564 to match the cost of not connecting and asked the Council to consider the magnitude of expenses.

Councilmember Tomei understood the calculations and asked if there was not a gamble in continuing with the septic tank and facing potential failure expenses. **Mingo** said the expenses could be covered by the money saved by not connecting. He noted he had received connection cost estimates between \$2,200 and \$2,600.

Staff Comments: **Brink** said the connection estimate of \$1,200 was based on City of Portland figures from an east Multnomah County project. The Milwaukie estimates were probably higher because of the fewer number of connections in the project.

Questions from the Council: None.

Close of Public Testimony: **Mayor Lomnicki** closed the public testimony portion of the hearing at 7:37 p.m.

Deliberation and Vote: **Councilmember Trotter** appreciated the audience comments and supported increasing the incentive amount to \$564 as Mingo suggested. **Councilmember Tomei** agreed.

Councilmember Schreiber congratulated the residents on the amount of work they had done and suggested they consider applying for the Citizens Utility Advisory Board.

Mayor Lomnicki agreed with adding the early incentive.

Councilmember Trotter asked if the Ordinance would have to be amended. **Bartlett** said the refund is separate from the assessment calculation and will be paid to people during the incentive period. The assessment would remain unchanged.

Anderson said the per annum interest would be a total of 7.5%.

It was moved by Councilmember Trotter and seconded by Councilmember Tomei to read the ordinance spreading the assessments against the benefited properties in the Cole Addition Local Improvement District first time by title only. Motion passed unanimously among the members. The ordinance was read for the first time by title only.

It was moved by Councilmember Trotter and seconded by Councilmember Tomei to read the ordinance spreading the assessments against the benefited properties in the Cole Addition Local Improvement District for the second time by title only. Motion passed unanimously among those members present. The ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Tomei to adopt the ordinance spreading the assessments against the benefited properties in the Cole Addition Local Improvement District. Motion passed unanimously among the members present.

ORDINANCE NO. 1822:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, SPREADING THE ASSESSMENTS AGAINST BENEFITED PROPERTIES IN THE COLE ADDITION LOCAL IMPROVEMENT DISTRICT; DIRECTING THE ENTRY OF THE ASSESSMENTS IN THE CITY LIEN DOCKET AND THE COUNTY LIEN RECORDS; AND SETTING THE INTEREST RATE FOR DELINQUENT AND INSTALLMENT PAYMENTS.

It was moved by Councilmember Trotter and seconded by Councilmember Tomei to increase the incentive for early hook up before March 31, 1997, in the amount of \$564.00. Motion passed unanimously among the members present.

Adoption of the Fire and EMS Strategic Business Plan 1997 - 2001

Mayor Lomnicki called the public hearing on the adoption of the *Fire and EMS Strategic Business Plan 1997 - 2001* to order at 7:55 p.m.

The purpose of the hearing was to consider public comment on the Business Plan developed by the three fire service agencies: District 1, Oak Lodge, and the City of Milwaukie.

Staff report: **Bruegman** presented the staff report. This is a Plan for three fire service organizations and evolved over a twelve-month period to address service level objectives and long-range goals. He noted the amendments based on comments from the September 2, 1997, Council work session.

Bartlett noted the Oversight Committee had reviewed the Plan.

Correspondence: None.

Audience Testimony: None.

Council Comments: **Councilmember Tomei** asked for clarification of the changes. **Bruegman** said the executive summary included reference to 90% reliability for second units and a change the name of the Plan.

Councilmember Schreiber asked about the involvement of the other service providers. **Bruegman** said the two boards have reviewed and already adopted the Plan.

Mayor Lomnicki said he understood that this in no way impairs Milwaukie's ability to draw back from current contractual agreement or precludes more discussions. He discussed the upcoming public and business involvement meetings that would begin taking place next week.

Councilmember Trotter asked if there had been any correspondence. **Mayor Lomnicki** said there was letter previously received from the Milwaukie Fire Fighters. **Bartlett** said the City Council should have a copy of his and Bruegman's response to that letter. **Councilmember Trotter** said the correspondence was not about the *Strategic Business Plan* but other issues.

Close Public Testimony: **Mayor Lomnicki** closed the public testimony portion of the hearing on the *Fire and EMS Strategic Business Plan 1997 - 2001* at 8:03 p.m.

Discussion among Councilmembers: **Councilmember Trotter** added he was the Milwaukie City Council representative. All participants felt the Plan would help policy makers make decisions, and he supported its adoption.

Decision: It was moved by **Councilmember Trotter** and seconded by **Councilmember Tomei** to adopt the *Fire and EMS Strategic Business Plan 1997 - 2001*. Motion passed unanimously among the members present.

OTHER BUSINESS

Self-Contained Breathing Apparatus (SCBA) Purchase

Bruegman presented the staff report in which the City Council was requested to authorize the purchase of fifteen ISI Magnum complete SCBA units and thirty spare cylinders. The cost will not exceed \$35,000, and capital funds are available. The existing units will be advertised and sold.

Councilmember Trotter said he assumed this action would be prudent for mutual aid even if the City of Milwaukie remains a standalone department.

Bartlett discussed a regional trailer that would be shared by all three departments.

Mayor Lomnicki asked how the number of units to be purchased was determined. **Bruegman** said it was based on units per engine with several backups.

Councilmember Schreiber said the sale of the City's current equipment would reduce the \$35,000 purchase amount. **Bartlett** said there would be some time delay between making the new equipment operational and the sale of the old equipment. Staff will report the net amount, and the funds will go into the Public Safety Fund general recovery fund.

Councilmember Trotter asked the cost of the portable trailer. **Bruegman** said \$5,000 was budgeted this year to begin the project. **Councilmember Trotter** added the City would save money by having a regionally used trailer instead of paying for one of its own.

It was moved by Councilmember Trotter and seconded by Councilmember Tomei to authorize the purchase of fifteen ISI Magnum complete SCBA units and thirty cylinders at a cost not to exceed \$35,000. Motion passed unanimously among the members present.

INFORMATION

Bartlett noted the document copied for the City Council from the 34th Avenue Task Force. **Brink** will prepare a response by the next meeting.

Councilmember Schreiber announced the doubling of fines for speeding in school zones as an element of the School Trip Safety Program. Milwaukie was the first City in Oregon to post these signs. **Mayor Lomnicki** said this is a tool to keep the children in the community safer.

Mayor Lomnicki announced Officer David Rash and Capt. Wes Johns were awarded Police Officer and Fire Fighter of the Year respectively by the American Legion Post. He understood one of the checks went to the D.A.R.E. Program. He congratulated Rash and Johns for being outstanding personnel.

Mayor Lomnicki announced an executive session to discuss property acquisition pursuant to ORS 192.660.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 8:15 p.m.

Pat DuVal

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
OCTOBER 7, 1997**

MILWAUKIE CITY HALL
10722 SE Main Street

1776th MEETING

WORK SESSION

- 4:00 - Council Information Sharing
- 4:30 - Traffic Relief Options (Anitra Rasmussen, Task Force Member,
and Dan Layden, ODOT)
- 5:00 - Enterprise Zone (Pat Allen, OEDD)
- 5:45 - Board and Commission Interviews

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 16 and 23, 1997

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

- V. **PUBLIC HEARING** *(Public Comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.)*
 - A. **Cole Addition Local Improvement District Assessment Hearing – Ordinance (Jim Brink)**
 - B. **Adoption of Fire and EMS Strategic Business Plan 1997 - 2001 (Randy Bruegman)**

- 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.)*

Self-Contained Breathing Apparatus Purchase (Randy Bruegman)

VII. INFORMATION

- A. Memo Regarding Home/Monroe Drainage Issues**
- B. Planning Commission Minutes of September 9, 1997 (draft)**
- C. Historic Resources Commission Minutes of March 23, April 28, May 19, and August 25, 1997**
- D. Park and Recreation Board Minutes of July 7, 1997**

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
SEPTEMBER 16, 1997**

Mayor Lomnicki called the work session to order at 4:45 p.m. in the second floor conference room at Milwaukie City Hall.

Councilors present: Schreiber, and Kappa.

Staff present: Pat DuVal, Recorder/Secretary; Dan Pava; Senior Planner, and Maggie Collins, Community Development

Information Sharing

1. **Councilmember Schreiber** reported the North Clackamas Chamber of Commerce was probably not going to endorse the County gas tax and vehicle registration increase. The funding split did not seem equitable, and the solution seemed to be short term. The Economic Development Committee felt the measures had been written differently than first presented. Metro's survey of Chamber members indicated they recommended a slight extension of the urban growth boundaries with density plans put in place by local jurisdictions. Chamber members also supported highways, light rail, overpasses, and maintenance in that order.

Mayor Lomnicki stated he understood West Linn did not support the County's transportation funding measures.

Councilmember Kappa said Milwaukie had not come out in either support or opposition.

Mayor Lomnicki said the City Council could alter its position. He understood a new fund distribution formula would be developed in the second year.

DuVal stated the resolution Council adopted refers to supporting the County gas tax and vehicle registration fee measures.

Councilmember Schreiber suggested Council let the issue go but talk to the County about the revenue-sharing formula.

Mayor Lomnicki suggested Council discuss the issue at the next work session when all members were present.

2. **Councilmember Kappa** mentioned the SB 122 Phase II Report and asked if there would be further discussions. The Report referenced the White Paper, but it was not included.

Councilmember Schreiber considered the White Paper a working paper and indicated her disappointment with the report.

3. **Mayor Lomnicki** discussed contact from Realtors regarding current sign code issues. **DuVal** reported there was a letter writing campaign by the Realtors, and Council had copies of correspondence in their packets. Staff was responding to each letter. Neighborhood Services Coordinator Gregory will publish an informational piece in the next *Pilot* and, in the long-term, complete a sign code review. **Councilmember Schreiber** said the Realtors with whom she had contact were satisfied that the City Council was aware of the issue and that some resolution would be forthcoming.

4. **Councilmember Schreiber** said she had spoken with Pat Allen, OEDD, regarding the Precision Castparts proposal.

5. **Mayor Lomnicki** noted the upcoming Clackamas Cities dinner meeting in Sandy.

6. **DuVal** announced the September 23rd City Council/Neighborhood/Board and Commission work session in preparation for the September 27th retreat at OIT.

7. **DuVal** gave a status report on the recall petition effort. Mayor Lomnicki asked her to check to see if anything else, such as an opinion poll, could be included on the ballot.

McLoughlin Blvd. Design Scenarios in the Regional Center (Dan Pava)

Rick Keane, ODOT, and Tom Kloster, Metro, were in attendance.

Collins gave an overview of the presentation.

Pava updated Council on the Regional Center/McLoughlin Blvd. design scenarios. Council has discussed several methods of altering McLoughlin Blvd. It was consensus that four lanes are necessary in order for the road to function both regionally as a north/south route and to circulate internal traffic. He discussed the limitations of an eighty-foot right-of-way limits design options.

Boulevard components include sidewalks, travel lanes, a median or pedestrian refuge, street plantings, bicycle lanes, and parking. These various elements can be linked in different combinations and will simply yield different right-of-way cross sections. He discussed a design that could interface with the proposed South/North Light Rail options.

Keane reviewed several scenarios and indicated the purpose of the work session was to narrow the options so ODOT could begin its design process. Existing constraints were Johnson Creek, Sequoia trees, and the railroad trestle on the south.

Pava said staff needs clarification from Council of what it feels is essential for the future.

Kloster presented slides of sample designs including Gresham's downtown. He discussed the Metro 2040 Plan and the Central City and Regional Center concepts. Metro uses street design as a way to organize other systems. The proposed McLoughlin Blvd. project will be contained within the Regional Center area.

Councilmember Schreiber discussed limited access and not having a stop light at every corner.

Collins said the proposed Regional Center guidelines recommend only three signals.

Councilmember Kappa asked if street designs had to go hand-in-hand with the City's zoning. **Collins** replied it did only as it affects adjacent private property. The interim action does require development on the east side of McLoughlin to donate five feet of right-of-way for sidewalks.

Councilmember Schreiber discussed the feasibility of a park trail on the west side instead of sidewalks and enhancement of the entire area to include the Springwater Corridor.

Pava said that issue has a relationship to light rail placement. He recommended sidewalks on both sides.

Collins discussed the riverfront multi-use path.

Kloster suggested City Council think in terms of the Waterfront Park in Portland with a large open area between Front Avenue and the river. He urged the Council not be timid about spending extra money to develop a first-class project.

Mayor Lomnicki discussed a double-median concept and frontage road system. This could accommodate parking, bike lanes, and local access.

Councilmember Kappa was concerned about taking too much riverfront property for the design.

Collins stated the real impact would be parking on both the east and west sides of McLoughlin Blvd.

Councilmember Schreiber stated she felt another impact was financial. The City owns most of the west side, but property on the east side would have to be purchased.

Mayor Lomnicki requested that Community Development look at a different way of treating left turn lanes from the way they were shown on the presentation.

Keane reminded the City Council the design would have to have bike lanes to be acceptable.

City Council gave the following guidelines to be considered in the design of the McLoughlin Boulevard: four travel lanes; bike lanes on McLoughlin Blvd.; parking on east side only; wide sidewalks with planting strips; and a median on east side. Councilors wanted 80 - 90% of the pedestrians to be able to cross the entire street without relying on a pedestrian refuge.

Water Tower Park Master Plan

North Clackamas Park and Recreation District staff Diane Campbell and Thom Kaffun presented the staff report.

The Parks District held three meetings with Ardenwald citizen from which three design proposals were developed. Ardenwald citizens selected the option that included removing of the concrete block; developing activities including basketball under the tower; adding picnic tables and sidewalks; enlarging the existing play area; and developing a green, open space.

Councilmember Schreiber asked if this plan conflicted with the existing communication tower lease agreements. **Campbell** said it would not. The total cost was estimated between one hundred thousand and one hundred fifty thousand dollars.

Councilmember Kappa asked if revenues from the tower rentals could be used to start the project.

Mayor Lomnicki said the Parks District usually funds this type of improvement. The City Council could consider allocating matching funds to accelerate the project.

Campbell said the Plan will go before the Planning Commission on October 14th.

Barb Kwapich, Recorder

**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. Sacks 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. Sacks 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. Sacks 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 there 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 the 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 thousand two hundred 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

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
SEPTEMBER 23, 1997**

Mayor Lomnicki called the work session to order at 5:10 p.m. in the City Hall Council Chambers.

Councilors present: Schreiber, Kappa, and Trotter.

Staff present: City Manager Bartlett; Assistant City Manager Richards; Police Chief Collier; and Neighborhood Services Coordinator Gregory.

The purpose of the meeting was to review the draft agenda for the Neighborhood Visioning Process work session on September 27, 1997.

Layden provided background information on the Opinion Leader Survey. In some cases, attitudes both in Milwaukie and outside the City limits have gone unchanged for ten years. Milwaukie's image appears to have been on an upswing during the past four years, and both Council and staff are perceived as more professional and responsive.

He reviewed the main points of the report:

1. Community leaders anticipate service patterns in North Clackamas County will change significantly over the next 5 - 10 years. Patterns are becoming clear mostly due to Measures 5 and 50 financial pressures. Milwaukie's relationship with Fire District #1 is an example of this.
2. There is no consensus on a logical service boundary for Milwaukie in the south or east. There has been some change, and some people feel annexations should take place immediately. As Clackamas County becomes urbanized, opinion leaders feel cities should provide services.
3. Close observers question whether Milwaukie can improve services in the surrounding areas. People are happy with their current services, but cost is an issue in annexation. Reduction of the Sheriff's patrols might generate additional interest.
4. The City should set its service boundary in cooperation with other area service providers. Staff is perceived as management leaders, and the City has developed good working relationships. Boundaries must be set cooperatively.
5. Milwaukie's greatest asset may be its ability to unify services and identity for the North Clackamas area. Opportunities will probably develop if people see something happening to which they can relate.

6. Milwaukie's long-standing, non-progressive image continues to be an impediment to growth. This is still a problem. Some citizens are very negative toward change, especially light rail and Metro's 2040 Plan. Some people see Milwaukie's leadership as unable to manage its own affairs.
7. Improving the City's finances is seen as a key to growth. People were not very informed about this issue.
8. If Milwaukie does not grow, there is concern it will ultimately be forced to consolidate with other service providers. People do not see a loss of identity with service contracts.
9. Overall advice of opinion leaders: First make Milwaukie services more attractive, then pursue growth. Traditional services are no longer an issue. People will be watching for riverfront development and downtown revitalization.
10. There's also a need for a new rationale for growth. Milwaukie's image does not stimulate outsiders to want to join. There are no compelling reasons to annex.

Conclusion. **Swanson** said the information indicates current trends. He highlighted some of the overall comments. People hear about the City annexing to the Town Center, but nothing ever happens. Milwaukie should under-promise and over-perform. Detractors use Council's long-range intents to define an inability to accomplish goals. He recommended that Council make sure what it is communicating is manageable because people are listening.

From his interviews, he noted a shift occurring with leadership "up for grabs" in the northern part of Clackamas County. The "brass ring" is available, and the time is right for people to come together.

Swanson felt the most important element was for the City to define its service provision role. This answer will affect everything the City does in the future. Annexation will be easier when done cooperatively with the special districts. **Layden** added that one of the fire chiefs indicated the district would support Milwaukie's annexation efforts.

Councilmember Schreiber asked what the City of Milwaukie had to offer in order to get enough votes to annex. **Swanson** responded the City would have to decide whether to be a direct service provider or a broker. Either option would be salable if packaged appropriately. In some cases, there could be significant financial savings if the City were a broker. Transportation is the most poorly provided service in the County, and anyone who figures out how to solve that problem could control the North Clackamas area.

Mayor Lomnicki said it was his understanding that if the City of Milwaukie were to join the Fire District, savings would amount to about \$1 million. He was concerned about how costs would be spread throughout the rest of the area. **Swanson** had heard an arrangement would be advantageous for the both the City and the District.

The group discussed transportation fund distribution between the County and cities.

Mayor Lomnicki said the City of Milwaukie has to be able to convince citizens to vote for annexation.

Councilmember Schreiber asked if there were any comments on the Enhanced Law Enforcement District. **Swanson** said the Sheriff has started thinking about new ways of doing business and splitting off some of the functions. He commented on the quality of professional management in North Clackamas County. He advised building partnerships as quickly as possible and assume regional leadership to complete the SB 122 process. The cities can either do nothing or work with what is available even if the County does not want to cooperate.

Bartlett pointed out entities were close to agreement and discussed submitting ORS 195 agreements signed by cities and special districts.

Swanson said the County, by taking its position, alienated other potential partners. It is time to sit down and make some agreements. North Clackamas lacks clout because it speaks in too many voices. The only power at this time is to take action, and he recommended moving forward without the County. The agreements may be artificial, but the documents will contain major players' signatures.

Councilmember Schreiber asked how the current sitting Council could plan for the short term. **Bartlett** reminded the group that the Periodic Review had to be completed in 1998.

Swanson said the City Council is an institution, and it will continue. The present City Council can have an immediate influence on regional attitudes. **Layden** added there is a window of opportunity that will never be repeated.

Swanson heard a lot about the riverfront in his interviews, and people are watching to see if Milwaukie can close on the deal. The City Council needs to look at setting manageable, achievable goals. If a program is too ambitious, people can be given a reason to criticize. He recommended maintaining a long-term vision and defining incremental successes. People's opinions are changing, and they might be willing to develop partnerships.

Bartlett discussed the City of Ashland's ability to galvanize community opinion around incremental goals. The Milwaukie City Council has identified its goals, and that is the course he intends to follow.

Layden felt the Council should continue to listen and advance in a direction it feels it needs to go.

Councilmember Trotter suggested accelerating some actions.

Layden said there was broad acceptance that this City Council has been active and performed well. The value of this type of study is to get a message and opinion from a variety of people.

Councilmember Schreiber asked if it was appropriate to convene a group regarding SB 122. **Bartlett** said it was not only appropriate, but people are interested in doing so. The groundwork has been done; now it is time to fit the final pieces together. He believed most of the entities would readily enter into an agreement. Both he and Councilmember Schreiber agreed that citizen groups in the unincorporated areas were more willing to engage in open discussion.

Bartlett said the North Clackamas Chamber of Commerce had indicated an interest in helping get the City of Milwaukie and special districts together in discussion. The Chamber membership was not very pleased with the recent "State of the County" presentation, and it was left with the impression that the County Commissioners considered them junior players. He suggested the next step be working with Happy Valley, Gladstone, and consultants to continue the process.

Bartlett discussed the status of the Cobb property.

The group continued to discuss the draft agenda for the September 27, 1997, meeting and the proposed neighborhood vision process.

Layden said the meeting is an opportunity for the Council to demonstrate it wants to listen, talk about differences, and work toward agreement.

Mayor Lomnicki wanted to maintain the structured agenda for good communication and avoid disruptive remarks. **Layden** agreed and said he would be the process person.

Councilmember Kappa felt if citizens came with the intent of being disruptive, it would be counterproductive to their efforts.

Councilmember Trotter felt it should be stressed that this meeting is a continuation of the process Council began last year.

Councilmember Kappa felt it would be advantageous for the City Council to have an expanded speaking part. He suggested Schreiber discuss her role on Metro's MPAC. **Layden** was concerned about keeping the door open to a new process and making people feel they had made good use of their time.

Councilmember Schreiber suggested an exchange of ideas during the question and answer period of the agenda and schedule quarterly meetings for specific issue dialogues.

Councilmember Kappa felt the best defense was a good offense.

Councilmember Trotter thought the City Council should be there to listen and get input from the neighborhoods on the Citywide goals. He agreed with Schreiber that a quarterly meeting would be a good idea.

Councilmember Kappa felt Council could take certain actions to pre-empt any problems.

Councilmember Schreiber said she would be willing to meet with groups who had questions, for example, about the City's relationship with Metro and her role on MPAC.

Councilmember Kappa said the Council needed to acknowledge the existence of these working relationships.

Layden said he wanted to provide an opportunity for people to engage in a new process and come up with a plan for making things work better. For example, there are real things the neighborhoods need to be doing for the Periodic Review process. The "mega" message would be that the Council listened and was helpful. People have agreed to a plan, and there are established benchmarks.

Bartlett briefly reviewed the draft agenda. **Gregory** discussed the content of her presentation. The intent was to continue developing the Neighborhood Services Program and to stress the need for everyone in the room to participate and help design the process.

Mayor Lomnicki felt the term "collaborative governance" needed clarification. **Bartlett** said a concrete example in Milwaukie was the School Trip Safety Program.

Councilmember Trotter asked if there would be value in identifying the roles of each of the groups. **Bartlett** said that would be addressed in the Team Milwaukie portion. **Layden** said he would try to establish the structure in his opening remarks so people would have a sense of direction.

Councilmember Kappa asked if people would be more interested in the product than the process. **Layden** said he wanted to establish an ongoing process in which people were actively involved. **Gregory** felt the neighborhoods wanted to know a process existed with the content being up to them.

Councilmember Trotter wanted to make it clear that neighborhood visioning was more than land use planning.

Layden said he saw density and land use issues as potential problem areas.

Councilmember Schreiber thought people had not felt closure because they wanted to discuss quality of life issues. **Richards** said the goal was to have a process that is accessible to citizens, then staff can put it into a technical context for the Comprehensive Plan.

Councilmember Trotter felt it was important to go through the "planning" instead of going directly to Comprehensive Plan.

Bartlett said the Council can adopt the neighborhood plan portion in any manner it sees fit. **Councilmember Trotter** suggested using the more encompassing phrase "neighborhood vision" instead of "neighborhood plan."

Layden said the visioning can be done on a local level in the neighborhoods.

Councilmember Trotter pointed out there is a neighborhood element in the Comprehensive Plan. He asked for clarification of the option "ensure neighborhood representation on Council, Boards, Commissions."

The group discussed the intent and agreed it should read "include broad neighborhood representation on boards and commissions."

The group also discussed the feasibility of mobile Council and Planning Commission meetings. Members agreed to discuss the issue and delete that option from the presentation. **Mayor Lomnicki** felt a town hall approach might be more appropriate than taking an entire meeting to a neighborhood.

Staff will prepare a list of issues addressed since last year's session.

Councilmember Trotter suggested designating an off-Tuesday to address issues that surface at the September 27th session.

Gregory suggested deleting the options slide and letting the neighborhoods make a determination based on session discussions.

Mayor Lomnicki discussed the need to recognize people working on the vision project and bringing closure.

Councilmember Trotter agreed it was important for the City Council to acknowledge the neighborhood vision plans and gain an understanding of issues. If neighborhoods have similar visions, it may be possible to incorporate them into City-wide goals.

Mayor Lomnicki agreed and said it would be a good reminder to Council as it makes future policy decisions.

The group agreed the options should include Council's acknowledgment of the neighborhood visions. Members discussed how neighborhoods might interpret this.

Layden said the intent was to introduce a structure in which neighborhoods can plan and develop a vision. Everyone has a role in the process. He noted during his opinion leader interviews that Milwaukie was recognized for its commitment to citizen involvement.

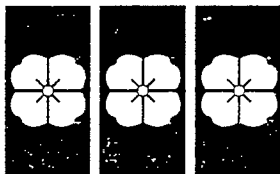
Other Topics

1. School Trip Safety Program – **Bartlett** discussed a letter from Milwaukie Elementary regarding making Willard Street one-way. He would have more information on that issue.
2. Traffic Fines -- **Bartlett** discussed SB 144 which provided for the doubling of traffic fines in school zones. The law goes into effect October 4th, and he wanted the signs up the next day. **Mayor Lomnicki** was concerned about the need for public understanding.
3. Employee Survey Results and Forecast 97
4. Clackamas Cities Meeting on September 25th.

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

Pat DuVal, Recorder

C I T Y O F



MILWAUKIE
MEMORANDUM

September 24, 1997

TO: Mayor and City Council

THRU: Dan R. Bartlett, City Manager *[Handwritten signature]*

FROM: Jim Brink, Public Works Director *[Handwritten: 9/23/97-24-97]*

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

Action Requested:

- a. Hold a public hearing concerning the assessment of costs for the construction of sanitary sewer improvements that benefit 17 tax lots in the Ardenwald neighborhood.
- b. Adopt an ordinance that apportions the costs among the benefited properties in the Cole Addition LID, directs the entry of assessments in the city lien docket and the county lien records, and sets the interest rate for delinquent and installment payments (Proposed ordinance is at Attachment A).

Purpose: Hold an assessment hearing for the Cole Addition LID and, if approved, adopt an implementing ordinance.

Background:

- 1. City Council established the Cole Addition LID by Ordinance No. 1815. City Council determined that an assessment hearing would take place once the sanitary sewer improvements were complete and final costs available.
- 2. The project is complete and final construction costs have been tabulated (Attachment B). Final project cost is \$134,211 (Attachment C) which is \$19,775 less than presented at the March 4th public hearing. The project acceptance date is October 7, 1997.
- 3. City council adopted a Resolution on 9-16-97 that established a final project cost of \$134211, determined that benefited properties would pay 75% of the total cost or \$100,657, and directed staff to prepare LID assessments on a tax lot basis.

Discussion:

- 1. Notification of the public hearing was mailed to all affected property owners on September 22, 1997.
- 2. A summary of major issues is as follows:
 - a. Will property owners get a credit for value of existing private infrastructure that would be abandoned or additional incentive(s) to connect immediately to the public sewer system?

COUNCIL GUIDANCE: Increase the city share by \$327 per property with residence if a property owner connects to the public system no later than January 31, 1997 (the original City Council guidance was "within 3 months of project completion"). Also, provide City financing for the private sewer connection (see para 2b). Refunds for immediate connection will be separate from the LID assessment and are not included in the assessment calculation.

COMMUNITY DEVELOPMENT • PUBLIC WORKS

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

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b. **Will the City of Milwaukie (COM) finance the private sewer connection?**

COUNCIL GUIDANCE: Yes. **The loan would be limited to the occasion when the property owner selects a COM financing option.** i.e. immediately following Council passage of an assessment ordinance. The intent of making such a loan is to encourage immediate connection to the public sewer system. Repayment of the loan for the private sewer connection may be separate from the LID assessment. Administrative charges will be included in the cost of the loan.

c. **Will there be a refund for assessments and sewer use fees previously paid and at what interest rate?**

COUNCIL GUIDANCE: Yes, on a case by case basis and in a fair manner for property owners that can document previous payments specifically for either **sanitary sewer assessments** or **sanitary sewer use fees**. The interest rate is 5.5% which is the interest rate currently being paid to property owners who are due a sewer use refund.

d. **Who pays for change orders?** There were no change orders.

f. **What is the maximum amount of time to connect to the public sewer system?**

COUNCIL GUIDANCE: Either three (3) years from the date that the project is accepted by the COM, or at the time a private cesspool fails, or at the time of sale of the residence whichever occurs first.; however, Council would like to see connection as soon as possible and supports incentives that would make immediate connection more appealing.

g. **What is the cost to property owners for the improvement?** The spreadsheet at Attachment C shows final project costs and the breakdown of costs by property owner.

h. **What is the City share of the project cost?** The spreadsheet at Attachment C shows final project costs and the city share of the total costs.

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

i. **Will the City offer financing options for both the LID assessment and the private sewer connection?**

COUNCIL GUIDANCE: Yes, in accordance with instructions provided by the Finance Director. The Notice of Assessment provided by the Finance Director within ten (10) days of passage of the assessment ordinance, will explain payment options.

j. **Will property owners have to pay the Systems Development Charge for connection to sanitary sewer (\$893 per residence)?** Yes, payment of the SDC is mandatory per Chapter 13.28 of the Milwaukie Municipal Code.

k. **The belief by some residents that an engineering mistake was made and that their homes should have been connected to the public system in 1975 (the date of the last sanitary improvement in the south part**

of Cole Addition) when the assessment cost was approximately \$1000 and the cost of a private connection was \$175. Current costs are 6 times more expensive.

This is the perception of many of the long time residents because the north end of Cole Addition was not included in the 1975 sanitary improvements. The staff position is that the lack of coordination between two neighboring developments designed and constructed a year apart was the main reason that elevation problems precluded connection of the north (high) end of Cole Addition to sanitary sewer. It is unfortunate that this occurred; however, current sanitary sewer rate payers should not be held financially responsible for this situation.

Fiscal Impact:

- a. Public sanitary sewer: \$134,211 from Fund 26 (Sewer Systems Development Charge Fund), capital project line item.
- b. Immediate connection: \$5,559 if all 17 properties take advantage of the incentive.
- c. Private sewer connection: \$20,400 if all 17 properties participate. Estimate is based on an average connection cost of \$1200.

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9-24-97

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, SPREADING THE ASSESSMENTS AGAINST BENEFITTED PROPERTIES IN THE COLE ADDITION LOCAL IMPROVEMENT DISTRICT; DIRECTING THE ENTRY OF THE ASSESSMENTS IN THE CITY LIEN DOCKET AND THE COUNTY LIEN RECORDS; AND SETTING THE INTEREST RATE FOR DELINQUENT AND INSTALLMENT PAYMENTS

WHEREAS, the City Council finds that:

1. The Cole Addition Local Improvement District was created by Ordinance No. 1815, adopted on March 4, 1997. The local improvement district was created for the purpose of financing sanitary sewer improvements in or near Sherrett Street in Milwaukie's Cole Addition.

2. The improvements were made in accordance with the City's plans and specifications for the project. The improvements were completed in August, 1997.

3. The total cost of the improvements is \$134,211. By Resolution No. _____, adopted September 16, 1997, the City Council determined that the benefitted properties would pay seventy-five percent (75%) of the total cost or \$100,657.

4. An assessment roll has been prepared listing the assessment for the properties benefitted by the improvements. Notice of the proposed assessment was mailed to the owner of each lot to be assessed pursuant to Milwaukie Municipal Code Section 3.08.070.

5. A public hearing was held to consider objections to the proposed assessments on October 7, 1997.

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

Section 1. The final assessment for each property is as shown on the Assessment Roll attached hereto and incorporated herein as Exhibit "A." The assessments are spread by tax lot in order to arrive at a just and reasonable apportionment of the cost of \$100,657 between the benefitted properties. This manner of spreading the assessments is just and reasonable as required by Milwaukie Municipal Code Section 3.08.090(A)(2) because each lot can be developed to accommodate only one dwelling unit. The City Engineer recommended in his report to the Council on March 4, 1997 that the property owners' share of the cost be split equally among the tax lots and the City Council is relying on this recommendation in spreading the assessments. Further, the City Council finds that the amount of each assessment is consistent with the benefit derived from the improvements by each property.

Ordinance No. _____

Section 2. The Finance Director shall enter the assessment for each tax lot in the city's lien docket pursuant to Milwaukie Municipal Code Section 3.08.110 and shall record a lien for each assessment in the county records pursuant to ORS 93.643.

Section 3. Within ten days of the adoption of this ordinance, the Finance Director shall send a notice of assessment to each property owner shown on the Assessment Roll in accordance with Milwaukie Municipal Code Section 3.08.120.

Section 4. Interest will begin accruing on any unpaid portion of the assessment on the 31st day after the Finance Director has entered the assessment in the city lien docket. The interest rate shall be _____ per annum.

Read for the first time on October 7, 1997 and moved to a second reading by a _____ vote of the City Council.

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

Signed by the Mayor on _____.

Craig Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

O'Donnell Ramis Crew Corrigan & Bachrach

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**ASSESSMENT ROLL
FOR COLE ADDITION LOCAL IMPROVEMENT DISTRICT
(SANITARY SEWER IMPROVEMENTS)**

<u>Property Owner</u>	<u>Tax Lot Number</u>	<u>Lot</u>	<u>Block</u>	<u>Addition Name</u>	<u>Assessment</u>
Klobertanz, Anton	R11E25AB1500	10	3	Cole Addition	\$5921
Otis, Daniel	R11E25AB1600	9	3	Cole Addition	\$5921
Johnson, Ralph	R11E25AB1700	8	3	Cole Addition	\$5921
Noack, Walter	R11E25AB1800	7	3	Cole Addition	\$5921
Noack, Walter	R11E25AB1900	6	3	Cole Addition	\$5921
Haller, Blaise	R11E25AB2200	5	3	Cole Addition	\$5921
Hodgkinson, Lucille	R11E25AB2300	4	3	Cole Addition	\$5921
Schulz, Palmer	R11E25AB2400	1	3	Cole Addition	\$5921
Huntley, Gerald	R11E25AB2100	2	3	Cole Addition	\$5921
Adams, John	R11E25AB2000	3	3	Cole Addition	\$5921
Mingo, Donald	R11E25AB3600	1	2	Cole Addition	\$5921
Helvey, Carol	R11E25AB2500	7	2	Cole Addition	\$5921
Mingo, Larry	R11E25AB2600	8	2	Cole Addition	\$5921
Samuelson, Harry	R11E25AB2700	9	2	Cole Addition	\$5921
Och, Albert	R11E25AB2800	10	2	Cole Addition	\$5921
Sliger, Floyd	R11E25AB2900	11	2	Cole Addition	\$5921
Adams, John	R11E25AB0101				\$5921

Dated: September 16, 1997

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CONSTRUCTION COSTS
SE 33RD AVE & SHERRETT ST SAN SEWER EXTENSION

①

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.

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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	3600				
# Taxlots	17			\$1,237	\$100,657	\$4,049	\$3,600				
"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.						\$19,862	Total Cost for Sherrett St sanitary line from 30th Av to 32nd Av			
	2) Early hookup incentive is also not included in these calculations.										
8/28/97											

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Date: September 29, 1997
To: Mayor, and City Council
Through: Dan Bartlett, City Manager *DB*
Subject: Adoption of Fire and EMS Strategic Business Plan 1997 - 2001
From: Chief Randy R. Bruegman *RB*

During the past several months the three fire services agencies, District 1, Oak Lodge and the City of Milwaukie have been working together to develop a Fire and EMS Strategic Business Plan. The Business Plan identifies service level objectives; land use and risk assessment; standards of response coverage; organizational strategic programs; and physical resources including stations and apparatus. This plan provides recommendations for the strategic programs which will enhance existing service levels, improve firefighter safety and augment departmental support functions. This plan attempts to bring together all of the forces that have an impact upon the fire protection and advanced life support services from a regional perspective. It identifies those opportunities that exist to enhance our existing service level and allows us to meet the changing need of our customer base both now and well into the future.

During the past several months we have been working with the Milwaukie Oversight Committee which includes Milwaukie City Councilors Don Trotter, and Rob Kappa, District No. 1 Board Members Paul Steigleder and David Mansfield, Oak Lodge Board Member Jeff Dahl, Fire Chiefs, Bruegman and Cannici, and Milwaukie City Manager Bartlett. In addition, staff has revised several editions of this business plan in preparation for final presentation to the council. We have had the opportunity of one work session with Council on September 2, and input received at that meeting has been included in the final draft.

Recommendation: Request Council approval of the Fire and EMS Strategic Business Plan, 1997 - 2001, as presented.

EXECUTIVE SUMMARY

The 1997 to 2001 Fire/EMS Strategic Business Plan represents the efforts of many people in evaluating the departments and their collective mission. The purpose of the Strategic Business Plan is to serve as a guide in developing quality fire protection and emergency medical service programs for our customers. To that end, this plan should serve as a foundation document for policy makers to assist in defining the type of resources that will be needed in the future. This plan identifies six service level objectives which, if accomplished, will provide for a quality fire protection and EMS delivery system.

The fire service must keep abreast of the changes within the communities we serve if our desire is to provide quality customer service and fulfill the mission of our organizations. In the Portland metropolitan area one significant change occurring that will impact fire service delivery in the future is land use regulation. The birth of the Portland Metropolitan Area Services District (METRO), and its sphere of responsibility, which includes defining the terms of the urban growth boundary, tier one and two urban reserves, the 2040 framework plan, and the urban growth management functional plan, has resulted in the need for a higher level of communication and cooperation among all emergency services providers within the metropolitan boundary. Such cooperation is often through intergovernmental agreements that are now mandated by Oregon law through ORS-195, which is currently being driven by the Clackamas County Urban Service Project. Clearly, the fire service will play a significant role in providing a critical service to the growing population, projected during the next five to twenty years.

The service level expectations by the citizens that each jurisdiction serves needs to be the cornerstone of the strategic business planning process, if we are to provide those services that are consistent with the expectation of the customer. Today, many fire service organizations are transcending the traditional fire service hierarchy and geopolitical boundaries to meet these increased service demands, and reduce governmental waste. In addition, the passage of Measure 47 has once again provided a unique challenge to maintain service levels to a growing population, while the resource base for providing those services has been dramatically decreased. To determine performance and efficiency, this strategic business plan provides six service level objectives that should assist in evaluating overall efficiency and effectiveness, and should be utilized to help guide our yearly budget process and long-range planning.

Service Level Objectives

Service level objectives have been developed based upon several factors that are unique to the service area but integrate nationally recognized standards and practices on fire protection and emergency medical services. These service level objectives were developed based on a service area profile which includes a risk profile examining the makeup of occupancies, types of uses, the probability/consequences of anticipated incidents, and the historical response trends.

Service level objectives also take into account the standards of coverage related to distribution and concentration of resources needed to maintain an effective response force. Those service level objectives include:

1. ***Emergency Response Travel Times - Structure Fires & EMS***
Ensuring travel times for our most common risk, that of single and multi-family housing units, should be based on a goal of four minutes (*urban service area) for

the first-due engine company 90%. Eight minutes should be considered the maximum travel time for additional assistance, which includes a second engine, truck and command officer with 90 percent reliability. In rural areas a goal of six minutes for the first-due unit and 12 minutes for the appropriate support units, with 90 percent reliability.

2. ***Staffing***
Providing the personnel and appropriate equipment needed in the prescribed time frame and capable of performing the tasks necessary in a moderate-risk structure fire.
3. ***Per Capita Cost***
Maintaining per capita cost at or below the average of other similar jurisdictions in the Portland metropolitan area.
4. ***Per Capita Fire Loss***
Maintaining the lowest per capita fire loss as compared to other jurisdictions in the Portland Metropolitan area.
5. ***Dispatch Times***
Provide for an alarm processing or dispatch time (the period of time for the communication center to process a 911 call) of 50 seconds or less 98 percent reliability.
6. ***Turnout Times***
Provide for a rapid turnout time (the period of time from notification of emergency personnel to the time the emergency vehicle responds) for staffed fire stations the standard is 60 seconds from 07:00-22:00 hours and 90 seconds from 22:00-07:00 hours with 90 percent reliability.

* The urban service area is the area within the district north of the Clackamas River and west of 172nd.

To achieve the service level objectives, this Strategic Business Plan provides recommendations for the strategic programs which will enhance existing services, firefighter safety, and departmental support functions. Together, these actions will have a synergistic effect upon the fire protection and advanced life support service, creating a dynamic system that will meet the needs of the customer base now and well into the future.

To remain effective, this plan should be reviewed and updated yearly with the elected officials, staff, members of the Department, and used to facilitate the annual budget process.

Clackamas County Fire District



Date: September 29, 1997

To: Mayor and City Council
Through: Dan Bartlett, City Manager *DB*

From: Randy Bruegman, Fire Chief *RB*

Subject: Self-Contained Breathing Apparatus Purchase

With the integration of operational practices between the City of Milwaukie, Fire District No. 1, and Oak Lodge, I believe that it is necessary to move forward with the standardizing of self-contained breathing apparatus among the three organizations. Currently, the City of Milwaukee utilizes Draeger SCBAs, while District No. 1 and Oak Lodge use ISI Magnums. The two brands are not compatible; neither the air bottles, repair parts, nor operator training programs are interchangeable.

SCBAs are a critical components of our protective ensemble; evidenced through our training and fireground experience. Standardizing this vital piece of equipment is necessary because of to our operational integration and because all 3 agencies desire to enhance emergency response effectiveness. Having to support two separate systems is redundant, not only in the type of equipment that is being purchased, but also in maintenance, the number of repair technicians needed, and the training that is required.

Further, it is far to costly to maintain a stand alone air delivery systems when economies of scale are available that will not only lower costs, but also improve safety. Therefore, I think it is prudent to move forward and standardize our SCBA program..

I propose that we advertise in a national publication for the sale of the Draeger units and utilize the money against the purchase of the new units. Money exists in this year's capital budget to make the purchase at this time.

Recommendation: Request City Council to approve the purchases of 15 ISI Magnum complete SCBA units, and 30 Spare Cylinders and at cost not to exceed \$35,000.00.

2

City of Milwaukie Capital Improvement Plan

Fund: 29

Project Priority:

Department: 420

Object:

Project: Self-Contained Breathing Apparatus (SCBA) Replacement

AREA MAP:

Project description:

Replace existing SCBA system with ISI Magnum units including 15 complete units and 30 spare bottles.

Need/justification:

To facilitate fireground operations between the City of Milwaukie and the neighboring fire districts.

Benefits:

Enhanced firefighter safety, and interagency operational effectiveness.

Consequences of delaying/eliminating this project:

Decreased effectiveness on emergency incidents. Delaying or eliminating this project creates the need for redundant equipment, systems, technicians, and supplies to support two programs.

Project related to:

Interagency integration.

Comments:

Project Cost	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002
Planning					
Design/engineering					
Land/equipment acquisition	34,200				
Construction					
Miscellaneous	800				
Contingency					
TOTALS	\$35,000	\$ 0	\$ 0	\$ 0	\$ 0

Funding Source	1997-1998	1998-1999	1999-2000	2000-2001	2001-2002
Grant					
SDC					
Fund balance/current yr rev	35,000				
Fees/charges					
Reserves					
Capital debt					
TOTALS	\$35,000	\$ 0	\$ 0	\$ 0	\$ 0

Clackamas Co. Fire Dist. #1 / Oak Lodge Fire Dist. #51
Milwaukie Fire & Rescue

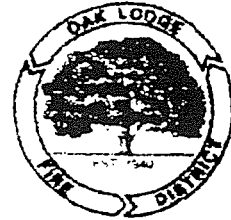
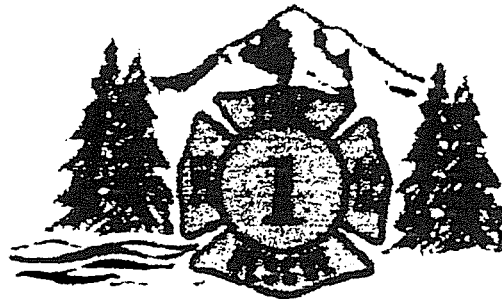
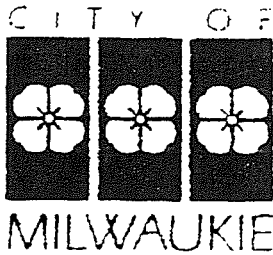
COPY

Date: September 15, 1997
To: Dan Bartlett
From: Randy Bruegman *RB*
Subject: SCBA Purchase

As we have discussed in the past to facilitate fire ground operations, we need to standardize breathing apparatus between the three agencies. Attached is a memorandum from Assistant Chief Kefalas and Deputy Chief Kirchhofer regarding the minimum cost to purchase the necessary equipment. I would like to move forward with this process utilizing capital moneys that were in the budget that were not designated for this particular item. I would also like to add ten additional cylinders which would bring the total expense up to \$34,200.00. I believe this is prudent, either way the city decides to go in the near future regarding service delivery options. I repeatedly see in our training exercises and on the fire ground that the standardization of breathing apparatus is critical to the interagency operation between the City of Milwaukie, Oak Lodge, and Fire District No. 1.

I look forward to discussing this with you in the near future.

4



MEMO TO: Chief Bruegman
MEMO FR: Assistant Chief Kefalas *J.K.*
SUBJECT: Purchase of Milwaukie SCBA's
DATE: September 3, 1997

Per your request, I asked Deputy Chief Kirchhofer to research the costs involved in standardizing our SCBA's, specifically replacing the Draeger units in use by Milwaukie with ISI Magnums. Attached to this memorandum is the information requested. I recommend proceeding with the purchase of the units specified.

Thank you for your consideration,

Cc:
Chief Cannici

Clackamas Co. Fire Dist. #1/Oak Lodge Fire Dist. #51/Milwaukie Fire & Rescue
Operations Division
6600 S.E. Lake Road
Milwaukie, OR 97222

MEMO TO: Assistant Chief Kefalas
MEMO FR: Deputy Chief Kirchhofer
SUBJECT: Standardization of Breathing Apparatus
DATE: September 4, 1997

I was recently asked to provide information on the costs associated with converting the Milwaukie Fire & Rescue breathing apparatus to the ISI Magnum brand, which is the standard for Oak Lodge and District #1. Milwaukie Fire currently uses Draeger SCBA's. The Draeger units have functioned quite well for Milwaukie Fire over the past few years, however, with the prospect of integrating personnel, the standardization of this most vital piece of protective equipment is critical.

Firefighter Jamie Nowlin obtained the information on unit pricing from Life Safety Corporation, Inc. The *list* prices for these items are as follows:

ISI Magnum complete unit	\$2,448.00
Spare cylinders (hoop wrap)	\$ 519.00

Because of the quantities involved and our previous purchases, we were quoted the following.

ISI Magnum complete unit	\$1,590.00	x	15	=	\$23,850.00
Spare cylinders (4500 psi hoop wrap)	\$ 345.00	x	20	=	\$ 6,900.00

TOTAL PRICE FOR THE ABOVE: \$30,750.00


The above total price includes shipping and handling.

The option of trading in the Draeger units is not available at this time. The vendor that quoted us a price has been unable to find a market for the Draeger units, however, they are continuing to search for a buyer. We may extend the search out of state in an effort to sell them ourselves.

A future consideration for purchase would be the Comm 1 SCBA radio interface units. These units have been tested by District #1 and found to be an effective communications adjunct. To date, they are not in use by the other agencies due to potential changes to the radio communications system. When a final determination is made about the specific communications system and specific type of portable radio is chosen, the COMM 1 units should be purchased for each company officers SCBA as a minimum.

Please advise if you need further information.

Thank you for your consideration,



CITY OF

MILWAUKIE
MEMORANDUM
September 24, 1997

TO: Mayor and City Council
THRU: Dan R. Bartlett, City Manager
FROM: Jim Brink, Public Works Director *JB 9-25-97*
SUBJECT: Home Av/Monroe St Drainage

Action Requested: None at this time.

Purpose: Provide information on the Home Av/Monroe St storm drainage situation and the staff proposal to temporarily remedy the situation.

Background:

1. The drainage problem at the intersection of Home Av and Monroe St is longstanding. The intersection is referred to as Lake Monroe after a heavy rain.
2. The city has installed numerous drywells in the vicinity of the intersection; however, this solution has not worked.

Discussion:

1. Public Works contracted with Geo Engineers, a geotechnical engineering firm, to recommend a solution. Their preliminary conclusions and recommendations are attached (Attachment A).
2. The intent of the project is to collect storm water at the intersection which is the low point in the basin, convey the storm water via pipe to Dick St, and then dispense the water back into the ground via a series of drywells located between Dick St and Park St along Home Av.
3. Geotechnical investigation revealed that the subsurface material vicinity Park St absorbs water three (3) times faster than the material vicinity Monroe St. The infiltration test was done from 0- 30', the standard drywell depth.
4. Geotechnical investigation also revealed that the good infiltration material at a suitable depth begins vicinity Dick St. Therefore, the plan is to begin planting drywells vicinity Dick St and then place a drywell every 60-80' up to Park St. The drywells will be connected by a 24" or 36" pipe. Storm runoff calculations for the Home Av basin indicate the need for a minimum of five (5) drywells.
5. The proposed investment in an interim solution to Lake Monroe would not have to be abandoned at the time of a permanent fix as proposed in the Storm Water Master Plan. The SWMP envisions a 54" pipe connecting the home Av basin with a Railroad Av interceptor. The interim proposal can be converted to a permanent system by converting the drywells to sedimentation manholes once the Railroad Av interceptor is available. The 24" or 36" pipe will most likely need to be augmented with a parallel system.

6. Schedule:

- | | |
|-------------------------------|---------------|
| a. Complete design | Oct 31 |
| b. Advertise | Nov |
| c. Bring to Council for Award | Nov 18 |
| d. Construction | Dec 97/Jan 98 |

Fiscal Impact: \$82,500 to \$93,000 from budget line 33-7533, Capital Projects Storm depending on the selected pipe size.

storm\project\st974_2.doc
9-24-97

TO: City of Milwaukie Drywell Project Team
FROM: Doug Schwarm
DATE: September 10, 1997
FILE: 2411-003-43
SUBJECT: Preliminary Conclusions and Recommendations

1. The disposal capacity of drywells near Home/Monroe is about one third the capacity of drywells near Home/Park.
2. The fine grained soils near Home/Monroe are more susceptible to oil fouling or silt clogging
3. The transition from silty to sandy appears to be located at least 200 feet south of Dick St.
4. The silty soil profile and the locations of reported failing drywells both appear to correlate moderately well with the SCS soil map.
5. The area not served by functioning drywells is approximately 1.9 million square feet. This area comprises approximately 20% of the Home Avenue catchment. Approximately 35% of the area is considered impermeable.
6. Disposal demand is difficult to compute from the existing information because it is oriented toward sizing sewer pipe for non-pressurized flow. Peak runoff rates are not as useful as cumulative disposal demand curves.
7. Are there other sources of disposal, like private drywells or seepage trenches?
8. Based on test results and analyses, the Lake Monroe sub-catchment should be served by 13 drywells to handle the 50-year event.
9. We recommend installing fewer, but not less than 5 drywells for Phase 1. Additional wells may be required, based on the performance of Phase 1.
10. Drywell location is problematic due to surface grades and distance to good disposal area. Home/Garrett could be another suitable disposal area, depending on performance of existing drywells.

Attachment A

DRAFT

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, SEPTEMBER 9, 1997

COMMISSIONERS PRESENT

Terry LaRocque, Acting Chair
Bryan Cosgrove
Tim Havel
Charles Stoudt

COMMISSIONERS ABSENT

Pat Lent
Michael Smith

STAFF PRESENT

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

1.0 CALL TO ORDER

Maggie Collins called the meeting to order at 6:42 p.m.. She announced that since the Chair and the Vice Chair were not present, the Planning Commissioners present would have to elect an acting chair for tonight's meeting.

Bryan Cosgrove moved to nominate Terry LaRocque as Planning Commission Chair for tonight's meeting. **Tim Havel** seconded. MOTION CARRIED 3-0. Terry LaRocque was not at that meeting.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- None.

4.0 PLANNING COMMISSION MINUTES -- August 12, 1997

Bryan Cosgrove moved to approve the minutes of August 12, 1997, as presented. **Tim Havel** seconded. MOTION CARRIED 4-0.

5.0 PUBLIC COMMENT -- None.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 9, 1997

Page 2

6.0 PUBLIC HEARINGS

- 6.1 Applicant: Blazer Homes
Property Owner: Geni Figini
Location: South of Lake Road, East of Oatfield Road
Proposal: Create a six-lot subdivision; and re-zone from R-10 to R-7
File Numbers: S-97-01 and ZC-97-01

Acting Chair LaRocque opened the public hearing on File Numbers S-97-01/ZC-97-01 to allow a Zoning Map Amendment to rezone a 1.18 acre site from R-10 to R-7 and for a Subdivision Application for a six-lot subdivision in the R-7 District. **Maggie Collins** reported that this would be a quasi-judicial hearing and that all comments must be directed towards the criteria addressed in Section 1011.4 of the Milwaukie Zoning Ordinance.

Acting Chair LaRocque 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; three hands were 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. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

Susan Heiser reviewed the Staff Report with the Commission. Staff recommended approval of the Zone Change, ZC-97-01, and the Subdivision Application S-97-01, as detailed in the Staff Report, based on the findings in the Staff Report and subject to the conditions contained in Exhibit 1.

Two Applications have been submitted for concurrent review; a Zoning Map Amendment and a Subdivision Application. The Commission may act on the Subdivision Request, the Zoning Map Amendment must be referred to the City Council for final action. The parcel is located on the south side of Lake Road between Oatfield Road and SE Guilford Drive. Maps were shown of the subject site and the surrounding area.

The site, and adjacent properties are designated Low Density Residential in the City Comprehensive Plan. Adjacent properties to the east and south are zoned R-10 and properties zoned R-7 are located north of the site. Properties on the west side of Oatfield Road are zoned R-5.

Public facilities are available within the Lake Road right-of-way, sanitary sewer is available from Guilford Drive, and transportation facilities are convenient to the

site. Lake Road is a minor arterial which acts as a regional connector and two Tri-Met buses serve the project site.

Findings from the Applicant have been provided to support the Zoning Amendment request as required by the Zoning Ordinance provisions for Zoning Amendment approval as outlined in Exhibit 4 of the Staff Report. Applicable Comprehensive Plan policies and objectives are found within the Land Use, Transportation, Public Facilities, and Energy Conservation elements of the Comprehensive Plan.

The Applicant's proposal will result in six dwelling units for the 1.18 acre site where a maximum of 6.7 dwelling units may be permitted under the Low Density Residential Comprehensive Plan designation

The proposal is also consistent with Land Use Objective 2 Policies which promote higher density residential uses close to major streets and transportation facilities. The Applicant notes that the subdivision is designed so that lot frontages would be oriented away from the adjacent R-10 zoned parcels, and that by providing a dead-end street potential traffic impacts to the surrounding neighborhood will be mitigated.

Transportation Element - Objective 3 Policies are met by the provision of transportation improvements including roadway and sidewalk improvements. Public Facilities Element - Objective 6 Policies are met by the provision of adequate public facilities including a storm sewer collection system. Objective 8 Policies will be met by the provision of fire access and turn around constructed Fire Department specifications. Finally, Energy Element - Objective 1 Policies are met by increasing density on land adjacent to a transit corridor and by infilling land to take advantage of previously constructed facilities.

A detailed site plan has been provided which identifies parcel setbacks in compliance with the R-7 District standards and shows the location of existing and proposed streets and sidewalks. Improvements include development and dedication of 35th Court, sidewalks along 35th Court and Lake Road frontages, sewer, water, and storm drainage facilities.

Staff contends that these findings demonstrate compliance with the criteria for Zoning Amendment approval and recommends that the Planning Commission forward the Zoning Change request to the City Council with a recommendation of approval.

The proposed subdivision will meet all of the lot size, setback and configuration requirements of the R-7 regulations. Staff has found that all necessary public facilities are available to the project. This project has been conditioned to require street lights, a new fire hydrant, the undergrounding of all utilities, and obtaining a 10-foot wide easement from an adjoining property in order to connect to the existing stormwater drainage in Guilford Court.

The proposal has been reviewed for compliance with the Lake Road Multimodal Connections Plan. Access to the site is proposed to be from Lake Road via a new cul-de-sac street. The new 35th Court roadway will be located 305 feet from SE Oatfield Road and 265 feet from SE Guilford Drive. Due to the location of existing development on adjacent parcels, and the City's desire to line 35th Court up with 35th Avenue; other access alternatives are not feasible.

A traffic study was completed to evaluate impacts to Lake Road due to development of 35th Court and the six lots. This report concluded that traffic impacts will be minimal due to the very low traffic volumes generated by the subdivision and the location of the center left-turn lane on Lake Road at the subdivision entrance. The report recommends that a stop sign be placed at the 35th Court intersection. The roadway design has been reviewed by the City Engineer and found to be the most suitable design. The City will require that all lots in the Subdivision be required to take access from 35th Court. The Fire Department has required that the Applicant post and mark "no Parking - Fire Lane - Tow Away Zone" on 35th Court.

Staff recommended that the Commission find that this proposal conforms with the Subdivision requirements and the Lake Road Multimodal Connections Plan and approve the Subdivision based on the findings and conditions of approval listed in the Staff Report.

QUESTIONS FROM THE COMMISSIONERS

Bryan Cosgrove asked for clarification of the building envelope. **Susan Heiser** pointed out the building envelope on each of the lots identified by the R-7 setbacks in the Staff Report.

Terry LaRocque asked why 35th Court and 35th Avenue do not line up? **Susan Heiser** stated that it was not possible to line up the two streets at this intersection. The Public Works Department has reviewed the configuration and they are satisfied with the alignment. The intent is that 35th Avenue is not a through street, it will have minimal use.

DRAFT

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of September 9, 1997

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APPLICANT PRESENTATION

Speaking: Ken Sandblast, 6564 SE Lake Road, Milwaukie

Mr. Sandblast stated that he is here to represent the Applicant, Blazer Homes. He indicated that the building envelope outlined in orange in the Staff Report is the maximum building envelope, not the entire building.

Mr. Sandblast stated that there are no issues with the Zone Change. He stated that the intent is to increase the density to capitalize on the Lake Road Multimodal Management Plan and the transit that is already operating on Lake Road now for the six units.

The Subdivision Application raises two issues for the Applicant; access/transportation and the storm easement. In regards to the access, the right-of-way was less than indicated and the roadway had to be reconfigured. The lots reflect the accurate right-of-way. Therefore, in the reconfiguration, the alignment between 35th Court and 35th Avenue is off a little. This is the best configuration based on the requirements for the depth of the lots and access for the parcel; they attempted to meet the code as much as possible.

The storm water easement has just recently been obtained and is in escrow. A copy has been submitted to the City Engineer for review and approval. The easement goes out to the west to an adjoining property to Oatfield Road. He asked that the language in Condition #7, Exhibit 1, Page 9 of the Staff Report be amended.

Staff indicated to the Commissioners that they would discuss this with the Public Works Department. **Mr. Sandblast** stated that the Applicant is in agreement with the Staff Report. He noted that attached to the Commissioner's packets were information and comments from citizens and land-use groups in the surrounding neighborhood. Each comment received was reviewed by the Applicant with City Staff and incorporated in the planning of this Application.

QUESTIONS FROM THE COMMISSIONERS

Tim Havel asked Mr. Sandblast to address the difficulty of left-turns from the east onto 35th Court? **Mr. Sandblast** stated that since it is already striped, there is a refuge for traffic to get out of Lake Road westbound and stop to wait for the turn. Given the low volume of traffic these six homes are going to generate, will

be a very rare circumstance when more than one car is waiting to turn into 35th Court at the same time. The peak pm trips were 6 cars per day.

As far as people getting out of 35th Court to go westbound on Lake Road is a better situation. Because of the stripping, there is additional space to provide for the interacting movement to get out of the way of each other without getting in the way of westbound traffic. There is enough spacing for queuing for left-turns onto Oatfield (roughly 12 feet at the west end of the stripping).

Tim Havel asked if the Applicant has reviewed the Lake Road Multimodal Plan and how does it affect this intersection. **Mr. Sandblast** stated that he has not seen the Lake Road Multimodal Plan. **Susan Heiser** stated that this Application does comply with the Lake Road Multimodal Plan even though it was not in effect when the Application was submitted. The only criteria that did not comply was the 300-foot spacing with Guilford Drive; it is only 265 feet. The Commission will have to determine if it is feasible for this Application to not meet this criteria. Staff believes that no other alternative is feasible.

Charles Stoudt asked what constitutes the emergency turn-around standard area. **Mr. Sandblast** pointed out the standard turn-around configuration on the site map (hammerhead). No parking is permitted in these areas. Two off-site parking spaces must be provided for the hammerhead properties (garage and driveway). Discussion followed on the possibility of a private street southbound on Tax Lot 1200. This could be an option. **Susan Heiser** stated that Public Works has indicated that this location is too close to the intersection of Guilford and Lake Roads.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Forris Frick, 11658 SE 35th Street, Milwaukie

Mr. Frick stated that he is the co-chairman of the Lake Road Neighborhood District Land Use Committee. Much of what he wanted to say has been covered; they are the same issues that were addressed at their meeting. Lake Road has 11,000 cars traveling on it each day; it is the second most busy street in Milwaukie. He does not feel putting in another street which accesses Lake Road is a solution for the traffic problems.

Mr. Frick voiced concern that 35th Court only has 29 feet of vehicle travel surface. 35th Street has only 45 feet of travel surface; both very narrow streets. He asked for clarification on the half-street improvements and what improvements are going to be done on Lake Road? **Mr. Sandblast** stated that if there is no curb, gutter, or sidewalk along the frontage of the property on Lake Road, it is required that the roadway be improved with curbs and gutters. The reserve strips are put in place to limit access.

Mr. Frick asked if parking will be allowed on Lake Road? **Mr. Sandblast** stated that no parking will be allowed on Lake Road.

Speaking: Sue Trotter, 12102 SE 36th Avenue, Milwaukie

Ms. Trotter stated that she is the other co-chair of the Lake Road Neighborhood Association Land Use Committee. Proposed Finding #3 addresses financial economy. Is this an appropriate/allowable finding? **Susan Heiser** explained that the Applicant's findings are for information purposes. The applicable findings are those that are contained in the Staff Report.

On Page 3(e) in a finding that addresses setbacks, there is no setback for houses 1 and 6. Is there a standard that needs to be met here?

Ms. Trotter voiced concern that there is no parking on this street or the surrounding streets for visitors. She is concerned where visitors will park and how it will affect emergency access if people are not abiding by the restrictions on the parking.

Ms. Trotter voiced concern about the traffic on Lake Road. Oatfield has become a major bypass from McLoughlin (McLoughlin, Oatfield, Sunnyside). There is an average daily traffic flow from Oatfield to Lake of 12,448 cars. There are 11,618 cars making a turn onto Lake Road. If you go left from Oatfield, there is a volume of 5,000 cars; right from Oatfield is 11,618 cars. People coming out of 35th Court will have to deal with the traffic from both directions on Lake Road.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

Susan Heiser suggested that the Commissioners consider deletion of some of the Applicant's findings, which are an attachment to the Staff Report.

CITY OF MILWAUKIE PLANNING COMMISSION

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QUESTIONS FOR CLARIFICATIONS

Bryan Cosgrove asked if the Public Works Department would be in agreement with the language change for Condition #7 as requested by the Applicant? **Susan Heiser** suggested this addition: "...storm drainage facility within Guilford Court or Oatfield Road..."

Charles Stoudt asked the Applicant to address a right-turn only designation at the intersection of 35th Court and Lake Road. He is concerned about the 4-way traffic resulting from this application. **Mr. Sandblast** stated that to incorporate a "right turn only" designation, a traffic regulation would have to be requested to the City. He does not recommend it because there will only be a maximum of 30 trips daily leaving the site.

DISCUSSION AMONG COMMISSIONERS

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

Tim Havel stated that he did not feel the traffic turning in and out of 35th Court is a safe situation. Unless better traffic-handling improvements are made, he is not comfortable with putting a road at this section of Lake Road for a subdivision.

Terry LaRocque stated that he too concurs with the safety concern. He voiced concern about the Applicant's mitigation for the off-street parking situation for this subdivision. This has not been adequately addressed.

It was the consensus of the Commissioners that the subdivision application did not address traffic safety concerns. Issues to be further addressed are: ingress, egress, turns, and on-street parking.

Bryan Cosgrove stated that the Traffic Management Plan on Lake Road to address 35th Court is incomplete. Ingress and Egress are not adequately addressed.

Bryan Cosgrove moved to recommend to City Council approval of Zone Map Amendment, ZC-97-01, based on Findings #2 through #6 on Page 6 of the Staff Report. **Charles Stoudt** seconded. MOTION CARRIED 4-0.

Bryan Cosgrove moved to continue Subdivision Application S-97-01, to a date uncertain to allow the Applicant to fully address the issues of traffic ingress and egress and mitigation of on-street parking. **Charles Stoudt** seconded. MOTION CARRIED 4-0.

Bryan Cosgrove moved to amend his motion to continue Subdivision Application, S-97-01, to October 14, 1997, to allow the Applicant to fully address the issues of traffic ingress and egress and address mitigation for on-street parking. **Charles Stoudt** concurred.

- 6.2 Applicant: St. Stephens Church
Property Owner: St. Stephens Church
Location: 11447 SE 27th Avenue
Proposal: Community Service Overlay permit to renovate an existing fire damaged church building to create a traditional style Orthodox Church; Transportation Plan Review to bring existing parking area into greater compliance with the requirements of Section 1400 of the Zoning Ordinance.
File Numbers: CSO-97-07 and TPR-97-08

Acting Chair LaRocque opened the public hearing on File Numbers CSO-97-07 and TPR-97-08 to allow for a Transportation Planning Review and reconstruction of the structure which was destroyed by fire in 1995. **Maggie Collins** reported that this hearing would be subject to the criteria addressed in the Staff Report.

Acting Chair LaRocque asked the Commissioners if they had 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; four hands were raised. None of the Commissioners who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Stacy Lawson reviewed the Staff Report with the Commission. The Applicant is proposing to reconstruct the structure which was known as the "Korean Church" and was destroyed by fire. The reconstruction will involve the addition of a cupola and the expansion of a wing out to the south of the original building. The

middle structure will be reconstructed in a very similar manner to that of the original structure. The parking area will be reconfigured to bring it into greater compliance with the requirements of Sections 500 and 1400 of the Zoning Ordinance.

Two trees will be planted where trees were removed when the fire was being fought. The Applicant has a proposal for removal of wheel stops in the central area. Wheel stops are a condition in the Staff Report as well as a lighting plan to address the lighting in the parking lot.

The approval, as recommended, is not to include rental of office space in building #2, which may be proposed by the Applicant at a later date. Building #1 will be used for the church; building #2 will be used for church offices and Sunday-school rooms; and building #3 is already being leased out as a duplex for residential use. This is an appropriate mix of uses in this R-2 zone. Staff recommends approval of this Application.

Staff recommends that Condition #2 be changed to reflect the occupancy of the church to be limited to 200 people. There is a 40th parking space which will accommodate more people in the church.

~~"The occupancy of the church structure shall be limited to 195 200, unless the applicant can show how one additional parking space meeting the requirements of Section 500 of the Zoning Ordinance can be obtained, prior to reconfiguration of the parking area."~~

QUESTIONS FROM THE COMMISSIONERS

Bryan Cosgrove asked if there are additional landscaping requirements when improvements are being made to a site? **Stacy Lawson** stated that the site already has landscaping in excess of the required 15% for this site.

APPLICANT PRESENTATION

Speaking: Danny Lukavich, President, St. Stephens Serbian Eastern Orthodox Church,
5771 SE International Way, Milwaukie

Mr. Lukavich stated that he has read the Staff Report and concurs with the conditions of approval. He asked that they be allowed to eliminate the wheel stops that are required in the center section of the parking spaces. They are here tonight to answer any questions regarding the Application.

TESTIMONY IN FAVOR

Speaking: Dean Calame, Town Lake Estates, Milwaukie

Mr. Calame stated that he represents 15 homeowners in Town Lake Estates. He stated that they are 99% in approval of this Application. The new owners are cooperative and easy to talk to. An agreement has been signed to resolve some of the concerns of their area.

QUESTIONS OR COMMENTS

Speaking: Keith Foust, 11551 SE 27th

Mr. Foust stated that he lives next to the church. They have been waiting for the past two years for an improvement to the condition of the church. He, too, was involved with the agreement signed between the church and the surrounding neighbors. He voiced concern about how repair of this burned-out church will progress. They would like to see something decided as soon as possible.

TESTIMONY IN OPPOSITION

Speaking: Mr. Dean Calame, Town Lake Estates, Milwaukie

Mr. Calame stated that he does not have an objection in the number of parking spaces; however, he does have an objection to the agreement the church has with Milwaukie High School to allow parking of high-school students in the church parking lot.

Living next door to this parking lot was a nightmare. High-school kids were in and out of the lot all day long. Radios were on, there was no regard for private property, garbage was dropped everywhere, and drugs have been used on the property. The way the lot is situated, the students are 10-feet from his dining table and they look right into his home. The school monitor has been called and no resolution has been found.

He would like to have the high-school student parking stopped. This is his reason for testimony in opposition to the Application. Church parking and activity is fine, it is strictly the student parking that he disagrees with.

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APPLICANT'S CLOSING COMMENTS

Speaking: Danny Lukavich, St. Stephen Orthodox Church, 5771 SE International Way, Milwaukie

Mr. Lukavich stated that they have been approached by the school regarding High School Staff use of the church parking lot. He has explained that there would be conditions. The conditions state that the parking will be for teacher parking only. Because the church is under construction this year, the school cannot use the parking lot. It is hoped that by next year, the situation will have taken care of itself. This will be addressed again next year.

Discussion followed on a resolution of the negative impacts of students parking in the church parking lot. Some suggestions were fencing, teacher's only parking, parking stickers, and towing.

ADDITIONAL COMMENTS FROM STAFF

Stacy Lawson noted that the applicant has been pursuing a building permit but must receive a CSO Approval prior to issuance of that permit. In regard to Condition #3, there is a recommendation for screening shrubbery or a six-foot high fence on the southwest corner of the church property.

DELIBERATION AMONG THE COMMISSIONERS

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

Bryan Cosgrove stated that with regard to student use of the church parking lot, he feels the church will address this if it becomes an nuisance issue.

Discussion followed on changes to Conditions. The following changes were made:

Condition #1:

“...This approval allows the church to rent out the duplex on the subject site, and to rent out parking spaces to Milwaukie High School for teacher and staff parking only when the church is not utilizing the spaces. The lease shall reflect these restrictions. This approval does not include provisions for the church to rent out office space for commercial use. A

conditional use permit can be submitted at a later time to request approval of office rental of portions of this site..."

Condition #2:

"The occupancy of the church structure shall be limited to ~~195~~ 200, ~~unless the applicant can show how one additional parking space meeting the requirements of Section 500 of the Zoning Ordinance can be obtained, prior to reconfiguration of the parking area."~~

Condition #3:

"Two ~~Oak~~ City approved street trees shall be planted in the landscape islands of the parking lot, per the submitted landscape plan. Screening shrubbery or 6-foot high fencing shall be installed at the southwest corner of the property to screen the view from the adjacent condominiums, These trees shall be installed before a Certificate of Occupancy is issued, unless a performance bond is posted with the City. The bond shall be in the amount of 150% of an approved estimate for labor and materials. Then, landscaping shall be installed within 6 months thereafter or else the bond will be foreclosed upon and plant materials installed by the City"

Condition #4:

"Wheelstops shall be installed on all parking spaces except in the center aisle, per the requirements of Section 503.15(C).

Finding #3:

"The proposed parking lot reconfiguration is in compliance with supplementary regulations (Section 400) and parking standards (Section 500). The existing parking lot is proposed to be reconfigured to meet the requirements of Section 500, landscaping and parking islands are in substantial conformance with the Section 500 requirements. The addition of wheel stops around the perimeter of the parking area, but not in the center parking aisle will bring the existing parking lot further in compliance with the TPR standards."

Bryan Cosgrove moved to approve Transportation Planning Rule, TPR-97-09, based on the findings, as amended, and subject to the conditions, as amended, contained in the Staff Report. **Tim Havel** seconded. MOTION CARRIED 4-0.

Bryan Cosgrove moved to approve Community Service Overlay, CSO-97-07, based on the findings and subject to the conditions, as amended, contained in the Staff Report. **Charles Stoudt** seconded. MOTION CARRIED 4-0.

- 6.3 Applicant: Clackamas Federal Credit Union
Property Owner: Clackamas Federal Credit Union
Location: 4400 SE International Way
Proposal: Conditional Use Permit to bring existing building size up to 4000 sq.ft. and a Transportation Planning Review to allow additional parking and a second drive thru teller lane.
File Numbers: CU-97-01 and TPR-97-08

Acting Chair LaRocque opened the public hearing on File Numbers CU-97-01 and TPR-97-08, to add an additional 460 square feet to the existing Clackamas Federal Credit Union Building to obtain the maximum area allowed for a "limited use" under the BI Zoning District. In addition, a reconfiguration of the parking area to provide 13 additional parking spaces on-site and a second drive-up teller window. **Maggie Collins** reported that this hearing would be subject to the criteria addressed in the Staff Report.

Acting Chair LaRocque 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; two hands were 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. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

Stacy Lawson reviewed the Staff Report with the Commission. The Applicant is requesting to add footage to an existing building to obtain the maximum area allowed under the BI Zone and reconfigure the parking area to provide 13 parking spaces and a second drive-up teller window.

In 1990, the Clackamas Federal Credit Union applied for a Conditional Use Permit to locate a "limited use" facility in the BI Zone. It was approved with parking in excess of what was required. The parking required was 11 spaces and the facility was approved with 32 spaces.

The burden is on the Applicant to prove that this "limited use" meets the requirements of the zone.

Photographs were passed around that could not be reproduced for the Commissioner's packets. The Staff Report addresses the natural resources area evaluation that was undertaken on the rear portion of the property. The study showed that although the property has some natural resource characteristics and could benefit by protection, it did not require a Natural Resource Application. The current proposal provides appropriate setbacks to the natural area. There is a recommended condition that this setback remain.

Staff has not made a recommendation for this Application, but has provided alternative findings for approval and denial, and conditions of approval for CU-97-01 and TPR-97-08 in the Staff Report.

QUESTIONS FROM THE COMMISSIONERS

Terry LaRocque asked if Staff had a concern about this Credit Union requesting an addition because they are drawing business from outside the area? **Stacy Lawson** stated that it would be a concern. The exact requirement for "limited uses" is that they primarily serve the needs of the BI Zone clients, employees, and businesses.

Terry LaRocque asked for more information on why the landscaping will be removed along the eastern edge of the site? **Stacy Lawson** explained that the Applicant now has one bypass lane and one teller lane. They would like to remove the landscaping and install an additional teller lane. She stated that the Commission could find that the Natural Resources Protection on the rear of the property could be altered to meet the requirements of the alternative landscape plan. Because of the natural resource boundary protection, it is allowable to take out the three to five feet of existing landscaping. Other landscaping is being proposed.

It was asked if landscaping is required on the west portion of the site? **Stacy Lawson** stated that landscaping is required and the Applicant has provided the minimum amount.

Tim Havel asked what abuts the area where landscaping is proposed to be removed on the east side of the property? **Stacy Lawson** stated that there is existing landscaping on the adjacent JC Penny parking lot.

APPLICANT PRESENTATION

Speaking: Tim Johnson, Financial Facilities Design, 12606 SE Stark Street, Portland

Mr. Johnson stated that he has read the Staff Report and is in concurrence with the contents and conditions.

QUESTIONS FROM THE COMMISSIONERS

Charles Stoudt asked if Mr. Johnson had considered other modes of transportation for his employees (Transportation Planning Rule). **Mr. Johnson** stated that there is no bus service on International Way. Bicycle stalls will be provided.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS -- None.

DISCUSSION AMONG COMMISSIONERS

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

Tim Havel moved to approve Conditional Use, CU-97-01, based on Findings for approval of a Conditional Use Permit found on Page 7 and subject to the conditions of Approval found on Page 11 of the Staff Report. **Charles Stoudt** seconded. MOTION CARRIED 4-0.

Bryan Cosgrove moved to approve Transportation Planning Rule, TPR-97-08 based on the Findings as indicated on Page 10 and 11 of the Staff Report and subject to the conditions of approval found on Page 11, 12, and 13 of the Staff Report. **Charles Stoudt** seconded. MOTION CARRIED 4-0.

- 6.4 Applicant: US West PSC and W & H Pacific
Property Owner: Housing Authority of Clackamas County
Location: 2889 SE Hillside Court
Proposal: Community Service Overlay Permit to place telecommunication antennas on an existing building; and a height variance..
File Numbers: CSO-97-08 and VR-97-05

Acting Chair LaRocque opened the public hearing on File Numbers CSO-97-08 and VR-97-05 to allow for nine panel type antennas atop Hillside Manor which is located off of 32nd Avenue in Milwaukie. **Maggie Collins** reported that this hearing would be subject to the criteria addressed in the Staff Report.

Acting Chair LaRocque asked the Commissioners if they had 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. None of the Commissioners who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Stacy Lawson reviewed the Staff Report with the Commission. The Applicant is proposing to locate nine wireless antennas and a tenth base antenna. The antennas will be mounted vertically on the side and should not be visible from the ground. They will be painted to blend in with the existing buildings. Four equipment cabinets will be located on the roof. The equipment will be operating 24 hours a day. There should be no more than two maintenance visits a month.

The Application complies with the Comprehensive Plan and the Community Service Overlay requirements. All setback requirements are substantially met.

The height variance is required for the height of the structure associated with this new use. No comments have been received from the Neighborhood Association in opposition to the proposal. A call was received from the Providence Milwaukie Hospital Plant Manager. He expressed a concern about the possible effects of the wireless waves on the critical care unit telemetry mechanisms that monitor heart patients.

A condition #4 has been recommended that addresses this concern.

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Condition #4:

“Prior to issuance of a building permit and installation of the wireless antenna, a survey or temporary transmitter test shall be conducted in conjunction with Providence Milwaukie Hospital to verify that the proposed wireless antennas will not create any interference with the Providence Milwaukie Hospital Telemetry System in the Critical Care Unit (CCU). If the proposed antennas are found to create interference that cannot be mitigated, a building permit will not be issued and the proposed use will not be approved for installation.”

QUESTIONS FROM THE COMMISSIONERS

Tim Havel asked why the water tower site was not chosen for these antennas. **Stacy Lawson** stated that the Applicant had reviewed the water tower for the antennas; but it was found that this would not work for their type of units. They needed to be located on this site. Condition #2 was included to encourage co-locations.

APPLICANT PRESENTATION

Speaking: Mike Unger, W & H Pacific, 8405 SE Nimbus Avenue, Beaverton

Mr. Unger stated that he was representing U.S. West this evening. He has reviewed the Staff Report and concurs with the findings and conditions.

Mr. Unger stated that he has spoken with the Hospital representatives and engineers and they are assured there will be no conflicts with the hospital systems. The wave length spectrum that they are allocated by the FCC to operate within does not interfere with any other potential users; televisions, radios, hospital equipment, etc. They would be in violation with their FCC license if they provided interference.

Mr. Unger stated that he is aware of the water tower located at 42nd Avenue and Harvey Avenue. If that location was feasible, he would have preferred it; unfortunately, because of the way the U S West network is designed, the water tower is too far east to be able to tie into other U S West sites in this area.

The height of the antennas are well below the height of the penthouse. Although they are required to go through this variance, they are not extending above this

structure. The antennas are under 4-feet tall themselves but exceed the 50' height limit because of their location on the Hillside Manor Building .

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

APPLICANT'S CLOSING COMMENTS -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

DELIBERATION AMONG THE COMMISSIONERS

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

Bryan Cosgrove moved to approve Community Service Overlay, CSO-97-08, based on the findings and subject to the amended conditions in the Staff Report. **Tim Havel** seconded. MOTION CARRIED 4-0.

Bryan Cosgrove moved to approve the Variance Request, VR-97-05, based on the findings and subject to the amended conditions. **Tim Havel** seconded. MOTION CARRIED 4-0.

6.5 Findings for denial of SP-97-01 -- Clackamas Christian Center Sign Permit Application -- carried over from 8/12/97 hearing.

Stacy Lawson reported that at the Planning Commission hearing of August 12, 1997, the Planning Commission provisionally denied the sign application of the Clackamas Christian Center. The Commission directed staff to return with findings.

Staff recommends Finding #1 for adoption for denial on this proposal:

"The Commission finds that the proposed sign, which is 76.5 square feet per display surface, is larger than necessary to provide identification for the use."

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Bryan Cosgrove moved to deny Sign Permit, SP-97-01, based on Finding #1 presented in Staff's Report. **Tim Havel** seconded. MOTION CARRIED 3-0 with one abstention. Terry LaRocque was not at that meeting.

7.0 WORKSESSIONS -- None.

8.0 DISCUSSION ITEMS

Bryan Cosgrove asked if the comments from the Neighborhood District Associations could be typed for ease in reading? **Maggie Collins** stated that she would make sure that Association comments are readable in the Staff Report.

9.0 OLD BUSINESS

9.1 Light Rail Study Update -- No Report

9.2 2040 Study Update

Maggie Collins reported that the draft is being completed of the revised version of the Regional Center Master Plan (RCMP) from the August 21st Steering Committee meeting. The first Planning Commission hearing on the RCMP Study is scheduled for October 14, 1997.

10.0 OTHER BUSINESS

11.1 **Historic Resource Commission Report** -- None.

11.2 **Town Center Area Task Force Report** -- None.

11.3 **Community Development Report**

Planning Commission Positions **Maggie Collins** reported that City Council is moving ahead with filling positions on the Commission. She passed out brochures about City Boards and Commissions and asked that the Commissioners pass them on. There are other City boards and commissions that need members.

Planning Commission Workshop Maggie Collins reported that there will be a workshop for Commissioners on September 27, 1997, at OIT. She encouraged all Commissioners to attend.

November 11th Meeting Maggie Collins announced that there is a scheduled meeting for the Planning Commission on November 11, 1997. This is a holiday and Staff recommends moving the meeting to Monday, November 10, 1997

Terry LaRocque moved to move the meeting scheduled for November 11, 1997, to Monday, November 10, 1997. Bryan Cosgrove seconded. MOTION CARRIED 4-0.

Filbert Street Speeding Concerns Maggie Collins reported that the traffic count shows an average speed of 28.5 miles per hour with 428 cars per day. This information in is response to resident concerns about speeding on Filbert Street as expressed at the August 12th meeting.

Run-down Condition of Harvev Property Maggie Collins reported that she passed this testimony from the August 12th meeting to the City Code Enforcement Officer.

12.0 Next Meeting -- September 23, 1997

Charles Stoudt moved to adjourn the meeting of September 9, 1997. Bryan Cosgrove seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 10:15 p.m.

Terry LaRocque, Acting Chair

Shirley Richardson, Hearings Reporter

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City of Milwaukie
Historic Resources Commission

MINUTES OF THE
MARCH 24, 1997 HRC MEETING
AT JOHNSON CREEK PUBLIC WORKS BUILDING

HRC Members Present

Brian Cosgrove
Jean Johnson
Margaret Parsons
Patty Wisner

Staff Present

Maggie Collins
Stacy Lawson
Greg Chew
Sara Stein

HRC Members Absent

Acting Chair Irene Bowers

Other Parties

none

1.0 Opening of Meeting

The meeting was opened by Vice Chair Cosgrove at 6:00 p.m.

2.0 Approval of Meeting Minutes

Commissioner Cosgrove asked if there were any changes to the minutes from the February 3, 1997, HRC meeting. There were no changes, and the motion to adopt the February 3rd Minutes passed 4-0.

3.0 Review of Historic Resources Ordinance

Greg Chew reviewed the Milwaukie Historic Resources Ordinance (City Code Section 323) in preparation for the HRC hearing on March 31, 1997. Greg Chew reminded the Commission that it will hold a public hearing on the City of Milwaukie's requests to make alterations to two publicly-used buildings: the Masonic Temple and the City Hall.

Mr. Chew went over the purpose of the HRC, inventory definitions, evaluation criteria, and the process of altering or demolishing an inventoried property. He noted that in order for a property to be designated "Significant", it must receive a rating score of at least 60% or greater on the evaluation worksheet and be at least 50 years old, or receive a score of 10 in at least two of the categories on the evaluation worksheet. A "Contributing" resource must rank 50% to 60% on the evaluation worksheet, or receive a score of 10 in one of the categories of the worksheet.

Mr. Chew reiterated that any exterior alteration made to a Significant property must first be authorized by the HRC. The only restriction for a Contributing property is that it cannot be demolished without first applying to the Commission.

Mr. Chew gave a brief history of the HRC since its beginning in 1991, and noted significant rulings and decisions made by the HRC in the past.

Maggie Collins mentioned the delicacy in denying a property owner the right to make alterations versus the property owner wanting to be taken off the list. Recent state legislative changes to Goal 5 makes the latter a more feasible pursuit.

4.0 Procedure for Hearings Process

In preparation for next week's hearings, Mr. Chew reviewed the procedures of a quasi-judicial hearing process. He went over the role of the HRC and the objectives of

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procedural due process. They are: 1. the opportunity to present and rebut evidence, 2. the right to a decision based on the record and supported by adequate findings, and 3. the right to an impartial tribunal.

Mr. Chew discussed the concept of "external" evidence, and explained that any information acquired through ex-parte contacts and site visits must be disclosed, placed on the record and made available to every interested party. Also, no new material can be introduced once the public hearing has been closed.

Mr. Chew impressed the point that the Commissioners' decision on a case must not only be based on reliable information, but that the quantity of that evidence must be substantial, meaning it is the applicant's job to submit evidence which shows that the proposal complies with the applicable criteria.

Mr. Chew defined the concepts of personal bias and conflicts of interest and stated that a Commissioner should disclose any information that would impede one's impartial judgment in consideration of a case.

Mr. Chew asked the Commissioners to review the hearing process and said they did not need to memorize it, but that it was important for them to understand the process and be clear on the procedures for the hearing next week.

5.0 Other Business

Despite talks of the possibility that the HRC wouldn't receive funding, initial recommendations are that the HRC will receive some budget for fiscal year 1997-1998.

Stacy Lawson will send a letter to the Pioneer Cemetery Board of Directors regarding the possibility of including the cemetery and the riverfront property in the HRC inventory. Commissioner Wisner volunteered to talk to people who may know the history of these sites.

Commissioner Wisner asked about the Reed-Fernwood Inn (Amadeus Restaurant) structure getting on the National Register, and the Commission commented on the length and difficulty for a property to get on that list.

The HRC will hear cases presented by the City next Monday, March 31, from 6:00 p.m. to 8:00 p.m. at City Hall (10722 SE Main Street).

Mr. Chew showed slides of the HRC Inventory after the meeting was adjourned.

6.0. Adjournment

The meeting was adjourned at 7:35 p.m.

Respectfully Submitted,

Brian Cosgrove, Vice Chair

Greg Chew, HRC Staff Consultant

Milwaukie Historic Resources Commission
1997 WORK PROGRAM
(Adopted February 4, 1997)

This draft work program recognizes that the HRC may have its role, mission and existence altered after the budget for the 1997-98 year comes into effect. Therefore, the priorities are listed in order of importance to the HRC.

High Priority Activities

1. Add historically significant landmarks to the Historic Resource Inventory.
2. Review Goal 5 for relevant changes and trends. The staff will lead the research and the HRC will provide policy direction and assist drafting an Action Plan and present it to the City Council.
3. Produce a short history videotape of Milwaukie and the historic resources program and distribute it accordingly.
4. Expand IIRC Educational Activities, including Speakers Bureau, walking tours and other educational activities.

Activities as Situation Arises

1. Assist in the review of the impacts for each of the proposed light rail alignments on Milwaukie's historic resources.
2. Assist in providing historic resource information and analysis for three projects as needed: South North Light Rail, Expanded City Center Planning, and Riverfront Redevelopment.

City of Milwaukie
Historic Resources Commission

Minutes of the HRC
April 28, 1997 Meeting
Johnson Creek Public Works Building

HRC Members Present

Chair Irene Bowers
Brian Cosgrove
Jean Johnson
Margaret Parsons

Staff Present

Greg Chew
Maggie Collins
Stacy Lawson

HRC Members Absent

Patty Wisner

Guests Present

John Gray

1.0 Opening of Meeting

The meeting was opened by Chair Irene Bowers at 6:09 p.m.

2.0 Administrative Business

Because Memorial Day falls on the next regular meeting date (fourth Monday), the next HRC meeting has been rescheduled for Monday, May 19.

The Milwaukie Museum is celebrating Lot Whitcomb Day on Friday, May 16, from 3-7 p.m. The public is encouraged to come.

The City Council will be hearing testimony from the City's boards and commissions regarding budgeting for next year. For the Council review of the HRC for next year, commission members are encouraged to attend and testify. Irene Bowers will lead the testimony. The final version of the History of Milwaukie video will be shown as well. The meeting date will be announced.

3.0 Update on South/North Light Rail Alignment

John Gray from Metro made a presentation at the request of the city on an update of the South-North alignment for light rail.

Because of the defeat of Measure 32, Metro, Tri-Met and the local jurisdictions have been examining ways to cut costs for the alignment. Since the November election, the project has completed the Historical Context, conducted an archeological history, and developed the Inventory of Historic sites. All of these documents were extensive studies as part of the Draft Environmental Impact Statement, which is required for federal funding for this project.

Since the last presentation in November by Mr. Gray, there have been some changes to the proposed alignment possibilities in the Milwaukie community. Before the election, there were two options being considered for the north part of the community: along McLoughlin Blvd. and down the Southern Pacific railroad line. Mr. Gray reported that these alignments would not impact the ODOT building directly. However, the HRC noted concern about impacting the property, particularly the trees surrounding the ODOT building. Mr. Gray said he would look into it.

Once in the community, originally there were two proposed alignments: Monroe and Railroad Ave. The Monroe Ave. alignment was deleted because of public opposition. In its place since the election, a proposed alignment is to loop into Milwaukie around the Highway 224 interchange and through the former Safeway location in downtown. This proposed alignment could cause

displacement of some downtown businesses. However, Metro believes this alignment would reduce the amount of overall displacement, including to historic structures in the Historic Inventory.

The original Railroad Ave. alignment was also modified. Originally, the alignment included both a collector street and a bicycle path. There are two revised proposals: (1) a possible grade separation; and (2) a series of no through streets onto Railroad Ave. Both proposals would have to take out the existing Marketplace McDonalds and Taco Bell structures for the alignment and a park-and-ride lot. This proposal may affected the Keil Property on Railroad Ave. (which is on the Historic Inventory) and Minthorne Creek.

If any wetlands are taken out, the Army Corps and Metro would negotiate a replacement value for wetlands in the city. Possible ratios of replacement land to constructed land could range anywhere from 1:1 to 3:1.

The first Railroad Ave. revised alignment could cause a grade separation or a new interchange at the Linwood-Railroad intersection. The second revised proposal would reduce access from local streets onto Railroad Ave. This would reduce the need to acquire properties because the right-of-way would be reduced. It would also reduce the impacts to the Adams and Keil residences. It would create a series of cul-de-sacs.

On May 22, the DEIS will be re-initiated after being on hold since the November election. It will be ready for publication in the National Register by Fall, 1997. The Inventory of Historic Sites will need to be revised to reflect the revised alignment scenarios. The City will have an opportunity to review the working drafts of that document. Also, the City will have the opportunity to review the Archeological Context if it is kept under a confidential environment.

4.0 Adjourn

The meeting ended at 8:10 p.m.

Respectfully submitted,

Irene Bowers, Chair

Greg Chew, Consultant

CITY OF MILWAUKIE
HISTORIC RESOURCES COMMISSION
Minutes of May 19, 1997 Meeting

MEMBERS PRESENT

Margaret Parsons
Irene Bowers

STAFF PRESENT

Greg Chew, Consultant
Stacy Lawson, CD Staff

Members Absent

Brian Cosgrove
Jean Johnson
Patty Wisner

GUEST: Heather Kmetz - HPLO

1.0 Meeting called to order: 6:17 p.m. by Chair Bowers.

2.0 Public Comment

There was no public comment.

3.0 Minutes

The Minutes of April 28, 1997 were not reviewed because there was not a quorum.

4.0 Presentation on Historic Preservation Tools by Heather Kmetz, HPLO

Heather Kmetz introduced.

Ms. Kmetz discussed Historic Preservation and the HPLO in Oregon. She stated that the HPLO had recently finished a video featuring success stories in Oregon communities. The video focuses on structural, cultural, public and private resources.

She addressed the possibility of incentive programs.

- 1) Statewide, SHIPO incentives all have a pre-requisite of National Register Status. The SHIPO office will provide information on how individual properties on the National Register can freeze their property tax base. She noted that HPLO is a private non-profit organization and that Communities in Oregon benefit from a close communication between SHIPO and local government.
- 2) Business Tax Act affects income producing property. It provides a tax incentive with a yearly write-off for historically consistent maintenance. Encourages reinvestment of tax dollars in downtown communities.

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3) HPLO Easement Program: Easements created under this program are designed to legally obligate the owner to maintain a structure, keeping historic areas intact. The advantage to the property owner is that the property tax is reduced by some amount based on the decrease in value resulting from the easement. The easement is designed to be used for open space, singular structures of historic significance, and historic facades.

4) Revolving Loan Program: Applies to property on the National List. The focus is on rural public areas. This program will be projected to begin in October of 1997. The project provides low interest loans.

HPLO also provides some educational material. This includes the programs "Rehab Oregon Right" and "Your Town". Rehab Oregon Right is a workshop program and Your Town is a workshop for small town community leaders. Your Town does conceptual planning for small towns. HPLO has more information on these programs and next year's schedules.

Ms. Kmetz noted that a Heritage Wine Tour is taking place on September 20, 1997 which will be held at Edgefield and will involve a four course vintner's dinner. This is an HPLO event.

5) Milwaukie could become a Certified Local Government. This would entitle the City to apply for grant funding that other cities can not apply for. It requires a standing Commission. Milwaukie may qualify.

Ms. Kmetz noted that the HPLO video looked at communities and structures across the state.

Ms. Kmetz concluded her presentation.

5.0 Other Business

It was noted that the City Council meetings which are videotaped and presented over Cable TV have been shaky and the sound is not good.

6.0 Adjourn

The Meeting was closed at 8:00 p.m. by Chair Bowers.

Irene Bowers, Chair date

Stacy Lawson date

CITY OF MILWAUKIE
HISTORIC RESOURCES COMMISSION
MEETING
Monday, August 25, 1997

MEMBERS PRESENT

Irene Bowers, Chair
Jean Johnson
Patty Wisner

STAFF PRESENT

Stacy Lawson,
Assistant Planner

1. CALL TO ORDER

Chair Bowers called the meeting to order at 6:07 p.m.

2. MINUTES

The minutes of the March 31, 1997 public hearing meeting were approved unanimously, without correction.

The minutes of March 24, 1997, April 28, 1997 and May 19, 1997 were not approved due to lack of a quorum of members who were present at these meetings. These items were continued until the next meeting.

3. ATTENDANCE

Chair Bowers directed staff to prepare an accounting of member's attendance for 1997.

4. LOCAL HISTORIC INCENTIVES PROGRAMS

Staff reported that after polling most of the cities in the Metro area, in addition to other cities in Oregon, it was determined that few cities have any local historic incentive programs and some that had were required to eliminate them based on budgetary constraints resulting from Measures 47 and 50. The City of Albany has an active program but noted that any property on their local designation list was almost always on the National Register.

A few cities had grant programs of around \$1,000 per year or fee waivers for improvements to locally designated historic structures. It was noted that with Measures 47 and 50, Milwaukie would not have the resources to initiate such a program. Private funding would be the only means of initiating a small program and that would not be appropriately administered through the City's offices.

5.0 GENERAL DISCUSSION

It was noted by Chair Bowers that a Community Service Program or Historical Fair included as a part of Milwaukie Festival Daze could be undertaken by the Commission. Staff noted that this would be appropriate for consideration in next year's workprogram which will be developed in Fall of 1997.

Ideas for such an event included: showing the video; compiling oral traditions; historic quiltmaking; historic home tours; workshops and booths in partnership with local restoration related businesses; period dress and music. The Commission noted that local schools should specifically be invited to the programs.

6. OTHER BUSINESS

Chair Bowers inquired about the conditional approval of the Masonic Temple's handicapped access ramp. She stated that the ramp did not appear to have been treated to pre-maturely age the concrete, as required by the Commission. Staff responded that they would contact the applicant and inquire about compliance with the condition.

7. CLOSE OF MEETING

Chair Bowers closed the meeting at 7:50 p.m.

Irene Bowers, Chair Date

Stacy Lawson, Staff Date

Minutes

PARB, Park & Recreation Board

07/7/97
7:00 PM to 8:30 PM
City Hall, 2nd Floor Conference Room

Type of meeting: Regular

Attendees: PARB Tracy Cook, Jeff Marshall, Dave Murray, Jonathan Newman, Sandy Peckover

Staff Charlene Richards, City of Milwaukie

Please read & bring: Minutes of 6/2/97, Fax from Bill Deardorff, Business Manager, North Clackamas School District, Letter from Maggie Collins, CD Director, Memo to Maggie Collins, CD Director

Agenda Topics

Meeting Call to Order/Overview Jeff Marshall

Discussion: Meeting called to order at 7:00 PM. Reviewed July NCPRD News.

Minutes from June 2, 1997 Meeting -- Jeff Marshall

Conclusions: Jonathan Newman moved, Dave Murray seconded the motion to approve the minutes as written. Unanimously approved.

Action items:

Person responsible:

Deadline:

Distribute to City Council

Charlene Richards

7/8/97

Open Period -- Jeff Marshall

Discussion: No one spoke.

NCPRD Update (Budget, Furnberg Park, Rose Garden, Skateboard Park proposal, Milwaukie Jr. High pool -- Thom Kaffun

Discussion: Thom Kaffun attending Happy Valley meeting.

Report on Skateboard Park -- Jonathan Newman

Discussion: The Skateboard Park planning group met. They are looking at locating a skateboard park in Clackamette Park next to McDonald's restaurant. It is a 100 ft. by 250 ft. site in Oregon City designated as a Skateboard Park. Thom Kaffun and Scott Archer, staff of NCPRD, did not attend the meeting. The group agreed before going for funds they need to produce a preliminary sketch of the proposed park. They can take the sketch to the public for input. Jonathan Newman talked about a review process like the master planning process used for parks. It could cost ~\$100,000 to build the park even with some volunteer labor and materials. Milwaukie Together, Gladstone Together, Gladstone and North Clackamas School Districts are setting up an entity where funds can go. The group has some skateboard park plans from other jurisdictions. They are discussing having permanent bathrooms and volunteer contractors for grading the site. When the park is completed, it will be the biggest park in the Portland metro area. The group is meeting with more people tomorrow. The money from the Skate Daze is earmarked for the skateboard park. Dave Murray met with Rob Kappa. They talked about the grass area west of the Post Office as a possible location for a skateboard park in Milwaukie. Jeff Marshall stated that Thom Kaffun believes a small skateboard park would be overwhelmed until a large site is located.

Neighborhood Master Planning Process -- Jeff Marshall		
Discussion: Jeff Marshall stated that Lewelling NDA mapped out areas for parks, residential, etc. Charlene discussed general master planning processes. The group discussed what the PARB needs from the NDAs for PARB master planning. Noted that the PARB needs to give an outline to the NDAs.		
Conclusions: Invite the new Neighborhood Services Coordinator, Michelle Gregory, to attend the August PARB meeting to give an overview of visioning and master planning. What have others done? As a result of the meeting with Michelle, the PARB will formulate an outline for what the PARB needs from the Neighborhood Master Plans.		
Action items:	Person responsible:	Deadline:
Request Michelle Gregory to attend August PARB meeting	Charlene Richards	8/4/97
8:05-8:20 PM	Develop Process for Planning for FY 1998/99	Jeff Marshall
Conclusions: Action Plan		
September	1. Direction to NDA for input on what they want	
October	2. Assessment of Need	
November	3. Alternative Solutions	
	Back to NDA for input	
December	4. Prioritize (Criteria = City Mission & Vision, Council Goals, NDA Visions)	
	5. Joint Session with Council	
Action items:	Person responsible:	Deadline:
Review Process and Time Line with NCPRD	Charlene Richards	8/4/97
Other Business -- PARB		
Discussion: None		
Next Meeting -- Jeff Marshall		
Conclusions: August 4, 1997 starting at 6:30 PM		
Action items:	Person responsible:	Deadline:
Notify Pat DuVal of new starting time	Charlene Richards	7/8/97
Adjourned at 8:15 PM -- Jeff Marshall		