

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
February 7, 1995**

The one thousand seven hundred and twelfth meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:01 p.m. in the Milwaukie Center with the following Councilmembers present:

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Rob Kappa
Don Trotter

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Tim Ramis,
City Attorney
Ted Baird,
City Attorney

Angus Anderson,
Finance Director
Maggie Collins,
Community Development
Director
Greg Drechsler,
Acting Public Works Director
Jim Crumley,
Associate Planner
Pat DuVal,
Recorder/Secretary

Troop 144 presented the Colors and led the Pledge of Allegiance

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Proclamation - Scouting Anniversary Week

Mayor Lomnicki read a Proclamation naming February 5 - 11, 1995, as *Scouting Anniversary Week* in the City of Milwaukie. He urged Milwaukie residents to express their appreciation to Boy Scout volunteers.

PUBLIC HEARING

Consider Traffic Safety Commission Request Regarding Signal Device on 32nd Avenue

Mayor Lomnicki called the public hearing on the installation of a traffic signal device on 32nd Avenue to order at 7:05 p.m.

The purpose of the hearing was to consider the Traffic Safety Commission's recommendation and to determine whether a signal device should be installed on 32nd Avenue.

Staff Report: **Dan Bartlett**, City Manager, presented the staff report in which the City Council was requested to consider Traffic Regulation No. 256 and the Traffic Safety Commission's recommendation. Continued implementation of the Traffic Regulation would call for the installation of traffic control signs, traffic control signals, or other traffic control devices to improve the safety of school crossings on 32nd Avenue. At its January 9, 1995, meeting, the Traffic Safety Commission recommended that the City curtail further action on any traffic signal device on 32nd Avenue until it had the "opportunity to work with the 32nd Avenue Task Force to identify the most appropriate solutions for overall pedestrian safety."

Bartlett signed the Traffic Regulation based on the authority of Code Chapter 10.08.020. He based his decision on review of the site and consultation with the City Engineer. DKS Associates, who completed a 32nd Avenue Signal Warrant Investigation, supported his decision. Traffic Regulation No. 256 also calls for a comprehensive School Trip Safety Plan and an adult crossing guard program. The Regulation would not preclude looking at other ways to improve school traffic safety. It has already been identified by the Task Force that Ardenwald School is the only park-like setting in the neighborhood and is in year-round use.

Bartlett said he was looking for Council direction on the next steps the City should take. He reviewed the tasks that would take place. If Council directs staff to continue with the signal device, it could be in place by June 30, 1995. Completion of the School Trip Safety Program would probably be completed on September 7, 1995. The County has agreed to allow the City to buy the signal from its contract and to install the device. If City Council decides to wait, the next opening would be the 1996 construction season.

Bartlett requested that City Council direct staff to go ahead and work through the process. Both a preliminary design for the signal device and a preliminary report from the 32nd Avenue Task Force should be ready for the March 21, 1995, City Council meeting.

Councilmember Kappa questioned the need for a public hearing, since the School Trip Safety Program has been initiated. **Bartlett** said, under the process, the City Council has granted him the authority to sign traffic regulations. City Council also has the authority to stop the process, based on the Traffic Safety Commission's recommendation.

Councilmember Kappa stated that action seemed premature if City Council has not seen any reports from the Task Force or the School Trip Safety Group.

Bartlett said these groups have just formed, and they have not had the opportunity to complete any reports. The City has been responding to a December 1, 1994, meeting request that a signal be installed by February 1, 1995.

Mayor Lomnicki said, from the staff's perspective, it would be more effective to move through the preliminary design and let the Task Force gather their data. City Council may determine at its March 21, 1995, meeting that the device is not appropriate. There will still be an opportunity in April to modify the plans before a purchase order is issued.

Bartlett said the key factor would be engineering costs.

Councilmember Farley asked the length of 32nd Avenue. **Bartlett** said 32nd Avenue was about one mile long.

Councilmember Farley said he did not think all of the school children would go to that particular corner to cross the street. He mentioned that he had not seen all of the adult crossing guards wearing reflective vests. **Bartlett** said the School Trip Safety Program would address training both children and adult volunteers. There is a commitment to patrolling the area and modifying driver and pedestrian behavior.

Councilmember Farley asked if there would be zero tolerance for speeders. **Bartlett** said this would be up to the Police Chief. Neighborhood representatives will be able to use the speed gun and give the Police Department license plate numbers. The department will then issue warning letters to offenders. Enforcement will be increased if this method indicates a need.

Councilmember Schreiber asked if there were other areas in the City more in need of traffic signals. **Bartlett** said this information would come from studies at the other six elementary schools. He noted that installation of the light at Linwood and Johnson Creek Boulevard was scheduled.

Correspondence: **Bartlett** said he received a fax from Colin B. Veach that indicated he did not support a signal at that intersection.

Public Testimony: **Joe Loomis**, 3610 SE Filbert, spoke in support of the light because it would provide a safer way for pedestrians to cross the street. The accident did not involve any traffic violations. He did not believe speed humps would help the situation.

Michelle Greeley-Roberts, 2924 SE Malcom, 32nd Avenue Task Force Member, Ardenwald Neighborhood District Association President, and Ardenwald PTA member, spoke in support of both installing a signal on 32nd Avenue and looking at other methods to ensure pedestrian safety. A majority of the Task Force members support this statement.

Greeley-Roberts noted the concern that the children might not cross at the signalized intersection and discussed the possibility of volunteer parents doing route checks. She said school, child, and parent accountability needed to be developed. She noted that a crossing guard volunteer program was instituted, and the neighborhood was showing good faith in working on the process. Delaying installation of the light would not send a positive message to the group.

Councilmember Kappa said the Task Force seemed focused on this one intersection. **Greeley-Roberts** said she would like to see a program that addressed the entire area around Ardenwald School. The group is interested in moving beyond just the signal.

Councilmember Trotter asked who was present from the Traffic Safety Commission that would like to address City Council.

Julie Wisner, 3325 SE Wister, Traffic Safety Commission member, said the board was concerned with safety on the entire street. The importance of the Task Force is to identify safety issues and to find viable solutions. She asked how much the pedestrian signal would cost. **Bartlett** said the pedestrian signal would cost between \$20,000 and \$40,000.

Wisner said she would like the neighborhood to look at the entire amount of funds available and determine how best to spend the money. Children cross 32nd Avenue at all points. The signal would emphasize this one intersection. She discussed a pilot project in the City of Portland using flashing lights, speed humps, and fluorescent green signs. She agreed that adult crossing guards were needed. She expressed concern that a pedestrian signal might create a false sense of security.

Councilmember Trotter asked Wisner if she recommended that all work on traffic signal design stop. **Wisner** said she believed that final decisions should not be made without getting input from the School Trip Safety Task Force.

Councilmember Kappa said he understood that the Traffic Safety Commission and the 32nd Avenue Task Force had met, and asked if any further recommendations had come out of that meeting. **Wisner** said Susan Stone would be the person to address that issue.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing at 7:38 p.m.

Councilmember Trotter said, based on the information in the staff report, there seemed to be enough time to address the Traffic Safety Commission's concerns at the March 21 and April 7, 1995, meetings without stopping design work on the proposed signal. He perceived an obligation to continue with both elements -- Task Force work and design development.

Councilmember Schreiber was concerned that there might be a conflict of interest because she was serving as a cross-walk guard. **Ramis** said there was no limitation based on participation in a volunteer program.

Councilmember Kappa said he was concerned that there might be a problem with a pedestrian-activated signal because children would be tempted to play with it. He said he was also worried that the signal might give children a false sense of security. He did not want to see the signal process stop; however, he wanted to be able to consider other options.

Councilmember Farley said he believed it was a good idea to continue with the signal, while taking the time to look at other avenues. He did not want to make too hasty a decision.

Mayor Lomnicki said the process could move forward with two safeguard points to determine if the signal installation was appropriate.

It was moved by Councilmember Trotter and seconded by Councilmember Kappa to direct staff to continue to implement Traffic Regulation 256 to install traffic control signs, traffic control signals, or other traffic control devices to improve the safety of school crossings on 32nd Avenue. Motion passed unanimously.

AUDIENCE PARTICIPATION

Judith Duncan, 1936 SE Eagle St., Island Neighborhood District Association, presented an update on neighborhood concerns. From their experience, residents of the neighborhood do not believe the odor mitigation program was successful. Clackamas County purchased an expensive process and expected a 97% improvement. She suggested that the County, contractor, and neighbors work together on a more acceptable odor level. She recommended that the City Council and Clackamas County find a proactive method of working with the vendor before the warranty period ends.

Bartlett said Helene Lichtman, Director, Clackamas Service District, is taking these concerns seriously and is planning an open house to look at the remaining issues.

OTHER BUSINESS

Zoning Map Amendments for Annexed Lands (ZC-94-01) and Subdivision Ordinance Text Amendment for Flag Lot Buildability (ZA-94-07) - Ordinance, second reading

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to read the Ordinance amending Ordinance No. 1712, the Milwaukie Zoning Ordinance (ZC-94-01) and amending Ordinance No. 1440, the Milwaukie Subdivision Ordinance for the second time by title only. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Farley, and Councilmember Trotter aye; Councilmember Kappa nay; no abstentions. The Ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to adopt the Ordinance amending Ordinance No. 1712, the Milwaukie Zoning Ordinance (ZC-94-01) and amending Ordinance No. 1440, the Milwaukie Subdivision Ordinance. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Farley, and Councilmember Trotter aye; Councilmember Kappa nay; no abstentions.

ORDINANCE NO. 1778:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE MILWAUKIE ZONING ORDINANCE (ZC-94-01) AND AMENDING ORDINANCE NUMBER 1440, THE MILWAUKIE SUBDIVISION ORDINANCE (ZA-94-07).

Consider Repealing Milwaukie Municipal Code Chapter 2.08, Civil Service Commission - Ordinance

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to consider an Ordinance that would repeal Chapter 2.08 of the Municipal Code to be consistent with the November 1994 Charter amendment.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to read the Ordinance pertaining to the Civil Service Commission for the first time by title only. Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa and Councilmember Trotter aye; Councilmember Farley nay; no abstentions. The Ordinance was read for the first time by title only.

Councilmember Farley said he believed that the working man and woman were losing something by doing away with the Civil Service Commission.

The second reading will be scheduled for the February 21, 1995, meeting.

Consider Johnson Creek Boulevard Safety Improvement Plan - Resolution

Mayor Lomnicki announced that he would step down from this discussion because he owned property on Johnson Creek Boulevard. Council President Trotter took over the meeting.

Maggie Collins, Community Development Director, presented the staff report in which the City Council was requested to consider a Resolution endorsing a safety improvement plan for Johnson Creek Boulevard from 32nd to 45th Avenue. The proposed right-of-way would be 44 feet and includes a travel lane, bike lanes, and one sidewalk. This is a joint project with the City of Portland and is a result of several years of discussion.

Phase I of the project is: completion of the design and plans for the entire project; street construction beginning at Sherrett and running along Johnson Creek Boulevard from 32nd to 45th Avenues; right-of-way acquisition; sewer line installation on Johnson Creek Boulevard from 36th to 32nd, then south to Sherrett; and storm water facility construction from about 36th to Roswell with drains along Johnson Creek Boulevard. In essence, the proposal brings storm drainage to the entire length of Johnson Creek Boulevard. The second phase involves the right-of-way purchases and street construction from 36th to 45th Avenues. Phase I will cost about \$308,000 and Phase II, \$822,000.

Collins read names into the record of those who indicated an interest in the proposal: Caroletta Collett, 3905 SE Johnson Creek Boulevard, David Tefelski, 4435 SE Johnson Creek Boulevard, Joshua Schulman, 3436 SE Johnson Creek Boulevard, and Terri Zumbusch, 3840 SE Johnson Creek Boulevard received copies of the staff report; Roger DeCarlo, 4425 SE Johnson Creek Boulevard, called February 3, 1995, to support the project; Roger Haas called February 7, 1995, to oppose the project; and Linda Hatlelid submitted a report stating her opposition to the project.

Collins discussed the proposed removal of about 12 trees in the City of Milwaukie. The final design will minimize the impact as much as possible. The proposed Resolution endorses the project, but does not authorize the expenditure of any funds.

Councilmember Kappa said the initial phase would cost \$308,000, and the City of Portland was responsible for the design portion.

Councilmember Farley asked if Clackamas County would pick up any portion of the costs. **Drechsler** said there was a meeting last week involving Milwaukie, Portland, and Clackamas County. They discussed how to fund those portions of street that were in Clackamas County. He said there might be a transfer of road responsibility from the County to the City of Milwaukie after improvements were made.

Councilmember Farley asked how much of Phase I was in Portland. **Drechsler** said 100% of Phase I was in Portland, and Phase II was multi-jurisdictional.

Mulvey Johnson, City of Portland, added that the City of Portland would pay about 15%, and the balance would come from State highway funds. Milwaukie's benefit would be project design and storm sewer installation. The concept is to have the project ready during the State and Federal budget process. He discussed the storm water facility recently purchased by the City of Portland at the recycling site.

Councilmember Schreiber asked how much disruption there would be to residents along the right-of-way. **Johnson** said some trees and retaining walls might be removed, but no structures would be demolished.

Councilmember Farley asked if the pitch of the street would change. **Johnson** said the center of the road and the grades would remain about the same.

Johnson said he understood that some residents were concerned about their trees. He said property owners would be notified of any proposed changes to their property.

Councilmember Farley asked if the streets were designed with reverse crowns. **Johnson** said there might be reverse crowns on the curves, but the road was being designed for 25-mph traffic.

Councilmember Kappa said he was concerned about driveway blind spots. **Johnson** said the design would improve vision, particularly by removing some trees. He mentioned that there were several trees in the 33rd Avenue area that blocked vision. The design includes shorter, wider driveways and a five-foot bike lane.

Councilmember Kappa asked how the construction would impact the traffic study being done on 32nd Avenue. **Collins** said there would be a traffic diversion during construction, and she understood the Councilor's concern. The construction area is only about a block and a half, from Sherrett to 32nd Avenue.

Councilmember Kappa said he was concerned that diverted traffic would skew the 32nd Avenue traffic counts. **Collins** agreed that this could happen, but she assured him that Public Works would work to minimize the project's impact.

Councilmember Farley asked Johnson if there was funding for Phase I. **Johnson** said funds were available. One of the reasons for stopping at 36th Avenue was because it is an intersection. That part of the project could stand alone if necessary. At a minimum, the storm sewer infrastructure would be complete. This would also be a good incentive during the budget process to push the project up on the priority list. He said he believed Phase II could also be done in sections.

Councilmember Schreiber asked when the traffic disruption would begin. **Johnson** anticipated that it would begin in January 1996 and continue through October 1996.

Councilmember Schreiber asked if the Traffic Safety Commission would be involved since there were safety issues. **Collins** said involving the Traffic Safety Commission had not been considered at this point of the project.

Council President Trotter asked what determined the variation from the standards for the preferred 49-foot right-of-way. **Collins** said, if full design guidelines were used, the street would be about fifty feet wide and the amount of right-of-way acquisition would be greater. There were also safety concerns because of the slope on the north side of Johnson Creek Boulevard. She said the state would accept five-foot bike lanes, and six-and-one-half-foot sidewalks were consistent with ADA requirements. Eleven-foot travel lanes were acceptable. These minimums would have the least impact on the neighborhood, were safe, and would not increase capacity.

Council President Trotter discussed the recommendation in Linda Hatlelid's letter regarding bike lanes on both sides of the street. This is required by City Ordinance.

Bud Border, Milwaukie resident and member of the Ped/Bike Working Group, spoke in support of the improvements. Bike lanes on both sides of the street were an absolute requirement. Wrong-way bicyclists are in the greatest position of danger, particularly when approaching an intersection from a direction not expected by cross traffic. The cyclist traveling on the wrong side of the street will increase the chance of a conflict with other users of the bike lane. Lanes must be provided for bicyclists on both sides of the road to minimize the danger to themselves and others.

Collins said she did not believe there was a State law that required lanes on both sides of the street. However, Milwaukie has an Ordinance that states that two bike lanes are necessary.

Doug McCullom stated that the City of Portland and ODOT also follow this standard.

Collins said the bike paths make it a skinny street design and offer multi-modal transportation. The design will tend to slow traffic through the area. The segments need to be treated differently according to the land use.

Councilmember Farley said there was not much room for larger vehicles to pass on certain areas of Johnson Creek Boulevard. **Collins** agreed.

Councilmember Farley asked if the ten feet needed for the improvements would be taken from both sides of the street. **Collins** said, in most cases, the right-of-way acquisition would be from the north side. She discussed curves and clear-vision requirements.

McCullom said the design flattens curves and provides bike lanes and sidewalks. Sight lines should be improved greatly.

Councilmember Schreiber asked how casual parking along the residential streets would be impacted. **Collins** said there would be some loss of on street parking.

Councilmember Schreiber asked if off-street parking would be developed. **Johnson** said the driveways would be widened.

Councilmember Farley asked if any of the trees planned for removal were magnolias. **Johnson** said he did not believe so.

Council President Trotter asked if there was any additional correspondence other than those contacts which Collins read into the record at the beginning of the staff report. There was none.

Council President Trotter said staff forwarded a letter to City Council from Linda Hatlelid on February 6, 1995.

Linda Hatlelid, 8617 SE 36th, has lived in Milwaukie for 46 years. She has attended meetings regarding Johnson Creek Boulevard regularly for the past fourteen years. Her letter outlined the history of Johnson Creek Boulevard meetings, including the proposal to construct a new street in the "gulch." The new street would divert traffic from Johnson Creek Boulevard. She was concerned that, although residents were invited to attend meetings regarding

street improvements, they did not get complete information. She said she was concerned that shortening driveways would alter the pitch to the point of making them inaccessible. She questioned that blind spots would be improved by this proposal, particularly when bike lanes were added. She discussed the meetings that were held, which were informal, four-hour open houses.

Councilmember Kappa asked Hatlelid to indicate her residence on the map. **Hatlelid** said she lived near 43rd, where it was most steep.

Arnold Hatlelid, 4277 SE Johnson Creek Boulevard, said he lived there since 1948. He discussed Metro's light rail bridge locations and the potential routes through the City of Milwaukie. He recommended that the Milwaukie City Council postpone all further work. He also indicated that the City Council might not have the authority to make these decisions on a street that is under Clackamas County jurisdiction.

Lillie Moore, 4001 SE Johnson Creek Boulevard, reminded City Council that this road was about 150 years old and meanders through the neighborhood. Much of the area is full of springs and the ground is very mushy. She said she considered it wetlands, and much of the water is used for irrigation. There is already a bike path in the Springwater Corridor. She questioned the need for a bike path on the north side of the street where there is a steep incline and there are no cross streets. She noted that there was a steep drop on the north side of the street, so a bike path would be impossible. She recommended a curb on the north side, and a bike path and sidewalk on the other side. She asked whether it would be possible to have one-way traffic during construction in order to get to McLoughlin Boulevard.

Councilmember Farley asked Moore if the traffic increased since the overpass was completed. **Moore** said the traffic was backed up a couple of times each afternoon.

Roger Haas, 8618 SE 36th Avenue, urged City Council not to pass the Resolution as presented. Milwaukie City Council should not be dictated to by the City of Portland. He believed eleven-foot lanes were too narrow for most vehicles. A hard surface road will soon be completed on the Springwater Corridor, and there is a way for bicyclists to get to Johnson Creek Boulevard. He said he was concerned that livability would decrease. Traffic will be faster and there will be greater numbers of vehicles.

Ron Wiley, 3325 SE Johnson Creek Boulevard, asked about assurances that there would be tree replacement similar to the Eastmoreland area. He was also concerned about large trucks that he sees exceeding the speed limit in his neighborhood. He was concerned that a narrow street might be dangerous, as he sees cars losing control now. He suggested speed humps. He agreed that

there were accommodations for bike paths on the Springwater Corridor, and perhaps it would be better to make the street wider. He indicated that the amount of traffic has increased since the Tacoma overpass was completed.

Collins addressed residents' concerns: (1) Driveway pitch issues will be design specific. The impact on each site would be considered. A re-design is not proposed for the north side of the street; (2) A straightened road would improve driver vision and help eliminate blind spots. The sidewalks already installed near the overpass have helped drivers navigate their vehicles; (3) There are two studies that will continue to monitor proposed Willamette River crossings. The South/North Light Rail Study will also continue to look at needs in the area. Monitoring of issues, such as the signalization of Linwood and Johnson Creek Boulevard, will continue; (4) The Springwater Corridor cannot meet all the needs of bicyclists. Johnson Creek Boulevard should be a true multi-modal route. Bike lanes on one side of the street would not comply with the City Ordinance; (5) Work will have to continue with the neighborhood on traffic control issues; (6) The Milwaukie City Council does have the authority to make a decision on proposed improvements to Johnson Creek Boulevard.

Johnson spoke on the issue of traffic diversion during construction. He said concern at this stage was a little premature, but he would work with the City to make it as easy as possible. Tree replacement is not included at this point. Each right-of-way acquisition is done on an individual basis.

Councilmember Kappa said he was concerned about tree replacement, and it should be part of the design. He asked when, if the project is rejected now, will there be another window of opportunity. **Collins** said the funding sources are complex. Deadlines have already been pushed as far as possible, and funds might begin to evaporate.

Councilmember Schreiber said, by looking at the map, there appeared to be some traffic problems that needed to be worked out with the City of Portland. Johnson Creek Boulevard needs to be improved to remain a viable street. The City is currently going through other major traffic planning. If assured that we are developing a good, sound neighborhood street, the City of Portland and Clackamas County could help us. Traffic patterns could be looked at together. **Collins** said this segment is a part of the whole. The project list fits the land use. Eleven-foot travel lanes, with bike lanes and sidewalks, is the best design possible with the land uses and the neighborhood. First, the City would watch the design process all the way through; then look at how to assimilate tree replacement.

Councilmember Schreiber said she believed the City of Milwaukie needed a major planning process with the City of Portland and Clackamas County so that Milwaukie does not become a funnel for all the traffic.

Councilmember Kappa said eleven-foot lanes would discourage truck use.

Councilmember Farley said he still had concerns about erosion and school busses using such narrow lanes.

Councilmember Schreiber thought that Johnson Creek should be called a "Lane" in the residential area, rather than a "Boulevard." She said she was also concerned about school and Tri-Met busses negotiating the narrow street. If the community wants the least impact and the best pedestrian and bike service, this looks like the plan that will do that. The City must make a commitment that Johnson Creek Boulevard is a residential, neighborhood street.

Councilmember Kappa discussed the bike lanes and how they fit into the City's Transportation System Plan. He recommended that the designers and builders work with the Neighborhood District Association. He said he was also concerned about tree replacement. Other issues he noted were: trucks would probably not use a street as narrow as proposed; existing curves need to be straightened; funding for street improvements is inadequate; and Johnson Creek is not a through boulevard.

Council President Trotter said he thought that the Comprehensive Plan addressed the needs for improvements on Johnson Creek Boulevard. Section 1400 addressed the need for bike lanes. The narrow travel lane widths send the message that "This is a neighborhood street." He said he discussed the travel lane widths with Collins and Tri-Met, and he was satisfied with the eleven-foot lane width. He urged working with other jurisdictions in the region to develop a comprehensive design. There are design issues, such as erosion, that need to be addressed. He agreed with an earlier statement that Milwaukie must not become a traffic funnel. McLoughlin at the Tacoma overpass and Johnson Creek Boulevard and Hwy. 224 are significant problem areas. The City needs to look for east/west routes without impacting King Rd., Linwood Avenue, and Johnson Creek Boulevard.

Councilmember Kappa said he was still concerned about off-street parking.

Councilmember Schreiber said she had heard Johnson indicate an interest in widening the driveways.

Councilmember Kappa said he did not see any reference to Clackamas County as a funding source in the proposed Resolution. **Council President Trotter** said the Resolution does not address the funding issue; it only recommends proceeding with planning and design issues. **Bartlett** said the funding sources would probably be addressed in an Intergovernmental Agreement among the Cities of Milwaukie and Portland and Clackamas County.

Councilmember Schreiber said the proposed Resolution deals only with Johnson Creek Boulevard between 32nd and 45th Avenues.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Resolution endorsing a proposed safety improvement project for Johnson Creek Boulevard from 32nd to 45th Avenue. Councilmember Schreiber referred to paragraph six and stated that public involvement process should include the neighborhood district in the design.

Councilmember Kappa said that a lot of specific issues had been discussed.

Councilmember Schreiber pointed out that there were many methods available to active neighborhood associations.

Council President Trotter said the ongoing staff process would involve individual property owners and indicated continued neighborhood involvement.

Bartlett said the tree replacement issue would be addressed in the design process.

Motion passed 3 - 1 - 1 with the following vote: Council President Trotter, Councilmember Schreiber and Councilmember Kappa aye; Councilmember Farley nay; Mayor Lomnicki abstained.

RESOLUTION NO. 6-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ENDORSING A PROPOSED SAFETY IMPROVEMENT PROJECT FOR JOHNSON CREEK BOULEVARD FROM 32ND AVENUE TO 45TH AVENUE.

Consider Purchase Order Approval

Bartlett presented the staff report in which the City Council was requested to ratify Purchase Order No. 08098 in the amount of \$58,669.42 for the acquisition of three police vehicles. He said, by approving this purchase order, he violated City policy; but he believed it was necessary. He conducted an investigation with key staff involved, and determined that there was no need for disciplinary action. The City was notified that, due to budgetary cutbacks at the State level, the "window" for purchasing vehicles was decreased by about three weeks. The deadline would have been missed if he had waited for the next regularly scheduled City Council meeting. He was approached by the Police Chief and Finance Director to approve the purchase, so he signed the purchase order on January 19, 1995. The purchase of these vehicles was adopted in the 1994 - 1995 budget. If this action had not been taken, the Police Department would not have received the needed vehicles until 1995 - 1996.

Mayor Lomnicki announced that this issue was discussed in an executive session on Monday, February 6, 1995. City Council found there was not wanton disregard of City policy.

Councilmember Farley said he was confused because he was not at the February 6 executive session. He asked if there was only one time per year that the City was allowed to purchase police vehicles. **Bartlett** said this was correct. He reviewed other attempts to find used vehicles, but they were found to be unsatisfactory. There is only one time during the year when auto manufacturers produce police vehicles. He discussed the reasons for standardizing the police fleet with Chevrolets; the primary reason being officer safety.

Councilmember Farley asked why the purchase order was not brought before City Council. **Bartlett** said he was not aware that the purchase requisition he received was an emergency, so he put it in a suspense file. He pointed out that the Finance Director's initials indicated that funds were budgeted for the purchase, but the amount was above his authorization. He determined that the act was not intentional, and corrective action was taken with those involved.

Councilmember Kappa suggested a work session on purchasing procedures to remedy such problems.

Councilmember Schreiber said some of these issues were discussed during the February 6 executive session.

Councilmember Farley asked if there was an extended warranty on the vehicles. **Bartlett** said they had the standard warranty package that comes with a police vehicle.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to ratify approval of Purchase Order No. 08098 in the amount of \$50,669.42 for the acquisition of three police vehicles. Motion passed unanimously.

Consider Purchase Order Request

Anderson presented the staff report in which the City Council was requested to approve a purchase order request in the amount of \$16,553 for the acquisition of a truck for the Street Division. The truck is 10,000 gvw chassis. It will replace a 1978 flatbed truck and will have a tool box installed by another vendor. The funds for this purchase were adopted in the budget.

Councilmember Farley asked if some of the items listed on page three of the staff report -- such as tilt wheel with speed control, radio, and air conditioning -- were options. **Anderson** said these all are part of the standard package and are not options.

Councilmember Farley asked what vehicle this was replacing. **Anderson** said it replaces a 1978 flatbed truck.

Councilmember Kappa asked if this would get rid of the old Public Works' vehicles. **Anderson** said the department was getting close.

Councilmember Schreiber asked for clarification of page four. **Anderson** said this was a budget detail of the Street Division and simply indicated that the vehicle proposed for purchase was included in the budget.

Councilmember Farley referred to page five and asked for clarification of a handwritten note. **Bartlett** said the department was trying to determine if it will have enough money to pay for the 800 MHz radios.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to approve a purchase order request in the amount of \$16,553 for the acquisition of a truck for the Street Division.

Councilmember Farley said, if the flatbed still works, it should not be replaced.

Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; no abstentions.

Consider Establishing Expendable Trust Fund

Anderson presented the staff report in which the City Council was requested to adopt a Resolution that would establish an Expendable Trust Fund, numbered as Fund 81, the Pioneer Cemetery Maintenance Fund - Leona Knutson Trust. The funds will be held in the trust for the specific purpose of maintaining the Pioneer Cemetery.

Councilmember Kappa asked whether this was a one-time-only fund.

Anderson said the portion that is not used immediately will earn interest that will be added to the principal.

Mayor Lomnicki asked if the District would request a certain amount of these funds for maintenance.

Councilmember Schreiber suggested holding the funds until such time as the City might need to pay for maintenance.

Bartlett said these funds would aid in rehabilitating the cemetery and make enhancements beyond the current level of maintenance. It has not been restored and damage, such as the gate, has not been repaired.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Resolution that established the Pioneer Cemetery Maintenance Fund as an expendable trust fund and establishing appropriations for expenditure of trust funds.

Councilmember Farley said he believed Leona Knutson's name should be included in the title of the Resolution.

Councilmember Schreiber expressed concern that this might inhibit donations from others.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the Resolution and amend the title to read the "Leona O. Knutson Memorial Trust Fund." Motion passed unanimously.

RESOLUTION NO. 7-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE PIONEER CEMETERY MAINTENANCE FUNDS AS AN EXPENDABLE TRUST FUND AND ESTABLISHING APPROPRIATIONS FOR EXPENDITURE OF TRUST FUNDS.

Consider Bid Award for 1994 Waterline Upsizing Project

Greg Drechsler, Acting Public Works Director, presented the staff report in which the City Council was requested to award the contract for the 1994 Waterline Upsizing Project, Alternate "B", to D.M. Excavating in the amount of \$139,969.13.

Councilmember Farley asked if this would be standard piping. **Drechsler** said, primarily, small lines will be replaced with larger lines.

Councilmember Kappa said he was concerned about tearing up the street. **Drechsler** said about \$28,000 in street repairs will be required and will come from the Water Fund.

Councilmember Kappa asked if this action would improve the City's fire rating. **Drechsler** said he doubted if there would be an improvement, because the City is already highly rated.

Councilmember Kappa said some of the streets involved are very old. **Drechsler** said most of the work will be done on the roadside.

Councilmember Farley asked how much the flow would increase. **Drechsler** said the gallons per minute would increase from 25% - 30%.

Councilmember Schreiber asked if this would create any problems on 32nd Avenue. **Drechsler** said there will be some minor traffic diversion.

Councilmember Kappa asked if 32nd Avenue would go back to its original condition. **Drechsler** said the area that will be dug up will be very small, and the Department will use the infrared machine to ensure a smooth surface.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to award the contract for the 1994 Waterline Upsizing Project, Alternate "B", to D.M. Excavating in the amount of \$139,969.13. Motion passed unanimously.

Consider Revisions to Municipal Code Chapter 2: Election of Council President and Order of Business - Ordinance

Bartlett presented the staff report in which the City Council was requested to consider an Ordinance that would amend Municipal Code Chapter 2, "Election of Council President" and "Order of Business." This would deal with the differences between the Charter and Chapter 2 of the Municipal Code.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the Ordinance amending Municipal Code Sections 2.04.040 and repealing Ordinance 1480, Section 2(A); and 2.04.140(A) and repealing Ordinance 1678 for the first time by title only. Motion passed unanimously. The Ordinance was read for the first time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the Ordinance amending Municipal Code Sections 2.04.040 and repealing Ordinance 1480, Section 2(A); and 2.04.140(A) and repealing Ordinance 1678 for the second time by title only. Motion passed unanimously. The Ordinance was read for the second time by title only.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to read the Ordinance amending Municipal Code Sections 2.04.040 and repealing Ordinance 1480, Section 2(A); and 2.04.140(A) and repealing Ordinance 1678. Motion passed unanimously.

ORDINANCE NO. 1779:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING MUNICIPAL CODE SECTIONS 2.04.040 AND
REPEALING ORDINANCE 1480, SECTION 2(A); AND
2.04.140(A) AND REPEALING ORDINANCE 1678.**

Consider Support of Transportation Finance Package - Resolution

Bartlett presented the staff report in which the City Council was requested to adopt a Resolution supporting the Transportation Finance Package. It allows the City to alleviate some of the shortfall for transportation system improvements by supporting progressive gas tax increases over the next two years; annual increase of passenger vehicle registration fees; and appropriation of lottery funds in the amount of about \$100 million.

Councilmember Kappa said he was concerned that education also needed lottery funds.

Bartlett pointed out the breakdown of package elements on page eleven of the staff report.

Councilmember Trotter said the Legislature would have to make the final decision. The Resolution indicates the City's desire to get funding for certain projects. If the City of Milwaukie does not ask to be considered, the funding might possibly be gone.

Councilmember Farley said he believed this was a very good idea.

Councilmember Kappa said he was concerned about the damage done to streets and roads by studded tires. He suggested banning studded tires.

Mayor Lomnicki said this, and taxing studded tires, was under consideration.

Councilmember Kappa discussed taxing truck drivers. **Bartlett** said there has been a cost-responsibility study, and periodically it is reviewed and adjusted.

Councilmember Farley remarked that Oregon has one of the lowest rates in the country.

Mayor Lomnicki pointed out that City Council's support of the transportation package does not indicate it does not support education.

Councilmember Schreiber pointed out that the second page of the Resolution recommends other options for increased funding other than lottery funds.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to adopt the Resolution supporting transportation finance recommendations and recommending approval by the 1995 Oregon State Legislature. Motion passed unanimously.

RESOLUTION NO. 8-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING TRANSPORTATION FINANCE RECOMMENDATIONS AND RECOMMENDING APPROVAL THEREOF BY THE 1995 OREGON STATE LEGISLATURE.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to suspend City Council rules to continue the meeting after 11:00 p.m. Motion passed unanimously.

Consider Participation in North Clackamas Urban Services Project

Mayor Lomnicki recommended a review of the regional committees on which City Council serves. This item was postponed.

Consider Property Acquisition

Bartlett presented the staff report in which the City Council was requested to consider purchase of the Eastman property. Negotiations were concluded and staff stayed within the latitude given by City Council. The City interests were adequately protected, and the goal of procuring waterfront property for open space and bike paths was fulfilled.

Mayor Lomnicki said funds for this property acquisition were budgeted.

Bartlett pointed out the City Attorney opinion on this item.

It was moved by Councilmember Kappa and seconded by Councilmember Farley to purchase the Eastman property in the amount of \$220,000. Motion passed unanimously.

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 January 17, 1995, work session and regular session. Motion passed unanimously.

INFORMATION

Councilmember Schreiber announced that, due to a conflict, she would not be attending the FOCUS meetings.

Councilmember Farley discussed the upcoming issues before the Legislature.

Bartlett discussed the informational report on the "open container law." Chief Collier reports that it was used once on a vagrant in Scott Park, but the Police Officers consider it a useful tool.

Bartlett discussed Light Rail information.

Bartlett announced Council Goal Setting sessions on February 14 and 28, 1995, from 3:00 p.m. to 9:00 p.m.

Bartlett discussed the ANI/ALI, or Call ID, feature for the "dispatch center."

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 11:03 p.m.

Pat DuVal
Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
FEBRUARY 7, 1995**

MILWAUKIE CITY HALL

10722 SE Main Street

1712th MEETING

WORK SESSION

5:00 - Review Comprehensive Annual Financial Report

5:45 - Transportation System Plan Update

REGULAR SESSION

7:00 p.m.

I. CALL TO ORDER

Presentation of the Colors by Troop 144

Pledge of Allegiance

II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Proclamation - Scouting Anniversary Week

III. 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.)*

Consider Traffic Safety Commission Request Regarding Signal Device on 32nd Avenue (Dan Bartlett)

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

A. Zoning Map Amendments for Annexed Lands (ZC-94-01) and Subdivision Ordinance Text Amendment for Flag Lot Buildability (ZA-94-07) - Ordinance, second reading (Jim Crumley)

B. Consider Repealing Milwaukie Municipal Code Chapter 2.08, Civil Service Commission - Ordinance (Charlene Richards)

C. Consider Johnson Creek Boulevard Safety Improvement Plan - Resolution (Maggie Collins)

D. Consider Purchase Order Approval (Angus Anderson)

V. OTHER BUSINESS, continued

- E. Consider Purchase Order Request (Angus Anderson)**
- F. Consider Establishing Expendable Trust Fund (Angus Anderson)**
- G. Consider Bid Award for 1994 Waterline Upsizing Project (Greg Drechsler)**
- H. Consider Revisions to Municipal Code Chapter 2: Election of Council President and Order of Business - Ordinance (Dan Bartlett)**
- I. Consider Support of Transportation Finance Package - Resolution (Dan Bartlett)**
- J. Consider Participation in North Clackamas Urban Services Project (Dan Bartlett)**

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

- A. City Council Work Session Minutes of January 17, 1995**
- B. City Council Regular Session Minutes of January 17, 1995**

VII. INFORMATION

- A. Planning Commission Minutes of January 10, 1995**
- B. Ardenwald-Johnson Creek Neighborhood Association Meeting Minutes of November 8 and December 13, 1994**
- C. Correspondence: Island Station Neighborhood Association Regarding Kellogg Creek Sewer Treatment Plant**
- D. Transportation System Plan Update**
- E. Correspondence: Regional Water Supply Plan Comments on Adoption of Rules for Lower Columbia River**
- F. Regional Water Supply Study**
- G. FOCUS Meeting Notes of November 17, 1994**
- H. Boundary Commission 1995 - 1996 Fiscal Year Budget and Assessments**
- I. Ballot Measure 8 Litigation**

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

PROCLAMATION

W HEREAS, the Boy Scouts of America is a volunteer organization; and

W HEREAS, these volunteers selflessly serve the young people in their community through the organizations chartered by the Boy Scouts of America to use the program; and

W HEREAS, these men and women often neither get nor even seek the thanks of the public; therefore, be it

R ESOLVED that during the celebration of the 85th anniversary of the founding of the Boy Scouts of America, that I, Craig J. Lomnicki, Mayor of the City of Milwaukie, do hereby proclaim the week of February 5 - 11, 1995 as

SCOUTING ANNIVERSARY WEEK

in the City of Milwaukie, and urge all residents of Milwaukie to honor and give thanks to all Boy Scouts of America volunteers. They have made and will make it possible for even more young people to "*Be Prepared for the 21st Century*" and to know that "*Character does Count*" as they grow into healthy and productive adulthood.

I N WITNESS WHEREOF, I have here unto set my hand on this 7th day of February 1995.

Craig J. Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder



BOY SCOUTS OF AMERICA

External Communications
1325 West Walnut Hill Lane
P.O. Box 152079, Irving, Texas 75015-2079
Telephone 214-580-2000

FACT SHEET

BSA AT A GLANCE

PURPOSE	The purpose of the Boy Scouts of America, incorporated on February 8, 1910, and chartered by Congress in 1916, is to provide an educational program for boys and young adults to build character, to train in the responsibilities of participating citizenship, and to develop personal fitness.
CHARTERED ORGANIZATIONS	Community-based organizations receive national charters to use the Scouting program as a part of their own youth work. These groups, which have goals compatible with those of the BSA, include religious, educational, civic, fraternal, business, and labor organizations, governmental bodies, corporations, professional associations, and citizens' groups.
PROGRAM	<p>Tiger Cubs, BSA. A one-year program for first-grade (or 7-year-old) boys and their adult partners that stresses equal participation. The boy and adult meet weekly for family activities and monthly for an activity with other Tiger Cubs and adults in their group.</p> <p>Cub Scouting. A family- and home-centered program for boys who are in second through fifth grades (or 8, 9, and 10 years old). When they enter the fourth grade, they can become Webelos Scouts and prepare to become Boy Scouts.</p> <p>Boy Scouting. A program for boys 11 through 17 designed to achieve the aims of Scouting through a vigorous outdoor program and peer group leadership with the counsel of an adult Scoutmaster. (Boys also may become Boy Scouts if they have earned the Arrow of Light Award or have completed the fifth grade.)</p> <p>Varsity Scouting. An active, exciting program for young men 14 through 17 built around five program fields of emphasis: advancement, high adventure, personal development, service, and special programs and events.</p> <p>Exploring. Designed for young men and women ages 14 (who have completed the eighth grade) through 20 to gain insight into a variety of programs that offer leadership training, fitness, outdoor, service, and career hands-on experiences. Exploring promotes the conditions necessary for the growth and development of adolescent youth.</p>
VOLUNTEER LEADERS	<p>Volunteer adult leaders serve at all levels of Scouting in approximately 355 local councils, 32 areas, and 4 regions, and nationally with volunteer executive boards and committees providing guidance.</p> <p>Each autonomous local council is chartered by the BSA, which provides program and training aids along the guidelines established by the national Executive Board and the national charter from Congress.</p>
NATIONAL ACTIVITIES	<p>Cub Scouting continues to strengthen the tie of the family in Scouting and to encourage physical fitness and education through Cub Scout Sports and Academics, and more than 2,900 Cub Scout day camps.</p> <p>Boy Scouts and Varsity Scouts have many special activities available to them, such as camporees, summer camps, Scouting shows, and national jamborees.</p> <p>The Order of the Arrow, the national brotherhood of honor campers, recognizes those Scout campers who best exemplify the Scout Oath and Law in their daily lives, and it has local lodge, section, and national meetings. Those who have become Eagle Scouts, the highest advancement award in Scouting, may join the National Eagle Scout Association.</p> <p>All camps are inspected and accredited annually by teams of trained volunteers to ensure the health, safety, and quality of program for campers.</p> <p>Exploring holds a biennial national leadership conference for youth and adult members that offers national competitive events, seminars, shows, entertainment, elections, and an awards ceremony. The biennial national law enforcement Explorer conference provides competition, training, demonstrations, program exchanges, and career information in this field. An annual mock trial competition provides a national challenge for Explorers interested in the legal field.</p>

Scouting Anniversary celebrations, during February, include observance of the BSA's February 8 birthday, Scout Sabbath, and Scout Sunday. Unit activities feature blue and gold banquets, courts of honor, and open house meetings.

Cub Scouts, Boy Scouts, Varsity Scouts, and Explorers participate in Scouting Environment Day in April and Scouting Energy Day in October. Explorers and older Boy Scouts have a wide variety of exciting outdoor experiences available at the three national high-adventure areas located in Minnesota (with satellites in northern Wisconsin and in Manitoba and Ontario in Canada), Florida, and New Mexico. Volunteer leaders may attend the Philmont Training Center in New Mexico each summer for a weeklong training conference.

LEARNING FOR LIFE

Learning for Life is a wholly owned subsidiary of the Boy Scouts of America. The mission of Learning for Life is to serve others by helping to instill values of good character, participating citizenship, and personal fitness in young people, and in other ways to prepare them to make ethical choices throughout their lives so that they can achieve their full potential.

Learning for Life can help schools prepare students to handle today's complex society. It's designed to build confidence, motivation, and self-esteem. It can help students learn positive personal values and make ethical decisions. Character development is a lifelong process, with roots firmly planted in childhood. Learning for Life has curricula designed to fulfill its mission.

NATIONAL GOOD TURNS

The Good Turn continues as an important part of Scouting. It can be a simple daily act of assistance by an individual youngster, or a coordinated national effort. In 1986, youth members distributed fourteen million brochures to families, informing them of the need for donated human organs and tissue as a part of the Donor Awareness Presidential Good Turn. The 1989-91 Scouting for Food National Good Turn resulted in the collection of 274 million cans of food for the needy.

PUBLICATIONS

The Boy Scouts of America publishes three magazines for its members: *Boys' Life*, for all boys, once a month; *Exploring*, a magazine for young men and women and their Exploring leaders, four times a year; and *Scouting*, for all registered adults in Cub Scouting, Boy Scouting, and Exploring, six times a year.

In addition, handbooks for all phases of the Scouting program are published, as well as more than one hundred merit badge pamphlets for Boy Scouts, leader books, training pamphlets, several program helps booklets for unit leaders, and other literature for use by youth members, adult leaders, and parents.

FINANCIAL SUPPORT

The national council is supported largely through annual registration fees paid by all members, charter and service fees paid by local councils, an Annual Giving Campaign among national employees and selected volunteers, income from the sales of *Boys' Life* and *Scouting* magazines, and Scouting equipment, bequests, and special gifts. Local councils are supported by communities through the United Way, an annual Sustaining Membership Enrollment (SME)/ Friends of Scouting campaign, special events, foundation grants, investment income, bequests, endowment gifts, and special contributions.

On the unit level, chartered organizations that use the Scouting program provide meeting places and often furnish program materials and other facilities. Youth members help to pay their own way by paying dues to their pack, troop, team, or post treasuries, and through approved money-earning projects can earn additional income for their respective units.

MEMBERSHIP AND UNITS

Membership since 1910 totals more than ninety million. As of December 31, 1993, membership was 5,355,401.

Youth Members		Adult Members		Units	
Tiger Cubs	267,614	Cub Scout leaders	566,757	Cub Scout packs	52,097
Cub Scouts	988,357	Lone Cub Scout leaders	62	Boy Scout troops	44,510
Webelos Scouts	811,308	Boy Scout leaders	430,484	Varsity Scout teams	6,475
Lone Cub Scouts	94	Varsity Scout leaders	20,755	Explorer posts	20,907
Boy Scouts	914,139	Lone Boy Scout leaders	159	Learning for Life	
Varsity Scouts	65,053	Explorer leaders	86,269	Elementary	1,022
Lone Boy Scouts	255	Council Scouters	67,953	Middle/junior high	563
Explorers	380,903	Learning for Life leaders		High school	2,149
Learning for Life		Elementary	3,634	Special needs	1,887
Elementary	135,885	Middle/junior high	1,603		
Middle/junior high	70,830	High school	7,550		129,610
High school	481,251	Special needs	5,223		
Special needs	49,833				
	<u>4,165,173</u>		<u>1,190,228</u>		



BOY SCOUTS OF AMERICA

External Communications
1325 West Walnut Hill Lane
P.O. Box 152079, Irving, Texas 75015-2079
Telephone 214-580-2000

FACT SHEET

FOUNDERS OF SCOUTING AND THE BSA

ROBERT S. S. BADEN-POWELL

As a youth, Robert Baden-Powell greatly enjoyed the outdoors, learning about nature and how to live in the wilderness. After returning as a military hero from service in Africa, Baden-Powell discovered that English boys were reading the manual on stalking and survival in the wilderness he had written for his military regiment. Gathering ideas from Ernest Thompson Seton, Daniel Carter Beard, and others, he rewrote the manual as a nonmilitary nature skill book and called it *Scouting for Boys*. To test his ideas, Baden-Powell brought together 22 boys to camp at Brownsea Island, off the coast of England. This historic campout was a success and resulted in the advent of Scouting. Thus, the imagination and inspiration of Baden-Powell, later proclaimed Chief Scout of the World, brought Scouting to youth the world over.

ERNEST THOMPSON SETON

Born in Scotland, Ernest Thompson Seton immigrated to America as a youth in the 1880s. His fascination with the wilderness led him to become a naturalist, an artist, and an author, and through his works he influenced both youth and adults. Seton established a youth organization called the Woodcraft Indians, and his background of outdoor skills and interest in youth made him a logical choice for the position of first Chief Scout of the BSA in 1910. His many volumes of Scoutcraft became an integral part of Scouting, and his intelligence and enthusiasm helped turn an idea into reality.

DANIEL CARTER BEARD

Woodsman, illustrator, and naturalist, Daniel Carter Beard was a pioneering spirit of the Boy Scouts of America. Already 60 years old when the Boy Scouts of America was formed, he became a founder and merged it with his own boys' organization, the Sons of Daniel Boone. As the first national Scout commissioner, Beard helped design the original Scout uniform and introduced the elements of the First Class Scout badge. "Uncle Dan," as he was known to boys and leaders, will be remembered as a colorful figure dressed in buckskin who helped form Scouting in the United States.

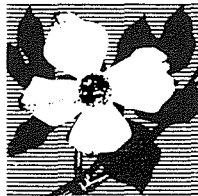
WILLIAM D. BOYCE

In 1909, Chicago publisher William D. Boyce lost his way in a dense London fog. A boy came to his aid and, after guiding the man, refused a tip, explaining that as a Scout he would not take a tip for doing a Good Turn. This gesture by an unknown Scout inspired a meeting with Robert Baden-Powell, the British founder of the Boy Scouts. As a result, William Boyce incorporated the Boy Scouts of America on February 8, 1910. He also created the Lone Scouts, which merged with the Boy Scouts of America in 1924.

JAMES E. WEST


James E. West was appointed the first Chief Scout Executive of the Boy Scouts of America in 1911. Although orphaned and physically handicapped, he had the perseverance to graduate from law school and become a successful attorney. This same determination provided the impetus to help build Scouting into the largest and most effective youth organization in the world. When he retired in 1943, Dr. West was recognized throughout the country as the true architect of the Boy Scouts of America.

CITY OF MILWAUKIE



FAX (503) 652-4433

*** MEMORANDUM *** January 24, 1995

To: Mayor and City Council
From: Dan Bartlett, City Manager 
Re: Traffic Safety Commission Request

Action Requested

Direct staff to continue to implement Traffic Regulation 256 to install traffic control signs, traffic control signals, or other traffic control devices to improve the safety of school crossings on 32nd Avenue.

Background

On November 30, 1994, I authorized Traffic Regulation 256 to address the safety concerns raised by the accident on 32nd Ave. This regulation was issued under the authority of Milwaukie Municipal Code Chapter 10.08.020. I issued this regulation after reviewing the site and consulting with the City Engineer. I based my decision on the guidelines established under Chapter 10.08.020. This decision was supported by a 32nd Avenue Signal Warrant Investigation completed by DKS Associates on December 4, 1994.

The Traffic Safety Commission at their January 9, 1995 meeting recommended: *"That the City curtail further action on any traffic signal device on 32nd Avenue until the Traffic Safety Commission has the opportunity to work with the 32nd Avenue Task Force to identify the most appropriate solutions for overall pedestrian safety."* The Commission has indicated that they would like to meet with the City Council to discuss this matter.

I believe that I made a commitment on behalf of the City to the residents of the Ardenwald/Johnson Creek Neighborhood to install the traffic signal and to study additional improvements to school traffic safety in this and all other Milwaukie neighborhoods. The City Council has adopted Resolution 3-1995 which directs the Traffic Safety Commission to complete a School Trip Safety Program for all elementary schools. I believe that the City's efforts are best directed at supporting the School Trip Safety Program, rather than back tracking on the approved traffic signal.

The City Council can forbid the installation or alter the Traffic Regulation, "if it appears that public safety or welfare does not require the installation or maintenance of a traffic sign, signal, marking or device, or is better served by the removal or alteration thereof (MCC 10.08.010)."

Attachments: Traffic Safety Commission Memo Dated January 10, 1995
Traffic Regulation No. 256
DKS Associates Letter Dated December 4, 1994.
Resolution 3-1995
Milwaukie Municipal Code 10.08
Milwaukie Municipal Code 2.24

cc: File
cm806/hd

2

CITY OF MILWAUKIE
TRAFFIC SAFETY COMMISSION

TO: City Council

THRU: Dan Bartlett, City Manager
Greg Drechsler, City Engineer

FROM: Richard Baker, Chair
Traffic Safety Commission

RE: 32nd Avenue pedestrian crossing signal

DATE: January 10, 1995

Richard Baker

Staff has informed the Traffic Safety Commission members that City Council has given the Traffic Safety Commission the responsibility of developing school trip safety programs for all elementary schools within the City. We understand that the development of these programs is contingent upon the Commission working with Task Force groups consisting of neighborhood associations, parent-teacher organizations, school district, advisory board members, and other interested residents of the areas involved.

In light of this responsibility, at our January 9, 1995 regular meeting the commission members voted unanimously in favor of the following recommendation to Council.

The Traffic Safety Commission recommends that the City curtail further action on any traffic signal device on 32nd Avenue until the Traffic Safety Commission has the opportunity to work with the 32nd Avenue Task Force to identify the most appropriate solutions for overall pedestrian safety.

The Traffic Safety Commission members respectfully submit this recommendation with the hope of gaining informed citizen consensus prior to the installation of any specific remedies to the traffic speed and pedestrian safety issues on or near 32nd Avenue. The Commission would welcome the opportunity to meet with the Mayor and City Council if any questions exist about the intent or impetus of this recommendation.

CITY OF MILWAUKIE, OREGON

TRAFFIC REGULATION NO. 256DATED 11/30/94

As provided in City of Milwaukie Municipal Code Section 10.08.020, and having based my determination only upon:

- a) traffic engineering principles and traffic investigations,
- b) standards, limitations and rules promulgated by the State Highway Commission,
- c) other recognized traffic control standards,

I hereby establish the following traffic regulation which will take effect as soon as the appropriate signs or markings are displayed in the areas affected.

Install traffic control signs, traffic control signals, or other traffic control devices to improve the safety of school crossings on 32nd Ave. in the vicinity of Ardenwald School for children on their way to and from school. The location(s) of the devices shall be approved by the City Engineer before placement. A school route safety plan as defined in the Manual on Uniform Traffic Control Devices (MUTCD), Part VII, Traffic Controls for School Areas, should be developed in conjunction with these devices to maximize their use by the students. This route should guide students over the best path to use while traveling to and from school.


Dan R. Bartlett, City Manager

cc: Police Dept.
Public Works Administration
Public Works Sign Shop
Court

4

DKS Associates

921 S.W. Washington Street, Suite 612
Portland, OR 97205-2824
Phone: (503) 243-3500
Fax: (503) 243-1934

RECEIVED
DEC 15 1994

December 4, 1994

CITY OF MILWAUKIE
OFFICE OF THE CITY ENGINEER

Mr. Gregory J. Drechsler
City Engineer
City of Milwaukie
6101 SE Johnson Creek Boulevard
Milwaukie, OR 97206

Subject: 32nd Avenue Signal Warrant Investigation

P94208x0

Dear Greg:

DKS Associates has completed an investigation of signal warrants on 32nd Avenue at Roswell Street and Wake Street in Milwaukie. The information for this investigation has been gathered over the past four days following your authorization to proceed with this analysis. The focus of this investigation is the segment between Wake Street and Roswell Street. An attachment including all the data collected and background materials on school area safety.

BACKGROUND DATA

32nd Avenue is a two lane roadway (about 27 feet wide with sidewalks on each side of the street) which was reconstructed in the last year. Daily traffic volume (measured November 29, 1994) on 32nd Street is about 6,000 to 7,000 vehicles a day. The hourly variation in traffic volume is shown in Figure 1 which indicates that the evening peak hour (5:00 to 6:00 PM) is the period with the greatest traffic. Table 1 summarizes some recent traffic counts in the area. Peak hour traffic volumes range from 410 vehicles per hour (vph) in the morning (63% northbound) to a similar amount (410 vph, with 56 percent southbound) in the afternoon period when school lets out to 620 vph in the evening peak hour (with 60 percent southbound). The variation in hourly traffic volume is shown in Figure 1¹. Traffic counts performed on 32nd Avenue at the same location south of Roswell Street in 1991 and 1994 indicate that traffic has increased from 470 vph to 600 vph in the evening peak hour (over 25 percent increase) but indicated a decrease compared to the morning peak hour counts (from 500 to 410 vph, about an 18 percent decrease)².

¹ - Based upon machine traffic counts on 32nd Avenue south of Wake Street (November 1994).

² - 1991 data from *SE 32nd Avenue Transportation Network Study*, City of Milwaukie, by McKenzie Engineering Inc, December 1992, Figures II-2 and II-3, counts conducted November 1991. 1994 data from intersection turn counts at 32nd/Roswell, November 1994.

Figure 1
Traffic Variation over the Day

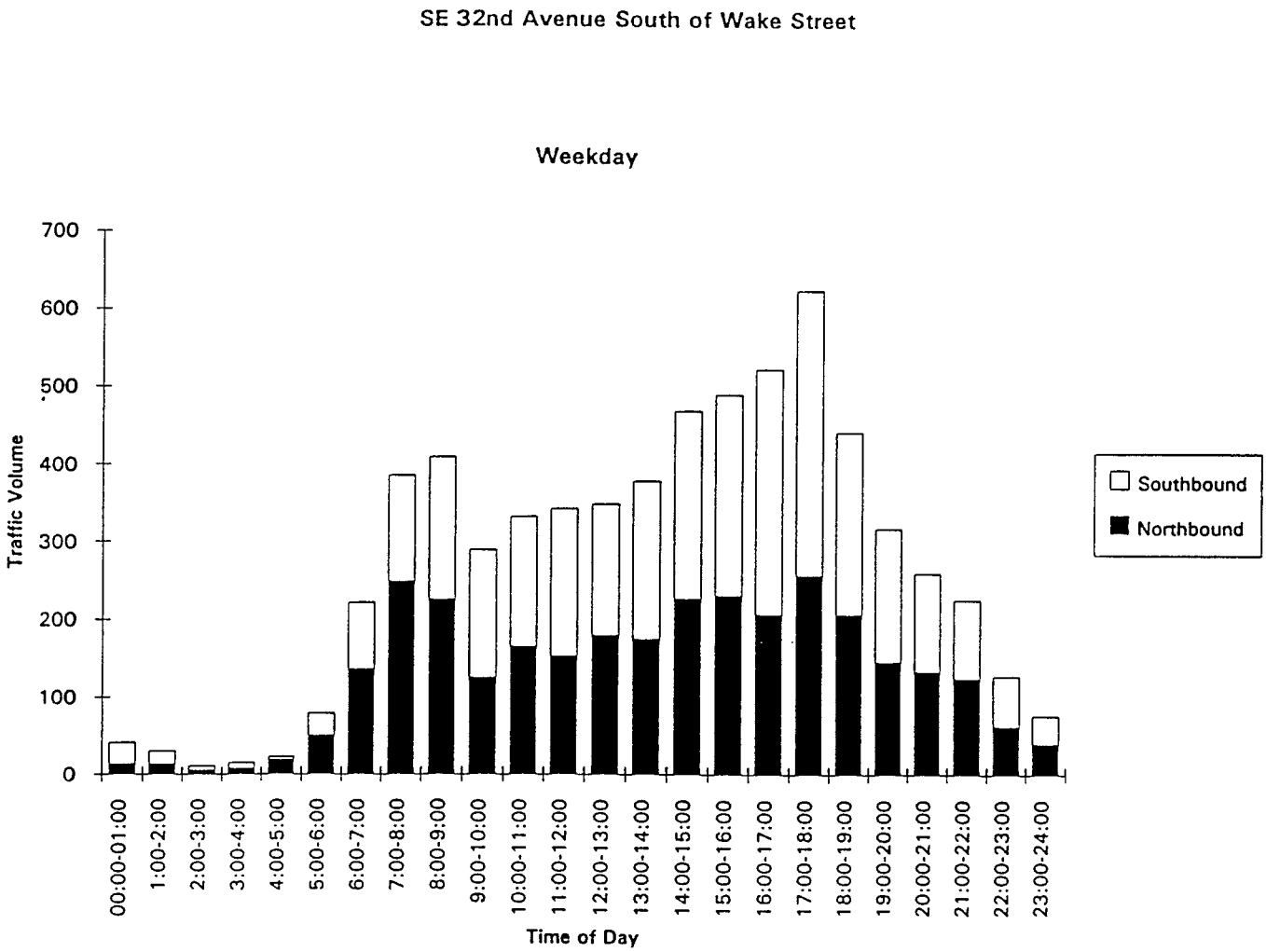


Table 1
Traffic Counts on 32nd Avenue

Location	Daily Two-Way Vehicle Count
North of Van Water Street April 26, 1994 ¹	5,700
South of Wake Street September 14/15, 1994 ²	7,480
South of Wake Street November 29/30, 1994 ³	6,000

- 1 - Traffic Smithy Count Files
- 2 - City of Milwaukie count from speed wagon
- 3 - Traffic Smith count for this study

Traffic flow is during the peak traffic conditions of the day are at level of service "A" conditions based upon unsignalized intersection methodology outlined in the 1985 Highway Capacity Manual. This manual provides the approach to compute capacity of intersections and the general ratings A (best) through F (worst), similar to a report card. Level of service D is the generally accepted standard for planning urban roadways.

The cross streets to 32nd Avenue have stop signs while

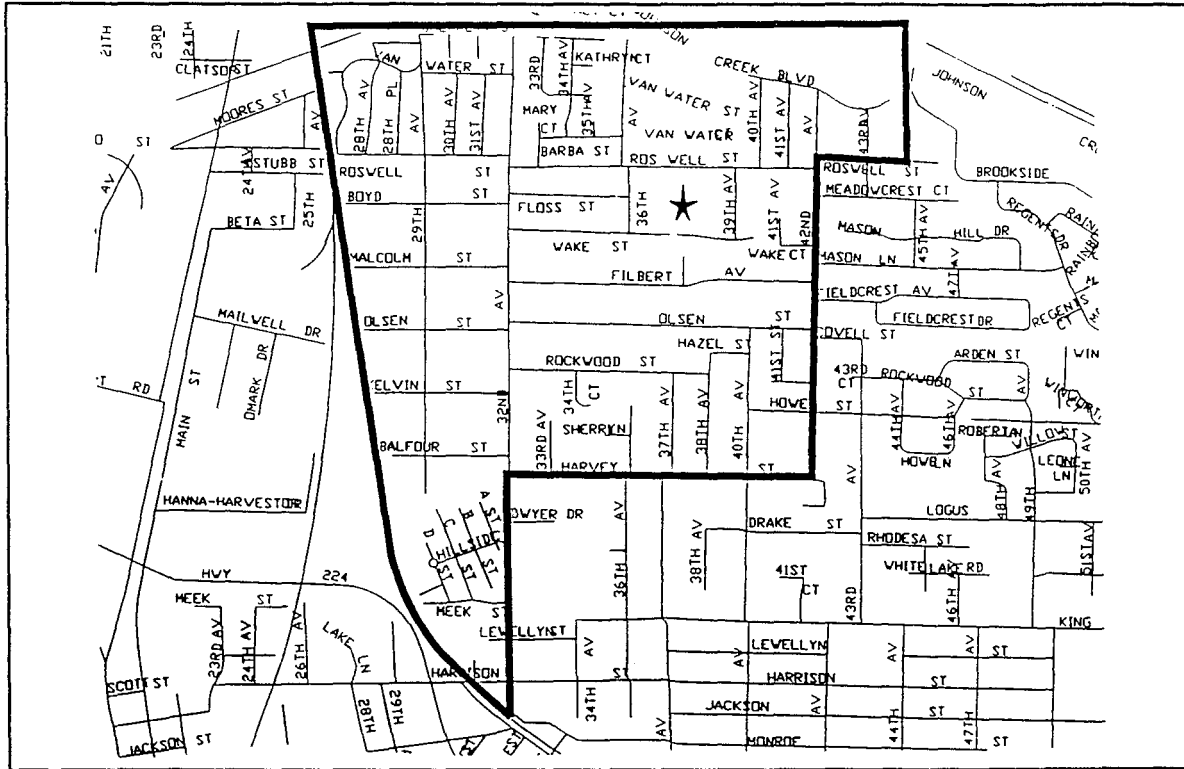
32nd Avenue does not have stop signs. The posted speed zone is 25 miles per hour (mph) with a 20 mph school speed zone in place between Wake Street and Roswell Street where there are three marked school pedestrian crossings. Traffic speeds have been observed under two sets of conditions. In September the City of Milwaukie placed their "speed wagon" on 32nd Avenue south of Wake Street. The 85th percentile speed for southbound traffic was 29 mph and for northbound traffic was 32 mph. A second observation of vehicle speed was conducted November 1994 over three days without the "speed wagon". The 85th percentile speed in both directions of travel over the survey period was 34 mph (2 to 5 mph higher). The second survey was performed with road tubes where drivers are not aware their speed is being measured and probably provides a better measurement of existing vehicle speeds.

There are two sets (one northbound and one southbound) of Tri-Met bus stops on 32nd Avenue for route 75. One bus stop pair is on the near sides of the Roswell Street crosswalk of 32nd Avenue and the other bus stop pair is on the near sides of the Floss Street crosswalk.

Ardenwald Elementary School is located 1,000 feet east of 32nd Avenue between Roswell Street and Wake Street. The school generally has about 325 students. The school was originally erected in 1924 and has a current school boundary as shown in Figure 2. School starts at 8:30 AM and lets out at 2:45 PM. The boundary for the school is about two-thirds of a mile long and wide. School busing which was done previous to this school year was eliminated this year in budget changes which responded to ballot Measure 5.

Children accessing Ardenwald School represent the majority of pedestrian traffic on 32nd Avenue. People accessing Tri-Met buses on 32nd Avenue represent the other significant component of pedestrian travel. During the morning period before school over 50 pedestrians cross 32nd Avenue between Wake Street and Roswell Street. Children typically use the south side of Roswell Street approaching the school from the west and both sides of Wake Street.

Figure 1
School Boundary Map



Street lighting is provided on 32nd Avenue and light measurements were conducted at the pedestrian crossings of Roswell, Wake and Floss Streets³. Based upon the collector classification of lighting, the level of lighting in the travelled way for each of the crossings exceeds the standard⁴. Table 2 provides a summary of the measurements at each crossing.

Table 2
Illuminance Measurements (Lux)

Location	West Sidewalk	Travelled Way	East Sidewalk
Roswell Crosswalk	18	25	19
Floss Crosswalk	12	35	9.2
Wake Crosswalk	20	25	12

³ - Field measurements by DKS Associates on December 1, 1994, 5:30 AM, using Gossen 4035 exposure meter.

⁴ - *An Informational Guide for Roadway Lighting*, American Association of State Highway and Transportation Officials, 1984, Table 3, page 18, Collector/Intermediate/R2&R3, Average Illuminance in travelled way = 9 Lux.

TRAFFIC CONTROL WARRANTS

The *Manual on Uniform Traffic Control Devices for Streets and Highways*⁵ provides the basis for investigating traffic control devices. Traffic signals have a series of eleven warrants. The satisfaction of a warrant or warrants is not in itself justification for a signal. Overall safety and or operation of an intersection must be improved by a traffic signal to justify installation. Adequately designed traffic signals are expensive to install (\$70,000 to \$100,000) and to operate/maintain (\$2,500 to \$5,000 per year). Pedestrian only signals can be installed for \$20,000 to \$40,000. The following sections outline the investigation of warrants for 32nd Avenue at Roswell and Wake Streets.

Warrant 1 - Minimum Vehicular Volume

Location	Minimum Volume Warrant (vph)	Existing 8th Highest Hour Volume (vph)	Warrant Status
32nd Avenue	500	306	NOT
Roswell Street	150	63	MET
32nd Avenue	500	219	NOT
Wake Street	150	23	MET

Warrant 2 - Interruption of Continuous Traffic

Location	Minimum Volume Warrant (vph)	Existing 8th Highest Hour Volume (vph)	Warrant Status
32nd Avenue	750	306	NOT
Roswell Street	75	63	MET
32nd Avenue	750	219	NOT
Wake Street	75	23	MET

Warrant 3 - Minimum Pedestrian Volume

Location	Pedestrians - One Hour Warrant Volume		Pedestrians - 4th Highest Hour Warrant Volume		Warrant Status
32nd Avenue with Combine of Roswell/Floss/Wake	95	52	50	5	NOT MET

⁵ - *Manual on Uniform Traffic Control Devices for Streets and Highways*, US DOT, FHWA, 1988.

Pedestrian volumes for the three crossings at Roswell, Floss and Wake Streets were combined. This was done to test the warrant on the basis if the combined volumes did not meet the warrant, the individual crossings would not meet the warrant. Additionally, if a pedestrian signal were installed, school children could be instructed to only use the signalized crossing of 32nd Avenue. The pedestrian volume (normally 100 for fourth highest hour and 190 for the peak hour) warrant was reduced to account for potential of slower crossing speeds of children. The counts were conducted on a day with rainfall in the afternoon. Following the pedestrian accident which occurred in November, many parents drove their children to school. These conditions would tend to reduce the pedestrian volumes which were observed.

With a safe route to school program organized for the school, the number of school children crossing at a signal protected crossing could increase substantially from the numbers observed due to three conditions:

- Designation of a safe, organized route to school
- Consolidation of pedestrians from the south not crossing 32nd Avenue until the signalized crossing
- Warmer weather conditions in the fall or spring time
- Fewer people driving their children to school if a signalized crossing is provided for 32nd

While the four hour volume warrant would generally not be met, the peak hour volume could increase significantly. Since about half of the students live west of 32nd Avenue, it was generally assumed that the pedestrian volume could double from that observed in the winter conditions following the accident. In that case this warrant may be met. The conditions under which this would occur would require:

- School educational program regarding safe route to school be developed to consolidate crossings
- Sidewalks be installed along Wake Street leading up to the doorways to the school to provide a safe path for children from 32nd to the school
- Reinforcement of the safe route to school using adult crossing guards, periodic review by police (on or off duty) especially at the beginning of the school year when children go and return from school
- Other school crossings of 32nd Avenue be removed to avoid confusion with the designated safe route to school

Attachments are provided regarding safe route to school programs which have been developed and a sample program for a city⁶. Additionally, *Traffic Control Devices Handbook* sections on school areas is provided which also outlines establishing school routes⁷.

Warrant 4 - School Crossing

This warrant is based upon two investigations. The first investigation involves comparing the percent of pedestrian delay time (D). For 32nd Avenue the warrant would require $D = 78\%$. Based upon the surveyed gap data, this warrant would not be met during any 15 minute period of the day.

The second investigation involves comparing the adequate gaps in traffic. During the morning and afternoon peak 15 minutes when the majority of school children cross 32nd Avenue there needs to be at least 15 gaps in traffic which exceed 14 seconds⁸. School begins at 8:30 AM and ends at 2:45 PM. Students are encouraged to be at school by 8:15 AM. Based upon field observations, the majority of school children crossing of 32nd Avenue occurs from 7:45 to 8:30 AM and from 2:45 to 3:30 PM. Gaps were measured over a 24 hour period on 32nd Avenue⁹ and measurements at the time the majority of school children cross 32nd Avenue are shown below.

Morning Time Period	Number of Gaps > 14 seconds	Afternoon Time Period	Number of Gaps > 14 seconds
7:45 - 8:00 AM	16	2:45 - 3:00 PM	20
8:00 - 8:15 AM	15	3:00 - 3:15 PM	15
8:15 - 8:30 AM	23	3:15 - 3:30 PM	16

Based upon the available gap data, **this warrant may be met**. Based upon field observations, the availability of gaps for grade school children is marginal for crossing of 32nd Avenue. Since there is on one acceptable gap per minute in each of the 15 minute periods when school children would be crossing 32nd Avenue and recent data has indicated potential for traffic growth, this warrant would likely be met in the near future (within a year).

Should a signal be installed based upon this warrant it should address the three issues outlined in the MUTCD:

⁶ - State of California summary is provided along with a City which implemented the program.

⁷ - *Traffic Control Device Handbook*, US DOT, FHWA, 1983.

⁸ - Based upon formula of Gap = [28 feet/3.5 ft. per second] + 2 second perception/reaction + 2 seconds clearance. Clearance based upon three rows of pedestrians (2*(3-1)).

⁹ - Count conducted between December 1, 1994 and December 2, 1994.

- Pedestrian indications be provided (symbols of a pedestrian - walk, and a hand - don't walk)
- If the signal is provided at an intersection, traffic actuation should be provided on the cross street. Additionally, advance traffic detection should be used to minimize disruption of through moving traffic on 32nd Avenue to interruptions created by the cross street (since it does not meet the volume warrant). There are three locations for a possible intersection signal as a school crossing. These are Roswell, Floss/Boyd and Wake Streets (since they are directly accessible to Ardenwald School). Both Roswell and Floss/Boyd are offset intersections and would be undesirable for a school crossing signal. Wake Street is a tee-intersection which would be the preferable location of an intersection signal (the driveway to Lisac's store is opposite Wake Street and is very low volume - if a signal is placed in this location, this driveway should eventually (in the future) be closed).
- If the signal is not at an intersection, the signal should be pedestrian actuated. Parking and other obstructions should be prohibited 100 feet in advance of the crossing and 20 feet beyond the crossing. Additionally, enough separation is needed from the crossing to the adjacent cross streets to allow at least one vehicle to wait to turn left from the main street without blocking the pedestrian crossing. There are basically four locations where a potential pedestrian signal may be a school crossing on 32nd Avenue (between Roswell & Floss, Boyd & Wake, Wake and Malcom and Filbert and Olson). There is warrant for only one signal based upon the above data. Consideration of centrally locating the signal to maximize the consolidation of school children crossing 32nd, eliminate scattered crossings of 32nd Avenue (as they occur today), and minimize any out of direction travel would be key objectives. Relative to walking distances, the locations immediately north or south of Wake Street would meet this objective.

Final evaluation of any potential signal placement under this warrant should be conducted jointly between the City of Milwaukie (the owners), Clackamas County (the maintainers) and the North Clackamas School District/public (representing the users).

Warrant 5 - Progressive Movement

This warrant is not applicable since there are no adjacent signals.

Warrant 6 - Accident Experience

This warrant requires that at least five accidents correctable by traffic signal control have occurred in a 12 month period. Based upon the accident data reported by ODOT for the years from 1989 through 1993, there have been no more than one reported accident at either Roswell or Wake Streets in a given year and the reported accidents would not be correctable by a traffic signal. It should be noted that there were two rear end accidents on 32nd Avenue where vehicles were hit that were stopped to turn left. Rear end accidents are a type that can be increased by installation of a traffic signal which is not warranted. There was a recent pedestrian accident (November 1994) at the intersection of 32nd and Roswell. Recent data for the current year (through June 1994) indicate that there were two accidents at Roswell, one at Boyd Street. These data would not meet warrant 6.

Warrant 7 - System Warrant

This warrant requires a total entering volume to an intersection to be 1,000 vehicles per hour. The peak hour entering traffic at 32nd/Roswell is 665 vph and at 32nd/Wake is 660 vph. While traffic has increased on 32nd Avenue, it would take a doubling of traffic to meet the traffic volume warrants. This level of increased traffic is unlikely based upon regional forecasts and this warrant is not met.

Warrant 8 - Combination Warrant

This warrant is met if warrants 1 and 2 are both met to 80 percent of their warrants.

80% of Warrant 1:

Location	Minimum Volume Warrant (vph)	Existing 8th Highest Hour Volume (vph)	Warrant Status
32nd Avenue Roswell Street	400 120	306 63	NOT MET
32nd Avenue Wake Street	400 120	219 23	NOT MET

80% of Warrant 2:

Location	Minimum Volume Warrant (vph)	Existing 8th Highest Hour Volume (vph)	Warrant Status
32nd Avenue Roswell Street	600 60	306 63	NOT MET
32nd Avenue Wake Street	600 60	219 23	NOT MET

Warrant 9 - Four Hour Volumes

The attached figure shows this warrant is not met.

Warrant 10 - Peak Hour Delay

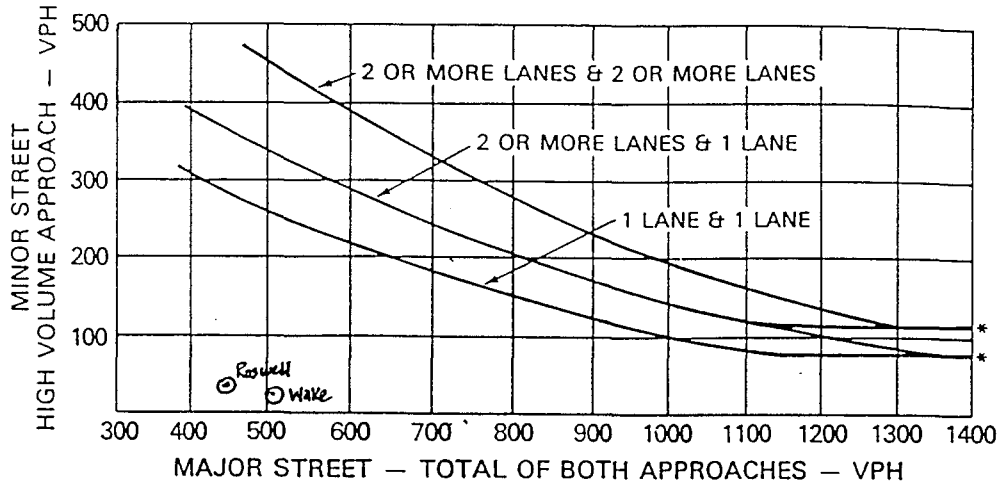
The minor street approach volumes in the evening peak hour on Roswell Street (43 vph) and Wake Street (21 vph) are below the warrant of 100 vph. This warrant is not met.

Warrant 11 - Peak Hour Volume

The attached figure shows this warrant is not met.

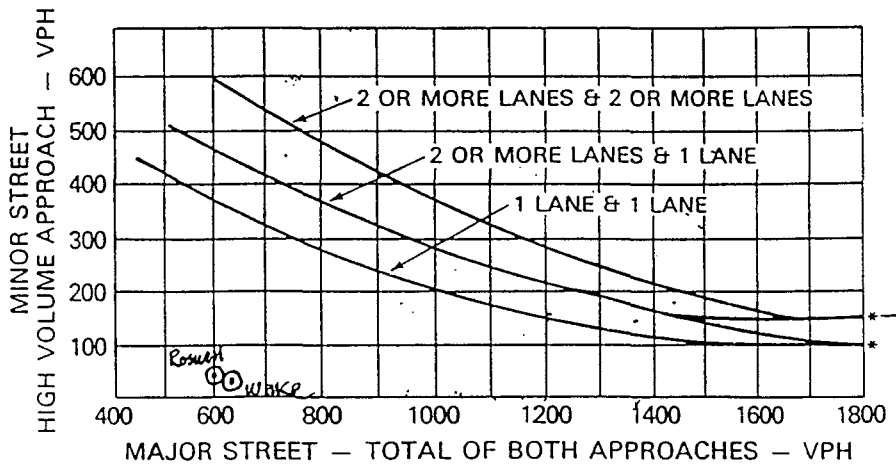
Warrants 9 and 11

FIGURE 4-7. FOUR HOUR VOLUME WARRANT



*NOTE: 115 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES AND 80 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACHING WITH ONE LANE.

FIGURE 4-5. PEAK HOUR VOLUME WARRANT



*NOTE: 150 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACH WITH TWO OR MORE LANES AND 100 VPH APPLIES AS THE LOWER THRESHOLD VOLUME FOR A MINOR STREET APPROACHING WITH ONE LANE.

Summary of Traffic Signal Warrants

There are only two traffic signal warrants which may potentially be met on 32nd Avenue - pedestrian volume and school crossing. The pedestrian volume warrant is not met based upon data collected, but based upon differing weather conditions, parents decision to drive children to school and consolidation of crossing 32nd Avenue at one location (rather than a half dozen) it may be met. Based upon the data collected, the school crossing warrant of less than one gap per minute during key crossing times is likely met today, without traffic growth and would be met with small growth in traffic.

OTHER TRAFFIC CONTROL

Stop Sign

The MUTCD provides warrants for multi-way stop sign installations¹⁰. The warrants are not met at Roswell, Floss/Boyd or Wake Street. The minimum volume of 500 vehicles per hour for eight hours is only met for four hours at these locations.

Adult Crossing Guards

There are no local criteria for warranting adult crossing guards. The guidelines provided in the *Traffic Control Devices Handbook* would be met. There is no alternate controlled crossing of 32nd Avenue with 600 feet and traffic volumes exceed 350 vph (410 vph in morning and 470 vph in the afternoon) during the two key hours for school crossing of 32nd Avenue. With consolidation of pedestrian crossing, the 40 pedestrian per hour warrant would also be met. Crossing guards can substantially reduce school crossing accidents, result in high user compliance of the crossings and are noticed by the majority of drivers¹¹. Combined with a school safety program (training and designated routes), crossing guards are an effective means of improving safety of school children.

School Safety Patrol

Ardenwald School uses Safety Patrols in front of the school where the students can be supervised. Use of School Safety Patrol on 32nd Avenue would not be appropriate, without extensive training and older students.

Flashing Yellow Beacons

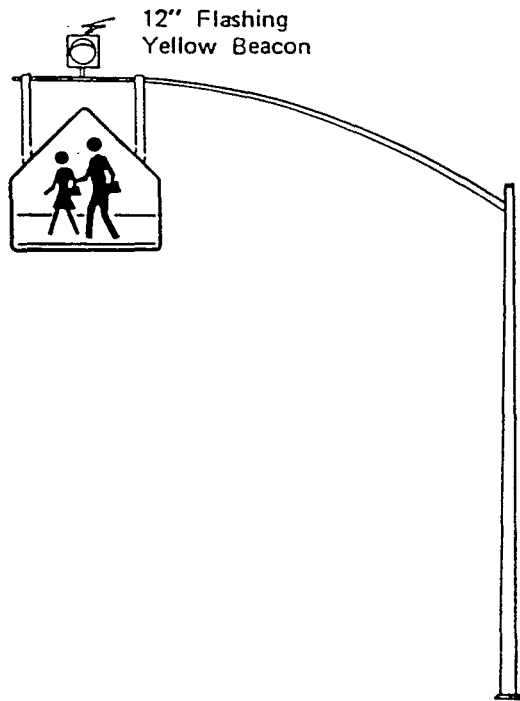
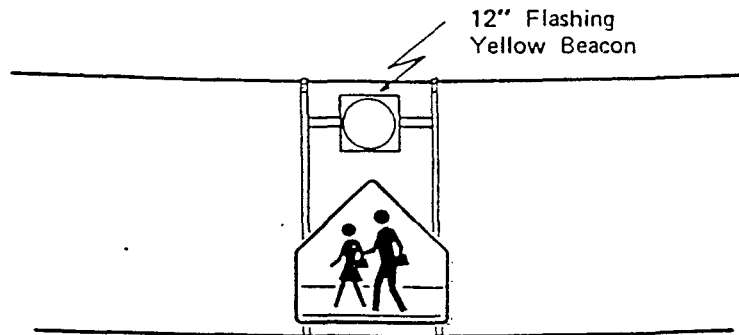
Overhead flashing yellow beacons can be used to supplement a school crossing signs (Figure 3). This application is used as conditions warrant. MUTCD also includes a flashing yellow beacon combined with the 20 mph speed zone sign (speed zone becomes applicable when lights flash, during school hours; see attachment from the *Traffic Control Devices Handbook*). Oregon does not use this device. The City of Salem is presenting legislation for the next biennium to gain authority to use these signs in Oregon. These devices could be considered in lieu of a traffic signal to slow traffic and improve the availability of gaps for crossing school children.

¹⁰ - *Manual on Uniform Traffic Control Devices for Streets and Highways*, US DOT, FHWA, 1988, section 2B-6.

¹¹ - *Model Pedestrian Safety Program, Users Manual*, FHWA, June 1978, page 168 (see attachment).

Figure 3
Overhead School Crossing Sign

SCHOOL SIGNING
OVERHEAD SCHOOL CROSSING SIGN



Traffic Signing

School crossing signing is outlined in the ODOT Sign Policy and Guidelines¹¹. Crossings on 32nd Avenue are already marked according to these guidelines. These signs may be supplemented by the following:

- Use high reflectivity background sheeting for school crossing signs.
- Use of strong yellow green crossing signs (these are test signs using a new color)

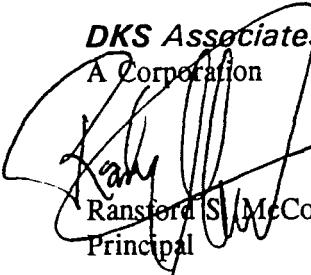
The strong yellow green signs are under a demonstration by the Federal Highway Administration (FHWA). Oregon has been one of the states that has experimented with the strong yellow green signs. Portland, Corvallis and Salem are some of cities which have test locations in place. The Oregon Traffic Control Devices Committee has controlled this demonstration in Oregon. Initial results have indicated that the signs do not affect vehicle speeds in the school crossing zones¹². The test signs generally have included upgraded reflectivity along with the color change. The reflectivity change was not evaluated.

While the City of Milwaukie has received authority to use the strong yellow green sign, it is only on a demonstration basis and includes mandated before and after data collect/research to supplement ongoing FHWA research. Because this is not an approved traffic control device in Oregon, use of this sign should not be considered without appropriate coordination with the Oregon Traffic Control Device Committee and commitment to conduct and complete federally mandated research (which could amount to \$2,000 to \$4,000 per installation). Research has not proven whether the signs are effective or are only different today based on the unusual color but will be like any other sign if used in broad application. Since FHWA will make a determination on the future of strong yellow green in the near future, application of these signs at that time will be more effective as a standardized application (and without research commitments).

Should you have any questions regarding this evaluation of traffic control warrants, please do not hesitate to call me.

Sincerely,

DKS Associates
A Corporation


Ransford S. McCourt, P.E.
Principal

attachment

nm/P94208/32ndave.rpt

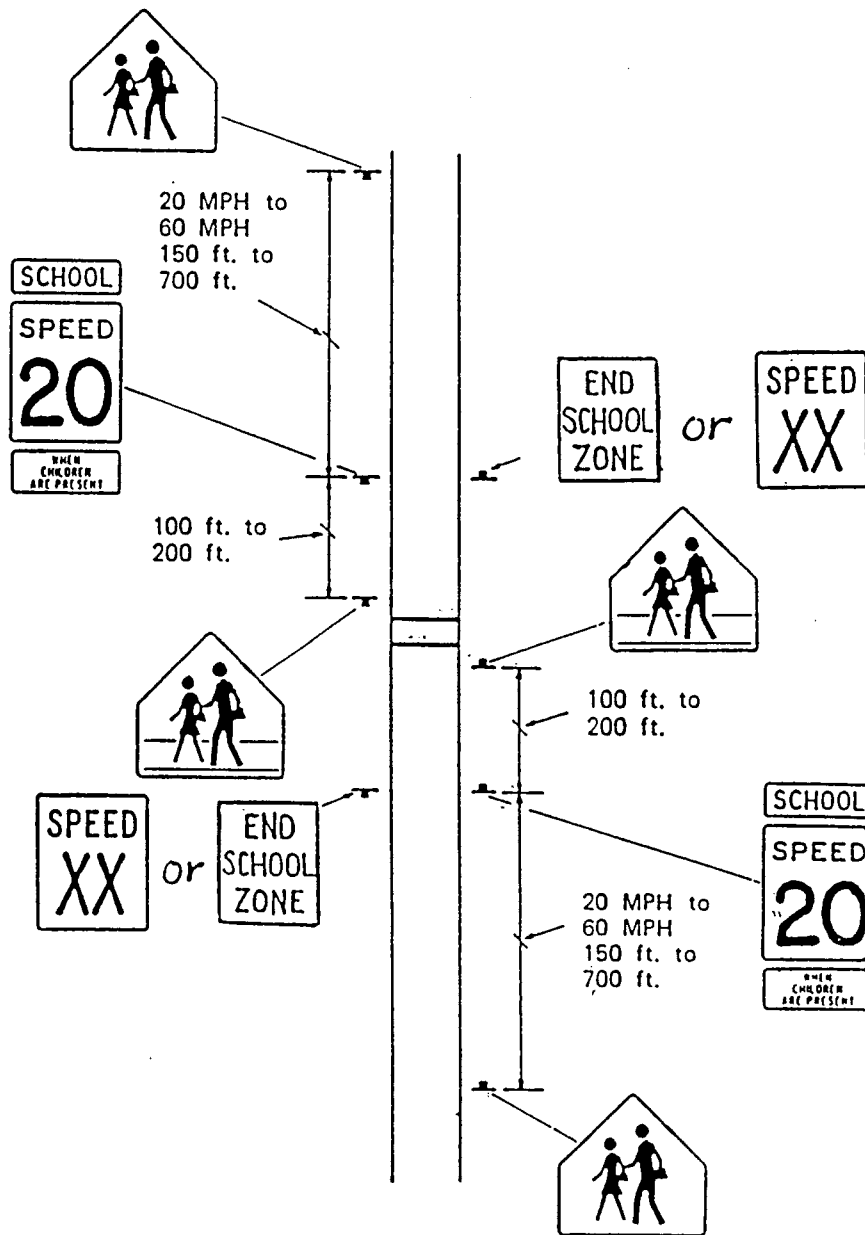


¹¹ - Sign Policy and Guidelines for the State Highway System, ODOT.

¹² - Based upon telephone conversations with City of Salem and City of Portland staff, December 1 +2, 1994.

Figure 4
ODOT School Signing

SCHOOL SIGNING
PAINTED CROSSWALK AWAY
FROM SCHOOL GROUNDS



RESOLUTION NO. 3-1995

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DIRECTING THE TRAFFIC SAFETY COMMISSION TO DEVELOP A RECOMMENDED SCHOOL TRIP SAFETY PROGRAM.

WHEREAS, the City Vision Statement calls for City efforts to: Maintain Milwaukie as a good place to live which is: Clean, Safe, Responsive, and Provides Quality Services; and

WHEREAS, an incident in the Ardenwald-Johnson Creek Neighborhood has raised public awareness over School Trip Safety; and

WHEREAS, members of the City Council, Traffic Safety Commission, and City Staff have attended community meetings on the problem; and

WHEREAS, the Milwaukie Municipal Code, Chapter 2.24.070 identifies researching, developing, and implementing coordinated traffic safety programs which meet local needs among the duties and responsibilities of the Traffic Safety Commission.

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

The Traffic Safety Commission work over the next twelve months to develop a City-wide School Trip Safety Program for elementary schools as defined by the Recommended Practice by the Institute of Transportation Engineers, Technical Committee 4A-1.

While completing this charge, the Traffic Safety Commission should consider using Task Forces for each elementary school composed of members of the Commission, Parent Teacher Organization Members, Appointed Advisory Board Members, Staff Members, Neighborhood Association Members, and other interested residents.

Introduced and adopted by the City Council on January 3, 1995.

By Craig J. Lomnicki
Craig J. Lomnicki, Mayor

ATTEST:
Pat DuVal
Pat DuVal, City Recorder

APPROVED AS TO FORM:
O'Donnell, Ramis, Crew, Corrigan & Bachrach

Chapter 10.08

**ADMINISTRATIVE AND
ENFORCEMENT PROVISIONS**

Sections:

- 10.08.010 Powers of city council.**
- 10.08.020 Powers of city manager—Adoption of traffic regulations.**
- 10.08.030 Authority of police and fire officers.**
- 10.08.040 Violation—Penalty.**

10.08.010 Powers of city council.

A. After approval by the State Highway Commission where such approval is required by the Motor Vehicle Laws of Oregon and for the best use of the streets in the public interest, the council shall designate by resolution the following traffic controls which shall become effective upon installation of appropriate traffic signs, signals, markings or devices:

1. Through streets;
2. One-way streets;
3. Truck routes;
4. Streets where trucks, machinery or any other large or heavy vehicles exceeding specified weights are prohibited, except for delivering or picking up materials or merchandise but then only by entering such streets at the intersection nearest the destination of the vehicle and leaving by the shortest route.

B. Except when contrary to the state law, if it appears that public safety or welfare does not require the installation or maintenance of a traffic sign, signal, marking or device, or is better served by the removal or alteration thereof, the council may, by resolution, forbid the

installation or order the removal or alteration thereof, the council may, by resolution, forbid the installation or order the removal or alteration of any traffic sign, signal, marking or device that is proposed or installed under Section 10.08.030 of this chapter. Such traffic controls shall become inoperative only when removed or altered.

C. The city council shall by resolution determine and set fees for parking. (Ord. 1360 § 2, 1977)

**10.08.020 Powers of city manager—
Adoption of traffic
regulations.**

A. In making the best use of streets and sidewalks for vehicle traffic and parking and pedestrian traffic, the city manager is authorized to provide appropriate and reasonable regulation of the classes of traffic signs, signals, markings and devices described in subsection B of this section of the streets, sidewalks and other public property of the city as are found appropriate for public safety, convenience and welfare. Subject to approval by the State Highway Commission where such approval is required by the Motor Vehicle Laws of Oregon, the city manager shall base his determinations only upon:

1. Traffic engineer principles and traffic investigations;
2. Standards, limitation and rules promulgated by the State Highway Commission; and
3. Other recognized traffic control standards.

B. Pursuant to subsection B of this section, the city manager may establish, maintain, remove or alter the following classes of traffic controls:

1. Street areas and city-owned or leased land upon which parking may be entirely prohibited or prohibited during certain hours and the angle of such parking;

2. The location and the time of operation of traffic control signals;

3. Bus stops, bus stands, taxicab stands and stands for other passenger common carrier vehicles;

4. The location of passenger loading zones for use in connection with a hotel, auditorium, theater, church, school or public building;

5. Loading zones for commercial purposes;

6. Intersections or areas where drivers of vehicles shall not make right, left or U-turns and the time when the prohibition applies;

7. Crosswalks, safety zones, parking spaces, traffic lanes and other symbols;

8. Traffic control signs;

9. All other signs, signals, markings and devices required to implement traffic and parking controls enacted by the council or required by state law or regulation.

C. Pursuant to subsection A of this section, the city manager may provide for the experimental or emergency traffic regulation of a temporary nature that shall not remain in effect more than thirty days. No experimental or emergency regulation is effective until adequate traffic signs, signals, markings or devices are erected clearly indicating the regulation.

D. The city manager shall not remove or alter a traffic sign, signal, marking or device if his act would be contrary to state law or ordinance. If a traffic sign, signal, marking or device is installed under authority of a resolution of the council, the council shall first approve any change or alteration by the city manager. (Ord. 1360 § 3, 1977)

10.08.030 Authority of police and fire officers.

A. For the violation of any provisions of this title, a police officer may issue a citation which shall be in the form required by ORS 153.515.

B. A private person may commence an action for a violation of any of the provisions of this title by:

1. Completing a citation in the same form required by police officers; and

2. Certifying before a magistrate, clerk or deputy clerk of the court that he has reason to believe, and does believe, that the person cited committed the offense contrary to the provisions of this title.

C. In the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of this title.

D. When at the scene of a fire, members of the fire department may direct or assist the police in directing traffic. (Ord. 1584 § 1(A), 1986; Ord. 1360 § 4, 1977)

10.08.040 Violation—Penalty.

Violation of this title shall be punishable by fine or impoundment of the vehicle, or both. (Ord. 1360 § 11, 1977)

2.24.010

Chapter 2.24

TRAFFIC SAFETY COMMISSION

Sections:

- 2.24.010 Created.**
- 2.24.020 Membership—Term.**
- 2.24.030 Expiration of term.**
- 2.24.040 Election of officers.**
- 2.24.050 Compensation—Record of proceedings.**
- 2.24.060 Meetings.**
- 2.24.070 Duties and responsibilities.**
- 2.24.080 General operating policies.**
- 2.24.090 Professional staff and ancillary staff.**

2.24.010 Created.

There is created a traffic safety commission for the city and the immediate sphere of influence of the city. (Ord. 1284 § 1, 1973)

2.24.020 Membership—Term.

The commission shall consist of seven members appointed by the mayor with the consent of the council, with two members recommended by the North Clackamas School District, one of whom must be a student of the Milwaukie High School. Not more than three members may be nonresidents. Members shall hold office for two-year terms and may not serve more than two consecutive terms; provided, that the city council may waive this limitation if it is in the best interest of the city to do so. Vacancies shall be filled by appointment by the mayor with the consent of the council for

the unexpired portion of the term. Members may be removed by the council for cause. (Ord. 1476, 1980; Ord. 1450 § 2, 1980; Ord. 1444 § 3, 1980; Ord. 1382 §§ 1, 2, 1978; Ord. 1284 § 2, 1973)

2.24.030 Expiration of term.

From the effective date of the ordinance codified in this section, the terms of office for the traffic safety commission shall expire on June 30th and the new terms shall begin on July 1st. (Ord. 1488 § 2 (part), 1981)

2.24.040 Election of officers.

The traffic safety commission at its first meeting shall elect a president and a vice president, who shall be members appointed by the mayor and who shall hold office during the pleasure of the commission. (Ord. 1284 § 3, 1973)

2.24.050 Compensation—Record of proceedings.

The members of the traffic safety commission shall receive no compensation. The traffic safety commission shall elect a secretary who need not be a member of the commission. Such secretary shall keep an accurate record of the proceedings of the commission and the commission shall, on the first day of February of each year, make and file with the city council a report of all transactions of the commission. The commission shall hold an official meeting at least bimonthly and a quorum at such meeting shall consist of not less than four members. (Ord. 1284 § 4, 1973)

2.24.060 Meetings.

The commission shall establish rules for the conduct of its business consistent with state law and city ordinances. All meetings of the commission shall be subject to the requirements of ORS 192.610 through 192.690. A majority of the members shall constitute a quorum for the conduct of business and the concurrence of a majority of the members present shall be required to decide any matter. The commission shall report at least quarterly to the city council upon its activities. (Ord. 1444 § 4, 1980; Ord. 1284 § 5, 1973)

2.24.070 Duties and responsibilities.

A. The commission shall be specifically responsible for, but not limited to, the following:

1. Researching, developing and implementing coordinated traffic safety programs which meet local needs:

2. Acting in an advisory capacity to the city council and city manager in coordination of traffic safety activities of the official agency of the city, county and state;

3. Upon request, provide research and furnish information to the city, county and state officials:

4. Promote public acceptance of official programs proposed or investigated by the city:

5. Foster public knowledge and support of the traffic law enforcement and traffic engineering problems:

6. Cooperate with the public and private school systems in the promotion of traffic safety aids to the schools and city:

7. Promote the education of the public on traffic safety:

8. In general, assist in the overall reduction of traffic accidents, injuries and deaths.

B. The commission shall have the authority and power to delegate and formulate rules and policies for solicitation, promotion and advertising the activities of the traffic safety commission and to this end the commission shall be provided funds or grants from any individual, firm, corporation or city to promote the general concept of traffic safety. This authority shall not be construed as authorizing the commission to enter into contracts of its own volition. The city may enter into agreements for contracts. The city council shall provide in its budget annually moneys to provide for the activities delineated in this section for the commission who shall have the responsibility of utilization of the funds with the concurrence of the manager. (Ord. 1284 § 6, 1973)

2.24.080 General operating policies.

The traffic safety commission shall adopt and abide by the general operating policies recommended by the Chapter Conference of the National Safety Council. These policies are fundamentally as follows:

A. This commission shall operate as a nonprofit, nonpolitical organization devoted exclusively to accident prevention.

B. It shall operate in the general public interest, serving the community as a whole. It shall serve no special interest.

C. It shall work closely and cooperatively with official agencies having legal responsibility for safety. It shall provide

2.24.080

constructive plans for improving safety conditions and shall actively work for their application.

D. It shall encourage and help all responsible local agencies, organizations, groups and individuals to engage in accident prevention activities within their sphere of influence.

E. It shall not endorse any commercial product or enterprise.

F. It shall base its program upon competent analysis of the accident problem in the area served with major attention given to major needs.

G. It shall have a written statement of its objectives and operating policies.

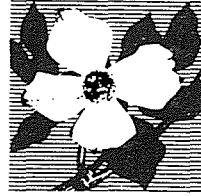
H. It shall make a formal appraisal of its operation, in terms of objectives and

program goals, at least annually, and shall report these policies and findings to the city council. (Ord. 1284 § 7, 1973)

2.24.090 Professional staff and ancillary staff.

The commission shall have the power and authority to request testimony relative to their prime goals and objectives. To this end, they may, and have the authority to, request testimony from other governmental agencies with responsibility and knowledge of traffic safety and shall have the right to call, at any meeting, with proper notification, expertise from any field of endeavor that will give them the required information to proceed to the ultimate goal of meeting their responsibilities as a traffic safety commission. (Ord. 1284 § 8, 1973)

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

TELEPHONE: 652-4410
FAX: 774-8236

MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT CITY OF MILWAUKIE

January 17, 1995

TO: Milwaukie City Council

THRU: Dan Bartlett, City Manager *DB*

FROM: Maggie Collins, Community Development Director *MC*

RE: File Numbers ZC-94-01 and ZC-94-07

Action Requested

For your consideration and action.

Discussion

Attached is a Staff Report and an Ordinance with Exhibits to amend the Zoning Map (ZC-94-01) and Subdivision Ordinance text (ZA-94-07). The Map changes are to designate lands previously annexed with City Zoning designations. The text change is to delete a policy in the Flag Lot section, that included private access strips and paved turnaround areas in the buildability calculations for flag lots.

For ZC-94-01, the Planning Commission held worksessions related to the subject Zoning Map amendments. A duly noticed public hearing was held on November 22, 1994, with the Planning Commission recommending to City Council adoption of said amendments.

For ZA-94-07, the text amendment to the Subdivision Ordinance, the Planning Commission held a worksession on November 22, 1994. A duly noticed public hearing was advertised for December 13, 1994. The public hearing was opened and continued to a time certain on January 10, 1995, due to the lack of a quorum. The Planning Commission recommendation for ZA-94-07 is forthcoming, and will be presented to City Council at the January 17, 1995 public hearing.

attachments

MC:DB

zaccmem.doc

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NUMBER 1712, THE MILWAUKIE ZONING ORDINANCE (ZC 94-01) AND AMENDING ORDINANCE NUMBER 1440, THE MILWAUKIE SUBDIVISION ORDINANCE (ZA 94-07).

WHEREAS, the City of Milwaukie desires to review, amend and revise its Zoning and Subdivision Ordinances on a regular basis; and

WHEREAS, the Planning Commission has reviewed the Zoning Ordinance amendment ZC 94-01 at two worksessions on October 18, 1994 and November 8, 1994, and at a duly noticed public hearing on November 22, 1994; resulting in a recommendation to the City Council that certain amendments be adopted to the Milwaukie Zoning Ordinance Map; and

WHEREAS, the Planning Commission has reviewed the Subdivision Ordinance amendment ZA 94-07 at a worksession on November 22, 1994, and at duly noticed public hearings on December 13, 1994 and January 10, 1995; resulting in a recommendation to the City Council that a certain amendment be adopted to the Milwaukie Subdivision Ordinance; and

WHEREAS, the Milwaukie City Council held a duly notice public hearing on said matter on January 17, 1995;

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

Section 1. Findings. Findings of fact and support of the proposed map amendments related to recently annexed lands contained in ZC 94-01 are as follows:

- A. ZC 94-01 is a Major Quasi-Judicial action and is being processed as stipulated by provisions of Section 1011.4 of the Milwaukie Zoning Ordinance.
- B. Zoning Map amendments must meet the criteria of Sections 903 of the City Zoning Ordinance. These criteria are addressed in subsequent findings. Therefore, the following criteria apply.

(1) **Applicable requirements of Section 1003.**

An application has been completed and is included in File ZC-94-01. There are no proposed uses associated with the proposal and no specific site plans are included.

(2) **Reasons for requesting the Zoning Map amendment.**

The reason for this amendment is to apply City zoning to areas of the City which have been recently annexed and currently are under Clackamas County zoning regulations pursuant to ORS 197.175.

(3) **Description of existing site conditions, including but not limited to, topography, public facilities and services, natural hazards, natural areas or open space, historic sites, transportation, current uses of the subject sites, and current zoning of the sites.**

The subject sites are fully developed urban areas. There are no extreme topographic constraints, unusual soil conditions or natural hazards present within any of the areas. Complete public services, including sewer, water and public safety, are present to serve each site. There are no historic sites within the proposed rezone areas. The current and proposed zonings of the sites are contained in Exhibit A.

(4) **Description of the intended use or uses.**

There are no intended uses associated with this proposal.

(5) **Detailed site plan or development standards.**

Existing and proposed development standards are contained in Exhibit B.

(6) **The approval criteria of Section 905.1.**

a. **The proposed amendment must conform to the applicable Comprehensive Plan.**

The proposed zone changes are consistent with the appropriate Plan categories as identified in Objective #2, Policy 1 of the Residential Land Use Element, and Objective #10 and Objective #4, Policy 1 of the Industrial/Commercial Land Use Element.

b. **The anticipated development must meet the intent of the proposed zone.**

All anticipated uses will be consistent with the proposed zones and the development standards of the surrounding area.

- c. **The proposed amendment will meet or can be determined to reasonably meet applicable, regional, State, or federal regulations.**

There have been no identified conflicts with any regional, State, or federal regulations.

- d. **The proposed amendment demonstrates that existing or planned public facilities and services can accommodate anticipated development of the subject site without significantly restricting potential development within the affected service area.**

The rezone areas are more than 90% developed to capacity. Public facilities and services can be reasonably expected to accommodate anticipated potential development. As development is proposed in these areas, all public services and facilities will be evaluated on a case by case basis, to insure that the development will not adversely affect surrounding properties.

Section 3. Findings. Findings of fact and support of the proposed amendment language related to the deletion of a Subdivision Ordinance requirement that paved access strips and turnaround areas be included in the buildable area calculations for flag lots contained in ZA 94-07 is as follows:

- A. ZA 94-07 is a Legislative action and is being processed as stipulated by provisions of Section 1011.5(B) of the Milwaukie Zoning Ordinance.

- B. This Subdivision Ordinance amendment must be consistent with and meet applicable sections of the City's Comprehensive Plan as follows:

- (1) **Policy 1, under Objective #2, of Chapter 2, of the Milwaukie Comprehensive Plan states:**

Amend existing ordinances and adopt new ordinances to carry out the policies of this Plan as necessary.

The proposed text amendment to the Subdivision Ordinance carries out Comprehensive Plan policies described in this specific findings section.

- (2) **Policy 3, under Objective #2 of Chapter 2 of the Milwaukie Comprehensive Plan states:**

All zoning and subdivision ordinances will be consistent with the intent and be based on this Comprehensive Plan.

The text amendment to the Subdivision Ordinance is consistent with the intent and based on the Comprehensive Plan Policy. See (3) below.

(3) **Policy 1 under Objective #5 in the Residential Housing and Land Use Element, states:**

The City will encourage the development of infill housing that uses innovative development techniques for the purpose of reducing housing costs as well as creating an attractive living environment. Such techniques may include the reduction of lot size standards in established neighborhoods; allowing single family attached housing units in appropriate areas; and encouraging the construction of small housing units.

The permitted development of flag lots in the City allows for infill development in established neighborhoods. Recent flag lot applications to the City have demonstrated that the existing language in Section 17.32.040 F has presented problems to the applicants in terms of meeting flag lot size requirements of the Subdivision Ordinance. The proposal to delete the requirement to exclude private access strips and turnaround areas from buildable area calculations will enable property owners to design development in conformance to zone standards more often. The other five flag lot building standards contained in Section 17.32.040 adequately evaluate the buildability of a flag lot. Thus, the elimination of the subject standard will not adversely impact implementation of the above-cited policy.

Section ~~2~~⁴. Zoning Ordinance Map Amendments. The Zoning Ordinance Map of Ordinance Number 1712 is amended as described in Exhibit A.

Section ~~4~~⁵. Subdivision Ordinance Amendment. The Subdivision Ordinance text of Ordinance Number 1440 is amended as described in Exhibit C.

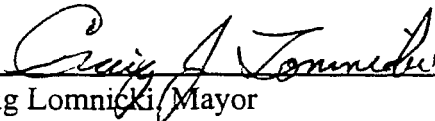
Ordinance No. _____

Page 5 of 5

Read the first time on _____, 1994, and moved to a second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____, 1994.

Signed by the Mayor on _____, 1994.

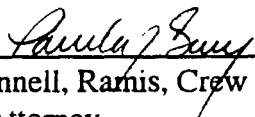


Craig Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder

Approved as to form:



O'Donnell, Ramis, Crew & Corrigan
City Attorney

EXHIBIT A

ZC-94-01

Zoning Map Changes
(15 Pages)

REZONE PROJECT

ZC-94-01

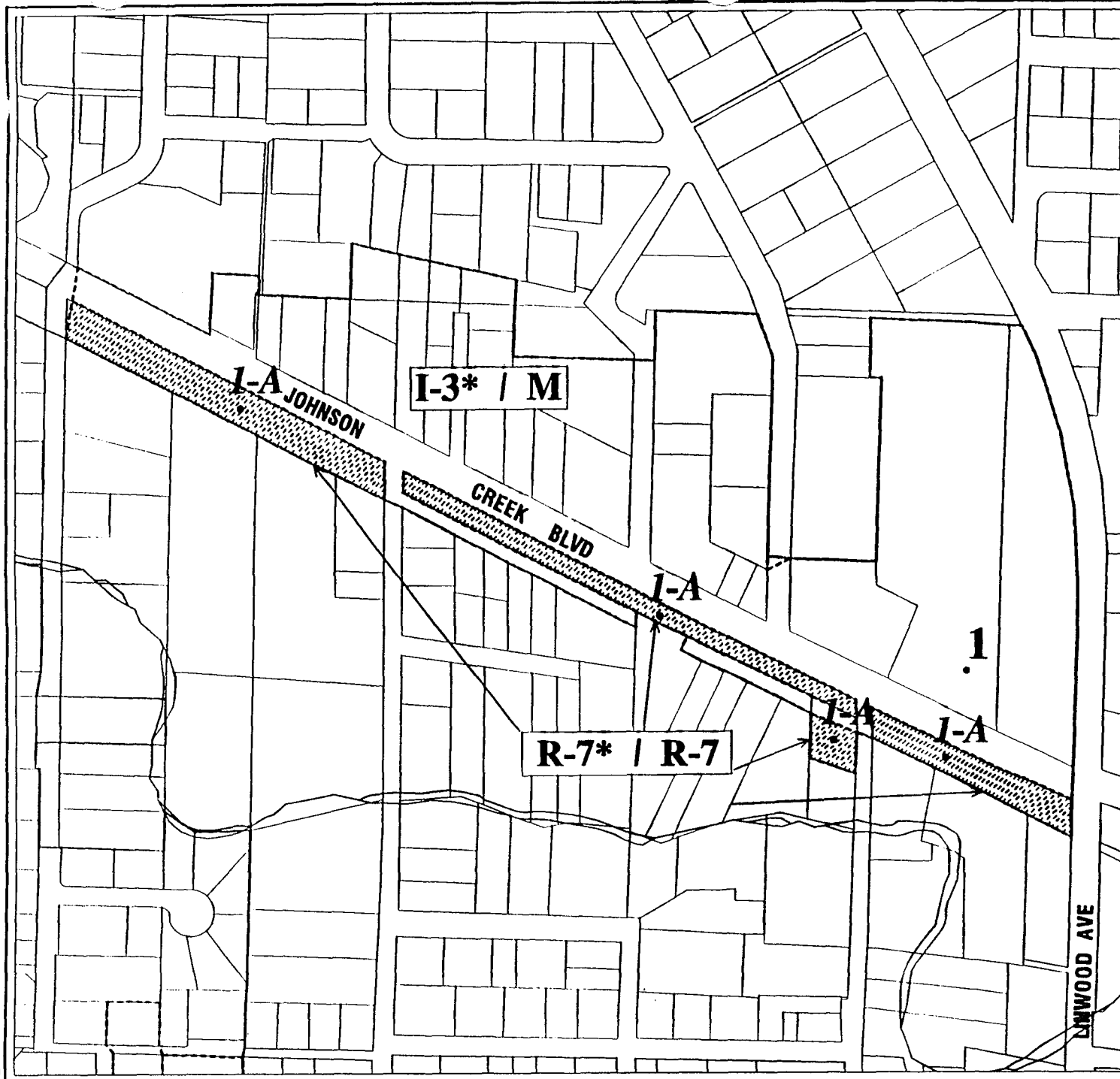
STUDY AREA BOUNDARIES AREA #1

ZONING DESIGNATIONS
Existing Zone / Proposed Zone

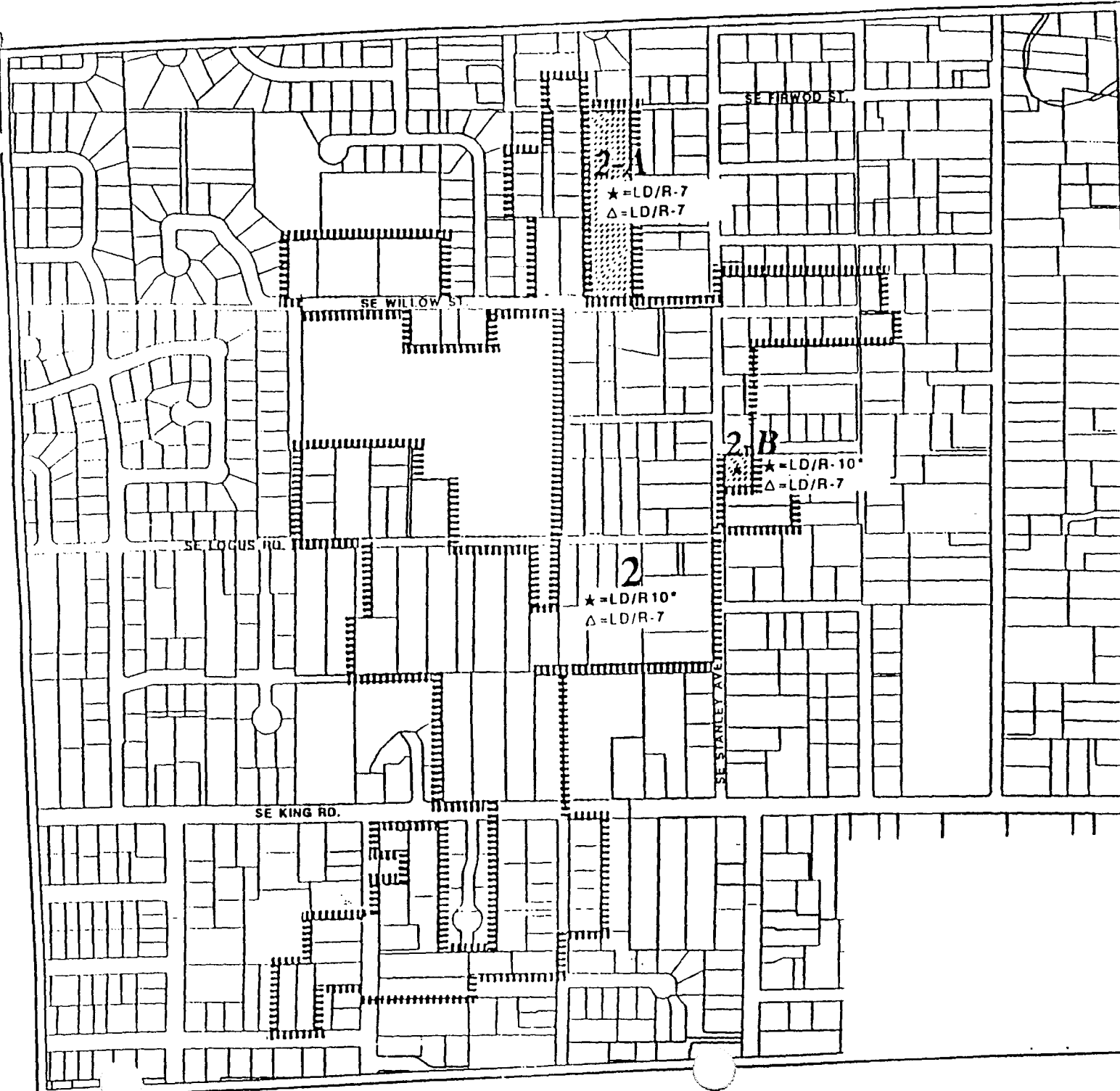
* - County Zone Designation

MAP DATE : 12/6/94

City of Milwaukee



3



REZONE PROJECT

ZC-94-01

STUDY AREA
BOUNDARIES

AREA #2



★ = EXISTING PLAN/ZONE

△ = PROPOSED PLAN/ZONE

* = COUNTY ZONE DESIGNATION

MAP DATE : 09/30/94

City of Milwaukie



RE ZONE PROJECT

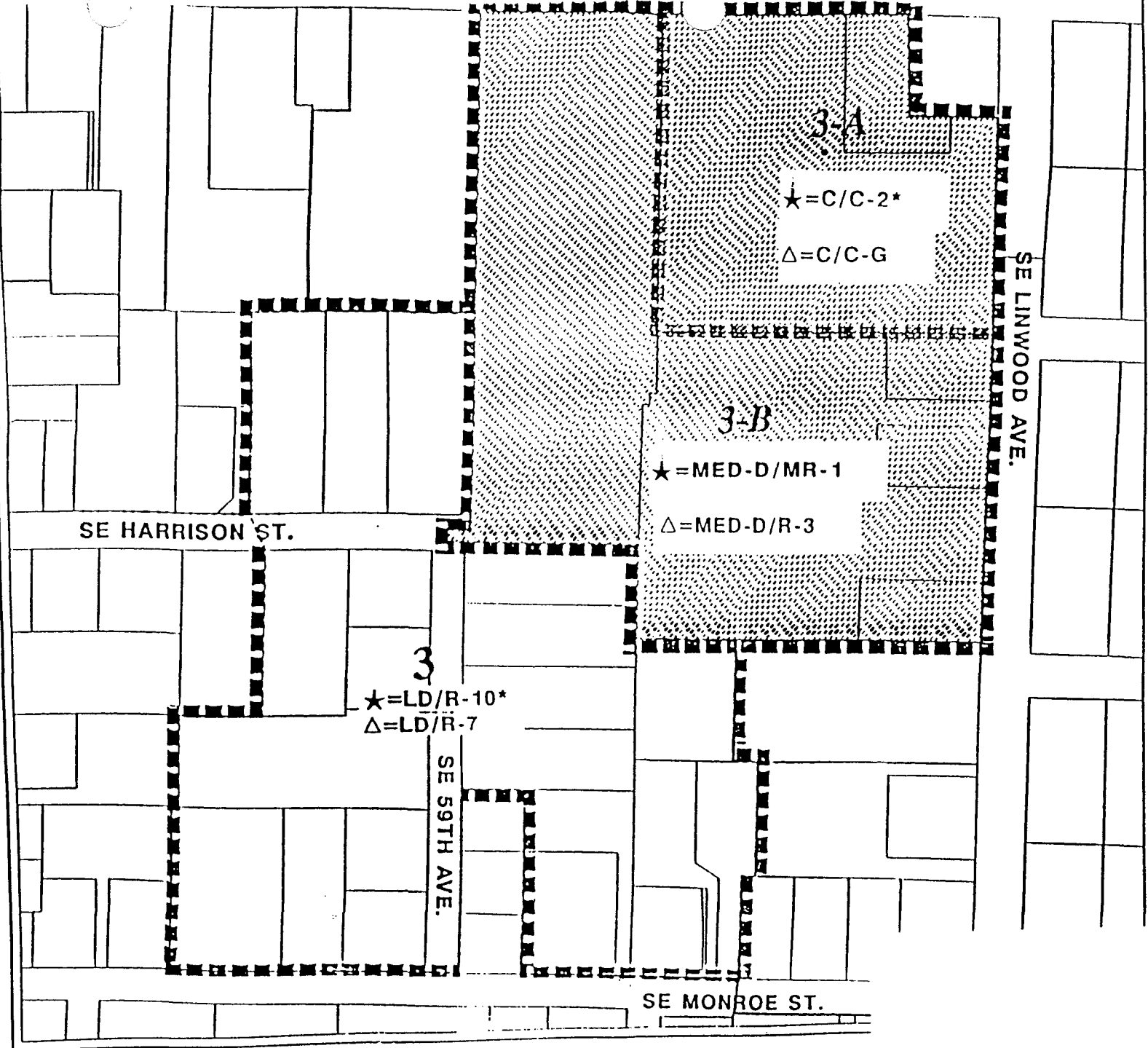
ZC-94-01

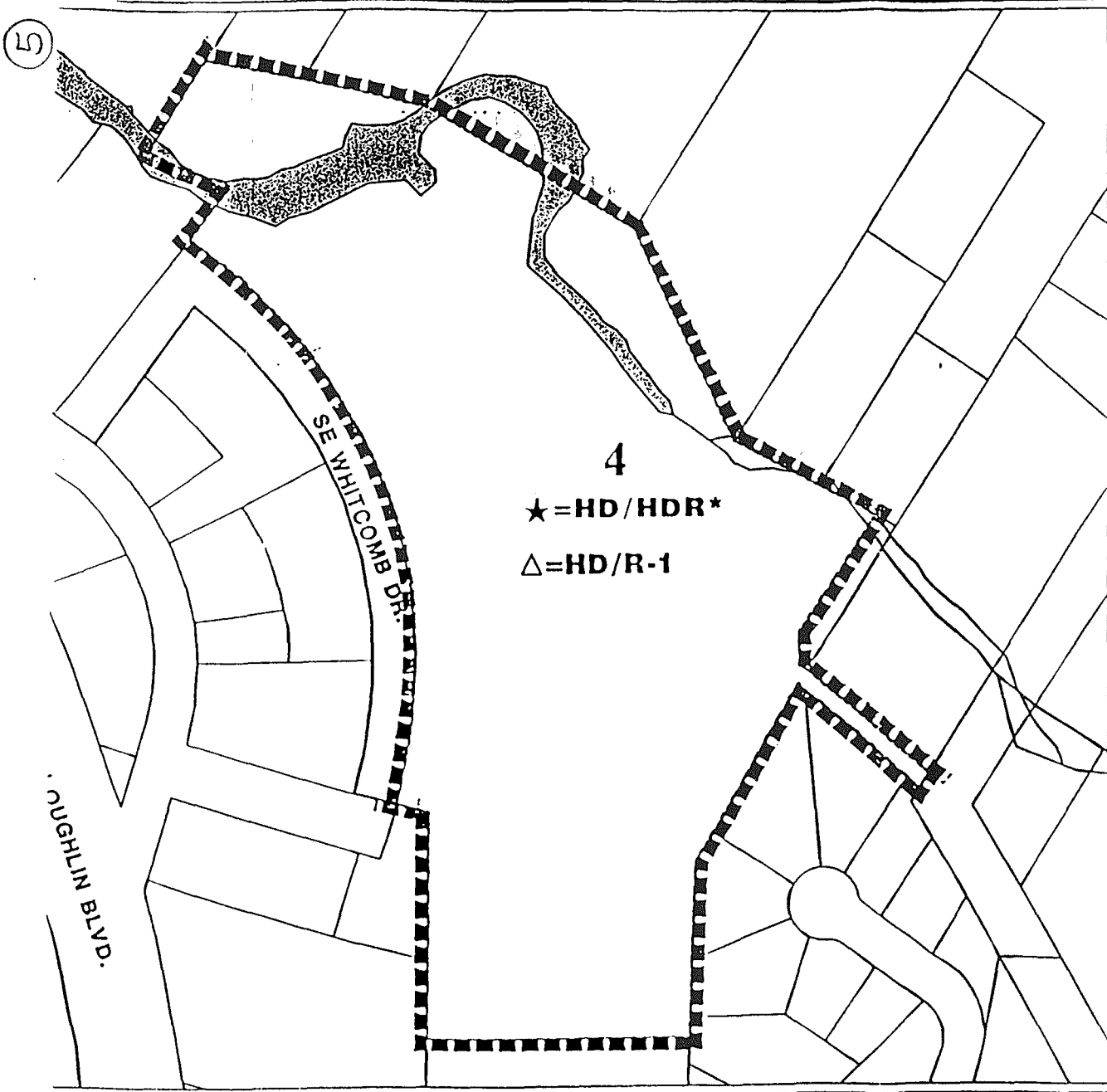
STUDY AREA
BOUNDARIES

AREA #3



★ = EXISTING PLAN/ZONE
 Δ = PROPOSED PLAN/ZONE
 * = COUNTY ZONE DESIGNATION
 MAP DATE : 09/30/94



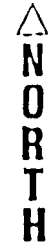


REZONE PROJECT

ZC-94-01

STUDY AREA
BOUNDARIES

AREA #4



★=EXISTING PLAN/ZONE

△=PROPOSED PLAN/ZONE

*=COUNTY ZONE DESIGNATION

MAP DATE : 09/30/94

City of Milwaukee



City of Milwaukie

ZC-94-01

Community Development Department

October 18, 1994

Table #1: Proposed Amendments to Planning And Zoning Designations

	Comprehensive Plan		Zoning Ordinance	
	Existing Plan	Proposed Plan	Existing Zone	Proposed Zone
Area #1	GI*	I	I-3*	M
Subarea #1A	LDR*	LD	R-7*	R-7
Area #2	LD	1 TO 1	R-10*	R-7
Subarea #2A	LD	NC	R-7	NC
Subarea #2B	LD	NC	R-10*	R-7
Area #3	LD	NC	R-10*	R-7
Subarea #3A	C	NC	C-2*	C-G
Subarea #3B	MED-D	NC	MR-1*	R-3
Area #4	HD	NC	HDR*	R-1

* Denotes County Designation

NC = NO CHANGE PROPOSED

Rezone ZC-94-01*06-Jan-95*

SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
4	11E36CD01600	36CD	01600	HDR*	R-1
4	11E36CD01601	36CD	01601	HDR*	R-1
1	12E30AA07000	30AA	07000	I-3*	M
1A	12E30AA07100	30AA	07100	I-3*	M
1	12E30AA07200	30AA	07200	I-3*	M
1	12E30AA07300	30AA	07300	I-3*	M
1	12E30AA07400	30AA	07400	I-3*	M
1	12E30AA07500	30AA	07500	I-3*	M
1	12E30AA07600	30AA	07600	I-3*	M
1	12E30AA07690	30AA	07690	I-3*	M
1	12E30AA07700	30AA	07700	I-3*	M
1	12E30AA07790	30AA	07790	I-3*	M
1	12E30AA07800	30AA	07800	I-3*	M
1	12E30AA07900	30AA	07900	I-3*	M
1	12E30AA07990	30AA	07990	I-3*	M
1	12E30AB01200	30AB	01200	I-3*	M
1	12E30AB01300	30AB	01300	I-3*	M



SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
1	12E30AB01301	30AB	01301	I-3*	M
1	12E30AB01400	30AB	01400	I-3*	M
1	12E30AB01500	30AB	01500	I-3*	M
1	12E30AB01600	30AB	01600	I-3*	M
1	12E30AB01700	30AB	01700	I-3*	M
2	12E30AC01401	30AC	01401	R-10*	R-7
2	12E30AC01600	30AC	01600	R-10*	R-7
1	12E30AD00200	30AD	00200	I-3*	M
1	12E30AD01300	30AD	01300	I-3*	M
1	12E30AD01500	30AD	01500	I-3*	M
1	12E30AD01600	30AD	01600	I-3*	M
1	12E30AD01700	30AD	01700	I-3*	M
1	12E30AD01900	30AD	01900	I-3*	M
1	12E30AD02100	30AD	02100	I-3*	M
1	12E30AD02200	30AD	02200	I-3*	M
1	12E30AD02300	30AD	02300	I-3*	M
1	12E30AD07100	30AD	07100	R-7*	R-7
1A	12E30AD08900	30AD	08900	R-7*	R-7
2	12E30CD10600	30CD	10600	R-10*	R-7
2	12E30CD10700	30CD	10700	R-10*	R-7

SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
2	12E30DA06000	30DA	06000	R-10*	R-7
2	12E30DA06100	30DA	06100	R-10*	R-7
2	12E30DA06200	30DA	06200	R-10*	R-7
2	12E30DA06300	30DA	06300	R-10*	R-7
2	12E30DA06400	30DA	06400	R-10*	R-7
2	12E30DA06500	30DA	06500	R-10*	R-7
2	12E30DA06501	30DA	06501	R-10*	R-7
2	12E30DA06600	30DA	06600	R-10*	R-7
2	12E30DA06700	30DA	06700	R-10*	R-7
2	12E30DA06800	30DA	06800	R-10*	R-7
2	12E30DA06900	30DA	06900	R-10*	R-7
2	12E30DA07000	30DA	07000	R-10*	R-7
2	12E30DA07100	30DA	07100	R-10*	R-7
2	12E30DA07200	30DA	07200	R-10*	R-7
2	12E30DA07700	30DA	07700	R-10*	R-7
2	12E30DA07800	30DA	07800	R-10*	R-7
2B	12E30DA08400	30DA	08400	R-10*	R-7
2	12E30DA09500	30DA	09500	R-10*	R-7
2	12E30DA09800	30DA	09800	R-10*	R-7
2A	12E30DB01200	30DB	01200	R-7 (CITY)	R-7

SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
2	12E30DB01300	30DB	01300	R-10*	R-7
2	12E30DB01400	30DB	01400	R-10*	R-7
2	12E30DB01500	30DB	01500	R-10*	R-7
2	12E30DB01600	30DB	01600	R-10*	R-7
2	12E30DB01700	30DB	01700	R-10*	R-7
2	12E30DB01800	30DB	01800	R-10*	R-7
2	12E30DB01801	30DB	01801	R-10*	R-7
2	12E30DB02000	30DB	02000	R-10*	R-7
2	12E30DB02100	30DB	02100	R-10*	R-7
2	12E30DB02200	30DB	02200	R-10*	R-7
2	12E30DB02800	30DB	02800	R-10*	R-7
2	12E30DB02900	30DB	02900	R-10*	R-7
2	12E30DB03200	30DB	03200	R-10*	R-7
2	12E30DB03400	30DB	03400	R-10*	R-7
2	12E30DB03500	30DB	03500	R-10*	R-7
2	12E30DB03600	30DB	03600	R-10*	R-7
2	12E30DB03800	30DB	03800	R-10*	R-7
2	12E30DB03900	30DB	03900	R-10*	R-7
2	12E30DB04000	30DB	04000	R-10*	R-7
2	12E30DB04100	30DB	04100	R-10*	R-7

SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
2	12E30DB04101	30DB	04101	R-10*	R-7
2	12E30DB04102	30DB	04102	R-10*	R-7
2	12E30DB04200	30DB	04200	R-10*	R-7
2	12E30DB04300	30DB	04300	R-10*	R-7
2	12E30DB04400	30DB	04400	R-10*	R-7
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2	12E30DB04900	30DB	04900	R-10*	R-7
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2	12E30DB05700	30DB	05700	R-10*	R-7
2	12E30DB05800	30DB	05800	R-10*	R-7
2	12E30DB05900	30DB	05900	R-10*	R-7



SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
2	12E30DB06000	30DB	06000	R-10*	R-7
2	12E30DB06100	30DB	06100	R-10*	R-7
2	12E30DB06200	30DB	06200	R-10*	R-7
2	12E30DB06300	30DB	06300	R-10*	R-7
2	12E30DB06400	30DB	06400	R-10*	R-7
2	12E30DB06500	30DB	06500	R-10*	R-7
2	12E30DB06600	30DB	06600	R-10*	R-7
2	12E30DB06700	30DB	06700	R-10*	R-7
2	12E30DB06800	30DB	06800	R-10*	R-7
2	12E30DB06900	30DB	06900	R-10*	R-7
2	12E30DB07000	30DB	07000	R-10*	R-7
2	12E30DB07100	30DB	07100	R-10*	R-7
2	12E30DB07200	30DB	07200	R-10*	R-7
2	12E30DB07300	30DB	07300	R-10*	R-7
2	12E30DB07400	30DB	07400	R-10*	R-7
2	12E30DC00100	30DC	00100	R-10*	R-7
2	12E30DC00101	30DC	00101	R-10*	R-7
2	12E30DC00102	30DC	00102	R-10*	R-7
2	12E30DC00200	30DC	00200	R-10*	R-7
2	12E30DC00300	30DC	00300	R-10*	R-7

SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
2	12E30DC00400	30DC	00400	R-10*	R-7
2	12E30DC00500	30DC	00500	R-10*	R-7
2	12E30DC00600	30DC	00600	R-10*	R-7
2	12E30DC00700	30DC	00700	R-10*	R-7
2	12E30DC00800	30DC	00800	R-10*	R-7
2	12E30DC01000	30DC	01000	R-10*	R-7
2	12E30DC01100	30DC	01100	R-7*	R-7
2	12E30DC01200	30DC	01200	R-10*	R-7
2	12E30DC01300	30DC	01300	R-10*	R-7
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2	12E30DC02600	30DC	02600	R-10*	R-7
2	12E30DC04401	30DC	04401	R-10*	R-7
2	12E30DC04500	30DC	04500	R-10*	R-7



SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
2	12E30DC04600	30DC	04600	R-10*	R-7
2	12E30DC04700	30DC	04700	R-10*	R-7
2	12E30DC04800	30DC	04800	R-10*	R-7
2	12E30DC04900	30DC	04900	R-10	R-7
2	12E30DC05000	30DC	05000	R-10*	R-7
2	12E30DC05100	30DC	05100	R-10*	R-7
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2	12E30DC06200	30DC	06200	R-10*	R-7
2	12E30DC06400	30DC	06400	R-10*	R-7
2	12E30DD04500	30DD	04500	R-10*	R-7
2	12E30DD04600	30DD	04600	R-10*	R-7
3B	12E31AA00500	31AA	00500	MR-1*	R-3

SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
3B	12E31AA00501	31AA	00501	MR-1*	R-3
3B	12E31AA00601	31AA	00601	MR-1*	R-3
3B	12E31AA00800	31AA	00800	MR-1*	R-3
3	12E31AA01600	31AA	01600	R-10*	R-7
3	12E31AA01601	31AA	01601	R-10*	R-7
3	12E31AA01602	31AA	01602	R-10*	R-7
3	12E31AA01700	31AA	01700	R-10*	R-7
3A	12E31AA02001	31AA	02001	C-2*	C-G
3A	12E31AA02100	31AA	02100	C-2*	C-G
3B	12E31AA02300	31AA	02300	MR-1*	R-3
3	12E31AA03900	31AA	03900	R-10*	R-7
3	12E31AA04000	31AA	04000	R-10*	R-7
3	12E31AA04100	31AA	04100	R-10*	R-7
3	12E31AA04200	31AA	04200	R-10*	R-7
3	12E31AA04300	31AA	04300	R-10*	R-7
3	12E31AA04400	31AA	04400	R-10*	R-7
3	12E31AA04500	31AA	04500	R-10*	R-7
3	12E31AA04701	31AA	04701	R-10*	R-7
3	12E31AA05000	31AA	05000	R-10*	R-7
3	12E31AA05100	31AA	05100	R-10*	R-7

SUBAREA	TAX LOT NUMBER	TAX MAP	TAX LOT	EXISTING ZONE	PROPOSED ZONE
3	12E31AA05200	31AA	05200	R-10*	R-7
3	12E31AA05300	31AA	05300	R-10*	R-7
3	12E31AA06000	31AA	06000	R-10*	R-7
3	12E31AA06100	31AA	06100	R-10*	R-7
3	12E31AA06200	31AA	06200	R-10*	R-7
3	12E31AA06300	31AA	06300	R-10*	R-7
3	12E31AA06400	31AA	06400	R-10*	R-7
2	12E31AB03600	31AB	03600	R-10*	R-7
2	12E31AB03601	31AB	03601	R-10*	R-7
2	12E31AB03800	31AB	03800	R-10*	R-7
2	12E31AB03900	31AB	03900	R-10*	R-7
2	12E31BA00100	31BA	00100	R-10*	R-7
2	12E31BA00300	31BA	00300	R-10*	R-7
2	12E31BA00400	31BA	00400	R-10*	R-7
2	12E31BA00500	31BA	00500	R-10*	R-7

EXHIBIT B

ZC-94-01

City/County Zoning District Standards
(4 Pages)

City of Milwaukie

Community Development Department

ZC-94-01

October 3, 1994

Table #4: Zoning Ord. Comparison, COUNTY I-3/ Milwaukie M (Manufacturing)

	I-3*	M
Minimum Lot Size	1.0 Acre	NA
Front Setback	20 ft.	20 ft.
Rear Setback	0 ft.	0 ft.
Side Setback	0ft.	0 ft.
Maximum Building Height	NA	45 ft.
Maximum Lot Coverage	100 %	NA

City of Milwaukie ZC-94-01

Community Development Department October 3, 1994

Table #3: Clackamas and Milwaukie Zoning Ordinance Comparisons, Area 3

	R-10*	R-7	C-2*	C-G
Minimum Lot Size	10,000 ft.	7000 ft.	NA	NA
Front Setback	25 ft.	20 ft.	15 ft.	NA
Rear Setback	25 ft.	20 ft.	NA	NA
Side Setback	7 ft.	5 ft. / 10 ft.	NA	NA
Maximum Building Height	35 ft.	35 ft.	NA	45 ft.
Maximum Lot Coverage	35 %	30 %	NA	85 %

Note: Other conditions may apply. Information contained in this notice is not complete and was compiled for informational purposes associated with this notice.

City of Milwaukie

ZC-94-01

Community Development Department

October 3, 1994

Table #5 Zoning Ordinance Comparison, Clackamas HDR and Milwaukie R-1

	HDR*	R-1
Minimum Lot Size	1.0 acre	5000 ft.
Front Setback(each st.)	15 ft.	15 ft.
Rear Setback	Varies	15 ft.
Side Setback (one story)	Varies	5 ft.
Maximum Building Height	Varies	45 ft.
Maximum Lot Coverage	50 %	45 %

Note: Other conditions may apply. Information contained in this notice is not complete and was compiled for informational purposes associated with this notice.

City of Milwaukie

ZC-94-01

Community Development Department

October 3, 1994

Table #6: Zoning Ordinance Comparison, Clackamas R-10 and Milwaukie R-7

	R-10*	R-7
Minimum Lot Size	10,000 ft.	7000 ft.
Front Setback	25 ft.	20 ft.
Rear Setback	25 ft.	20 ft.
Side Setback	7 ft.	5 ft. / 10 ft.
Maximum Building Height	35 ft.	35 ft.
Maximum Lot Coverage	35 %	30 %

Note: Other conditions may apply. Information contained in this notice is not complete and was compiled for informational purposes associated with this notice.

EXHIBIT C

ZA-94-07

**Subdivision Ordinance Text Amendment
(1 Page)**

PARTITIONING

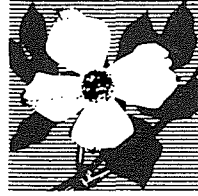
ZA-94-07	Amendments to the Subdivision Ordinance (1 page)
Redline	= Proposed new text
Strikeout	= Proposed deleted text

- B. For any flag lot, the minimum width of the access strip will be fifteen feet, twelve feet of which must be paved for the full length of the access strip. The entire length of the access strip shall be kept clear of obstructions to access. These minimum standards may be increased if the Community Development Director determines such is necessary to guarantee adequate and safe access. A paved turnaround area, or other requirements intended to provide for emergency accessibility or reduced fire potential, may be required by the Fire Marshal to meet provisions of the Uniform Fire Code. In such a case, turnaround standards, or other requirements of the Fire Marshal, shall be provided by the Fire Marshal.
- C. Where two flag lots will have abutting access strips, the combined width of the two access strips shall not be less than thirty feet. A joint access easement shall be created for the two flag lots, which extends to the deepest lot for the full width of the combined access strips. Within the joint access strip, a common driveway with a minimum paved width of twenty feet shall be provided which extends from the street to the deepest parcel. At the end of the joint access easement, a paved turnaround area, or other requirements intended to provide for emergency accessibility or reduced fire potential, may be required by the Fire Marshal to meet provisions of the Uniform Fire Code. In such a case, turnaround standards, or other requirements of the Fire Marshal, shall be provided by the Fire Marshal.
- D. Proposed flag lots shall be referred to the Public Works Department and the Fire Marshal's office for review and recommendation or decision on appropriate improvements and other requirements to be provided by the applicant. These may include: paved access driveways constructed to residential street standards; special additional easements for utilities; vertical clearance for fire equipment; sewer lines and pumps; water meters and lines for adequate flows and pressures; fire hydrants; special post for display of house numbers at street entrance to access easement; street lights; and assurance of clear vision conditions at access entrance.
- E. Although discouraged by the Planning Commission, development of three or four flag lots in which there are more than two lots in depth from a public street may be considered by the Planning Commission under the variance procedure. Increased standards for improvements in such cases shall be as determined by the Planning Commission with advice from Public Works and other departments as appropriate.

~~F. Flag lot size. For flag residential lots, privately owned access strips and required paved turnaround areas shall be excluded for computing the minimum area of a buildable lot.~~

17.32.050. Planning Commission approval. If the location or type of land has not been defined for routine administrative approval or if the proposed partitioning does not comply with the requirements for routine administrative approval, the sketch map shall be submitted to the Planning Commission for determination that the proposal will be compatible with the Comprehensive Plan. The Planning Commission may require dedication of land and easements and may specify conditions or modifications in the sketch plan necessary to

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT
TELEPHONE: 786-7650
PUBLIC WORKS
TELEPHONE: 786-7600
6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206
FAX: 786-7699

* * MEMORANDUM * *

To: Mayor and City Council
Through: Dan Bartlett, City Manager
From: *MC* Maggie Collins, Community Development Director
Subject: Resolution of Endorsement of a Safety Improvements Plan
for Johnson Creek Boulevard - 32nd to 45th Avenue

Action Requested

Consideration of adoption of attached Resolution.

Background

Southeast Johnson Creek Boulevard from 32nd Avenue to 45th Avenue is a two-lane paved street serving as a neighborhood collector in Portland's street classification system and as a minor arterial in Milwaukie's street classification system. About two-thirds of this .90 mile section of Johnson Creek Boulevard is within Portland City Limits. As a segment of a regional east-west collector route, this portion of Johnson Creek Boulevard is also a transit and bicycle route without curb, sidewalk and storm drainage along most of its right-of-way. Johnson Creek Boulevard connects the I-205 Johnson Creek Boulevard Interchange to the Tacoma Interchange across McLoughlin Boulevard, and westward to Portland via Tacoma Avenue and the Sellwood Bridge.

The Southeast Corridor study conducted by Metro in 1989 found that while there was some acknowledgement of the regional linkage of this segment of Johnson Creek Boulevard, most property owners and general neighborhood residents wished to discourage increased traffic volumes on Johnson Creek Boulevard. Rather than consider a project with additional lanes, the final decision was to not increase travel lanes, but to design an improvement facility with minimum acceptable lane widths so as not to increase capacity that would in turn encourage increased traffic on this residential section of Johnson Creek Boulevard.

Designated as the lead agency, the City of Portland submitted a prospectus to Oregon Department of Transportation in September, 1991. Portland Transportation Engineering staff were assigned to this project at that time. After several meetings with Ardenwald neighborhood residents, and after researching the requirements of the Statewide Transportation Rule, which are applicable to this project, the final design proposes traffic and pedestrian safety mitigation improvements: sidewalk, curb, improved roadway alignment, bike paths, storm drainage, and street illumination where needed. See Attachment 1.

Memo to Mayor and City Council
Johnson Creek Boulevard Improvement Plan
February 7, 1995
Page 2

Project Description

The final design includes 32 foot curb to curb roadway including five foot bike lanes with a 6.5 feet sidewalk on the south side of Johnson Creek Boulevard. The travel lanes are 11 feet wide. See Attachment 1. The project is divided into two phases, described below.

PHASE I

- * Complete design and plans of entire project (Johnson Creek Boulevard from 32nd to 45th Avenue, and Johnson Creek Boulevard and 32nd south to Sherrett--at City boundary)
- * Right-of-way acquisition in Phase I area (32nd to 36th)
- * Street construction of Sherrett Street to 32nd, and from 32nd and Johnson Creek Boulevard to 36th
- * Stormwater system constructed from 32nd to Johnson Creek and from 32nd and Johnson Creek Boulevard to Sherrett
- * Sanitary sewer line installation on Johnson Creek Boulevard from 36th to 32nd Avenue and on 32nd Avenue and Johnson Creek Boulevard south to Sherrett.

PHASE II

- * Right-of-way purchases for Johnson Creek Boulevard east of 36th Avenue to the Johnson Creek Bridge area, mostly 3 to 4 foot strips on the south side
- * Street construction from 36th to 45th.

Total estimated cost is \$1,176,000 (including final design for both Phases). Phase I is anticipated to be completed by 1996. The cost will be borne by City of Portland (15%) and federal highway funds (85%).

Public Involvement

The Southeast Corridor Study specified that review of this project be undertaken in conjunction with the Ardenwald neighborhood. Toward that end, Milwaukie has co-sponsored five Ardenwald Transportation Meetings.

1. On December 10, 1991, the project was outlined with a 40-foot wide improvement section within the existing right-of-way. Concerns expressed included loss of trees, bushes and hedges, questions about bike lanes, existing drainage problems, and pedestrian/traffic conditions at 32nd, 36th, and 42nd. Many were under the impression that travel lanes were being increased from two to four.

Memo to Mayor and City Council
Johnson Creek Boulevard Improvement Plan
February 7, 1995
Page 3

2. On February 13, 1992, the project was again outlined. Concerns expressed at the December 10th meeting were reiterated.
3. On February 9, 1993, a project update with base maps showing existing conditions was presented by Portland staff. Concerns expressed included questions about the need for bike lanes, questions about reduced travel lanes (from 12.5 to 11 feet) and whether they would be effective in reducing speeding, and specific design questions on property fronting Johnson Creek Boulevard.
4. On December 16, 1993, a revised 44-foot wide improvement section design to meet current ADA standards was presented. Concerns continued to be expressed over proposed tree removals and the need for bike lanes. A discussion, pro and con, was held about the benefits of the proposed bike lanes.
5. On January 9, 1995, an Open House was held on the proposed 44-foot wide final design. Adjacent property owners were able to view the cross-section as it affected their properties. Written comments included a need to replace the truck prohibition signs and a question about the narrow travel lanes.

Issues

During the public involvement meetings on the design for this improvement, concern has been expressed over tree removals and the need for two bike lanes. Regarding bike lanes, design requirements are in part guided by the State's Transportation Planning Rule, which directs that every proposed project consider and accommodate as many transportation modes as possible. Currently, this section of Johnson Creek Boulevard accommodates vehicles and buses. The improvements will make this roadway safe for pedestrian and bicycle travel, and will bring pedestrian safety for those using transit.

Regarding landscaping impacts, approximately 30 trees of varying sizes will be removed, with approximately 12 in the City of Milwaukie. The final design is an effort to minimize these effects to the extent possible. Affected property owners are working directly with Portland staff on this issue.

A further issue consists of traffic monitoring since adoption of the Southeast Corridor Study in 1989. Study findings were that constrained traffic-carrying capacity on Johnson Creek Boulevard, available capacity on other east-west collectors, and limited area of land available for development would have a constraining effect on increase in traffic volume through time.

Attachment 2 indicates traffic counts through the years. This data is a combination of traffic counts from Milwaukie and Portland. The I-205 Interchange opened in 1992. Average daily traffic flow in 1987 was 11,850, according to the Corridor Study.

Memo to Mayor and City Council
Johnson Creek Boulevard Improvement Plan
February 7, 1995
Page 4

Recommendation

This project must fulfill regional needs as outlined in the Transportation Improvement Program, and local neighborhood concerns as specified in Milwaukie's previous Resolution. The design must comply with Transportation Planning Rule requirements, Americans with Disabilities Act guidelines, with transit standards, and must relate to adjacent land uses. To the greatest extent possible, this is an example of an integrated land use-transportation improvement.

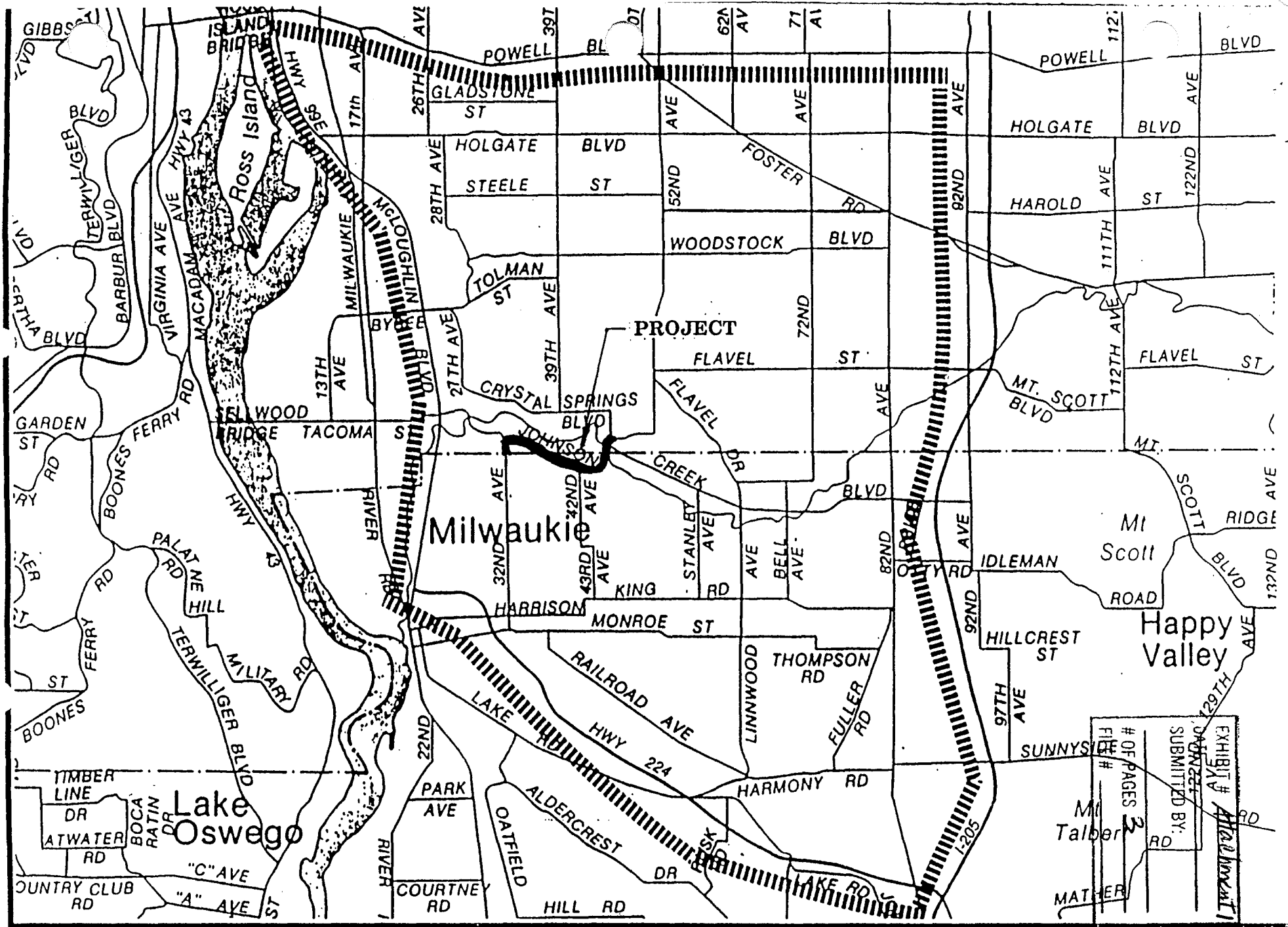
Several items of coordination must happen in order that all components of the project are completed in a timely manner. Milwaukie's Public Works staff is working closely with City of Portland staff to achieve that coordination. Although no funds are requested of Milwaukie at this time for Phase I activities, further discussion will need to occur to help find cost-effective ways of funding Phase II. Note that Phase II street construction work can be completed in segments as funding becomes available.

Staff recommends that the City Council adopt the attached Resolution.

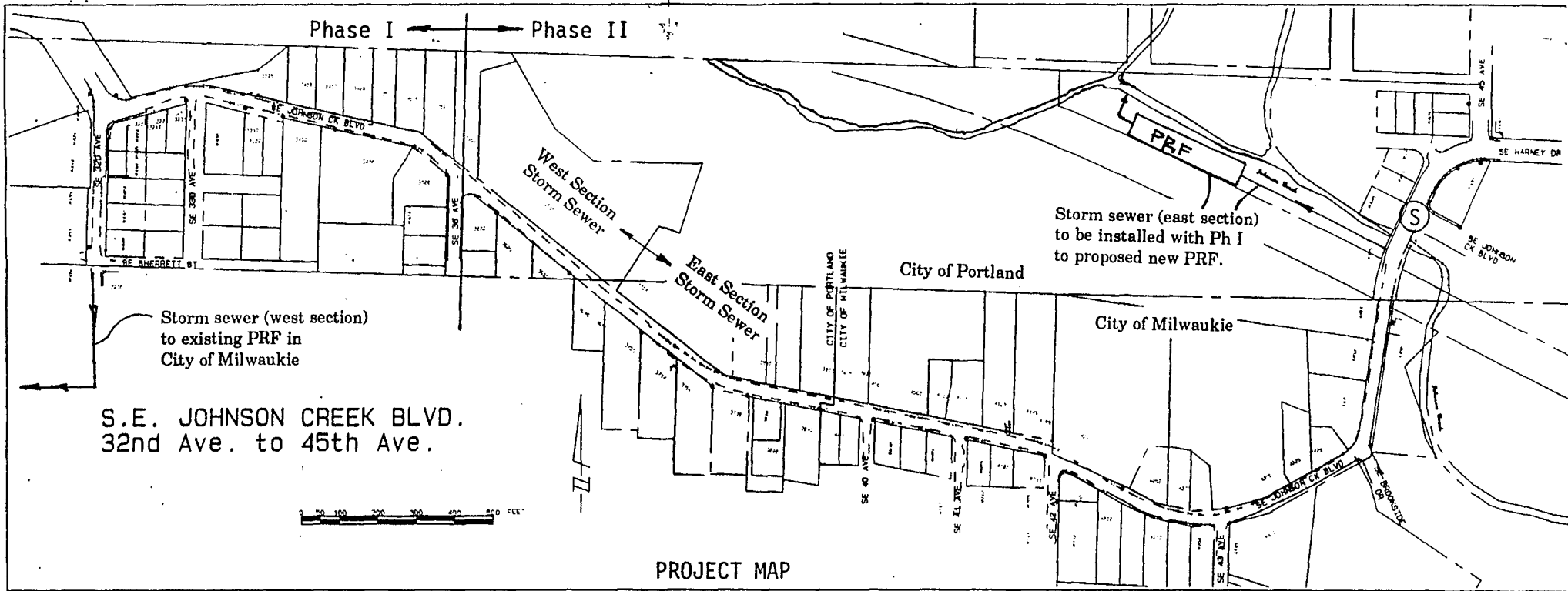
Attachments

1. Attachment 1: Metro Southeast Corridor Study Area
Project Map
Final Design Cross-Section
2. Attachment 2: JCB Traffic Volume Counts
3. Resolution of Endorsement with Exhibit

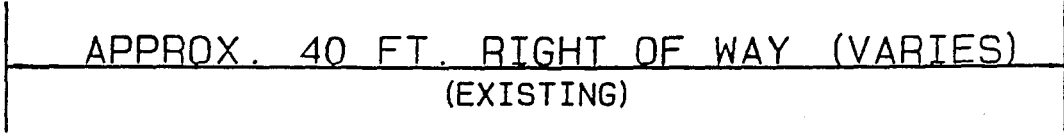
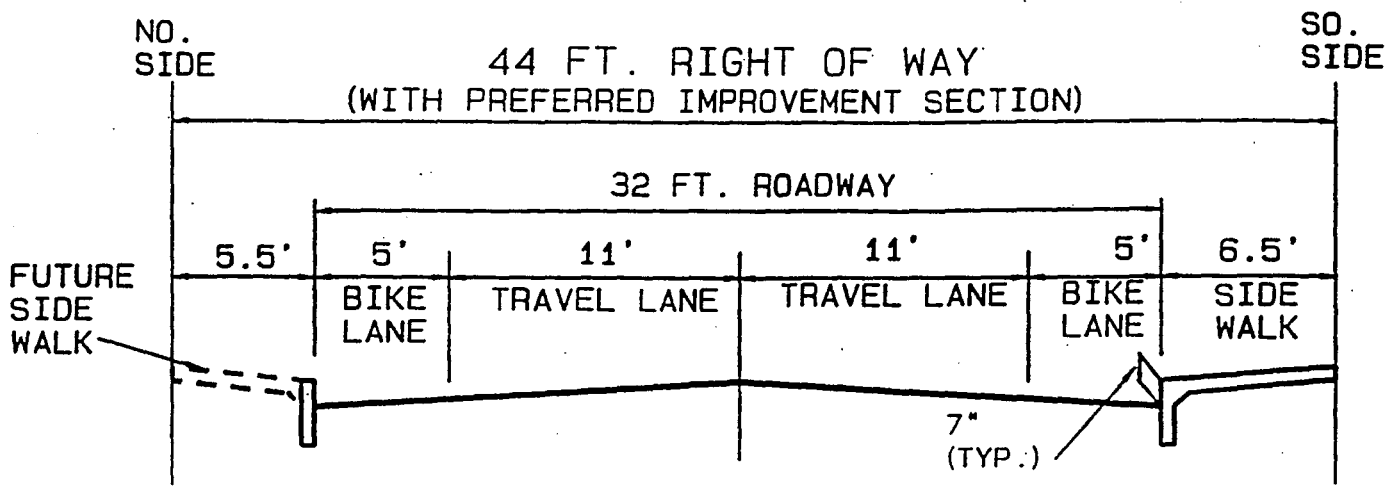
cc: Mulvey Johnson, City of Portland
Mohammad Fattahi, Clackamas County



METRO Southeast Corridor Study Area



October 1994



PROPOSED SECTION
(32d AVE. TO JOHNSON CREEK BRIDGE)

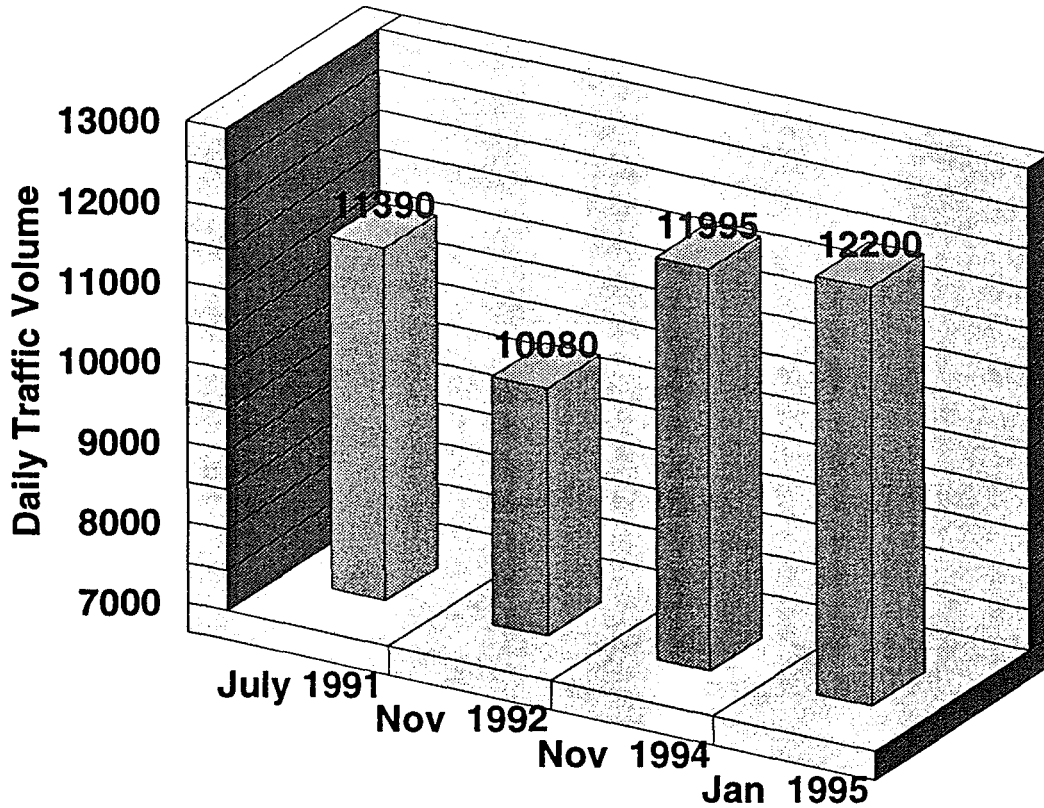
S.E. JOHNSON CREEK BLVD.
32ND AVE. TO 45TH AVE.
STREET IMPROVEMENT PROJECT

Dec. 1993

EXHIBIT # Attachment 2
DATE _____
SUBMITTED BY: _____
OF PAGES 1
FILE # _____

J.C.B. Traffic Volume Counts

East of SE 32nd Avenue



RESOLUTION NO _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON ENDORSING A PROPOSED SAFETY IMPROVEMENT PROJECT FOR JOHNSON CREEK BOULEVARD FROM 32ND AVENUE TO 45TH AVENUE.

WHEREAS, the Milwaukie City Council adopted Resolution No. 30-1989 supporting the findings and recommendations of Metro's Southeast Corridor Study; and

WHEREAS, the Southeast Corridor Study Improvement Plan listed safety improvements to Johnson Creek Boulevard from 32nd to 45th Avenue as one of a series of projects to be undertaken within the Southeast Corridor Study area; and

WHEREAS, the Metro Council adopted Resolution No. 89-1135 endorsing the Southeast Corridor Study Improvement Plan; and

WHEREAS, an improvement project for Johnson Creek Boulevard -- 32nd to 45th Avenue is included in Metro's October 1991 Transportation Improvement Plan (Metro ID No. 902); and

WHEREAS, the City of Portland, as lead agency, has developed a proposed improvement plan for Johnson Creek Boulevard from 32nd to 4th Avenue that is coordinated with the needs of the City of Milwaukie, and fulfills the intent of providing traffic and pedestrian safety mitigation improvements in the form of sidewalk, curb, improved roadway alignment, bike paths, storm drainage and illumination where needed, without increasing travel lanes; and

WHEREAS, the Cities of Milwaukie and Portland have conducted a public involvement process on the proposed design for adjacent property owners and the neighborhood in general;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Milwaukie endorses the proposed improvement design and coordinated phasing schedule as shown in EXHIBIT A. It is further resolved that the City will continue in a cooperative relationship with the City of Portland to implement the improvements set out in EXHIBIT A.

Introduced and adopted by the City Council on _____.

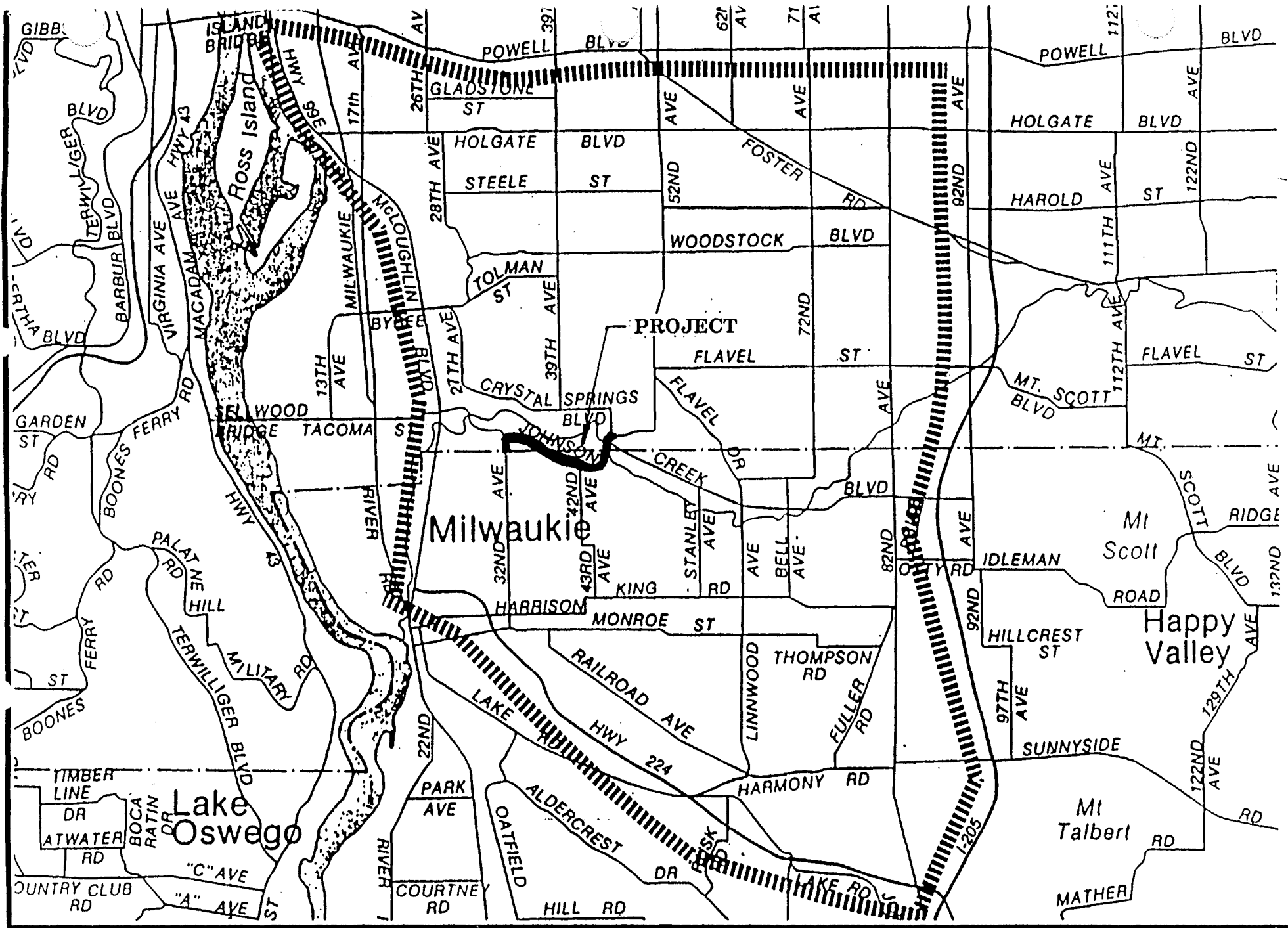
Craig Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

O'Donnell Ramis Crew Corrigan Bachrach
City Attorney



10 METRO Southeast Corridor Study Area

Figure 1

Phase I ← → Phase II

West Section Storm Sewer

East Section Storm Sewer

PRF

Storm sewer (east section) to be installed with Ph I to proposed new PRF.

Storm sewer (west section) to existing PRF in City of Milwaukie

S.E. JOHNSON CREEK BLVD.
32nd Ave. to 45th Ave.

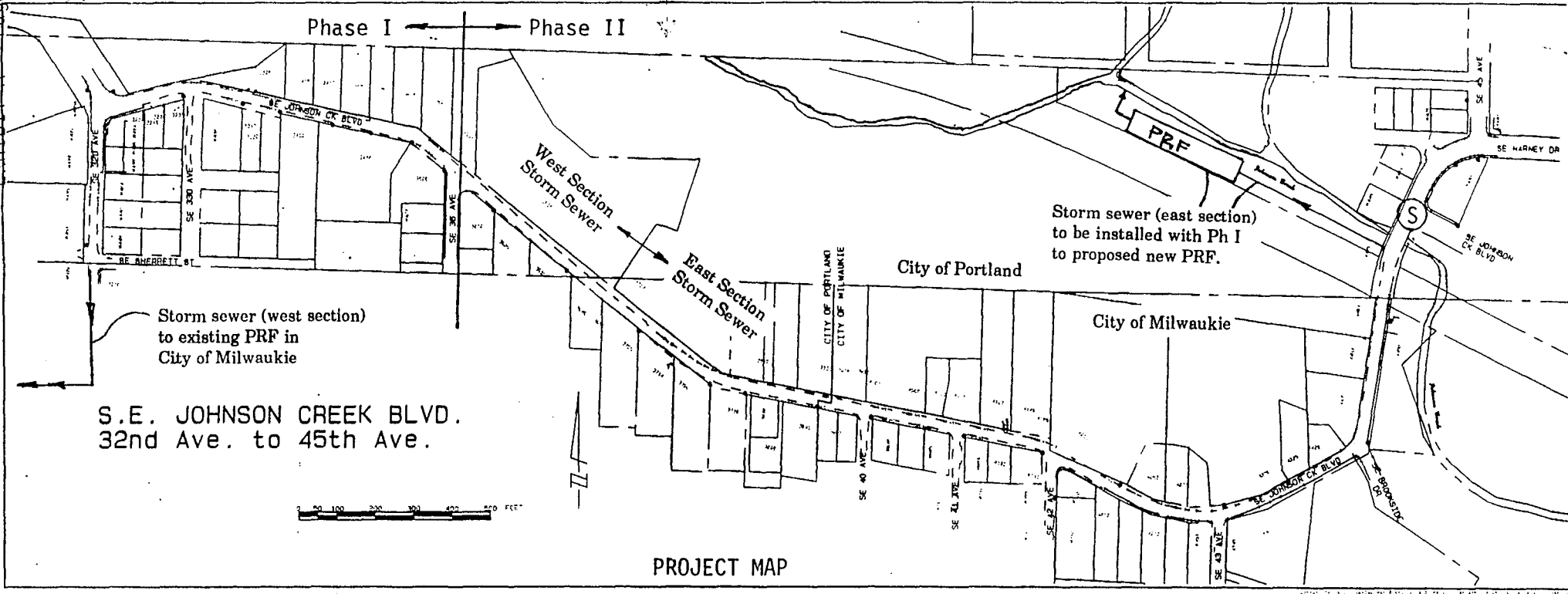
City of Portland

City of Milwaukie

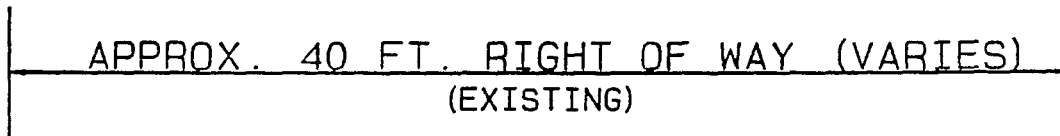
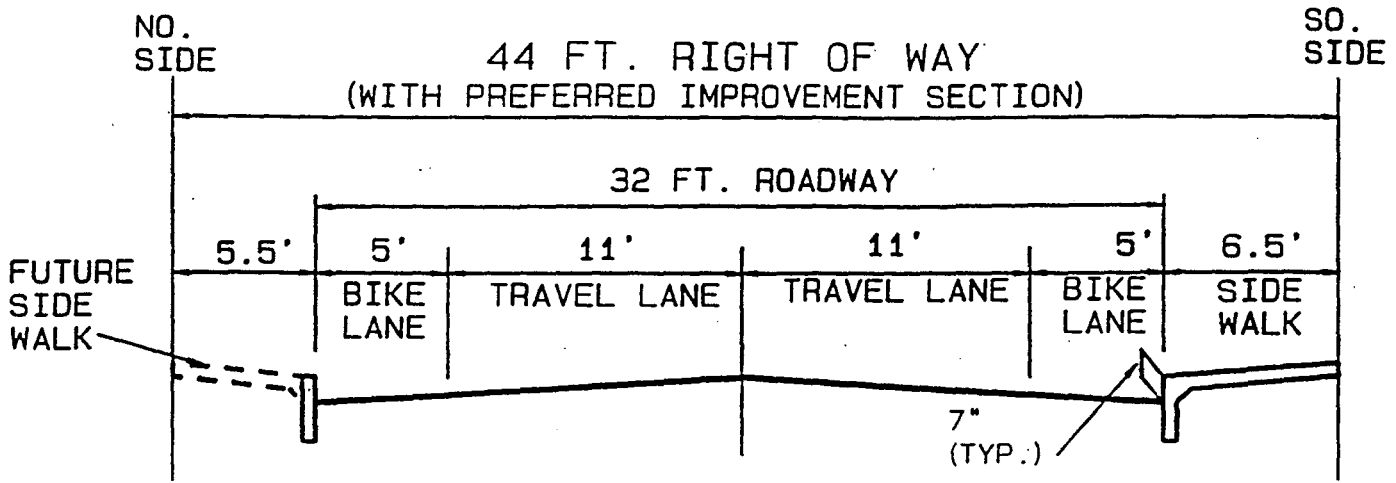


PROJECT MAP

October 1994



12



PROPOSED SECTION
(32d AVE. TO JOHNSON CREEK BRIDGE)

S.E. JOHNSON CREEK BLVD.

32ND AVE. TO 45TH AVE.
STREET IMPROVEMENT PROJECT

Dec. 1993

**SE JOHNSON CREEK BLVD
32ND AVE TO 45TH AVE
Street Improvement Project
October 27, 1994**

**Proposed Project
Phasing and Cost Estimate Summary**

Phase I - Project Cost Estimate

Street Const:	JCB, 32nd Av to 36th Av (\$350/LFx1000')	
	32nd, JCB to Sherrett st (\$350/LFx400')	\$496,000
Storm Sewer:	West Sec. \$107,000	
	East Sec. \$238,000	345,000
Sanitary Sewer:	(JCB, 36th Av to 32nd Av; 32nd, JCB to Sherrett St - BES funded project)	
Right-of-Way	3 R/W files (\$30,000) 4 Easement files (\$10,000)	40,000
PE (Prelim. Engr.) (18% of Const + CE + 5% cont.)	Total of completed and remaining design/contract dwgs & specs -- Phase I & Phase II.	295,000
		<hr/>
	Total - Project Phase I Cost Est.	\$1,176,000

Phase II - Project Cost Estimate

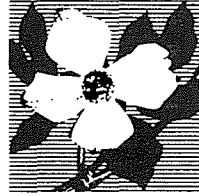
Street Const.	JCB, 36th to JC Bridge (\$350/LFx2910')	\$1,018,000
Traffic Signal - Upgrade		50,000
Pollution Reduction Facility - for E. Section Storm Sewer		50,000
Right-of-Way	30 files @ \$10,000 ea	300,000
	Total - Phase II Project Cost Est.	<hr/> \$1,418,000
	Total - Phase I + Phase II	\$2,594,000

**SE JOHNSON CREEK BLVD
32ND AVE TO 45TH AVE
Street Improvement Project
October 7,1994**

CURRENT PROJECT SCHEDULE

<u>ITEM</u>	<u>PERIOD/DATE</u>
Complete proposed project phasing plan, current remaining schedule	Early Sept 1994
Prepare revised project prospectuses (PH I & II) for ODOT (as covered with Ted Keasey, ODOT Proj. Team Mgr)	Sept 1994
Prepare draft City/ODOT R/W Agmt (Suppl.) for R/W acq. activity on project by ODOT Start preparing R/W Maps for ODOT R/W Acq.	Thru Oct 1994
Refine schedule, cost estimate, and phasing plan Update project status report, Send out current info adjacent owners/residents, other interested parties. utilities, JCCC, Clackamas Co. etc.	Thru Oct 1994
Do current Project Plan/Phasing reviews with Ardenwald NA & Board, COM, Clackamas County METRO & other interested parties,	Thru 11/18/94
Review estimates/phasing plan of storm sewer plan including citing of water quality facilities with BES (Dee property prospects) and COM site for west end line.	Thru 10-30-94
Schedule and hold COM Council hearing, approval of phasing plan, resolution to proceed with Phase I & II design, and Ph I construction.	Early December 1994 for
(If approved by COM, then proceed with schedule below)	
Schedule and hold COP hearing - Resolution to proceed with recommended Project Phasing Plan as Ph I const approved/recommended by COM. Report to METRO requesting release of funds for construction.	December 1994/Early January 1995

Continue design, start preparing Ph I & Ph II const. dwgs. Complete R/W maps, ODOT start R/W acquisition after authorization to proceed & incur costs.	January 1995
Hold utility Coord meetings for Ph I. incl BES(for storm & san. sewer). Develop construction staging traffic control plans with Tri-Met/ other jurisdictions/affected neighborhood	Jan thru March
Submit Ph I prelim. const. plans to ODOT. Start ODOT review/approval process (approx 19 weeks)	April 1995
Complete Ph I R/W Acquisition	October 1995
ODOT Advertise Bids for Ph I by	November 1995
Award Contract, start construction by	January 1996
Complete Construction	November, 1996



MEMORANDUM

TO: Mayor and City Council
THROUGH: Dan R. Bartlett, City Manager *Dan*
FROM: Angus M. Anderson, Finance Director *Angus*
DATE: January 27, 1995
RE: Approval of Purchase Order

RECOMMENDATION:

Ratify approval of Purchase Order Number 08098 in the amount of \$ 58,669.42 for the acquisition of three police vehicles.

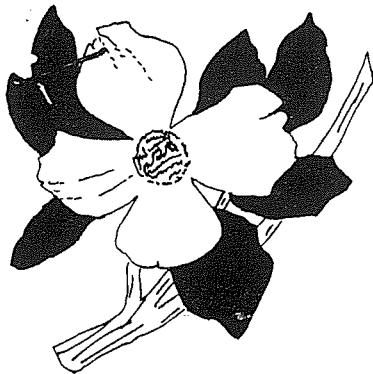
BACKGROUND INFORMATION:

Annually the State of Oregon lets bids for different types of vehicles, including police vehicles. The bid for police vehicles is normally awarded in November. The valid "window" in which orders can be placed under the bid is normally two months. In other words, from the time the bid is awarded all orders must be placed within sixty days. In 1994, because of budgetary cutbacks in staffing at the State General Services Administration (GSA) the normal sixty day window was reduced by approximately three weeks.

The Police Department submitted a purchase request for three patrol vehicles to Fleet Services in early December. Fleet Services contacted the GSA for a bid packet. That packet arrived on December 5, 1994. It was forwarded to the Police Department to specify the options desired. It was returned to Fleet Services on January 10th. The Contract Release form which specifies the vehicle was completed and the Purchase Order Request prepared and submitted to the Finance Department on January 15, 1995. The deadline for completing an order under the current bid was January 20, 1995. Because the three vehicles were included in the FY 1994-95 Adopted Budget and had been discussed in the budget hearing process and the timeline required to meet the bid deadline was prior to the next regularly scheduled meeting of the City Council, the City Manager was requested to approve the request. The City Manager approved the Purchase Order on January 19, 1995.

On June 28, 1994 a worksession was held with City Council concerning the proposed Financial Policies and Procedures. One of the items included in the proposal was granting the City Manager approval authority for any capital expenditure item that was included in the current year adopted budget. Staff reported to Council a potential problem of vehicle acquisition from bid documents which often had a short window under which purchases were allowed. Council felt that the level of authority should be retained at Council level for expenditures above \$15,000 whether or not they were included in the current adopted budget. The exception being brought forward unfortunately is a situation in which those circumstances described in the June 28th meeting occurred.

As the acquisition was discussed during the budget process, the amount was included in the adopted budget (the \$2,669.42 in excess of budgeted amount will be absorbed by the Police Department) and the purchase is in accordance with the state bid award, ratification of this approval is requested.



PURCHASE ORDER CITY OF MILWAUKIE

ACCOUNTS PAYABLE
10722 S.E. Main St.
Milwaukie, OR 97222
(503) 659-5171

SEND BILLINGS TO ABOVE ADDRESS

No. 00090

Our Purchase Order No. must appear on all invoices packing slips, and correspondence

Date 1/20/05

Unless you notify us within ten (10) days of the date of this order, you agree to be bound by terms and conditions printed on the front and reverse side of this purchase order, and th incorporated by reference.

SHIP TO: (Ship Prepaid)

- City Hall, 10722 S.E. Main St.
Attention:
- Public Works, 6101 S.E. Johnson Creek Blvd.
- Police Dept., 2566 S.E. Harrison
- Fire Dept., 9909 S.E. 40th
- Library, 10660 S.E. 21st Ave.
- Public Safety, 3200 S.E. Harrison
- Other:

V
E
N
D
O
R
BRADS COTTAGE GROVE CHEVY
2275 ROW RIVER ROAD
COTTAGE GROVE, OR, 97424

RECEIVED

JAN 23 1995
ACCOUNTS PAYABLE

VENDOR NO. BR0345

DATE REQUIRED	F.O.B.	SHIP VIA
SPECIAL INSTRUCTIONS		

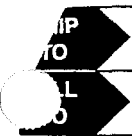
LINE NO.	QTY.	UNIT	DESCRIPTION	ACCOUNT NO.	UNIT PRICE	AMOUNT
1	3		1BL19 CHEVROLET CAPRICE FULL	71 000 7130 0000	0.00	3869.40
2	0		SIZE BLACK/WHITE POLICE CAPS	71 000 7130 0000	0.00	0.00
3	0		AS PER CRU FOR STATE BID	71 000 7130 0000	0.00	0.00

PURCHASE ORDER TOTAL → 5869.40

Received by _____ Date _____

Da Bartlett City Manager
 Authorized By _____ Title _____

ACCOUNTING

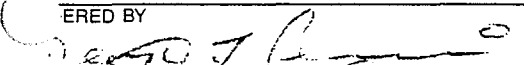
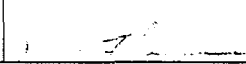

	CITY OF MILWAUKIE 6101 SE Johnson Creek Blvd. Milwaukie, OR 97206	C.R.O. DATE
	10722 SE Main Street Milwaukie, OR 97222	NO. INVOICES

ACCOUNT NUMBER 71-7130	FISCAL YEAR 95/96	PRICE AGREEMENT NO. 4557
CLASS. FUND. PROJECT OR APPROPRIATION	REQ. NO.	AGENCY NO. KMO365

VENDOR Brad's Cottage Grove Chevrolet 2275 Row River Road Cottage Grove, OR 97424	FOR AGENCY USE
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FO.B. DELIVERY REQUIRED	TERMS
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P.A. ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
1BL19	Full size police car - Chevrolet Caprice	3	ea.	\$17873.30	\$53,619.90
	Complete shop manuals as per bid	1	ea.	294.69	294.69
	Undercoating	3	ea.	50.00	150.00
G80	Limited slip rear differential	3	ea.	86.00	258.00
DE3	Dual remote electric mirrors	3	ea.	67.08	201.24
AG1	6-way driver's side power seat	3	ea.	262.30	786.90
6A3	HD front/rear rubber floor covering	3	ea.	8.60	25.80
6B2	Rear door inoperative	3	ea.	11.18	33.54
6N1	Handle	3	ea.	17.21	51.63
W5	Rear window inoperative	3	ea.	7.74	23.22
C7	Aux. dome light	3	ea.	18.92	56.76
7Y6	Inoperative dome light	3	ea.	8.60	25.80
T53	Alternate flashing trunk lid warning light	3	ea.	193.50	580.50
6N6	Rear door inoperative	3	ea.	9.46	28.38
B42	HD rubber trunk mat	3	ea.	25.80	77.40
7X6	611 halogen left-hand spot light	3	ea.	107.50	322.50
6B4	Spare tire relocation	3	ea.	10.32	30.96
30EX	HD cloth front/rear seats - blue	3	ea.	n/c	n/c
R4Y	Goodyear Eagle GT+4	3	ea.	n/c	n/c
QQG	P235-70 R15	3	ea.	55.04	165.12
6E2	Single key locking system	3	ea.	n/c	n/c
6H7	Trunk opener	3	ea.	n/c	n/c
AA7	Power windows	3	ea.	292.40	877.20
C49	Rear window defroster	3	ea.	146.20	438.60
AAT	Special paint	3	ea.	245.96	737.38
	WA#8555 #1	3	ea.	n/c	n/c
	WA#9753 #2	3	ea.	n/c	n/c
	B009 Paint Scheme	3	ea.	n/c	n/c
BF9	Credit - delete floor mats	3	ea.	-38.70	-116.10
TOTAL \$					\$58,669.42

I CERTIFY THE ABOVE ITEMS ARE WITHIN CURRENT BUDGET ALLOWANCE AUTHORIZED BY 	PHONE EXT. 752 7517	I CERTIFY THESE ITEMS ARE AUTHORIZED BY THE DEPT. OF GENERAL SERVICES AUTHORIZED AGENT 	SIGNATURE DATE
APPROVED 			

95-71-59

PURCHASE REQUISITION

DATE: 1-10-95

No. 08005

TO: PURCHASE DEPARTMENT

FROM: DEAN PERP

DEPT: 71-FLEET

ISSUE PURCHASE ORDER

GET PRICE/DELIVERY QUOTATIONS AND CALL ME WHEN THEY RECEIVED, AT REQUISITION

SPECIAL INSTRUCTIONS: SEND COPY'S TO DEALER

REQUIRED DATE: ASAP

- DELIVER TO:
- City Hall, 10722 S.E. Main St.
 - Attention: _____
 - Public Works, 6101 S.E. Johnson Creek Blvd.
 - Police Dept., 2566 S.E. Harrison
 - Fire Dept., 11022 S.E. 37th Ave.
 - Library, 10660 S.E. 21st Ave.
 - Milwaukee Sr. Center, 5440 S.E. Kellog Cr. Dr.
 - North Clackamas Park, 5695 S.E. Kellog Cr. Dr.
 - Other _____

BR0345

SUGGESTED VENDORS:

NAME: BRAD'S COTTAGE GROVE CHEVROLET

NAME: _____

ADDRESS: 2275 POW RIVER ROAD

ADDRESS: _____

CITY: COTTAGE GROVE OR 97424

CITY: _____

PHONE #: _____

PHONE #: _____

QUANTITY REQUIRED	DESCRIPTION	ACCOUNT NUMBER	UNIT PRICE
3 EA	1BL19 CHEVROLET CAPRICE Full size black/white Police cars as per C.R.C. (STATE BID)	71-7130	58,667
	STATE BID IN THIS YEARS BUDGET		
			58,667

ESTIMATED TOTAL _____

APPROPRIATION BALANCE: 116,842

AS OF: July 94

SIGNATURE: Dean Perp

APPROVALS: DEPARTMENT MANAGER Kelly Somers

DATE: 1/10/95

DEPARTMENT HEAD D. Coile

DATE: 1/10/95

FINANCE DIRECTOR De Bartlett

DATE: 1/20/95

*State of Oregon
Dept of Administrative Services
Purchasing Division*

3 B/W Patrol Cars
th

STATE OF OREGON
DEPT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

COMMODITY CODE: 07006

PA NUMBER: 4557

BUYER NAME: J. STEGER (503) 378-4292

ITEM: POLICE PKG, FULL SIZE, CHEVROLET CAPRICE

AGENCY: ALL STATE AGENCIES AND ORCPP MEMBERS EXCLUDING STATE OF WASHINGTON

CONTRACTOR: BRAD'S COTTAGE GROVE CHEVROLET
2275 ROW RIVER ROAD
COTTAGE GROVE OR 97424

TELEPHONE: (503) 942-4415 CONTACT: WAYNE PHELPS
FAX: 942-2881

BRAND/TRADE NAME: CHEVROLET CAPRICE 1BL19 FULL SIZE POLICE CAR

PRICE: \$17,873.30

TERMS: NET 30
FOB: FOB DESTINATION

CONTRACT PERIOD: DEC 1 1994 THROUGH NOV 30 1995

RECEIVED
DEC 5 1994

DAYS REQUIRED FOR DELIVERY: 150
MINIMUM ORDER: NONE
TRANSPORTATION CHARGES: SEE SUPPLEMENTAL
OTHER CONDITIONS: ALL ORCPP MEMBERS EXCEPT THE STATE OF WASHINGTON MAY USE THIS CONTRACT

CITY OF MILWAUKIE
PUBLIC WORKS

BEFORE DECEMBER 31, 1994

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DELEVERY CHARGES ARE N/C WITHIN 25 MILES OF SALEM, PORTLAND, EUGENE AND CORVALLIS. CHARGES OUTSIDE THESE AREAS ARE SHOWN IN THE TRANSPORTATION CHARGES OF THIS DOCUMENT.

THE STATE AGENCY OR AGENCIES LISTED ARE REQUIRED TO PURCHASE FROM THE CONTRACTOR WHEN PURCHASING THE ITEMS LISTED IN THE PRICE SCHEDULE UNLESS AN EXCEPTION IS INDICATED.

IF PRODUCTS OR SERVICES PURCHASED UNDER THIS CONTRACT ARE UNSATISFACTORY, ASSISTANCE MAY BE OBTAINED BY SUBMITTING A PURCHASING PERFORMANCE REPORT (FORM NO. 125-3001) TO THE QUALITY ASSURANCE UNIT OF THE PURCHASING DIV.

THIS CONTRACT COVERS ONLY THOSE ITEMS LISTED.

now received
DATE OF ISSUANCE: 11/29/1994
BID NO.: 10200037 94
got back from P.D. 1-12-95
sent c/o it 1-16-95
HAD TO be in 1-13-95 HAD TO TAKE

STATE OF OREGON
DEPT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

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POLICE VEHICLE BID SHEET

GENERAL SPECIFICATION: ALL VEHICLES BEING OFFERED SHALL BE ENGINEERED
AND PRODUCED SPECIFICALLY FOR POLICE SERVICE

The vehicles listed below represent the Base Police Cars as described
in Manufacturers Special Service literature.

FULL SIZE POLICE CARS

Chevrolet Caprice Model 1BL19

PRICE: \$17,873.30

Dealer option pricing:

Undercoat. \$50.00

Extended Warranty Statewide 100,000 mile. \$1740.00
Zero deductable available for less cosr "MAJOR GUARD".

Complete Factory Shop Manual sets (not copies) including:

- Body / Mechanical parts listing
- Shop maintenance and repair instructions
- Emissions Manual
- Electrical Schematic
- Repair Labor Times manual
- Technical Service Bulletins and updates.

\$294.69 *lu*

THE FOLLOWING IS THE STANDARD EQUIPMENT

MECHANICAL:

LT1 - 5.7L (350) SFI V8 ENGINE-inc: 3.08 axle ratio, dual
exhaust; aux trans oil cooler

FE9 - Federal Emissions Equipment

MXO - 4160E, 4-speed electronically controlled auto transmission w/OD

GU4 - Performance axle-inc: 3.08 rear axle ratio

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Brake/transmission shift interlock ✓

Special calibrated transmission w/low gear blackout ✓

8.5" ring gear rear axle ✓

Rear wheel drive ✓

Special balanced drive shaft ✓

Maintenance Free 770 CCA HD battery ✓

Delcotron 140 amp alternator ✓

Auxiliary junction block in engine compartment ✓

Auxiliary fuse block-inc: 6 additional fused circuits at 20 amps each ✓

Wiring provisions for headlamp flashing unit & horn/siren circuit ✓
connection.

**(Wiring provision 6J3 must be ordered to get a headlamp system ✓
control from flasher unit to vehicle interior)**

Engine oil cooler integral w/coolant radiator ✓

Pwr steering fluid cooler ✓

Cooling Pkg-inc: higher wattage dual electric fans, transmission oil ✓
cooler integral w/radiator & HD condenser, AC Condenser.

Silicon radiator/heater hoses w/worm drive hose clamps ✓

HD full perimeter frame ✓

Special Police Pursuit Suspension-inc: front/rear stabilizer bars, ✓
special springs & shocks, firm-feel steering, specific body mounts ✓

Full size spare tire ✓

15" x 7" HD steel wheels w/bolt on center hub caps ✓

Pwr steering ✓

Pwr 4-wheel disc brakes ✓

Semi-metallic front/rear disc brake pads ✓

4-wheel anti-lock brake system ✓

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PRICE AGREEMENT SUMMARY

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23 gallon fuel tank ✓

Stainless steel exhaust system ✓

EXTERIOR:

Base coat/clear coat paint

Wide body-side moldings

Dual manual mirrors (LH remote/RH manual)

Tinted glass

Intermittent windshield wipers w/wet-arm washer system

Anti-corrosion hot melt pads under front/rear floor insulators

Galvanized steel corrosion protection on most body panels

EPA FUEL ECONOMY RATINGS:

City 18/hwy 26 (4.3L engine)

City 17/hwy 25 (5.7L engine) ✓

INTERIOR:

AS7 45/45 BUCKET SEAT (STD)

-N HD VINYL FRONT/HD VINYL REAR SEAT TRIM (STD)

-E HD CLOTH FRONT/HD CLOTH REAR SEAT TRIM

-D HD CLOTH FRONT/HD VINYL REAR SEAT TRIM

Color-keyed front/rear carpeted floor mats ✓

Scotchgard fabric protector-inc: seats, door trim, floor covering ✓

Tilt steering wheel w/adjustable steering column ✓

Digital speedometer-inc: certified 1 MPH increments from 1 to 199 MPH

Gauges-inc: oil pressure, temperature, voltmeter ✓

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Trip odometer ✓

Low fluid level warning lights and speedometer-light off switch
oil change monitor ✓

Pwr door locks ✓

Pwr trunk opener w/switch located left side of steering column ✓

Single Key Locking System, all units coded individually ✓

Air conditioning-inc: R134A refrigerant ✓

Wide open throttle cut-off air conditioning w/head pressure relief ✓

ETR AM/FM stereo w/seek-scan, digital clock, dual front/rear speakers ✓

Radio bonding strap pkg ✓

Cup holder -

Door map pockets -

RH covered visor mirror ✓

SAFETY FEATURES:

4-wheel anti-lock brake system

Driver & passenger side supplemental inflatable restraint (SIR) ✓

Front/rear manual lap/shoulder seat belts w/center position lap belts -

Child security rear-door locks -

Brake/transmission shift interlock -

5-MPH bumpers

9C1 POLICE PACKAGE INCLUDES THE FOLLOWING EQUIPMENT AS STANDARD

7P8 - External air-to-oil cooler mounted in front of coolant radiator
to left center and is connected to special adaptor for oil
filter at left lower rear of engine

V03 - Cooling package including transmission oil cooler integral with
radiator, dual electric fans (100 watt primary, 150 watt
secondary) and heavy duty air conditioning condenser

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7L9 - Cooler power steering fluid, single loop of steel tubing mounted to bottom of fan shroud and connected in-line between power steering outlet hose and steering gear

7Z5 - Auxiliary fuse block, battery is supplied through two 65 amp fusible links and two 10-gauge wires from the underhood electrical center to an auxiliary fuse panel mounted on the lower end of the electrical convenience center located in the front of dash to left of the steering column and brake pedal. The auxiliary fuse panel contains six 20 amp fuses (Three per fusible link) which provide power through 14-gauge wires to customer furnished equipment. (this item is delete when ordering 6J1 option)

Horn and siren circuit connection, instrument panel wiring harness has an in-line connector for customer furnished equipment and is located near the right side of the air-conditioning plenum under the instrument panel (is used when option 6J4 is ordered)

Auxiliary junction block, is used for underhood battery power hookup; it is supplied by a secondary positive battery cable and is mounted on the right front inner fender just behind the battery

Radio bonding strap package, includes seven ground straps (1/4 inch flat braided copper) located as follows:

1. Rear bumper to frame
2. Hood to body from wiper motor to hood at centerline
3. Truck lid to body LH hinge box
4. Frame to body RR compartment LH side
5. Exhaust pipe to frame RH behind resonator
6. Engine to front of dash
7. Engine to frame RF behind air pump to frame at top (with dual exhaust strap is added to left side of exhaust pipe)

1K5 Transmission low gear lock out, range selector lever stop, prevents manual downshift to first gear

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 FACTORY OPTIONS

ITEM CODE	DESCRIPTION	PRICE
L99	4.3L (265) SFI VS 4300 engine	*CREDIT* (\$473.00)
AM6	HD front vinyl 55/45 split-bench w/reclining seat back, HD rear vinyl bench seat	N/C
R9W	DELETE REAR WINDOW DEFOGGER (STD)	*NO CREDIT*
C49	ELECTRIC REAR WINDOW DEFOGGER	\$146.20
VK3	FRONT LICENSE PLATE BRACKET	N/C
G80	LIMITED SLIP REAR DIFFERENTIAL	\$86.00
AP9	CARGO CONVENIENCE NET	\$25.80
K05	ENGINE BLOCK HEATER	\$17.20
BF9	FRONT/REAR FLOOR MAT DELETE	*CREDIT* (\$38.70)
C96	DUAL READING LAMPS (REQ: DC4 Rearview Mirror)	N/C
DC4	DAY/NIGHT REARVIEW MIRROR W/DUAL READING LAMPS (REQ: C96 Reading Lamps)	\$43.86
DF6	DAY/NIGHT AUTOMATIC REARVIEW MIRROR W/DUAL READING LAMPS	\$112.66
DE3	DUAL REMOTE ELECTRIC MIRRORS	\$67.08
D90	BODY-SIDE/REAR PIN STRIPING (N/A w/AAS or AAT Special Paint)	\$52.46
AG1	6-WAY DRIVER-SIDE PWR SEAT (REQ: AA7 Pwr Windows)	\$262.30
AG2	6-WAY PASSENGER-SIDE PWR SEAT (REQ: AG1 Pwr Seat)	\$262.30
K34	ELECTRONIC SPEED CONTROL W/RESUME SPEED	\$193.50
AA7	PWR WINDOWS W/DRIVER-SIDE EXPRESS DOWN, PASSENGER WINDOW LOCK-OUT	\$292.40

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UL5	RADIO DELETE *Speakers, speaker wires & antenna remain*	*CREDIT*	(141.90)
UM6	ETR AM/FM STEREO W/AUTO-REVERSE CASSETTE, SEEK-SCAN, DIGITAL CLOCK, COAXIAL FRONT/EXTENDED RANGE REAR SPEAKERS		\$172.00
P03	FULL STAINLESS STEEL WHEEL COVERS		\$12.90
PB1	DELUXE WHEEL COVERS		\$60.20
N91	WIRE WHEEL COVERS W/LOCKS		\$184.90
KD1	AUXILIARY EXTERNAL TRANSMISSION OIL COOLER (included with 5.7L engine)		\$64.50
5AQ	P225/70R15 ALL-SEASON SBR BSW H-RATED TIRES (STD) *SEO* (w/LT1 Engine REQ: VZ2 Speed Limiter)		N/C
R4Y	GOODYEAR EAGLE GT+4 TIRES *SEO*		N/C
5AN	P225/70R15 ALL-SEASON SBR WSW H-RATED TIRES *SEO* (w/LT1 Engine REQ: VZ2 Speed Limiter) (REQ: R4Z Tires)		\$65.36
R4Z	GENERAL XP2000AS TIRES *SEO*		N/C
QQG	P235/70R15 ALL-SEASON SBR BSW V-RATED TIRES *SEO* STD without the 9C1 Police package		\$55.04
QQR	P235/70R15 ALL-SEASON SBR WSW V-RATED TIRES *SEO* STD without the 9C1 Police package (REQ: R4Y Tires)		\$94.60
D84	CUSTOM TWO-TONE PAINT ✓		\$121.26
AAS	SPECIAL PAINT - SOLID*CLASS A* *SEO*(Fleet customer w/Fleet Account Number beginning w/a 11611 or higher) *Lead Time Varies*		\$112.66
AAS	SPECIAL PAINT - SOLID*CLASS B* *SEO*(Customer w/Fleet Account Number beginning w/a number below 11611 or not utilizing any "FAN" number) *Lead Time Varies*		\$147.92
AAT	SPECIAL PAINT - TWO TONE *CLASS A* *SEO* (Fleet customer w/Fleet Account Number beginning w/a 11611 or higher) *Lead Time Varies*		\$245.96

B/W
STD?

245,96

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AAT SPECIAL PAINT - TWO TONE *CLASS B* *SEO*
(Customer w/a Fleet Account Number
beginning w/a number below 11611 or not
utilizing any "FAN" number) *Lead Time Varies* \$265.74 -

KEY SYSTEM:

6A4 SINGLE KEY LOCKING SYSTEM-inc: 3 keys
with random code.
All units coded individually (STD) *SEO* N/C

6A5 SINGLE KEY LOCKING SYSTEM-inc: 3 keys
with special code 53U9.
All units coded alike *SEO* N/C

6E2 SINGLE KEY LOCKING SYSTEM-inc: 3 keys
with special code 37D2.
All units coded alike *SEO* N/C

6E8 SINGLE KEY LOCKING SYSTEM-inc: 3 keys
with special code 44Y4.
All units coded alike *SEO* N/C

6F8 DELETE AUXILIARY ASHTRAY IN FRONT DOORS *SEO* (~~\$18.06~~)

6C9 DELETE CONDUIT-inc: pullcord inside the conduit
to facilitate pulling of radio wires.
Conduit is routed under floor covering
from dash to trunk *SEO* (REQ: 6A3 HD Floor
Covering) (N/A w/AG2 Passenger Pwr Seat) \$85.14 -

6A3 HD FRONT/REAR RUBBER FLOOR COVERING *SEO*
(REQ: BF9 Floor Mat Delete) \$8.60

6B2 REAR DOOR INOPERATIVE Rear doors can
only be opened from the outside. Remote
rod is taped to lower door panel for
installation *SEO* \$11.18

6N1 HANDLE Inside driver door handle releases
lock when opening door *SEO* \$17.21

6N5 REAR WINDOW INOPERATIVE Rear door window
handles are removed and regulator shaft is
covered with cap. Rear window power regulators
are operable only from driver's position when
(AA7) power windows are ordered *SEO* \$7.74

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6B7	HOLE IN ROOF PANEL ON CENTERLINE-inc: 1.5" hole approximately 18" rearward of windshield opening *SEO* (REQ: 6F5 Wiring)	\$8.60
6J5	HOLE IN ROOF PANEL ON RIGHT SIDE-inc: 1.5" hole approximately 18" rearward of windshield opening and 8" inboard from passenger door *SEO* (REQ: 6F5 Wiring)	\$8.60
6C7	AUXILIARY DOME LIGHT Located approximately 10" rearward of windshield with switch at base of light. Wired independently of std dome light *SEO*	\$18.92
6J6	AUXILIARY REAR WINDOW RED LIGHTS-inc: (2) 4" red single-faced lights mounted behind rear seat. Lights are relay controlled w/30 amp Bosch relays using 16-gauge wire. (2) 16-gauge wires are routed along rocker area to the fuse panel under dash. Lights function as auxiliary turn signal, stop lamps and hazard flashers *SEO*	\$146.20
7Y2	DOOR OPEN WARNING LAMP ACTIVATED BY DOOR JAMB SWITCHES *SEO* (N/A w/7Y6 Inoperative Lamp)	\$8.60
7Y6	INOPERATIVE DOME LAMP Dome light controlled by instrument light dimmer. Door jamb switches are disconnected and dome light will not operate when door is opened *SEO*	\$8.60
T53	ALTERNATE FLASHING TRUNK LID WARNING LIGHTS (2) 4" red single-faced lights mounted to the deck lid inner panel *SEO*	\$193.50
6N6	REAR DOOR LOCKS INOPERATIVE Actuator pins are not installed and locking pins are taped to lock module for installation. Rear door locks are inoperable at rear doors, but operable from driver's position *SEO*	\$9.46
B42	HD RUBBER TRUNK MAT-Replaces felt mat *SEO*	\$25.80
6Y1	FRONT DOOR BODY-SIDE MOLDING Shipped loose in trunk *SEO*	N/C
B81	BODY-SIDE MOLDING DELETE-inc: doors, fenders, rear quarter panels *SEO*	(\$14.62)

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6G2	ROOF REINFORCEMENT-inc:14" wide plate located on longitudinal centerline from windshield to first roof bow. Aligned center hole provided w/6B7 Roof Hole *SEO*	\$8.60
8X3	32MM BILSTEIN GAS SHOCKS *SEO*	\$236.50
7X6	611 HALOGEN LEFT HAND SPOTLIGHT *SEO*	\$107.50
7X7	611 HALOGEN LEFT/RIGHT HAND SPOTLIGHT *SEO*	\$215.00
7X8	LEFT HAND SPOTLIGHT PROVISION-inc: hole through left pillar, mounting bracket, door cut w/trim, accessible pwr connector *SEO*	\$43.00
7X9	LEFT/RIGHT HAND SPOTLIGHT PROVISIONS-inc: hole through pillars, mounting brackets, doors cut w/trim, accessible pwr connectors *SEO*	\$107.50
VZ2	130 MPH SPEED LIMITER (REQ: LT1 Engine & 5AQ or 5AN Tires) *SEO*	N/C
6B4	SPARE TIRE RELOCATION Moved from center of trunk to left-hand rear corner *SEO*	\$10.32
6H6	PWR TRUNK OPENER SWITCH Located near the lower right of radio *SEO*	N/C
B46	DELUXE TRUNK TRIM *SEO*	\$17.20
6C8	COAXIAL RADIO ANTENNA CABLE Routed from just rearward of dome light to trunk. 27" extra cable coiled between headlining and roof panel. Additional coil secured to right inner wheelhouse *SEO*	\$8.60
6F5	UNIVERSAL ROOF WIRING HARNESS-inc: (8) 12-gauge wires, (2) 10-gauge wires color coded, 3' of extra wire coiled under instrument panel, 2' of extra wire coiled at the roof. Roof wiring is extended through roof hole secured and sealed with a rubber grommet *SEO* (REQ: 6B7 or 6J5 Hole in Roof)	\$47.30
WX7	AUXILIARY SPEAKER WIRING-inc: 42" wire run from door mounted speakers and coiled under instrument panel *SEO*	\$21.50

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-
- 6J1 IGNITION/MAIN PWR SUPPLY WIRING Battery pwr supplied through (2) 65-amp fusible links and (2) 10-gauge wires from the underhood elect center to a circuit breaker panel mounted under the instrument panel. Circuit breaker panel consists: (1) 30-amp breaker provides pwr directly from battery, (2) 20-amp breakers provide pwr through the contacts of ignition controlled relays. 5' of 12-gauge wire coiled under the instrument panel *SEO* \$129.00
- 6J3 WIRING FOR GRILLE LIGHTS, FLASHER, SPEAKERS, HEADLAMP FLASHERS-inc:(1) 16-gauge wire to flasher mounted on right dash, (2) 16-gauge wires from flasher to grille, (2) 16-gauge wires from instrument panel to grille, in-line connector in the headlamp circuit for headlamp flashing unit, 16-gauge flasher control wire routed to coil under instrument panel *SEO* \$68.80
- 6J4 WIRING FOR HORN/SIREN CIRCUIT-inc: (2) 16-gauge wires connected to an in-line connector in the horn circuit of the instrument panel harness *SEO* \$14.62
- UV1 WIRING FOR HUGHES DATA VISION Provision provides heads-up display system for selected MDT information *SEO* (REQ: 6G2 Roof Reinforcement) \$73.10
- UV3 WIRING FOR HUGHES DATA VISION & TEXAS INSTRUMENTS/HUGHES NIGHT SIGHT Provision provides heads-up display system for selected MDT information & low light video camera *SEO* (REQ: 6G2 Roof Reinforcement, 6F5 Roof Harness, 6B7 Roof Hole) \$157.38

GENERAL SPECIFICATIONS

2. APPLICABLE SPECIFICATIONS

- 2.1 All Federal Safety regulations and State of Oregon Revised Statutes pertaining to motor vehicle construction and compulsory equipment form a part of this specification.

3. GENERAL REQUIREMENTS

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3.4 Vehicles shall be new (unused), current models of standard production, and shall be completely prepared for customer delivery through service by a factory franchised dealer prior to delivery. Bids on "caravan" or "driveaway" method of delivery from the factory to the dealers will not be considered. A new car pre-delivery inspection and service sheet, properly completed and signed by the service manager of the seller, shall be furnished with each vehicle. Each unit shall include all inspection coupons, certicards, or warranty identification cards furnished to the trade in general in accordance with standard warranty policy.

Said warranty shall be honored by all franchised dealers of that make in the State. Said warranty maintenance required, when performed by the State preventive maintenance program, shall be acceptable to the dealers when it meets or exceeds dealers certifications requirements. Evidence of such preventive maintenance shall be furnished by state agencies as required by the manufacturer. All standard manufacturer's warranties shall be provided to the State of Oregon at no additional cost. Upon written notification from the State agency, warranty extension will be given for those vehicles which will have a delay in being placed into service.

3.5 All vehicles offered against this specification shall be of identical body style, quality and appointments as those offered to the trade in general during the course of the model year, except any accessory offered to the general public as standard equipment which is not offered for fleet bids must be noted.

3.6 All accessories and/or options as listed herein shall be identical to those regularly supplied to the dealer by the original equipment manufacturer, and shall be of the identical quality and design as those normally installed on vehicles for sale through normal commercial channels, and shall be installed by the vehicle manufacturer unless specifically otherwise provided in the bid specifications.

3.7 Each order of vehicles shall be delivered to designated delivery area, complete with required number of invoices. Each vehicle shall be delivered with separate invoices, warranty papers, pre-delivery inspection sheet; manufacturer's statement of origin; owner's manual; a copy of factory invoice (including prices) listing all components, accessories and key identification and a separate unattached "line set ticket" if available.

STATE OF OREGON
DEPT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

PAGE: 14

COMMODITY CODE: 07006

PA NUMBER: 4557

In any case where a vehicle is delivered minus any part, item or accessory issued as standard manufacturer's equipment, and/or as specified by the State, the vendor will be immediately notified. If the missing part, item or accessory cannot be provided and installed within 72 hours, the State reserves the right to buy the item or part from another source and bill the vendor for the cost including installation.

- 3.8 Recall notices shall be sent to the agency and address invoiced for the vehicle being recalled.
- 3.9 A statewide organization of factory dealerships capable of providing replacement parts and service adequate for fleet operation is required.

STATE AGENCY PURCHASES FROM PRICE AGREEMENT: State agencies shall order directly from Contractor by using a Contract Release Order. Contractor shall invoice as instructed on the Contract Release Order.

PURCHASES BY ORCPP MEMBERS: Contractor agrees to sell from this agreement to authorized members of the State of Oregon's Cooperative Purchasing Program (ORCPP) who place orders using the CRO (Contract Release Order) process as designed by the ORCPP. ORCPP members shall follow ordering procedures stated in their Cooperative Purchasing Agreement with the Department of Administrative Service's Purchasing Section. Contractor shall invoice as instructed on the CRO. Authorized ORCPP members can be verified on the VIP system under the menu option "Directories".

PLACEMENT OF ORDERS: Contractor shall have 10 days from Receipt of CRO to process a build order to manufacturer and verify with the ordering organization. The contractor shall provide within 4 days of receipt from manufacturer a copy of the order build verification to the ordering organization. Ordering organization will then verify the vehicle being built and correct any mistakes. The Contractor will notify ordering organization of delivery time, and any changes to that delivery time.

LIQUIDATED DAMAGES: Contractors are required to place orders with the manufacturer within ten days after receipt of CRO. Liquidated damages of TEN DOLLARS (\$10.00) will be assessed for each calendar day for each unit in which the Contractor is over the 10 days in placing the order with the manufacturer after. Liquidated damages will be deducted from payment for vehicle(s).

STATE OF OREGON
DEPT OF ADMINISTRATIVE SERVICES
PURCHASING DIVISION
PRICE AGREEMENT SUMMARY

PAGE: 15

COMMODITY CODE: 07006

PA NUMBER: 4557

TRANSPORTATION CHARGES: Prices shall be on a delivered basis to Salem, Portland, Eugene, and Corvallis (or to any location within a 25 mile radius of these cities). Deliveries to other locations outside of the above listed areas will be at a flat rate of (\$15.00) per vehicle.

DELIVERY: Contractor shall complete delivery within 150 calendar days of receipt of order. Contractor shall notify the State, in writing, within 45 calendar days of receipt of order if delivery cannot be completed as required. Upon receipt of such notice from Contractor, State reserves the right to cancel the order and make the purchase from another vendor.

TERMS: Bids may be rejected if they require payment in less than 30 calendar days after delivery or if they require payment, in whole or in part, prior to delivery.

PAYMENT: Contractor may assess Contractor's usual overdue amount (up to 2/3 of one percent per month) should the State's account become delinquent. State's account may be considered delinquent if it has not been paid within 45 days from the latest of the following dates: (1) the date of receipt of Contractor's invoice, (2) the date of the initial billing statement if no invoice is received or (3) the date the claim is made certain by agreement of the parties or by operation of law.

TERMINATION: The contract, including extensions, may be terminated by mutual consent of both parties, or by the State at its discretion, upon 30 days' written notice.



MEMORANDUM

TO: Mayor and City Council
THROUGH: Dan R. Bartlett, City Manager *DB*
FROM: Angus M. Anderson, Finance Director *AA*
DATE: January 27, 1995
RE: Approval of Purchase Order Request

RECOMMENDATION:

Consider approval of Purchase Order Request in the amount of \$ 16,553 for the acquisition of a truck for Street Dept.

BACKGROUND INFORMATION:

Annually the State of Oregon lets bids for different types of vehicles. The bid for 10,000 GVW cab/chassis trucks was awarded to Murray Chevrolet in Gresham.

In the adopted 1994-95 budget, the Street Department (Fund 22) budgeted \$25,000 to replace a 1978 flatbed truck. The truck that is requested is that vehicle. Once the truck is delivered a toolbed will be added to the chassis. The toolbed will be acquired from a separate vendor, however the cost will also be charged against the budgeted amount.

As the acquisition was discussed during the budget process, the amount was included in the adopted budget and the purchase is in accordance with the state bid award, approval is requested.

2

95-71-40

PURCHASE REQUISITION

DATE: 1-24-95

No. _____

TO: PROCUREMENT DEPARTMENT

FROM: DEAN PENN

DEPT: 71-Fleet

ISSUE PURCHASE ORDER

GET PRICE/DELIVERY QUOTATIONS AND CALL ME WHEN THEY
RECEIVED, AT EXHIBITION

SPECIAL INSTRUCTIONS: SEND P.O. & CRO TO DEALER ASAP - SEND STAFF

P.O COPY + CRO COPY = BUDGET - 94-95

REQUIRED DATE: ASAP

- DELIVER TO:
- City Hall, 10722 S.E. Main St
 - Attention: _____
 - Public Works, 6101 S.E. Johnson Creek Blvd.
 - Police Dept., 2566 S.E. Harrison
 - Fire Dept., 11022 S.E. 37th Ave.
 - Library, 10680 S.E. 21st Ave.
 - Milwaukee Sr. Center, 5440 S.E. Kellog Cr. Dr.
 - North Clackamas Park, 5695 S.E. Kellog Cr. Dr.
 - Other _____

SUGGESTED VENDORS:

NAME: MARLEY CHEVROLET - Gresham

NAME: _____

ADDRESS: 1980 E. Powell

ADDRESS: _____

CITY: GRESHAM OR. 97080

CITY: _____

PHONE #: 661-2222

PHONE #: _____

FAX 669-9327

QUANTITY REQUIRED	DESCRIPTION	ACCOUNT NUMBER	UNIT PRICE
1 EA	CC31003 2WD Chevyette Reg. CAB & CHASSIS 135.5 → Steel base color → white AS PER STATE BID + FACTORY OPTIONS	71-7130	16,553.00

ESTIMATED TOTAL
16,553.00

APPROPRIATION BALANCE: 116,842

AS OF: Jan-94

SIGNATURE: [Signature]

APPROVALS: DEVISION MANAGER [Signature]

DATE: 1/25/95

DEPARTMENT HEAD [Signature]

DATE: 1/26/95

FINANCE DIRECTOR _____

DATE: _____

CONTRACT RELEASE ORDER

STATE OF OREGON

SHOW THIS NUMBER ON ALL PAPERS AND PACKAGES PERTAINING TO THIS ORDER

CRO

46310

PAGE OF

C.R.O. DATE

BILL TO CITY of MILWAUKIE - 6101 S.E. JOHNSON CAK. BLVD. 97206

ACCOUNT NUMBER 10722 S.E. MAIN ST. MILWAUKIE OR. 97222

FISCAL YEAR 95/96 PRICE AGREEMENT NO. 4557

CLASS. FUND. PROJECT OR APPROPRIATION REQ. NO. AGENCY NO. 15M0365

VENDOR MURRAY CAROLET 1980 E Lowell GRESHAM OR. 97080

F.O.B. DELIVERY REQUIRED TERMS

PA. ITEM	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL PRICE
003	CAR MAKE REF. CHAS-SAB 135.0	1	EA	16553	16553
209	CHASSIS SAB BODY CODE				
005	DUAL REAR WHEELS				
07A	10,000 LBS. GULF				
MKT	31 GAL. FUEL TANK				
329	RED. EMISSION REQUIREMENTS				
100	5.7 LITER V6 (350 C.U.I.N. HD-EFI				
101	4. SPEED AUTO. H.D. WITH OVER DRIVE				
075	4.10 REAR AXLE RATIO				
090	REAR AXLE LOCKING D. DIFFERENTIAL				
4HP	LT 225/75 R 16 D - REAR				
4HP	LT 225/75 R 16 D - FRONT				
2HP	LT 225/75 R 16 D - SPARE				
A52	VINYL BENCH SEAT				
203	TILT WHEEL & STEREO GENERAL PACKAGE				
000	AIR CONDITIONING				
001	AM/FM STEREO - 4/5/65 AND CLOCK				
001	ROOF RACKING HARDCAPS				
2Y1	SOLID PAINT - WHITE				
13UX	GRAY VINYL L. ENT.				

TOTAL \$ 16553.00

I CERTIFY THE ABOVE ITEMS ARE WITHIN CURRENT BUDGET ALLOWANCE

PHONE EXT.

I CERTIFY THESE ITEMS ARE AUTHORIZED BY THE DEPT. OF GENERAL SERVICES

ORDERED BY DEAN PEPPI

786 7619

AUTHORIZED AGENT

APPROVED

SIGNATURE

DATE

260	TRAVEL, FOOD & LODGING	
		\$1,550
	Subtotal	\$1550.00

270	EDUCATION & TRAINING	
	PERSONNEL TRAINING	\$5,500
	Subtotal	\$5500.00

310	RENTS & LEASES	
	EQUIPMENT RENTAL	\$9,000
	Subtotal	\$9000.00

320	UTILITIES	
		\$15,225
	Subtotal	\$15225.00
	TOTAL MATERIALS & SERVICES	\$286395.00

CAPITAL EXPENDITURES

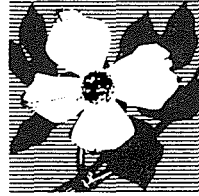
130	VEHICLES	
	TRANSFER TO FLEET	
	REPLACE 3/4 TON (6415)	\$25,000
	SWEeper LEASE	\$15,285
		35,000
	Subtotal	\$40285.00

- - - - ACTUAL - - - -		- - - FY 93/94 - - -		FUND DEPT ACCOUNT DESCRIPTION	FTE	- - - - FISCAL YEAR 94/95 - - - -		
FY 91/92	FY 92/93	ADOPTED BUDGET	ESTIMATED ACTUAL			PROPOSED BUDGET	APPROVED BUDGET	ADOPTED BUDGET
				22				
				22 000				
90.00	0.00	70,000		6010 0000		86,000	86,000	86,000
21,371.51	20,635.05	29,000	29,000	6020 0000		42,500	42,500	42,500
67,574.26	40,634.78	95,150	70,000	6100 0000		60,000	60,000	60,000
37,508.85	50,751.11	50,000	36,000	6110 0000		45,500	45,500	45,500
175.85	7,555.93	8,370	8,300	6120 0000		9,000	9,000	9,000
164.56	100.17	500	100	6130 0000		550	550	550
458.66	891.23	1,200	1,200	6210 0000		1,320	1,320	1,320
0.00	0.00	0	0	6211 0000		0	0	0
5,124.17	6,191.24	8,000	7,000	6220 0000		8,800	8,800	8,800
436.13	671.60	1,000	500	6230 0000		1,000	1,000	1,000
40.00	403.38	240	240	6240 0000		200	200	200
542.71	248.70	490	490	6250 0000		250	250	250
1,484.00	1,384.63	1,500	1,500	6260 0000		1,550	1,550	1,550
728.00	1,338.66	5,325	3,500	6270 0000		5,500	5,500	5,500
2,794.81	6,056.52	9,674	6,500	6310 0000		9,000	9,000	9,000
0.00	0.00	0	0	6318 0000		0	0	0
0.00	0.00	0	0	6319 0000		0	0	0
28,155.61	0.00	14,200		6320 0000		0	0	0
0.00	0.00	0	0	6322 0000		0	0	0
0.00	0.00	0	0	6323 0000		0	0	0
0.00	0.00	0	0	6325 0000		0	0	0
0.00	0.00	0	0	6329 0000		0	0	0
0.00	1,316.15	0	0	6330 0000		0	0	0
0.00	0.00	0	0	6332 0000		0	0	0
166,649.12	138,179.15	294,649	164,330			271,170	271,170	271,170
12,289.50	33,253.81	17,555	17,555	7140 0000		68,000	68,000	46,555
0.00	0.00	0	0	7150 0000		2,500	2,500	2,500
0.00	0.00	0	0	7165 0000		24,000	24,000	24,000
0.00	24,934.90	0	49,582	7510 0000		0	0	0
10,766.00	20,416.50	877,000	830,000	7520 0000		108,025	108,025	108,025
70,850.76	70,606.39	0	0	7520 2020		0	0	0
261,976.21	0.00	0	0	7520 2010		0	0	0
50,668.57	32,852.45	0	0	7520 2030		0	0	0
30,070.85	0.00	0	0	7520 2040		0	0	0
0.00	0.00	0	0	7520 1094		0	0	0
0.00	0.00	0	0	7520 1095		30,000	30,000	30,000
0.00	0.00	0	0	7520 1096		0	0	0
0.00	0.00	0	0	7520 1097		0	0	0
0.00	0.00	0	0	7520 1098		0	0	0
0.00	0.00	0	0	7520 1099		0	0	0
436,621.89	182,064.05	894,555	897,137			232,525	232,525	211,080

68,000
85
33,000

33,000
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46,555

S RADIUS



MEMORANDUM

TO: Mayor and City Council
THROUGH: Dan R. Bartlett, City Manager *DB*
FROM: Angus M. Anderson, Finance Director
DATE: January 27, 1995
RE: Establish Expendable Trust Fund

RECOMMENDATION:

Consider establishing an Expendable Trust Fund, numbered as Fund 81, titled Pioneer Cemetery Maintenance Fund-Leona Knutson Trust.

BACKGROUND INFORMATION:

Mrs. Leona O. Knutson passed away in the spring of 1994. Her Last Will and Testament has now been probated. In the will directed that twenty-five percent (25%) of the net residue of her estate be distributed to "the City of Milwaukie, Oregon, Parks and Recreation Dept. for care and upkeep of Milwaukie Pioneer Cemetery."

The net residue should amount to approximately \$147,000 resulting in distribution to the City of Milwaukie of approximately \$36,000. As those proceeds are specifically directed to be applied to care and upkeep of the Milwaukie Pioneer Cemetery, they are considered as a trust by the City. The establishment of Fund 81 as the Pioneer Cemetery Maintenance Fund will allow the proceeds to earn interest which will be added to the balance and spent for the described purpose. In addition, establishment of the fund as an "Expendable Trust Fund" complies with the dictates of Governmental Accounting, Auditing and Financial Reporting.

Oregon Local Budget Law in ORS 294.326 (2) states that Subsection (1) of this section shall not apply to the expenditure in the year of receipt of grants, gifts, bequests or devises transferred to a municipal corporation in trust for specific purposes...". This section further states "Expenditure of grants, gifts, bequests and devises exempt from subsection (1) of this section by this subsection shall be lawful only after enactment by the governing body of appropriation ordinances or resolutions authorizing the expenditure". This means that we do not have to have a supplemental budget but we do need to pass a resolution establishing an appropriation for the funds received. The accompanying resolution establishes the Pioneer Cemetery Maintenance Fund and appropriates funds for the care and upkeep of the cemetery.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, ESTABLISHING THE PIONEER CEMETERY MAINTENANCE FUND AS AN EXPENDABLE TRUST FUND AND ESTABLISHING APPROPRIATIONS FOR EXPENDITURE OF TRUST FUNDS

WHEREAS, Leona O. Knutson has died and left a portion of the residue of her estate to the City of Milwaukie for the care and upkeep of the Milwaukie Pioneer Cemetery, and

WHEREAS, the City Council of the City of Milwaukie is grateful for the gift and desirous of complying with the wishes of Mrs. Knutson, and

WHEREAS, ORS 294.326 sets forth the requirements to expend funds from grants, gifts, bequests and devises.

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

SECTION 1.

Fund 81 is hereby established as an Expendable Trust Fund and is titled the Pioneer Cemetery Maintenance Fund.

SECTION 2.

Interest earnings will accrue and be credited monthly on the funds available for investment.

SECTION 3.

Appropriations are hereby established as follows:

FUND 81		
	Materials and Services	<u>\$ 36,000</u>
TOTAL		\$ 36,000

SECTION 4.

Expenditures are limited to care and upkeep of the Milwaukie Pioneer Cemetery.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on _____.

Craig Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM

O'DONNELL, RAMIS, CREW, CORRIGAN & BACHRACH

Pat DuVal, City Recorder

City Attorney

DUANE A. BARTSCH
ATTORNEY AT LAW
419 N. W. 23RD AVENUE
PORTLAND, OREGON 97210
TELEPHONE (503) 226-3755

January 25, 1995

City of Milwaukie
Department of Parks and Recreation
11022 S.E. 37th
Milwaukie, Oregon 97222

Gentlemen:

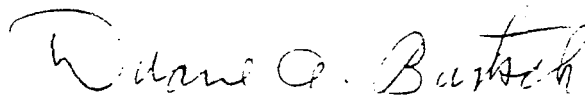
Enclosed please find a copy of the Notice of Time for Filing Objections for Final Account in connection with the Estate of Leona O. Knutson.

For your information, I am furnishing a copy of the Final Account that has been filed with the court. I have received the income tax release from the State of Oregon, and I am in a position after the court signs an Order approving to make distribution.

I expect to make distribution before the end of February, 1995. I will forward you a check for your amount along with a receipt. Upon returning the receipt I will proceed to close the estate.

If you have any questions, please feel free to call me.

Very truly yours,



Duane A. Bartsch

DAB/de

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
Probate Department

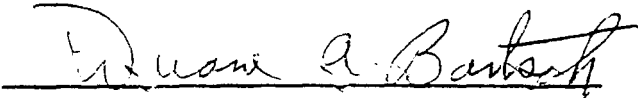
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In the Matter of the Estate)	
)	
of)	NO. 9403-90550
)	
LEONA O. KNUTSON,)	NOTICE OF TIME FOR FILING
)	OBJECTIONS TO FINAL ACCOUNT
Deceased.)	AND PETITION FOR DECREE OF
)	FINAL DISTRIBUTION

Notice is hereby given that the personal representative had filed his Final Account and Petition for Decree of Final Distribution.

Any objections thereto must be filed in the estate proceeding in the above court on or before February 18, 1995.

DATED this 7th day of January, 1995.



Duane A. Bartsch
Personal Representative

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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH
Probate Department

In the Matter of the Estate)
)
of) No. 9403-90550
)
LEONA O. KNUTSON,) FINAL ACCOUNT AND
) PETITION FOR DECREE
Deceased.)
OF FINAL DISTRIBUTION

COMES NOW, your petitioner, Duane A. Bartsch, personal representative of the estate of Leona O. Knutson, deceased, and hereby files his final report and account of the administration of the above-entitled estate as follows:

1.

The personal representative presents this account covering the period of time from his appointment on March 29, 1994, to and including January 15, 1995.

2.

During the period of administration of said estate from March 29, 1994 until January 15, 1995 the undersigned has received the following sums:

RECEIPTS

<u>Date</u>	<u>Item</u>	<u>Amount</u>
4-11-94	Checking account-U.S.Bank	\$ 20,621.56
4-11-94	Savings account-U.S.Bank	25,434.09
4-11-94	U.S.Bank-Interest	105.10
4-11-94	U.S.Bank-Interest	20.78
5-10-94	U.S.Bank-Interest	101.72
5-20-94	U.S.Bank-Interest	18.51

6

	<u>Date</u>	<u>Item</u>	<u>Amount</u>
1			
2	6-09-94	Sale of Personal Property	\$ 812.50
	6-07-94	U.S.Bank - Interest	98.32
3	6-10-94	U.S.Bank - Interest	101.71
	6-20-94	U.S.Bank - Interest	20.52
4	6-01-94	Prud. Ins. - Pension	95.50
	7-07-94	U.S.Bank - Interest	101.71
5	7-20-94	U.S.Bank - Interest	20.48
	8-05-94	Cash	8.21
6	8-05-94	Mult. County Sheriff-refund	50.00
	8-08-94	U.S.Bank - Interest	105.11
7	8-20-94	U.S.Bank - Interest	18.40
	9-06-94	U.S.Bank - Interest	98.32
8	9-13-94	T. Cor Title - Sale of Residence	67,700.47
	9-20-94	U.S.Bank - Interest	41.53
9	10-05-94	U.S.Bank - Interest	101.71
	10-21-94	U.S.Bank - Interest	82.61
10	11-07-94	U.S.Bank - Interest	105.11
	11-20-94	U.S.Bank - Interest	91.33
11	12-08-94	U.S.Bank - Interest	3.39
	12-08-94	U.S.Bank - Transfer of Time deposit to checking	45,000.00
12	12-04-94	U.S.Bank - Interest	98.30
13	12-21-94	U.S.Bank - Interest	103.67
14		TOTAL	\$161,160.68
15			
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3.

During said period, the undersigned has disbursed the following sums:

DISBURSEMENTS

<u>Date</u>	<u>Item</u>	<u>Amount</u>	<u>No.</u>
4-08-94	Angela Lonca - Care	\$ 600.00	101
4-20-94	Daily Journal of Commerce- Publication	79.00	102
4-20-94	Court Bonds - Prem. on bond	460.00	103
5-04-94	Duane A. Bartsch-opening costs	50.50	104
5-10-94	P.G.E. - Electricity	29.17	105
5-12-94	Kaiser Permanente-Premium	5.00	106
5-19-94	Bureau of Waterworks - Water	34.62	107
4-15-94	U.S.Bank - Checks	6.00	
5-06-94	U.S.Treasury - return of checks	616.00	-
6-02-94	Susan Panek - reimbursement	16.75	108
6-04-94	Kaiser Permanente - services	16.25	109
6-10-94	P.G.E. - Electricity	12.78	110
7-19-94	State of Oregon - balance of costs	259.00	111
7-26-94	P.G.E. - Electricity	20.64	112
8-17-94	Kelly Services - service	910.00	113
8-25-94	Prudential - return of checks	286.50	
9-01-94	Court Bonds - add- premium	146.00	114
11-01-94	P.G.E. - Electricity	14.89	115
TOTAL \$		3,563.10	

4.

Your personal representative has in his possession and under his control the difference between the receipts and the disbursements.

5.

All Oregon income, inheritance and personal property taxes, if any due from this estate or on account of this

1 decedent, have been paid and appropriate releases have been
2 filed herein.

3 6.

4 Remaining claims and expenses of administration which
5 should be paid out of this estate are as follows:

6	Reasonable attorney's fee	\$6,295.00
7	Personal representative's fee	\$4,125.00

8 7.

9 The balance of the estate is distributable in accordance
10 with the decedent's will as follows:

11 Shriners' Hospital for Crippled Children, a Colorado
12 Corporation -- Seventy-five percent of the residue of the
13 estate.

14 City of Milwaukie, Oregon, Parks and Recreation Dept.
15 for care and upkeep of Milwaukie Pioneer Cemetery --
16 Twenty-five percent of the residue of the estate.

17 WHEREFORE, the personal representative of this estate
18 prays for an order as follows:

- 19 1. Approving his Final and Petition for Decree of
20 Final Distribution;
- 21 2. Directing the payment of all unsatisfied expenses
22 of administration, including \$6,295.00 for a reasonable attorney's
23 fee and \$4,125.00 for the personal representative's fee;
- 24 3. Directing distribution of all remaining assets of the

25
26 4 - FINAL ACCOUNT AND PETITION FOR DECREE OF FINAL DISTRIBUTION

1 estate to the legatees entitled thereto as set forth heretofore;
2 and

3 4. Upon filing receipts therefor, closing the estate.

4
5 Duane A. Bartsch
6 Duane A. Bartsch

7 STATE OF OREGON)
8) ss.
9 County of Multnomah)

10 I, Duane A. Bartsch, being first duly sworn, depose and
11 say:

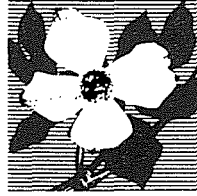
12 That I am the personal representative of the above entitled
13 estate; that I have read the foregoing Final Account, know the
14 contents thereof, and the same is true as I verily believe.

15
16 Duane A. Bartsch
17 Duane A. Bartsch

18 SUBSCRIBED AND SWORN to before me this 20th day of
19 January, 1995.

20
21 St. Julie Ann Carnago
22 Notary Public for Oregon
23 MY Commission expires: 5-16-97

CITY OF MILWAUKIE



COMMUNITY DEVELOPMENT

TELEPHONE: 786-7650

PUBLIC WORKS

TELEPHONE: 786-7600

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

FAX: 786-7699

MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*
Greg Drechsler, Acting Public Works Director *GD*

FROM: Paul Roeger, Civil Engineer *PR*

RE: 94 Waterline Upsizing Project
Bid Award

DATE: January 26, 1995

ACTION REQUESTED

City Council award the contract for the 1994 Waterline Upsizing Project, Alternate "B", to D.M. Excavating for the bid amount of \$139,969.13.

BACKGROUND

The City Council approved the Public Works Department to go to bid on this project on May 3, 1994. The memo from that Council meeting is attached to refresh your memory on the layout of the project. I have also attached vicinity maps to help show the layout. Advertising was done as required. Seventeen sets of plans went out to contractors for bidding and nine bids were received on January 25, 1995 for opening at 2:00PM at the Johnson Creek Facility. The bid summary of all bids is attached including the engineers estimate.

Two alternatives were bid. Alternative "A" was for Class 52 ductile iron pipe and alternative "B" was for C-900 PVC pipe.

Low bidder was D.M. Excavating Co., Inc. Public Works has verified the bidders extensions. D.M. Excavating has done work for the City before and all departments have been very satisfied with their performance.

RECOMMENDATION

Therefore, it is the recommendation of the Public Works Department to award the contract for the 1994 Waterline Upsizing Project, Alternate "B", to D.M. Excavating Co., Inc. for the low bid of \$139,969.13.

CITY OF MILWAUKIE



MEMORANDUM

COMMUNITY DEVELOPMENT
PUBLIC WORKS

6101 S.E. JOHNSON CREEK BLVD.
MILWAUKIE, OR 97206

TELEPHONE: 652-4410
FAX: 774-8236

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager
Tim Corbett, Public Works Director
Greg Drechsler, City Engineer

FROM: Paul Roeger, Civil Engineer

RE: '94 Waterline CIP

DATE: April 21, 1994

ACTION REQUESTED

Authorize the Public Works Department to advertise for bids on the 1994 Waterline Improvements Project.

BACKGROUND

The Water Department has identified waterlines that need to be upgraded to improve fire protection and domestic water flows. Most of the projects have been identified in the "Public Facilities Plan, 1988-2008" as high to moderate priority and they have been identified in this year's CIP. Funds are budgeted in this year's Water Fund for these improvements.

Olsen Street, Kelvin Street, and Balfour Street west of 29th Avenue all have existing 2-inch galvanized lines that need replacing. Malcolm Street west of 29th Avenue has an existing 4-inch line. We will replace all of the lines with 6-inch lines with additional fire hydrants for improved fire protection and 4-inch lines at the ends for improved domestic flow.

Rockwood Street from 32nd Avenue east to almost 37th Avenue has an existing 4-inch line that will be upgraded to a 6-inch line with additional fire hydrants to improve fire protection.

41st Avenue south of Olsen Street has an existing 4-inch line that will be upgraded to a 6-inch line with additional fire hydrants to improve fire protection.

New service lines will also be installed to all the existing meter locations and new meters and meter setters will be installed.

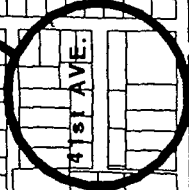
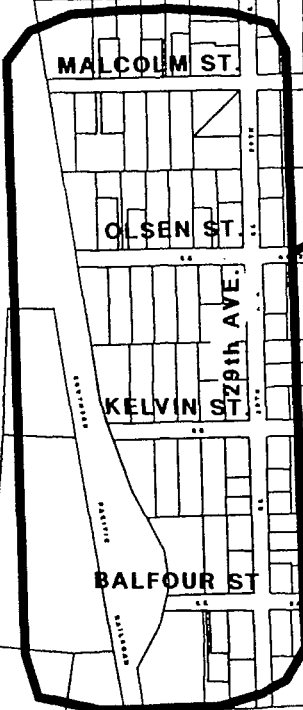
Field investigations have been made, plans are being drawn by the Engineering Department and specifications are being put together proceed to the advertisement for bid phase of this project.

Our intent is to advertise for bids in the latter part of May with the bid opening in June. After receiving and evaluating the bids we will return to Council with our recommendations. We anticipate returning to Council for approval to award in late June or early July. Construction would begin in July.

RECOMMENDATION

Authorize Public Works to advertise for bids on Waterline Improvements Project 1994-1.

PROJECT AREA



MALCOLM ST.

OLSEN ST.

KELVIN ST.
29th AVE.

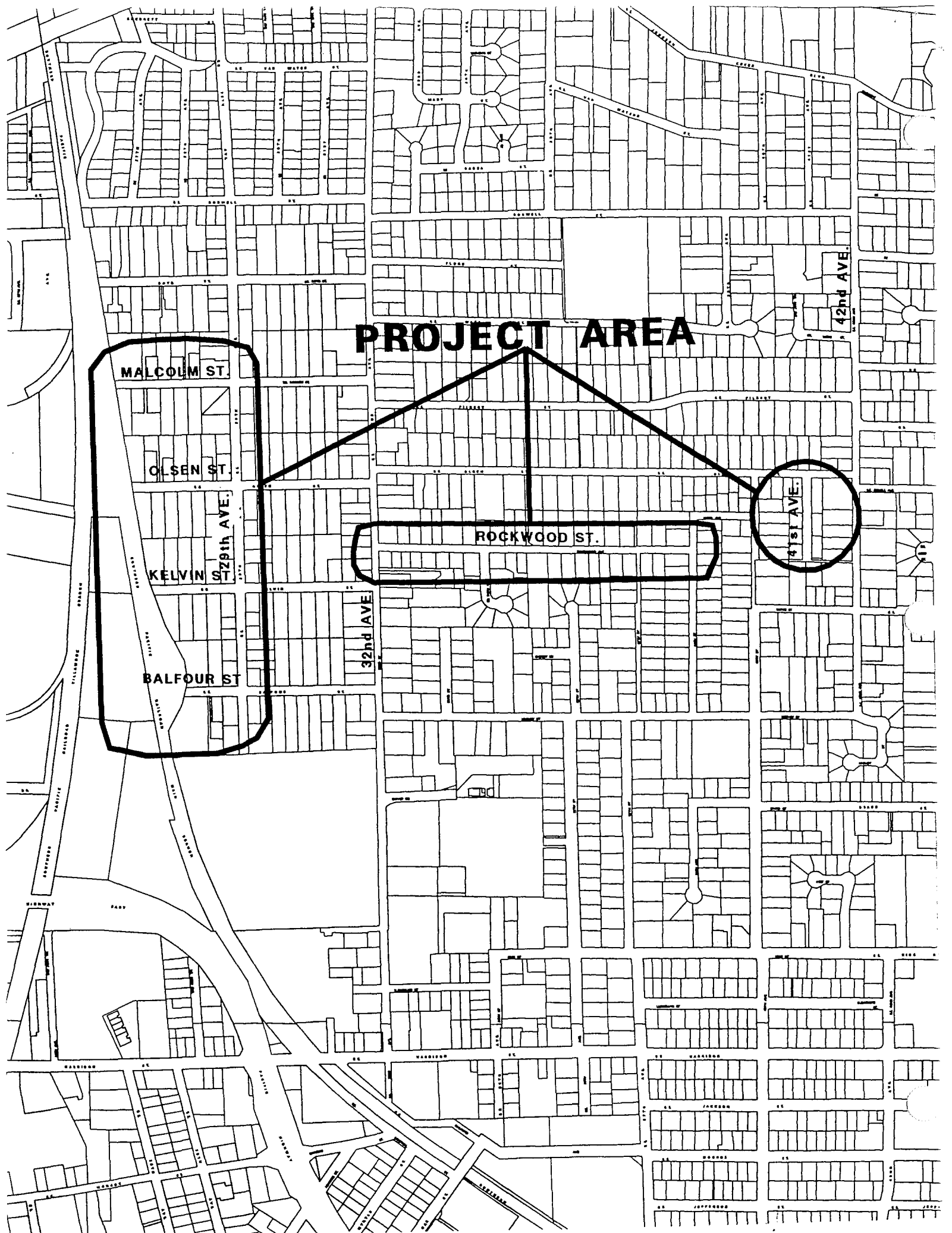
BALFOUR ST.

32nd AVE.

ROCKWOOD ST.

41st AVE.

42nd AVE.

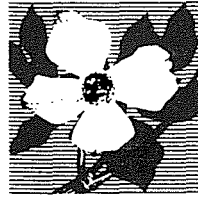


94 Waterline Upsizing Project

Item #	Contractor:	Item of Work	Estimated Quantity	Unit	D.M. Exc		Oregon Underground		Paul Lambson Constr.		Skyline Equipment & Util.		3 Dimensional Constr.	
					Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price
1		ALTERNATE "A"												
		Class 52 D.I.												
		a. 4" pipe	205	L.F.	\$ 19.78	\$ 4,054.90	\$ 20.00	\$ 4,100.00	\$ 24.00	\$ 4,920.00	\$ 22.00	\$ 4,510.00	\$ 25.85	\$ 5,299.25
		b. 6" pipe	1970	L.F.	\$ 19.98	\$ 39,360.60	\$ 21.00	\$ 41,370.00	\$ 24.50	\$ 48,265.00	\$ 22.00	\$ 43,340.00	\$ 25.85	\$ 50,924.50
		c. 8" pipe	1220	L.F.	\$ 22.42	\$ 27,352.40	\$ 23.00	\$ 28,060.00	\$ 25.50	\$ 31,110.00	\$ 26.00	\$ 31,720.00	\$ 29.00	\$ 35,380.00
		ALTERNATE "B"												
		a. 4" pipe	205	L.F.	\$ 14.37	\$ 2,945.85	\$ 15.70	\$ 3,218.50	\$ 20.00	\$ 4,100.00	\$ 18.00	\$ 3,690.00	\$ 21.00	\$ 4,305.00
		b. 6" pipe	1970	L.F.	\$ 15.53	\$ 30,594.10	\$ 17.70	\$ 34,869.00	\$ 21.00	\$ 41,370.00	\$ 18.00	\$ 35,460.00	\$ 22.50	\$ 44,325.00
		c. 8" pipe	1220	L.F.	\$ 17.19	\$ 20,971.80	\$ 19.50	\$ 23,790.00	\$ 22.00	\$ 26,840.00	\$ 22.00	\$ 26,840.00	\$ 25.50	\$ 31,110.00
2		D.I. Valves & Fittings												
		a. 6" F.H. Assemblies	8	Each	\$ 1,710.00	\$ 13,680.00	\$ 1,950.00	\$ 15,600.00	\$ 1,000.00	\$ 8,000.00	\$ 1,400.00	\$ 11,200.00	\$ 1,500.00	\$ 12,000.00
		b. 4" F.H. w/City F.H.	2	Each	\$ 590.00	\$ 1,180.00	\$ 825.00	\$ 1,650.00	\$ 1,000.00	\$ 2,000.00	\$ 600.00	\$ 1,200.00	\$ 750.00	\$ 1,500.00
		c. B.O. Assembly	1	Each	\$ 320.00	\$ 320.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 850.00	\$ 850.00	\$ 500.00	\$ 500.00
		d. 6" G.V. & boxes	1	Each	\$ 514.00	\$ 514.00	\$ 330.00	\$ 330.00	\$ 300.00	\$ 300.00	\$ 480.00	\$ 480.00	\$ 250.00	\$ 250.00
		e. 8" G.V. & boxes	3	Each	\$ 625.00	\$ 1,875.00	\$ 440.00	\$ 1,320.00	\$ 500.00	\$ 1,500.00	\$ 650.00	\$ 1,950.00	\$ 400.00	\$ 1,200.00
		f. D.I. or G.I. Fittings	1096	Lbs.	\$ 2.53	\$ 2,772.88	\$ 2.00	\$ 2,192.00	\$ 2.00	\$ 2,192.00	\$ 2.00	\$ 2,192.00	\$ 1.20	\$ 1,315.20
3		Live tap on existing main												
		a. 8x6 tap tee, 6"G.V.	3	Each	\$ 965.00	\$ 2,895.00	\$ 1,120.00	\$ 3,360.00	\$ 1,000.00	\$ 3,000.00	\$ 1,100.00	\$ 3,300.00	\$ 850.00	\$ 2,550.00
		b. 8x4 tap tee, 4"G.V.	1	Each	\$ 865.00	\$ 865.00	\$ 1,010.00	\$ 1,010.00	\$ 900.00	\$ 900.00	\$ 1,100.00	\$ 1,100.00	\$ 700.00	\$ 700.00
4		Surf. removal & replacmt.												
		a. Class "C" A.C.	1623	L.F.	\$ 7.95	\$ 12,902.85	\$ 8.00	\$ 12,984.00	\$ 6.00	\$ 9,738.00	\$ 8.00	\$ 12,984.00	\$ 8.00	\$ 12,984.00
		b. PCC in drwys.	25	L.F.	\$ 23.70	\$ 592.50	\$ 10.00	\$ 250.00	\$ 10.00	\$ 250.00	\$ 12.00	\$ 300.00	\$ 20.00	\$ 500.00
		c. 1 1/2"-0" Shldr Rock	1494	L.F.	\$ 1.55	\$ 2,315.70	\$ 1.15	\$ 1,718.10	\$ 3.00	\$ 4,482.00	\$ 5.00	\$ 7,470.00	\$ 2.00	\$ 2,988.00
		d. Topsoil and Seeding	270	L.F.	\$ 0.90	\$ 243.00	\$ 2.00	\$ 540.00	\$ 2.00	\$ 540.00	\$ 9.00	\$ 2,430.00	\$ 2.00	\$ 540.00
		e. Infrared Pvm. Patch	100	S.F.	\$ 4.10	\$ 410.00	\$ 10.00	\$ 1,000.00	\$ 10.00	\$ 1,000.00	\$ 20.00	\$ 2,000.00	\$ 10.00	\$ 1,000.00
5		ALTERNATE "B" ONLY												
		Saddles on C-900 PVC	104	Each	\$ 37.50	\$ 3,900.00	\$ 37.85	\$ 3,936.40	\$ 50.00	\$ 5,200.00	\$ 100.00	\$ 10,400.00	\$ 30.00	\$ 3,120.00
6		Water Services												
		a. Standard Type	50	Each	\$ 275.00	\$ 13,750.00	\$ 280.00	\$ 14,000.00	\$ 300.00	\$ 15,000.00	\$ 300.00	\$ 15,000.00	\$ 350.00	\$ 17,500.00
		b. Bored Type	52	Each	\$ 455.00	\$ 23,660.00	\$ 393.00	\$ 20,436.00	\$ 400.00	\$ 20,800.00	\$ 400.00	\$ 20,800.00	\$ 500.00	\$ 26,000.00
7		Disconnect & Abandon	L.S.	L.S.	\$ 1,745.00	\$ 1,745.00	\$ 2,180.00	\$ 2,180.00	\$ 2,000.00	\$ 2,000.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00
8		Reconct. Exist. Service	2	Each	\$ 42.00	\$ 84.00	\$ 75.00	\$ 150.00	\$ 200.00	\$ 400.00	\$ 800.00	\$ 1,600.00	\$ 350.00	\$ 700.00
9		Remove Existing F.H.	3	Each	\$ 90.00	\$ 270.00	\$ 100.00	\$ 300.00	\$ 200.00	\$ 600.00	\$ 400.00	\$ 1,200.00	\$ 150.00	\$ 450.00
10		Inst. 2" line, G.V. & 4 mtrs.	L.S.	L.S.	\$ 832.45	\$ 832.45	\$ 2,142.00	\$ 2,142.00	\$ 200.00	\$ 200.00	\$ 500.00	\$ 500.00	\$ 1,400.00	\$ 1,400.00
11		Traffic Control	L.S.	L.S.	\$ 650.00	\$ 650.00	\$ 1,225.00	\$ 1,225.00	\$ 4,800.00	\$ 4,800.00	\$ 2,000.00	\$ 2,000.00	\$ 1,000.00	\$ 1,000.00
		TOTAL BID ALT. "A":				\$ 152,325.28		\$ 156,417.10		\$ 162,497.00		\$ 169,326.00		\$ 177,880.95
		TOTAL BID ALT. "B":				\$ 139,969.13		\$ 148,701.00		\$ 155,712.00		\$ 166,146.00		\$ 169,137.20

94 Waterline Upsizing Project

Item #	Contractor:	Item of Work	Estimated Quantity	Unit	Wayne Jeskey Constr.		Bill Booker Constr.		JACO		Canby Exc.		Engineers Estimate	
					Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price	Unit Price	Total Bid Price
1		ALTERNATE "A"												
		Class 52 D.I.												
		a. 4" pipe	205	L.F.	\$ 23.63	\$ 4,844.15	\$ 24.20	\$ 4,961.00	\$ 25.00	\$ 5,125.00	\$ 19.50	\$ 3,997.50	\$ 18.00	\$ 3,690.00
		b. 6" pipe	1970	L.F.	\$ 20.89	\$ 41,153.30	\$ 26.80	\$ 52,796.00	\$ 25.50	\$ 50,235.00	\$ 19.50	\$ 38,415.00	\$ 19.00	\$ 37,430.00
		c. 8" pipe	1220	L.F.	\$ 29.00	\$ 35,360.00	\$ 29.40	\$ 35,868.00	\$ 28.00	\$ 34,160.00	\$ 22.50	\$ 27,450.00	\$ 21.00	\$ 25,620.00
		ALTERNATE "B"												
		a. 4" pipe	205	L.F.	\$ 18.85	\$ 3,864.25	\$ 19.40	\$ 3,977.00	\$ 19.50	\$ 3,997.50	\$ 14.50	\$ 2,972.50	\$ 14.00	\$ 2,870.00
		b. 6" pipe	1970	L.F.	\$ 17.26	\$ 34,002.20	\$ 20.70	\$ 40,779.00	\$ 21.00	\$ 41,370.00	\$ 16.75	\$ 32,997.50	\$ 15.00	\$ 29,550.00
		c. 8" pipe	1220	L.F.	\$ 25.03	\$ 30,536.60	\$ 22.90	\$ 27,938.00	\$ 23.50	\$ 28,670.00	\$ 18.75	\$ 22,875.00	\$ 17.00	\$ 20,740.00
2		D.I. Valves & Fittings												
		a. 6" F.H. Assemblies	8	Each	\$ 1,098.37	\$ 8,786.96	\$ 1,685.00	\$ 13,480.00	\$ 1,600.00	\$ 12,800.00	\$ 1,400.00	\$ 11,200.00	\$ 2,000.00	\$ 16,000.00
		b. 4" F.H. w/City F.H.	2	Each	\$ 384.71	\$ 769.42	\$ 975.00	\$ 1,950.00	\$ 500.00	\$ 1,000.00	\$ 700.00	\$ 1,400.00	\$ 600.00	\$ 1,200.00
		c. B.O. Assembly	1	Each	\$ 363.29	\$ 363.29	\$ 570.00	\$ 570.00	\$ 500.00	\$ 500.00	\$ 750.00	\$ 750.00	\$ 500.00	\$ 500.00
		d. 6" G.V. & boxes	1	Each	\$ 288.05	\$ 288.05	\$ 350.00	\$ 350.00	\$ 350.00	\$ 350.00	\$ 500.00	\$ 500.00	\$ 500.00	\$ 500.00
		e. 8" G.V. & boxes	3	Each	\$ 393.90	\$ 1,181.70	\$ 470.00	\$ 1,410.00	\$ 450.00	\$ 1,350.00	\$ 600.00	\$ 1,800.00	\$ 650.00	\$ 1,950.00
		f. D.I. or G.I. Fittings	1096	Lbs.	\$ 3.22	\$ 3,529.12	\$ 2.50	\$ 2,740.00	\$ 2.00	\$ 2,192.00	\$ 1.75	\$ 1,918.00	\$ 1.75	\$ 1,918.00
3		Live tap on existing main												
		a. 8x6 tap tee, 6"G.V.	3	Each	\$ 807.73	\$ 2,423.19	\$ 1,080.00	\$ 3,240.00	\$ 1,079.00	\$ 3,237.00	\$ 1,180.00	\$ 3,540.00	\$ 1,000.00	\$ 3,000.00
		b. 8x4 tap tee, 4"G.V.	1	Each	\$ 694.43	\$ 694.43	\$ 970.00	\$ 970.00	\$ 1,014.00	\$ 1,014.00	\$ 1,070.00	\$ 1,070.00	\$ 950.00	\$ 950.00
4		Surf. removal & replacmt.												
		a. Class "C" A.C.	1623	L.F.	\$ 10.01	\$ 16,246.23	\$ 9.00	\$ 14,607.00	\$ 8.00	\$ 12,984.00	\$ 14.50	\$ 23,533.50	\$ 9.00	\$ 14,607.00
		b. PCC in drwys.	25	L.F.	\$ 39.10	\$ 977.50	\$ 20.40	\$ 510.00	\$ 18.00	\$ 450.00	\$ 84.00	\$ 2,100.00	\$ 20.00	\$ 500.00
		c. 1 1/2"-0" Shldr Rock	1494	L.F.	\$ 4.21	\$ 6,289.74	\$ 3.80	\$ 5,677.20	\$ 5.00	\$ 7,470.00	\$ 4.75	\$ 7,096.50	\$ 1.50	\$ 2,241.00
		d. Topsoil and Seeding	270	L.F.	\$ 2.18	\$ 588.60	\$ 4.00	\$ 1,080.00	\$ 6.50	\$ 1,755.00	\$ 6.00	\$ 1,620.00	\$ 1.00	\$ 270.00
		e. Infrared Pvmnt. Patch	100	S.F.	\$ 7.73	\$ 773.00	\$ 33.00	\$ 3,300.00	\$ 20.00	\$ 2,000.00	\$ 10.00	\$ 1,000.00	\$ 6.00	\$ 600.00
5		ALTERNATE "B" ONLY												
		Saddles on C-900 PVC	104	Each	\$ 50.79	\$ 5,282.16	\$ 25.00	\$ 2,600.00	\$ 125.00	\$ 13,000.00	\$ 26.00	\$ 2,704.00	\$ 40.00	\$ 4,160.00
6		Water Services												
		a. Standard Type	50	Each	\$ 395.31	\$ 19,765.50	\$ 285.00	\$ 14,250.00	\$ 500.00	\$ 25,000.00	\$ 360.00	\$ 18,000.00	\$ 300.00	\$ 15,000.00
		b. Bored Type	52	Each	\$ 449.37	\$ 23,367.24	\$ 380.00	\$ 19,760.00	\$ 300.00	\$ 15,600.00	\$ 900.00	\$ 46,800.00	\$ 450.00	\$ 23,400.00
7		Disconnect & Abandon	L.S.	L.S.	\$ 1,402.57	\$ 1,402.57	\$ 6,800.00	\$ 6,800.00	\$ 3,200.00	\$ 3,200.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
8		Recnct. Exist. Service	2	Each	\$ 373.21	\$ 746.42	\$ 185.00	\$ 370.00	\$ 100.00	\$ 200.00	\$ 300.00	\$ 600.00	\$ 100.00	\$ 200.00
9		Remove Existing F.H.	3	Each	\$ 281.86	\$ 845.58	\$ 400.00	\$ 1,200.00	\$ 250.00	\$ 750.00	\$ 250.00	\$ 750.00	\$ 200.00	\$ 600.00
10		Inst. 2" line, G.V. & 4 mtrs.	L.S.	L.S.	\$ 1,900.69	\$ 1,900.69	\$ 2,295.00	\$ 2,295.00	\$ 2,500.00	\$ 2,500.00	\$ 2,560.00	\$ 2,560.00	\$ 2,500.00	\$ 2,500.00
11		Traffic Control	L.S.	L.S.	\$ 7,353.60	\$ 7,353.60	\$ 2,480.00	\$ 2,480.00	\$ 8,000.00	\$ 8,000.00	\$ 16,000.00	\$ 16,000.00	\$ 3,000.00	\$ 3,000.00
		TOTAL BID ALT. "A":				\$ 179,670.28		\$ 190,664.20		\$ 191,872.00		\$ 213,600.50		\$ 157,676.00
		TOTAL BID ALT. "B":				\$ 171,978.04		\$ 172,333.20		\$ 189,389.50		\$ 205,287.00		\$ 148,256.00



MEMORANDUM

To: Mayor and City Council

From: Dan Bartlett, City Manager *Dan*

Subject: Revisions to Milwaukie Municipal Code Chapter 2

Date: January 30, 1995

Action Requested/Recommendation

Consider revisions to Milwaukie Municipal Code (MMC) Chapter 2 regarding the election of the Council President and Council Meeting Order of Business. Staff recommends that City Council adopt the Ordinance that would amend Code Section 2.04.040 by repealing Ordinance 1480, Section 2(A); and Code Section 2.04.14 by repealing Ordinance 1678.

Background

Milwaukie Charter Section 24 states that the Council President shall be elected the first meeting following the seating of any new, duly-elected members. Adoption of this proposed amendment would bring MMC Section 2.04.040 into compliance with the City Charter.

At its January 3, 1995, meeting, the City Council directed staff to prepare an Ordinance that would change the meeting Order of Business. This proposed Ordinance places Audience Participation before the Public Hearing section of the agenda. The proposed amendment complies with Charter Section 20, which requires the Council to adopt rules governing its meetings and procedures by general Ordinance.

Attachments: Milwaukie City Charter, Chapters 20 & 24
MMC Chapter 2.04.040
Ordinance No. 1480, Section 2(A)
MMC Chapter 2.04.14
Ordinance No. 1678

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MUNICIPAL CODE SECTIONS 2.04.040 AND REPEALING ORDINANCE 1480, SECTION 2(A); AND 2.04.140(A) AND REPEALING ORDINANCE 1678.

WHEREAS, Charter Section 24, **President of the Council** designates the election of the Council president at the first meeting following the seating of any new duly elected members, Section, 2.04.040 of the Milwaukie Municipal Code is amended to read as follows:

Section 2.04.040: Presiding Officer Designated

The mayor, or in the absence of the mayor, the council president, shall be the presiding officer at all meetings. The council president shall be elected at the first meeting following the seating of any new duly elected members. In the case of the absence of the mayor, the city recorder shall call the meeting to order and the council shall elect a chairperson by majority vote.

WHEREAS, Charter Section 20, **Meetings** requires the Council to adopt rules governing its meetings and procedures by general ordinance; and

WHEREAS, the Council finds the following modification to the order of business will meet the requirements of the Charter and provide for fair and efficient conduct of Council business, Section 2.04.140(A) of the Milwaukie Municipal Code is amended to read as follows:

Section 2.04.140: Order of Business

A. All regular meetings shall have the following order of business:

1. Call to order;
2. Proclamations, commendations, special reports and awards;
3. Audience participation (for items not on the agenda)
4. Public hearings;
5. Other business;
6. Consent agenda;
7. Information items;
8. Adjournment of regular session; and
9. Executive sessions, as necessary.

Read for the first time on February 7, 1995, and moved to second reading by _____ vote of the City Council.

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

Signed by the Mayor on _____, 1995.

Craig J. Lomnicki, Mayor

ATTEST:

APPROVED AS TO FORM:

Pat DuVal, City Recorder

O'Donnell, Ramis, Crew, et al.

CHAPTER V.

VACANCIES IN OFFICE

Section 18. WHAT CREATES A VACANCY. An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office and, in the case of the mayor or a councilor, the qualifications set forth in Section 9; upon failure of the person elected or appointed to qualify therefor within ten days after the time for that person's office to commence; or in the case of the mayor or a councilor, upon that person's absence from the city for 30 days without the consent of the council or upon that person's absence from meetings of the council for 60 days without like consent, and upon a declaration by the council of the vacancy.

Section 19. FILLING OF VACANCIES. A vacancy on the council shall be filled for the remainder of the unexpired term, if any, at the next election following not less than 60 days upon the occurrence of a vacancy, but the council by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office, notwithstanding the quorum requirement in Section 21. If the council fails to do so within 30 days following the occurrence of a vacancy, the city manager or manager's designee shall call an election on the date provided by state law.

CHAPTER VI.

COUNCIL

Section 20. MEETINGS. The council shall hold a regular meeting at least twice each month in the city at a time and place which it designates. The mayor by motion may, or at the request of at least two members of the council shall, by giving notice thereof to all members of the council then in the city, call a special meeting of the council. Special meetings of the council may also be held at any time by the common consent of all members of the council. By general ordinance, the council shall prescribe rules governing its meetings and procedures.

Section 21. QUORUM. A majority of the members of the whole council authorized by law - three of the five authorized members - constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided for by ordinance.

Section 22. RECORD OF PROCEEDINGS. The council shall cause a record of its proceedings to be kept.

Section 23. MAYOR'S DUTIES AT COUNCIL MEETINGS. The mayor shall be chairman of the council, shall preside over its deliberations, and shall have authority to preserve order, enforce the rules of the council and determine the order of business, subject to the rules of the council. The mayor is a voting member of the council.

Section 24. PRESIDENT OF THE COUNCIL. At the first meeting following the seating of any new duly elected members of the council, the council shall elect a president from its membership. In the mayor's absence from the council meeting, the president shall preside but shall have no more than one vote.

Section 25. VOTE REQUIRED. The concurrence of a majority of the whole council shall be required to determine any matter before the council. The council does not have the power to provide by rule that an extraordinary majority is required to determine any matter before the council.

CHAPTER VII.

POWERS AND DUTIES OF CITY OFFICERS

Section 26. MAYOR. The mayor, with the consent of the council, shall appoint the various committees provided for under the rules of the council or otherwise and fill all vacancies in committees of the council from that body. The mayor shall sign all ordinances and written resolutions and orders approved by the council and shall have no veto power. The mayor shall sign all instruments and writings authorized by this charter, the laws of the state, or the council.

Section 27. MANAGER.

(a) **QUALIFICATIONS.** The city manager shall be the administrative head of the government of the city. The city manager shall be chosen by the council without regard to political considerations and solely with reference to executive and administrative qualifications. The city manager need not be a resident of the city or of the state at the time of appointment, but shall take up legal residency in the city of Milwaukie within six months of the date of hire, or within such time as is agreeable to the council. Before taking office, the city manager shall be bondable in such amount with such surety as may be approved by the council. The premiums on such bond shall be paid by the city.

(b) **TERM.** The manager shall be appointed for an indefinite term but may be removed at the pleasure of the council. Upon any vacancy or prospective vacancy occurring in the office of manager the council shall at its next meeting adopt a resolution of its intention to appoint another manager. The council shall appoint a manager within a reasonable time after the adoption of the resolution of intention to fill the vacancy.

2.04.020

2.04.020 Purpose.

The rules set forth in this chapter are adopted for the purpose of providing guidance for council action, providing fair and open deliberation on all questions before the council, expediting council business and ensuring good relationships between the council and the city staff. (Ord. 1480 § 1(B), 1981)

2.04.030 Adoption and amendment of rules.

The rules set forth in this chapter may be amended or new rules adopted by ordinance. Any proposed changes shall be distributed to the councilors in advance and considered under legislation on the regular council agenda. (Ord. 1480 § 1(C), 1981)

2.04.040 Presiding officer— Designated.

The mayor, or in the absence of the mayor, the council president, shall be the presiding officer at all meetings. The council president shall be elected at the first regular meeting in January of each year. In the case of the absence of the mayor and the council president, the city recorder shall call the meeting to order and the council shall elect a chairperson by majority vote. (Ord. 1480 § 2(A), 1981)

2.04.050 Presiding officer—Powers and duties.

The presiding officer shall conduct all meetings, preserve order, enforce the rules of the council and determine the order and length of discussion on any matter before the council, subject to these rules. The presiding officer may move, second, debate and vote and shall

not be deprived of any of the rights and privileges of a councilor. (Ord. 1480 § 2(B), 1981)

2.04.060 Signing of documents.

The mayor shall sign all ordinances, resolutions, contracts and other documents, except where authority to sign certain contracts and other documents has been delegated to the city manager, and all documents shall be attested to by the city recorder. (Ord. 1480 § 2(C), 1981)

Article II. Meetings

2.04.070 Regular meetings.

Regular meetings shall be held on the first and third Tuesday of each month at seven p.m. in the council chambers at City Hall, 10722 SE Main. Regular meetings may be held at a different time and place by giving appropriate notice at least twenty-four hours in advance. Two regular meetings shall be held each month. (Ord. 1480 § 3(A), 1981)

2.04.080 Special meetings.

Special meetings may be called by the mayor or two other councilors, and appropriate notice shall be given to the remaining councilors, the city manager, city attorney and the public. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except that for which the meeting is called. (Ord. 1480 § 3(B), 1981)

ORDINANCE NUMBER 1480

Copy

AN ORDINANCE OF THE CITY OF MILWAUKIE ADOPTING CITY COUNCIL RULES.

WHEREAS, Section 22 of the City Charter requires the Council to adopt rules governing its meetings and procedures by general ordinance and

WHEREAS, the Council finds the following rules will meet the requirements of the Charter and provide for fair and efficient conduct of Council business,

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

Section 1. Authority, Purpose and Adoption of Rules.

A. Authority. These rules are adopted pursuant to Section 22 of the Milwaukie Charter of 1975, which requires that the Council adopt rules governing its meetings and procedures by general ordinance.

B. Purpose. These rules are adopted for the purpose of providing guidance for Council action, providing fair and open deliberation on all questions before the Council, expediting Council business and ensuring good relationships between the Council and the city staff.

C. Adoption and Amendment of Rules. These rules may be amended or new rules adopted by ordinance. Any proposed changes shall be distributed to the Councilors in advance and considered under Legislation on the regular Council Agenda.

Section 2. Presiding Officer.

A. Presiding Officer. The Mayor, or in the absence of the Mayor the Council President, shall be the presiding officer at all meetings. The Council President shall be elected at the first regular meeting in January of each year. In the case of the absence of the Mayor and the Council President, the City Recorder shall call the meeting to order and the Council shall elect a chairperson by majority vote.

B. Powers and Duties. The presiding officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The presiding officer may move, second, debate and vote and shall not be deprived of any of the rights and privileges of a Councilor.

2.04.140

2.04.140 Order of business.

A. All regular meetings shall have the following order of business:

1. Call to order;
2. Proclamations, commendations, special reports and awards;
3. Public hearings;
4. Audience participation (for items not on the agenda);
5. Other business;
6. Consent agenda;
7. Information items;
8. Adjournment of regular session;
9. Executive sessions, as necessary.

B. The order of business may be changed by the presiding officer or majority vote of the remaining councilors. (Ord. 1678, 1990; Ord. 1480 § 7(A), 1981)

2.04.150 Discussion of business.

A. The right to discuss the business before the council is reserved exclusively for councilors, the manager and the city attorney, with the following exceptions:

1. Public hearings;
2. Employee complaints;
3. Audience participation agenda.

B. The presiding officer may recognize any city staff member or member of the audience for discussion of any matter before the council. (Ord. 1480 § 7(B), 1981)

2.04.160 Motion procedure.

When a motion is moved and seconded, it shall be stated by the presiding officer for debate. A motion once made may not be withdrawn by the mover without the consent of the councilor seconding it and the approval of the council. The presiding officer may rule an

improper motion out of order or, if the question involves two or more propositions, divide it into two separate questions. No councilor shall be allowed to speak more than once on a particular question until every other councilor has had an opportunity to do so. (Ord. 1480 § 7(C), 1981)

2.04.170 Motion to postpone or table.

A motion to postpone may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority. (Ord. 1480 § 7(D), 1981)

2.04.180 Motion to recess or adjourn.

A. A motion for recess shall provide a time not to exceed fifteen minutes, shall always be in order and is not debatable. A motion to adjourn shall be in order at any time except:

1. When repeated without intervening discussion;
2. When made to interrupt another member;
3. When the previous question has been called;
4. When a vote is being taken.

B. A motion to adjourn is debatable only as to time of adjournment. When the meeting agenda includes one or more public hearings, meetings may be adjourned no later than eleven p.m. If there are no public hearings scheduled, meetings may be adjourned no later than

ORDINANCE NO. 1678

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING SECTION 2.04.140(A) OF THE MILWAUKIE MUNICIPAL CODE.

WHEREAS, Section 22 of the City Charter requires the Council to adopt rules governing its meetings and procedures by general ordinance; and

WHEREAS, the Council finds that the following modification to the order of business will meet the requirements of the Charter and provide for fair and efficient conduct of Council business.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 2.04.140(A) of the Milwaukie Municipal Code is amended to read as follows:

A. All regular meetings shall have the following order of business:

- 1. Call to order;
- 2. Proclamations, Commendations, Special Reports and Awards;
- 3. Public Hearings;
- 4. Audience participation (for items not on the agenda);
- 5. Other Business;
- 6. Consent Agenda;
- 7. Information Items;
- 8. Adjournment of Regular Session;
- 9. Executive Sessions, as necessary.

Read the first time on January 16, 1990, and moved to second reading by vote of the City Council.

Read the second time and adopted by the City Council on February 6, 1990

Signed by the Mayor on February 6, 1990.

Roger A. Hall
Roger A. Hall, Mayor

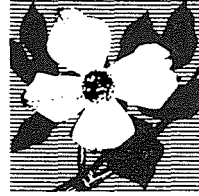
ATTEST:

Approved as to Form:

Jerri L. Widner
Jerri L. Widner, City Recorder

Timothy V. Ramis
Timothy V. Ramis, City Attorney

CITY OF MILWAUKIE



FAX (503) 652-4433

*** M E M O R A N D U M ***
January 30, 1995

To: Mayor and City Council
From: Dan Bartlett, City Manager *Dan*
Re: Transportation Finance Package

Action Requested

Adopt the attached resolution supporting the Transportation Finance Package.

Background

The January, 1995, League of Oregon Cities Newsletter (pages 1-3 attached) asked cities to pass a resolution supporting the Transportation Finance Package developed by a coalition of groups.

Mayor Lomnicki, as an LOC Board member, has obtained the attached memo which provides background on the proposed package.

cc: File
cm807/hd

2

Transportation

DRAFT

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, SUPPORTING FINANCE RECOMMENDATIONS AND RECOMMENDING APPROVAL THEREOF BY THE 1995 OREGON STATE LEGISLATURE.

WHEREAS, a continued investment in Oregon's transportation system is required to preserve the investment we have already made in our roads and bridges; and

WHEREAS, improvements to the transportation system are critical to the state's ability to create new commercial markets and jobs; and

WHEREAS, road and public transportation improvements are primary solutions to reducing traffic congestion and air pollution; and

WHEREAS, the City of Milwaukie has the following unmet transportation maintenance, preservation and modernization needs: roadway maintenance, bicycle lanes, sidewalks, transit-related projects, and intersection improvements; and

WHEREAS, the Oregon Transportation Finance Committee representing the Oregon Department of Transportation, the League of Oregon Cities, the Association of Oregon Counties, the Oregon Public Ports Association and the Oregon Transit Association have come together to develop a finance package that:

- 1) Preserves existing highways and bridges and makes critical earthquake safety improvements;
- 2) Improves critical links between Oregon ports, airports, road and rail facilities; and
- 3) Makes road and public transportation improvements that decrease traffic congestion and air pollution and improve mobility; and

WHEREAS, with the gas tax increase in the finance package that will increase local gas tax funds by 20 percent, we will be able to do the following: 1) meet roadway maintenance, bicycle, pedestrian, and transit-related facility needs and intersection improvements that are currently being prioritized under Transportation System Plan development and Pavement Management System Inventory analysis. (For the most part, these projects are unfunded); and

WHEREAS, the Committee desires to continue to work with organizations across the state in the development of this package throughout the 1995 Legislative Session;

NOW, THEREFORE, BE IT RESOLVED THAT, the City of Milwaukie supports the finance recommendations of the Oregon Transportation Finance Committee and recommends that the 1995 Oregon State Legislature approve:

- Up to a two-cent increase in state gasoline taxes in each of the next two years for roads and equivalent weight/mile fee on trucks;
- Up to a two-cent increase in state gasoline taxes for two years for seismic retrofit of bridges and equivalent weight/mile fee on trucks;
- Up to a \$20 annual increase in the passenger vehicle registration fee and constitutional amendment allowing the fee to be used for roads and public transportation;
- A lottery appropriation of approximately \$100 million for statewide airport, port, heavy rail and light rail projects.

Introduced and adopted by the City Council on _____, 1995.

CITY OF MILWAUKIE

By _____
Craig J. Lomnicki, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

O'Donnell, Ramis, Crew, Corrigan & Bachrach

League of Oregon Cities

newsletter

1201 Court Street NE, P.O. Box 928, Salem, Oregon 97308

January, 1995

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See page 4 for an update on State Shared Revenue estimates

Happy New Year!

President's Message

By Di Lyn Larsen-Hill, Councilor, La Grande

The dust is finally settling after one of the most interesting elections in Oregon's history. Election Day 1994, with its record number of initiatives, continues to stay fresh in our minds as several issues move to the judiciary process. Following passage of Ballot Measure 8, many city councils continue to reel in the aftermath. But in my eight years as a member of the League of Oregon Cities, the one constant I have found amongst cities is the resilience and recuperative powers shared by city officials.

In a post-Measure 5 era, we have learned a lot about the absolute necessity of forging coalitions and partnerships as we work in the legislative arena. In our continuing attempt to enhance the economic health and quality of life in our communities, we have reached out to counties, businesses and education with a belief that we are all parts of the whole. Good schools are an integral part of our communities, just as city services provide part of the human and physical infrastructure for our educational institutions. The same analogy can be made of all of our working partnerships with other entities. We rely on each other to provide the best programs possible to our citizens.

(Continued on page 2)

Transportation Finance Package Includes 20% Gas Tax Increase

A proposal to finance much needed road and transportation needs has been developed by a coalition of groups including the League, the Association of Oregon Counties, the Oregon Department of Transportation, the Oregon Public Ports Association, and the Oregon Transit Association. The proposal provides funds for roads, transit, earthquake protection and economic development, and was developed to address the needs of each region equitably.

ROADS

If approved, the transportation proposal would increase city gas tax funding by over 20% through a two-cent increase in each of 1996 and 1997. The highway funding formula would be altered for the new funds, increasing the local government share by 5%. This results in 50% of all new gas tax receipts flowing to cities and counties. In addition, the Special Cities Allotment Program would be increased by a minimum of 50%.

PUBLIC AND SPECIAL TRANSPORTATION AND ROADS

Sixty million dollars would be raised annually by increasing the annual auto registration fee by \$20 per year. Funds generated by this increase would flow

(Continued on page 2)

(President's Message, continued from page 1)

The one myth that we must tackle and destroy is that LOC and its member cities are a special interest group, lobbying on behalf of a small segment of the population. During the 68th Legislative Session, we must force our senators and representatives to recognize that we all serve the same voters.

Local government officials are realistic individuals. We know that state and local government resources are limited, and the demand for more services continues to grow. We have worked in that environment for decades, with voters wanting more efficient government, without reducing the level of services. We have always responded to those voter demands by running efficient local governments. But what we do want is a constructive dialogue with the state on funding and service delivery. We aren't asking for special consideration. We simply want to be a partner with all other entities in discussing priorities for the state's budget.

In the past few elections, voters have voiced their disgruntlement with what they perceive as one large, inefficient government. Our counterparts in Salem seem to have heard the voters' hue and cry. Much of the pre-session media coverage spells out a widely shared promise of non-partisan politics, consensus building and a search for common ground.

In Pendleton on December 20th, Eastern Oregon mayors visited with Governor-elect John Kitzhaber, Senate President-elect Gordon Smith (R-Pendleton), House Majority Leader-elect Ray Baum (R-La Grande), and Representative Chuck Norris (R-Hermiston). In our discussions, they all echoed varying strains of the same sentiment — their recognition of the important role we in local government play.

We stressed to this captive audience the importance of maintaining our current level of state revenue sharing, which for many small cities across our state is often the sole source of funding for public safety. For many cities, elimination of state revenue sharing means reduction by half or more of their entire police force.

During the 68th Legislative Session, LOC and its member cities will focus on a round of familiar requests, including no preemption of local authority, no unfunded and underfunded mandates, along with numerous other important issues. LOC staff once again needs your assistance and local expertise to carry our message to Salem.

As President of the League for 1995, I'm calling on all city councilors, mayors, city managers and city employees to focus on our common city issues, speak in a calm, unified voice, and let that message be heard throughout the Capitol this session. Together, as partners, we can achieve great things. And our citizens expect nothing less.

O R E G O N U P D A T E

(Transportation Package, continued from page 1)

back into the counties for public transportation and special transportation for elderly and disabled citizens. If the public transportation needs of an area are met, the funds may be used by cities and counties for roads. The proposal includes a constitutional amendment to be referred to the voters to allow the new auto registration money to be used on transit.

EARTHQUAKE SAFETY FOR BRIDGES

Recent scientific evidence suggests that Oregon is at an even greater risk of a major earthquake than previously thought. According to the data, a major quake is expected any time and has the potential to be much more powerful than the California quakes of the past decade. Without adequate preparation, the public and economic health of Oregon and Oregonians is at risk.

ODOT estimates that it would take \$1.2 billion to meet state and local seismic retrofit needs. The proposal will increase the gas tax by two cents a year for two years. This will raise approximately \$70 million a year.

The money will be spent on both state and local projects and would prioritize lifeline and economically essential routes. According to ODOT estimates, funds would be expended around the state in an equitable manner.

LOTTERY REQUEST

The Lottery component of the package includes funding for urban and rural airports, freight mobility improvements including road rail, and port projects that improve commercial links. In addition, funds are intended for high speed rail and light rail projects. The airport component would leverage over \$60 million in federal funds for a state investment of \$7 million.

PACKAGE COST TO OREGON DRIVERS IS LOW

Even after the increases in the gas tax and auto registration fees, Oregon drivers will still have the lowest burden of auto taxes and fees of any western state. The increase in the package will cost the average Oregon driver 20 cents a day. The increase in the taxation for trucks will amount to approximately 6%; taxation comprises between 5-7% of trucking costs.

THE COST OF INACTION

Inflation will continue to erode the buying power of the existing funding, at the same time that the state's population and transportation use continue to grow. The gas tax, unlike many other taxes, does not grow with inflation. Every year gas tax funds lose 4%, effectively one penny, to inflation. Cities will be unable to preserve their current investment in the existing transportation infrastructure or address the increased safety, seismic, public transit and growth needs of the people and businesses of Oregon. Deferring road maintenance ultimately results in repair costs five times the cost of preventive maintenance.

Without additional funding, the existing system will continue to deteriorate, sentencing the state's residents to a future of decaying roads, increased travel times, and inadequate transit, rail, airport and port systems.

WHAT YOU CAN DO TO HELP PASS THE PACKAGE

Tip O'Neil once said, "All politics is local." This has never been more true than with our efforts to increase transportation funding. The package will only pass with advocacy at the local level. Legislators need to know what the needs in their district are and what an increase in funding will buy.

Action steps needed as soon as possible:

1. Speak to area legislators about your local needs and what you will do with an increase in funding, and ask them to support the funding package;
2. Pass a supporting resolution and send a copy to your legislator and to David Barenberg at the League office, P.O. Box 928, Salem, OR 97308;
3. Complete a survey on transportation conditions which is being sent to city managers/recorders by the League;
4. Educate other individuals who have an interest in improving the transportation system on the funding package and enlist their support; and
5. Keep the League informed of your local efforts.

**RESOLUTION
Oregon Transportation Finance**

Whereas, a continued investment in Oregon's transportation system is required to preserve the investment we have already made in our roads and bridges; and

Whereas, improvements to the transportation system are critical to the state's ability to create new commercial markets and jobs; and

Whereas, road and public transportation improvements are primary solutions to reducing traffic congestion and air pollution; and

Whereas, the City of _____ has the following unmet transportation maintenance, preservation and modernization needs: _____; and

Whereas, the cost of not meeting these needs is _____ (in deferred maintenance costs, etc.); and

Whereas, the Oregon Transportation Finance Committee representing the Oregon Department of Transportation, the League of Oregon Cities, the Association of Oregon Counties, the Oregon Public Ports Association and the Oregon Transit Association have come together to develop a finance package that:

- 1) Preserves existing highways and bridges and makes critical earthquake safety improvements;
- 2) Improves critical links between Oregon ports, airports, road and rail facilities; and
- 3) Makes road and public transportation improvements that decrease traffic congestion and air pollution and improve mobility; and

Whereas, with the gas tax increase in the finance package that will increase local gas tax funds by 20%, we will be able to do the following: _____; and

Whereas, the Committee desires to continue to work with organizations across the state in the development of this package throughout the 1995 Legislative Session;

Therefore, Be It Resolved That, (this organization) supports the finance recommendations of the Oregon Transportation Finance Committee and recommends that the 1995 Oregon State Legislature approve:

- * Up to a two-cent increase in state gasoline taxes in each of the next two years for roads and equivalent weight/mile fee on trucks;
- * Up to a two-cent increase in state gasoline taxes for two years for seismic retrofit of bridges and equivalent weight/mile fee on trucks;
- * Up to a \$20 annual increase in the passenger vehicle registration fee and constitutional amendment allowing the fee to be used for roads and public transportation;
- * A lottery appropriation of approximately \$100 million for state-wide airport, port, heavy rail and light rail projects.



January 25, 1995

TO: League Board of Directors
FROM: David Barenberg, Senior Staff Associate
SUBJECT: Transportation Funding Package

Working together
for livable
Oregon
communities

League of Oregon Cities
Local Government
Center
1201 Court St. NE
Salem, OR 97301
P.O. Box 928
Salem, OR 97308
(503) 588-6550 or
1-800-452-0338
Fax: (503) 399-4863

Background

1. Transportation Package

Beginning in January of this year, The League represented by four members of the Transportation Issue Committee and staff, has been an active participant in the Oregon transportation Finance Committee (OTFC). The other committee members are; the Association of Oregon Counties, the Oregon Department of Transportation, the Oregon Public Ports Association and the Public Transportation Providers.

In November the League Legislative Committee adopted the following position in regard to the development of a finance package.

- OFFICERS
PRESIDENT: Larsen-Hill, Councilor La Grande
VICE-PRESIDENT: Alice Schlenker, Mayor Lake Oswego
TREASURER: Larry Griffith, Mayor Baker City
PAST PRESIDENT: Charles Vars, former Mayor Corvallis

- DIRECTORS
Dick Culbertson, Mayor Oakridge
Charlie Hales, Commissioner Portland
Mike Kelly, City Manager Springfield
Craig Lomnicki, Mayor Milwaukie
Bob McPheeters, Mayor Tillamook
Larry Patterson, City Manager Bend
Marilyn Schafer, Mayor Gold Beach
Gwen VanDenBosch, Mayor Dallas

EXECUTIVE DIRECTOR
Richard C. Townsend

- 1. CONTINUE to take a leadership role in the development, support and advocacy of a multimodal transportation funding package for the 1995 session.
2. ADVOCATE development of a transportation funding package that:
A. Ensures that Cities receive an equitable share of funding based upon unfunded needs;
B. Establishes system preservation as the first priority for funding;
C. Supports an increase in auto registration or other related auto fees to be used to fund transit and other high priority needs;
D. Ensures the greatest possible flexibility for the use of funds to meet local needs;
E. Meets the transportation needs of all ODOT regions in an equitable manner over time.



Monday January 23, 1995 the OTFC adopted a proposal for the legislative session. The proposal is as follows;

Roads

The Transportation proposal, if approved would increase city gas tax funding by over 15% through a two-cent increase in each of 1996 & 1997. The highway funding formula would be altered for the new funds increasing the local government share by 10% resulting in 50% of all new gas tax receipts flowing to cities and counties. Specifically cities share of funding would increase from 15.57 % to 20%. In addition the Special Cities Allotment Program would be increased by 50%.

Public and Special Transportation and Roads

Sixty million dollars would be raised annually by increasing the annual auto registration fee by twenty dollars a year. Funds generated by this increase would flow to back into the counties for public transportation and special transportation for elderly and disabled citizens. If the public transportation needs of an area are met, the funds may be used by cities and counties for roads. The proposal includes a constitutional amendment to be referred to the voters to allow the new auto registration money to be used on transit.

Earthquake Safety for Bridges

Recent scientific evidence suggests that Oregon has an even greater risk of a major earthquake than previously thought. ODOT estimates that it would take 1.2 Billion dollars to meet the state and local bridge seismic retrofit needs. The proposal will increase the gas tax by two cents a year for two years. This will raise approximately seventy million dollars a year and would sunset after the work was completed and any bonds that were issued for seismic work were retired. The money will be spent on both state and local projects and would prioritize lifeline and economically essential routes. According to ODOT estimates, funds would be expended around the state in an equitable manner.

Lottery Request

The Lottery component of the package includes funding for urban and rural airports, freight mobility improvements including road rail and port projects that improve commercial links. In addition funds are intended for high speed rail and light rail projects. The airport component would leverage over fifty million dollars in federal funds for a state investment of seven million dollars.

Package Cost to Oregon Drivers

Even after the increases in the gas tax and auto registration fees Oregon Drivers will still have the lowest burden of auto taxes and fees of any western State. The increase in the package will cost the average Oregon driver twenty-cents a day. The increase in the taxation for trucks will be between 4%-5%.

According to the Legislative Revenue Office Road use taxes comprise 55-7% of trucking costs.

Funds in the Highway Fund are expected to decline due to the results of a new Cost Responsibility study attributing a higher percentage of road costs to cars (primarily from a higher estimate of studded tire damage).

Recommendation:

That the LOC endorse the funding package developed by the Oregon Transportation Finance committee.

2. Surface Transportation Program allocation to the to the Oregon Transportation Finance Committee.

The Oregon Transportation Finance Committees activities were funded by contributions from the OFTC participants. LOC and AOC funded their portions through an agreement with ODOT to allocate funds from the Surface Transportation Program. The League's share of the \$120,000 total was \$16,816. The \$120,000 funded activities beginning in January of 1994.

An important component of the transportation finance effort has been an outreach program financed from the OFTC funds. The outreach effort has included meetings with Business and community leaders and organizations throughout the state, a news letter and a speakers bureau. This project has generated a statewide network of interested business and civic leaders who understand the transportation needs and are advocating for a funding package.

Additional funding is needed to finance this effort and other expenses of the committee during the Legislative Session. The city contribution would be \$5,605 of a total of \$40,000.

Recommendation:

That the Board authorize LOC to enter into a contract with ODOT that will allocate \$5,605 of Surface Transportation Program funds to the Oregon transportation finance Committee.

10

Proposed Oregon Transportation Finance Package

The Oregon Transportation Finance Committee is a group of Oregonians made up of representatives from the Association of Oregon Counties, the League of Oregon Cities, the Oregon Department of Transportation, the Oregon Public Ports Association and the Oregon Transit Association.

The Committee has worked since the end of the last legislative session to put together a comprehensive transportation finance package for the 1995 Legislature that has a broad base of support. It would only fund the state's highest priority needs.

Input from consumers, providers and interest groups across the state has been incorporated into the funding package that follows.

Highlights

- Increases the state gas tax to fund critical road and bridge maintenance, safety and capital improvement projects.
- Fifty-percent of the new gas tax fees will go directly to cities and counties for local road and bridge projects.
- Provides a stable source of funding for public and special transportation in every county in the state.
- Amends the Oregon Constitution to allow flexibility in the way fees on the use or ownership of the automobile can be used.
- Funds critical aviation, freight, rail, and passenger improvements linked to economic development through a balanced statewide lottery request.

Benefits

- 55% of the package funds maintenance, preservation and improvement of roads & bridges, including strengthening of bridges to withstand earthquakes.
- 25% of the package funds public and special transportation.
- 20% of the package funds aviation, freight and rail projects.

Costs

- 2-cent increase in the state gas tax in each of two years for roads and bridges.
- 2-cent gas tax increase in each of two years to strengthen Oregon bridges against earthquakes.
- \$20 increase in the passenger vehicle registration for public transportation.
- The package would cost the average Oregon driver less than \$6 per month.

Package Elements

Roads and Bridges:

- A 2-cent gas tax increase (January 1996 and 1997) raises \$71 million per year when fully implemented. The priority road and bridge needs that are unfunded in the next twenty years total \$19.2 billion.
- Will fund high-priority road and bridge maintenance and construction projects.
- Will fund high-priority "freight mobility projects" linked to expanded commerce.
- Fifty-percent of the new dollars collected are passed through directly to cities and counties for local road and bridge maintenance and improvements.

Earthquake Retrofit for Bridges:

- A 2-cent gas tax increase (January 1996 and 1997) for seismic retrofit raises \$67 million per year. The estimate for retrofitting Oregon's bridges is \$1.2 billion.
- Will finance strengthening Oregon bridges against earthquakes.
- Will retrofit bridges connecting lifeline routes and routes critical to commerce.

Public and Special Transportation:

- \$20 annual increase in passenger vehicle registration fee raises \$61 million annually.
- Constitutional amendment to allow fees on the use of the automobile to be used for public transportation.
- Funding distributed to counties and transit and transportation districts for public transportation and special transportation for citizens who are elderly and disabled. Dollars may also be used for roads if public transportation needs are met.

Airport Improvements:

- \$7 million dollar request leverages up to \$60 million in federal funds.
- Funds expansion and improvement of rural and urban airports.
- Projects selected for regional balance.

Freight Mobility Improvements:

- \$39 million lottery request leverages up to \$10 million in federal funds.
- Funds rail, road and port projects that improve commercial links.
- Projects selected for regional balance.

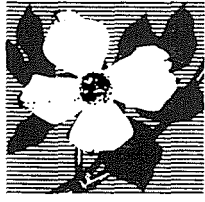
High Speed Rail, Light Rail and Other Passenger Improvements:

- \$50 million lottery request leverages up to \$79 million in federal funds.
- Funds track, terminal and service improvements for rail and intercity bus service; planning for South/North light rail; capital replacement for public transportation.

lottery -
↓

in light rail
or operating

CITY OF MILWAUKIE



FAX (503) 652-4433

*** M E M O R A N D U M *** January 23, 1995

To: Mayor and City Council
From: Dan Bartlett, City Manager *[Signature]*
Re: North Clackamas Urban Services Project

Action Requested

Designate a Councilor to participate in discussions to develop SB122 agreements between service providers in North Clackamas County.

Background

A number of jurisdictions have been participating in staff level discussions to develop SB 122 urban services coordination agreements. This project was funded by a \$40,000 Transportation and Growth Management Grant from DLCD. The project was: to develop and implement a process resulting in urban service agreements in the North Clackamas Urban Area.

The group has determined that elected officials need to be involved in future discussions. A meeting has been tentatively scheduled for February 15 or February 22 at 6:30 p.m. The City has been asked to designate an elected representative to participate in this process.

Attached are three documents that have been prepared by the project consultant. These describe the current thoughts of project participants. The text of SB 122 is also included in the packet for Council background.

cc: File
cm805/hd

North Clackamas Urban Service Agreements Project

SUMMARY OF INTERVIEWS
(Draft Jan. 10, 1995)

Interviews with both administrative and elected representatives of the participating jurisdictions were conducted at the outset of the project. The interviews were designed to:

- explain the project;
- identify issues and interests of the jurisdiction (i.e., what they believe they may gain and lose from the outcome of project versus the status quo); and
- introduce the project to elected officials.

To date, all but one of the participating jurisdictions has had a personal interview with the consultant team. The final interview will occur with Oregon City on January 24. The following people were interviewed from each of the jurisdictions:

Clackamas County
 Judie Hammerstad
 Donna Petersen
 Mike Swanson
 Tom Vanderzanden

City of Gladstone
 Jonathan Block
 Ron Partch

City of Milwaukie
 Dan Bartlett
 Greg Drechsler
 Craig Lomnicki

Clackamas Water District
 David Bunnell
 Dale Jutila

Clairmont Water District
 Alan Fletcher
 Lowell Hanna

Damascus Water District
 Denny Klingbile
 John Reeves

Mount Scott Water District
 Bob Fentress
 John Thomas

Oak Lodge Water District
 Allen Herr
 Thomas Hoffman
 Lester Larson

Clackamas Co. Dept of Utilities
 Daniel Helmick
 Curt Hohn
 Helene Lichtman

Oak Lodge Sanitary District
 Doug Naef
 Kent Squires

North Clackamas Park Dist.
 Gary Barth
 Roger Brown
 Don Robertson

Clackamas Fire District #1
 Bryan Cox
 Kyle Gorman
 Conrad Kristensen

Oak Lodge Fire District
 Jim Cannici
 Linn Jones
 Jim Kefalas
 Chuck Petersen

The following comments were made by interview participants and are organized into broad categories.

What would be a successful outcome for this project?

- A government that provides the optimal service to its public and at lowest cost.
- Jurisdictions which have not planned before are forced to do so and coordinate with other jurisdictions which are affected by their actions.

- The growth expected in Region 2040 is planned for and urban services are provided in a government structure that makes the most sense.
- Transportation is the biggest issue that this project needs to address. The North Clackamas area has no management group to tackle sub-regional transportation planning issues. Even the Oak Lodge area does not have a seat on the South/North Light Rail planning committee.
- A coordinated approach to managing growth, such as coordinated system development changes by all jurisdictions.
- The designated urban reserve areas need to be planned better. The possibility of phasing in the City of Damascus may help.

How do you foresee service provision in North Clackamas County in the long run?

- All water services (domestic, storm and sewer) integrated into one authority for the North Clackamas area.
- The existing jurisdictions will be replaced by governmental unity that make the best technical and economic sense.
- A more decentralized approach to government needs to be looked at.
- Metro could play an important role in coordinating the service providers for the Damascus area; however, Metro should not go to Damascus and attempt to solve its problems.
- The jurisdictional lines need to be cleaned up so that they make sense.
- Clackamas County should be out of the role of providing urban services. But other current government entities would not be ready to face the challenge of providing these services immediately.
- If we develop some urban service agreements we can plan for the long term.
- Anything but the status quo.
- A simplified system of governments, such that a citizen can know where to find something.

What issues related to annexation concern you?

- A service should be provided by the entity that can provide the best service for the lowest cost. The best service provider is not necessarily always a city, as is preferred by the Boundary Commission.
- Residents in many rural parts of the county do not want to be annexed into a city or into the Urban Growth Boundary.
- Some cities have secretly planned to annex areas without coordination with jurisdictions which provide infrastructure. Then, these cities annex without compensation, and the special district loses tax valuation.

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- Cities are chipping away at special districts leaving less of a tax base by which to spread out expensive infrastructure costs.
- The areas most likely to be annexed are those commercial areas along I-205, especially the Town Center.
- Annexation should not be an issue for jurisdictions, because annexation is brought about by residents, not by government entities.
- The Oak Lodge community does not want to be annexed by any city.
- Annexation should be done solely on a technical/economic basis--whoever is the best provider for that service.
- As much as \$5 million annual in additional state funding would be available for transportation if the unincorporated urban areas of Clackamas County were annexed.

Water --specific comments

- Currently there is not useful enough data on what areas are being served by wells. It is difficult to plan for any future needs these areas may have, particularly in dry years.
- The Clackamas Water Basin Authority did not succeed because of bad historic relationships, the desire to "remain independent", disagreements about the governance structure and the local control versus regionalism.
- It is difficult to plan for long-term infrastructure unless there are economies of scale. This can only be achieved by larger water jurisdictions via consolidation.
- The Safe Drinking Water Act is requiring a significantly higher level of testing.
- The management of long-term water rates is the biggest issue for all water providers because of regulations, limited supply, increased demand, non-secured long-term supplies, and high infrastructure costs which need replacing.
- The Lower Columbia Basin Management Plan and the Fish Recovery Plan will have a significant impact on the ability of jurisdictions to meet water demand for municipal uses.
- Customers only care about having water come out of the tap and that it is provided at a reasonable rate. They do not care who provides the service.
- The state of the Oak Lodge slow sand filtration treatment plant is either proceeding or is in a state of trouble, depending on who is being asked.
- If the Clackamas Water Basin Authority is not created, there may be some good opportunities for merger between Clackamas and Clairmont Water District, or Damascus and Mt. Scott Water Districts.
- Water rights are not currently distributed to service providers proportional to where future demand for water will be. There needs to be flexibility to move water rights to where they are needed.

Sanitary Sewer/Surface Water Management--specific comments

- The Clean Water Act will force certain behaviors, such as looking towards more regionalized efforts.
- General purpose governments often compromise the level of service for sanitary sewer in order to alleviate problems with other services.
- More communication needs to happen with the parks agencies because there are some opportunities for resolving jointly held projects.
- The KOLTT Study is leading to some good things for sanitary sewer.
- Consumption based rates are the only way sanitary sewer services should be provided.
- The sewer infrastructure will be the most important element in how the Happy Valley and Damascus areas are developed.

Parks and Recreation--specific comments

- There are some great opportunities for connecting park systems together if a watershed management entity is created. However, this would come at the cost of losing local control.
- Many voters in cities who turned down joining the Parks District are frequent users of the District facilities.

Fire Protection--specific comments

- Fire agencies that provide emergency medical services provide a high level of service for a cost-effective price.
- Only larger jurisdictions can provide the economies of scale for higher level services, such as a command staff, prevention officers, ladder trucks and specialized equipment and staff training.
- The Mutual Aid Agreement for the most part is very effective, but there are some aspects which need reexamining.
- People who call for fire services do not care which jurisdiction responds, so long as the service is high and response is fast.
- Relationships between fire protection service providers and water service providers are generally good. But additional coordination in regards to planning would be helpful.
- The development of the South/North light rail may offer opportunities that were not available before (e.g., opening a bridge, westside fire agencies may be able to assist).

North Clackamas Urban Service Agreements Project

Summary of Responses from the Information Request (Draft January 9, 1995)

Question #3

Describe any service territory changes under consideration:

Clackamas County (and Clackamas County Utilities)

- Public works/Transportation (street construction, maintenance and local and arterial roads) are driven by construction and jurisdiction transfer and acceptance (e.g., 82nd Ave.).
- Community development (citizen involvement, UGB, land use planning, development permits, code enforcement, economic development and urban renewal) are driven by the Urban Growth Boundary and urban reserve expansion via the 2040 project.
- Utilities—service territory changes will occur as a result of external requests for annexation to Clackamas County Service District #1.

Gladstone

Under consideration:

- Status quo—most likely because annexation is primarily decided by property owners, not government;
- Annexation within dual interest area as shown in the city's Comprehensive Plan and in accordance with a dual interest agreement with Clackamas County;
- Annexation of the Clackamas area in accordance with an agreement with the cities of Milwaukie and Happy Valley; or
- Consolidation of Gladstone and a new city— probably not likely until more acceptable to residents.

Milwaukie

(no response)

Clackamas Water District

Possible merger with Clairmont Water District; extension service to the Carver area; possible service to the Damascus area either direct or wheeled through the Mt. Scott Water District. Discontinue service to the Oak Lodge Water District if Oak Lodge builds a slow sand filtration plant.

Clairmont Water District

Merger with Clackamas Water District is under consideration. A merger will augment service delivery, compliance program levels, source reliability, land use and watershed planning.

Damascus Water District

The area currently inside the UGB within the service district is developing at a rapid pace. The whole Damascus area is under study for inclusion into the UGB boundary by Metro.

Oak Lodge Water District

No anticipated changes.

Oak Lodge Sanitary District

Through the KOLTT Study, significant impacts may occur.

North Clackamas Parks and Recreation District

No changes are anticipated unless the UGB expands.

Clackamas Fire District #1

A study of a single unified fire district in the north Clackamas County area has been undertaken but no actions are planned as a result.

Oak Lodge Fire District

No service territory changes are expected in the next 1-5 years unless the Cities of Milwaukie or Gladstone decide to annex.

Question #6

Describe primary physical characteristics (if any) in your service territory in the North Clackmas Study Area which significantly affect current and future service delivery.

Clackamas County (and Clackamas County Utilities)

- Public Works/Transportation—see functional roadway classification and County Road Map Book;
- Community Development—urbanization and redevelopment (see Comprehensive Plan and 2040 Plan)
- Utilities—none

Gladstone

City boundaries generally consistent with a single drainage basin and the city is bordered by an extensive amount of river frontage resulting in the city providing regional parks and recreation.

Milwaukie

- Union Pacific/Southern Pacific rail lines
- Kellogg Creek
- Johnson Creek
- I-205
- Mt. Scott Creek
- Highway 224

Clackamas Water District

Much of the recent residential growth and future growth (Damascus/Boring) drains naturally to the Clackamas River. This could impact water quality if not dealt with appropriately.

Clairmont Water District

Clairmont is primarily a rural water district with a lot of topographical features (e.g., steep slopes, hills, canyons) and a large amount of farm/forest area designations.

Damascus Water District

The district is a very hilly area to expand into. Only two pressure zones at the present time but need one more.

Oak Lodge Water District

The district serves the area bordered by the Willamette River on the west, Oatfield Ridge on the east, the City of Milwaukie on the

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north, and the city of Gladstone on the south. The district is on high elevation of the surrounding area and can serve water by gravity to a much larger area than is being served today. This allows the Oak Lodge Water District to serve its customers as well as parts of Milwaukie, Gladstone and the Clackamas Water District.

Oak Lodge Sanitary District

The District's boundaries currently follow general contours which provide for minimal pumping requirements in transporting wastewater to its treatment facility at the foot of Courtney Road. These boundaries were established under the assumption that the fewer times wastewater needed to be raised through pump stations to traverse geographical boundaries, the more cost efficient it would be to provide service.

North Clackamas Parks and Recreation District

The District's boundaries are Multnomah County/Clackamas County lines to the north, the Willamette River to the west, the Clackamas River to the south and the UGB to the east (excluding the cities of Gladstone and Happy Valley).

Clackamas Fire District #1

Certain parts of District #1 involve high angle terrain, steep hillsides, forested areas, or other geographic characteristics that affect service.

The district provides services on several major transportation routes including the I-205 corridor, the confluence of Highways 212 and 224, and the main line of the Southern Pacific Railroad. The district provides service in an area bisected by the Clackamas River and along the east bank of the Willamette River. These waterways create geographical barriers to providing service and may impact current and future demand because of the popularity of recreational and sport fishing uses for the rivers.

Oak Lodge Fire District

The designation of Oak Lodge as a "town center" in the Region 2040 plan may affect service in the future. If an increase in density in the transportation corridor with commensurate increase in population occurs, a dramatic increase in emergency response will be needed. Over 7 miles of river front also significantly impacts service delivery by maintaining staff proficient in water rescue and firefighting from a marine environment.

Question #7

Describe community values (if any) which have a significant impact on decisions you make regarding the delivery of the service. Also, define generally the geographic or demographic boundaries for the "community" or "communities" in the North Clackamas Study Area. Do they correspond to your service territory or are they larger or smaller?

Clackamas County (and Clackamas County Utilities)

- Public Works/Transportation—See Question #6.
- Community Development—the Department of Transportation and Development provide services for some cities (e.g., building plan checks and permits).
- Utilities—while the service territory corresponds with unincorporated Clackamas County, services are provided wholesale and retail to Milwaukie, Johnson City, Gladstone and Happy Valley.

Gladstone

The City wishes to avoid "incremental disincorporation" and maintain local control over costs imposed on Gladstone taxpayers to ensure optimum services at minimum cost, appropriate distribution of existing financial resources, avoidance of "tax inequity" from decisions of overlapping taxing jurisdictions and utilization of currently unused revenue capacity.

Milwaukie

The city has a Visions Study underway which is addressing community values. Currently, the community corresponds to the service area.

Clackamas Water District

The communities served by the district include Clackamas, Oak Lodge and Happy Valley. The district boundaries encompass the community of Clackamas. Oak Lodge and Happy Valley are outside the District's direct service area.

Clairmont Water District

A mix of community values exists. While growth is considered likely in the area, most residents do not want to subsidize such growth. In addition, it appears that there is more vocal no-growth trend being heard. While this may be only a vocal minority, there is a definite trend of people aligning themselves against the encroachment of incorporating city government.

Damascus Water District

The community would like to see the area unchanged. The District's Board feels we must still plan for growth regardless of how the CPO feels. (See community survey)

Mount Scott Water District

Oak Lodge Water District

The community of Oak Lodge has voiced its opinion several times that it prefers to remain as it is, and residents are satisfied with the current level of services they are receiving. In 1988, the customers of the district voted with an 87% majority to build a water filtration plant. The people believe they live in a unique, one-of-kind community. They have the atmosphere of the country with all of the convenience of the big city just a short distance away. They like the small town, small community feel and want to keep it that way as long as possible.

Oak Lodge Sanitary District

Several community attitude surveys have been conducted in the past 7 years. These surveys have indicated the community's desire to remain "as is." Residents are not enamored of the idea of becoming a city or becoming part of an existing city.

Oak Lodge is a contraction of the Oak Grove and Jennings Lodge communities, the two largest in the District. There are also smaller sub-communities which may or may be recognized by the resi-

dents. Oak Grove extends from the south boarder of Milwaukie to approximately the Naef Road/Roethe Road area. Jennings Lodge extend the northern boundary of Gladstone to the Naef Road/Roethe Road area. Both communities extend from the Willamette River on the west to Oatfield Ridge, a geographic boundary which exists above Oatfield Road and follows the hill's contour.

North Clackamas Parks and Recreation District

Local control of the parks and recreation facilities in the District is a major concern for the District Board. Other communities that have a significant impact on the programs and services of the District are the (1) aging community, (2) youth sports community of several different groups as well as different sports, and (3) adult sports community representing the different sports.

Clackamas Fire District #1

Community identity, meeting appropriate response time standards, providing paramedic first response throughout the district, ensuring fiscal responsibility, protecting life and property from fire, and continuing the district's prevention activities.

Communities in the District include Happy Valley, Johnson City, Redland, Clackamas, Beavercreek and the Town Center area.

Oak Lodge Fire District

Clackamas County (and Clackamas County Utilities)

- Public Works: ISTEPA Project Eligibility
- Community Development: 2040, RTP, 6 year Plan South/North Study, Neotraditional Area Plan
- Utilities: Actions by water purveyors and the County Planning Department influence the direction and rate at which infrastructure is built.

Gladstone

Metro represents the factor in reducing service delivery at the local level (e.g., Metro's assumption of Multnomah County's parks and recreation)

Milwaukie

- Clackamas Basin Water Authority
- KOLTT
- Regional Water Supply Plan (RPAG)
- Johnson Creek Sanitary Sewer Study
- Clackamas, Happy Valley, Milwaukie Surface Water Master Plan
- Clackamas County/Milwaukie Sewerage Facility Plan
- North Clackamas Urban Area Public Facilities Plan
- Willamette River Municipal Water Reserves
- Three Basin Rule

Question #9

List a few significant prior or possible future circumstances (e.g., provide case studies) in which the actions of service providers in the North Clackamas Study Area had or might not have a significant positive or negative impact on how you deliver services.

Clackamas Water District

Construction of the Sunrise Corridor, construction of surface water management facilities, type of development to occur (e.g., industrial, high density residential, commercial, etc.), future development along the west side of Hwy. 224 in the Carver area.

The Clackamas County Department of Transportation Road projects causes relocation of infrastructure, interrupting water service and placing financial burdens on the District.

Extension of sanitary sewer beyond the District's east boundary will require major main line extensions and possibly the construction of a second reservoir in the lower pressure zone.

Clairmont Water District

The failed Clackamas Basin Water Authority would have been the most influential step towards more integrated water service delivery.

Damascus Water District

ODOT is considering building a freeway through the service area.

Oak Lodge Water District

The District has installed its water system to meet the needs of its customers through the year 2050.

Oak Lodge Sanitary District

The KOLTT Study, the Public Investment Area Study and the Clackamas Public Facilities Plan.

North Clackamas Parks and Recreation District

Significant changes in the extracurricular programs of the North Clackamas School District; major changes in the IGA with the City of Milwaukie; decisions that would result in Happy Valley becoming a part of the District; major expansion of the UGB to the east.

Clackamas Fire District #1

Prior circumstances which impacted service include mergers and consolidations between fire agencies in the county. In one example, the merger of Beaver Creek Fire District #55 into District #1 provided residents of that community with a much higher level of service (e.g., three full-time personnel per response rather than one, and a paramedic response rather than EMT), while maintaining tax rates that are only eight percent higher for the residents.

Future considerations that would negatively impact service would include annexation of portions of the district by Milwaukie, Oregon City, or Gladstone; thereby eroding the valuation and increasing the burden on the remaining taxpayers.

Oak Lodge Fire District

Region 2040 and cooperative service delivery without regard to geopolitical boundaries (e.g., Mutual Aid Agreements).

Question #12

List any substantive trends in the overall demographic, economic, social, regulatory and technical environments in which you operate that may significantly affect how you deliver services in the North Clackamas Study Area. In other words, what actions are driving your agenda?

Clackamas County (and Clackamas County Utilities)

- Community Development: anticipating, managing and preparing for orderly/efficient urban growth.
- Utilities: 2040 Plan will significantly influence how and when services are delivered.

Gladstone

The taxpayer's demand for more efficient government through reducing taxes, employee compensation, etc.

Milwaukie

None

Clackamas Water District

- Federal Drinking Water Regulations
- Oregon Water Resources Department
- Possible merger with Clairmont Water District
- High growth rate in Mt. Scott Water District
- New treatment plant construction—increasing interest/concern over keeping water instream, preventing further out-of-stream diversions; additional environmental regulation.

Clairmont Water District

Federal regulation, source issues and governance over service delivery.

Damascus Water District

- Metro—determines growth in the area;
- EPA—will continue to overload the district with new regulations;
- ODOT— will locate a freeway through the district's system;
- State of Oregon— will continue to add new regulations along with others; and
- County—will damage the district's water system because it is in the State's right-of-way.

Oak Lodge Water District

The only trend that drives the district is the cost of service.

Oak Lodge Sanitary District

Growth which has occurred in recent years and will continue to occur over the next 20 to 30 years will be largely infill. Generally the District's infrastructure is designed to accommodate such growth.

Secondly, there is a desire and attitude that the government should working more efficiently and effectively in delivering services. For the district, and for many service providers in the North Clackamas area, an aging infrastructure and increasing need to look at effective means of re-capitalization of that infrastructure. This creates inflationary funding pressures while the cry from the public continues to be for reduced cost.

North Clackamas Parks and Recreation District

Major development in the Sunnyside Neighborhood; an increasing aging population.

Question #14

List any recently completed, ongoing or planning future studies in which you are a participant that contain information that would be useful to this study.

Clackamas Fire District #1

Currently, the district is experiencing 6% to 8% growth per year with the commensurate shift in demand to provide services. Economically, adjoining cities are seeking a broader economic base with which to provide service by annexing into the district and thereby placing a higher demand on district residents.

Oak Lodge Fire District

Statistical information regarding service needs and trends is more readily available and the district uses this information to ensure the ability to provide service in the future.

Clackamas County (and Clackamas County Utilities)

- Public Works/Transportation: Transportation Planning Rule, Employer Commuter Reduction, Parking Reduction Committee.
- Community Development: South/North Light Rail Transit; UGMA Negotiations.
- Utilities: KOLTT Study

Gladstone

One purpose of this project is to determine alternatives to the status quo. If the alternatives generally include regionalization, then an agreement should be reached on the underlying question: "Is bigger really better?"

Milwaukie

- Clackamas Basin Water Authority
- KOLTT
- Regional Water Supply Plan (RPAG)
- Johnson Creek Sanitary Sewer Study
- Clackamas, Happy Valley, Milwaukie Surface Water Master Plan
- Clackamas County/Milwaukie Sewerage Facility Plan
- North Clackamas Urban Area Public Facilities Plan
- Willamette River Municipal Water Reserves
- Three Basin Rule

Clackamas Water District

- Feasibility analysis for North Clackamas Basin Regional Water Authority
- Phase II Regional Water Study
- Clairmont/Clackamas Merger Analysis

Clairmont Water District

Unsure at this time.

Damascus Water District

Phase II Water Supply Plan
Clackamas Basin Water Authority (by Shaun Pigott)

Mount Scott Water District

Oak Lodge Water District

The Clackamas Basin Water Authority Committee and Regional Water Supply Plan (RPAG), which is looking into water supply and demand for the Portland area to the year 2040.

Oak Lodge Sanitary District

- Public Investment Area Study
- KOLTT
- FOCUS Integrated Water Resources Study
- Clackamas County Bio-Solids Management Study (the district is not a participant currently, but may become one at a later time).
- Oak Lodge Surface Water Management Plan
- Clackamas County Public Facilities Plan

North Clackamas Parks and Recreation District

The Milwaukie Center has some studies relative to the provision of services of the aging population that can be made available if desired.

Clackamas Fire District #1

- Several fire district merger studies by economist Carl Goebel which describe the economic advantages and disadvantages of merging smaller fire agencies in Clackamas County into a larger district.
- Ambulance Option. An EMS White Paper by Alec Jensen of the Tualatin Valley Fire and Rescue that delineates future ambulance options.
- C-REG. Study of emergency communication systems in the County.
- ALS Response Integration Study and Pilot Project (1995). Describes the value and benefit of further integration of first response and transport resources.
- Portland Fire Bureau and Gresham Fire Department (1995). Station location studies.
- Customer Service Survey (1995). Defines customer values so that the district managers can incorporate those into management planning.

Oak Lodge Fire District

Currently the district is undergoing a master planning process.

Oak Lodge Urban Services Market Profile Report

Jurisdiction:	Population 1992	Population 2015	Households 1992	Households 2015	Single Units 1992	Single Units 2015	Multi-Family Units - 1992	Multi-Family Units - 2015	Total Units 1992	Total Uni 2015
Gladstone	9,798	10,461	3,616	4,141	2,880	3,516	812	713	3,692	4,229
Happy Valley	2,212	5,220	734	1,645	720	1,769	36	300	756	2,069
Johnson City	1,689	1,689	568	568	534	534	43	43	577	577
Milwaukie	19,392	21,668	8,137	9,857	5,748	7,129	2,643	3,141	8,391	10,270
Oregon City	18,976	23,889	6,787	9,701	5,429	8,531	1,560	2,698	6,989	11,229
West Linn	17,862	25,033	6,244	9,231	5,554	8,065	828	1,653	6,382	9,718
Clairmont Water District	14,397	27,120	4,710	11,753	4,547	9,740	220	1,633	4,767	73
Clackamas Water	28,936	36,420	11,589	15,869	8,419	12,045	3,948	4,749	12,367	16,794
Damascus Water District	6,096	11,991	1,931	4,448	1,962	3,820	4	524	1,966	4,344
Mt. Scott Water District	11,895	21,006	4,275	8,281	3,547	6,906	995	1,310	4,542	8,216
Oak Lodge Water/Fire Dist.	27,415	30,734	11,147	13,654	8,025	10,569	3,452	3,697	11,477	14,266
Oak Lodge Sanitary	24,977	27,401	10,270	11,836	7,131	9,045	3,454	3,752	10,585	12,797
Clackamas Service Dist. #1	37,668	52,949	14,697	24,451	10,952	17,660	4,756	5,679	15,708	23,339
Clackamas Fire District #1	57,387	89,605	21,424	39,447	17,368	30,430	5,226	7,716	22,594	38,146
Oak Lodge Water/Fire Dist.	27,415	30,734	11,147	13,654	8,025	10,569	3,452	3,697	11,477	14,266
N. Clack Metro UGB	185,135	234,336	71,174	105,660	55,893	82,741	18,133	24,934	74,026	107,675
Milwaukie UGBMA	38,622	45,244	16,076	20,803	10,965	14,497	5,991	7,083	16,956	21,580
N. Clackamas Urban Area	78,783	89,004	31,721	39,210	23,183	29,789	9,591	10,750	32,774	40,539
Clackamas 1 Water/Hval Overlap	454	1,015	150	404	143	338	11	29	154	367
Clack. & Gladstone Overlap: Water	1,371	1,381	459	467	432	438	33	33	465	471

wrHD/ACTproj
(178 - data matrix)

Enrolled Senate Bill 122

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Barbara Roberts)

CHAPTER

AN ACT

Relating to provision of urban services; creating new provisions; and amending ORS 197.005, 197.185, 197.319, 197.320, 197.335 and 223.304.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 197.185 is amended to read:

197.185. (1) Special districts shall exercise their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use, including a city or special district boundary change as defined in ORS 197.175 (1), in accordance with goals approved pursuant to ORS chapters 196 and 197.

(2) *[Each special district operating within the boundaries of]* A county assigned coordinative functions under ORS 197.190 (1), or *[within the boundaries of]* the Metropolitan Service District, which is assigned coordinative functions for Multnomah, Washington and Clackamas counties by ORS 197.190 (1), shall enter into a cooperative agreement with each special district that provides an urban service within the boundaries of the county or the metropolitan district. A county or the Metropolitan Service District may enter into a cooperative agreement with any other special district operating within the boundaries of the county or the metropolitan district. *[Such agreements shall include a listing of the tasks which the special district must complete in order to bring its plans or programs into compliance with the goals, including a generalized time schedule showing when the tasks are estimated to be completed and when the plans or programs which comply with the goals are to be adopted. In addition, a program to coordinate the development of the plan and programs of the district with other affected units of local government shall be included in the agreement. Such agreements shall be subject to review by the commission. The commission may provide by rule for periodic submission and review of special district plans and programs to assure that the plans or programs are in compliance with the goals or, if a city or county comprehensive plan for the area within which the district lies is acknowledged, the plans and programs of the districts are coordinated with the acknowledged comprehensive plan.]*

(3) The appropriate city and county and, if within the boundaries of the Metropolitan Service District, the Metropolitan Service District, shall enter into a cooperative agreement with each special district that provides an urban service within an urban growth boundary. The appropriate city and county, and the Metropolitan Service District, may enter into a cooperative agreement with any other special district operating within an urban growth boundary.

(4) The agreements described in subsection (2) of this section shall conform to the requirements of paragraphs (a) to (d), (f) and (g) of this subsection. The agreements described in subsection (3) of this section shall:

(a) Describe how the city or county will involve the special district in comprehensive planning, including plan amendments, periodic review and amendments to land use regulations;

(b) Describe the responsibilities of the special district in comprehensive planning, including plan amendments, periodic review and amendments to land use regulations regarding provision of urban services;

(c) Establish the role and responsibilities of each party to the agreement with respect to city or county approval of new development;

(d) Establish the role and responsibilities of the city or county with respect to district interests including, where applicable, water sources, capital facilities and real property, including rights of way and easements;

(e) Specify the units of local government which shall be parties to an urban service agreement under section 3 of this 1993 Act;

(f) If a Metropolitan Service District is a party to the agreement, describe how the Metropolitan Service District will involve the special district in the exercise of the Metropolitan Service District's regional planning responsibilities; and

(g) Contain such other provisions as the commission may require by rule.

(5) Agreements required under subsections (2) and (3) of this section are subject to review by the commission. The commission may provide by rule for periodic submission and review of cooperative agreements to insure that they are consistent with acknowledged comprehensive plans.

SECTION 2. Sections 3 to 8 and 12 to 19 of this Act are added to and made a part of ORS chapter 197.

SECTION 2a. ORS 197.005 is amended to read:

197.005. The Legislative Assembly finds that:

(1) Uncoordinated use of lands within this state threaten the orderly development, the environment of this state and the health, safety, order, convenience, prosperity and welfare of the people of this state.

(2) To promote coordinated administration of land uses consistent with comprehensive plans adopted throughout the state, it is necessary to establish a process for the review of state agency, city, county and special district land conservation and development plans for compliance with goals.

(3) Except as otherwise provided in subsection (4) of this section, cities and counties should remain as the agencies to consider, promote and manage the local aspects of land conservation and development for the best interests of the people within their jurisdictions.

(4) The promotion of coordinated statewide land conservation and development requires the creation of a statewide planning agency to prescribe planning goals and objectives to be applied by state agencies, cities, counties and special districts throughout the state.

(5) City and county governments are responsible for the development of local comprehensive plans. The purpose of ORS 197.185 and sections 3 to 5 of this 1993 Act is to enhance coordination among cities, counties and special districts to assure effectiveness and efficiency in the delivery of urban services required under those local comprehensive plans.

SECTION 3. (1) Under ORS 190.003 to 190.110, units of local government and special districts that provide an urban service to an area within an urban growth boundary that has a population greater than 2,500 persons, and that are identified as appropriate parties by a cooperative agreement under ORS 197.185, shall enter into urban service agreements that:

(a) Specify whether the urban service will be provided in the future by a city, county, district, authority or a combination of one or more cities, counties, districts or authorities.

(b) Set forth the functional role of each service provider in the future provision of the urban service.

(c) Determine the future service area for each provider of the urban service.

(d) Assign responsibilities for:

(A) Planning and coordinating provision of the urban service with other urban services;

- (B) Planning, constructing and maintaining service facilities; and
- (C) Managing and administering provision of services to urban users.

(e) Define the terms of necessary transitions in provision of urban services, ownership of facilities, annexation of service territory, transfer of moneys or project responsibility for projects proposed on a plan of the city or district prepared pursuant to ORS 223.309 and merger of service providers or other measures for enhancing the cost efficiency of providing urban services.

(f) Establish a process for review and modification of the urban service agreement.

(2)(a) Each county shall have responsibility for convening representatives of all cities and special districts that provide or declare an interest in providing an urban service inside an urban growth boundary within the county, for the purpose of negotiating an urban service agreement. A county may establish two or more subareas inside an urban growth boundary for the purpose of such agreements. If an urban service is to be provided within the boundaries of a Metropolitan Service District, a county shall notify the Metropolitan Service District in advance of the time for cities and special districts to meet for the purpose of negotiating an urban service agreement, and the Metropolitan Service District shall exercise its review, advisory and coordination functions under ORS 197.190.

(b) When negotiating for an urban service agreement, a county shall consult with recognized community planning organizations within the area affected by the urban service agreement.

(3) Decisions on a local government structure to be used to deliver an urban service under section 4 of this 1993 Act are not land use decisions under ORS 197.015.

(4) For purposes of ORS 197.005, 197.185, this section and sections 4 and 5 of this 1993 Act, "urban services" means:

- (a) Sanitary sewers;
- (b) Water;
- (c) Fire protection;
- (d) Parks;
- (e) Open space;
- (f) Recreation; and
- (g) Streets, roads and mass transit.

(5) Whether the requirement of subsection (1) of this section is met by a single urban service agreement among multiple providers of a service, by a series of agreements with individual providers or by a combination of multiprovider and single-provider agreements shall be a matter of local discretion.

SECTION 4. (1) The following factors shall be considered in establishing urban service agreements under section 3 of this 1993 Act:

- (a) Financial, operational and managerial capacity to provide the service;
- (b) The effect on the cost of the urban service to the users of the service, the quality and quantity of the service provided and the ability of urban service users to identify and contact service providers, and to determine their accountability, with ease;
- (c) Physical factors related to the provision of the urban service;
- (d) The feasibility of creating a new entity for the provision of the urban service;
- (e) The elimination or avoidance of unnecessary duplication of facilities;
- (f) Economic, demographic and sociological trends and projections relevant to the provision of the urban service;
- (g) The allocation of charges among urban service users in a manner that reflects differences in the costs of providing services to the users;
- (h) Matching the recipients of tax supported urban services with the payers of the tax;
- (i) The equitable allocation of costs between new development and prior development; and
- (j) Economies of scale.

(2) The extent of consideration of the factors set forth in subsection (1) of this section is a matter of local government and special district discretion.

SECTION 5. (1) Urban service agreements entered into under section 3 of this 1993 Act shall provide for the continuation of an adequate level of urban services to the entire area that each provider serves. If an urban service agreement calls for significant reductions in the territory of a special service district, the urban service agreement shall specify how the remaining portion of the district is to receive services in an affordable manner.

(2) Units of local government and special districts that enter into an urban service agreement shall consider the agreement's effect on the financial integrity and operational ability of each service provider and its protection of the solvency and commitments of affected service providers. When an urban service agreement provides for the elimination, consolidation or reduction in size of a service provider, the urban service agreement shall address:

- (a) The capital debt of the provider and short- and long-term finances;
- (b) Rates;
- (c) Employee compensation, benefits and job security; and
- (d) Equality of service.

SECTION 6. Nothing in this 1993 Act shall be construed to prevent planning for, installation of or connection to public facilities or services consistent with acknowledged comprehensive plans and land use regulations.

SECTION 7. (1) No later than the first periodic review that begins after the effective date of this 1993 Act, local governments and special districts shall demonstrate compliance with ORS 197.185 and section 3 of this 1993 Act.

(2) The commission may adjust the deadline for compliance under this section when cities and counties that are parties to an agreement under ORS 197.185 and section 3 of this 1993 Act are scheduled for periodic review at different times.

SECTION 8. Local governments and special districts that are parties to an agreement in effect on the effective date of this 1993 Act which provides for the future provision of an urban service shall demonstrate compliance with section 3 of this 1993 Act no later than the date such agreement expires or the second periodic review that begins after the effective date of this 1993 Act, whichever comes first.

SECTION 9. ORS 197.319 is amended to read:

197.319. (1) Before a person may request adoption of an enforcement order under ORS 197.320, the person shall:

- (a) Present the reasons, in writing, for such an order to the affected local government; and
- (b) Request:

(A) Revisions to the local comprehensive plan, land use regulations, special district cooperative or urban service agreement or decision-making process which is the basis for the order; or

(B) That an action be taken regarding the local comprehensive plan, land use regulations, special district agreement or decision-making process that is the basis for the order.

(2)(a) The local government or special district shall issue a written response to the request within 60 days of the date the request is mailed to the local government or special district.

(b) The requestor and the local government or special district may enter into mediation to resolve issues in the request. The department shall provide mediation services when jointly requested by the local government or special district and the requestor.

(c) If the local government or special district does not act in a manner which the requestor believes is adequate to address the issues raised in the request within the time period provided in paragraph (a) of this subsection, a petition may be presented to the commission under ORS 197.324.

SECTION 10. ORS 197.320 is amended to read:

197.320. The commission shall issue an order requiring a local government, state agency or special district to take action necessary to bring its comprehensive plan, land use regulation, limited

land use decisions or other land use decisions into compliance with the goals, acknowledged comprehensive plan provisions or land use regulations if the commission has good cause to believe:

(1) A comprehensive plan or land use regulation adopted by a local government not on a compliance schedule is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance;

(2) A plan, program, rule or regulation affecting land use adopted by a state agency or special district is not in compliance with the goals by the date set in ORS 197.245 or 197.250 for such compliance;

(3) A local government is not making satisfactory progress toward performance of its compliance schedule;

(4) A state agency is not making satisfactory progress in carrying out its coordination agreement or the requirements of ORS 197.180;

(5) A local government has no comprehensive plan or land use regulation and is not on a compliance schedule directed to developing the plan or regulation;

(6) A local government has engaged in a pattern or practice of decision making that violates an acknowledged comprehensive plan or land use regulation. In making its determination under this subsection, the commission shall determine whether there is evidence in the record to support the decisions made. The commission shall not judge the issue solely upon adequacy of the findings in support of the decisions; [or]

(7) A local government has failed to comply with a commission order entered under ORS 197.644; [.]

(8) A special district has engaged in a pattern or practice of decision-making that violates an acknowledged comprehensive plan or cooperative agreement adopted pursuant to ORS 197.185; or

(9) A special district is not making satisfactory progress toward performance of its obligations under ORS chapter 197.

SECTION 11. ORS 197.335 is amended to read:

197.335. (1) An order issued under ORS 197.328 and the copy of the order mailed to the local government, state agency or special district shall set forth:

(a) The nature of the noncompliance, including, but not limited to, the contents of the comprehensive plan or land use regulation, if any, of a local government that do not comply with the goals or the contents of a plan, program or regulation affecting land use adopted by a state agency or special district that do not comply with the goals. In the case of a pattern or practice of decision-making which violates the goals, comprehensive plan or land use regulations, the order shall specify the decision-making which constitutes the pattern or practice, including specific provisions the commission believes are being misapplied;

(b) The specific lands, if any, within a local government for which the existing plan or land use regulation, if any, does not comply with the goals; and

(c) The corrective action decided upon by the commission, including the specific requirements, with which the local government, state agency or special district must comply. In the case of a pattern or practice of decision-making that violates an acknowledged comprehensive plan or land use regulation, the commission may require revisions to the comprehensive plan, land use regulations or local procedures which the commission believes are necessary to correct the pattern or practice.

(2) Judicial review of a final order of the commission shall be governed by the provisions of ORS 183.310 to 183.550 applicable to contested cases except as otherwise stated in this section. The commission's final order shall include a clear statement of findings which set forth the basis for the order. Where a petition to review the order has been filed in the Court of Appeals, the commission shall transmit to the court the entire administrative record of the proceeding under review. Notwithstanding ORS 183.482 (3) relating to a stay of enforcement of an agency order, an appellate court, before it may stay an order of the commission, shall give due consideration to the public interest in the continued enforcement of the commission's order and may consider testimony or affi-

davits thereon. Upon review, an appellate court may affirm, reverse, modify or remand the order. The court shall reverse, modify or remand the order only if it finds:

(a) The order to be unlawful in substance or procedure, but error in procedure shall not be cause for reversal, modification or remand unless the court shall find that substantial rights of any party were prejudiced thereby;

(b) The order to be unconstitutional;

(c) The order is invalid because it exceeds the statutory authority of the agency; or

(d) The order is not supported by substantial evidence in the whole record.

(3)(a) If the commission finds that in the interim period during which a local government, state agency or special district would be bringing itself into compliance with the commission's order under ORS 197.320 or subsection (2) of this section it would be contrary to the public interest in the conservation or sound development of land to allow the continuation of some or all categories of land use decisions or limited land use decisions, it shall, as part of its order, limit, prohibit or require the approval by the local government of applications for subdivisions, partitions, building permits, limited land use decisions or land use decisions until the plan, land use regulation or subsequent land use decisions and limited land use decisions are brought into compliance. The commission may issue an order that requires review of local decisions by a hearings officer or the department before the local decision becomes final.

(b) Any requirement under this subsection may be imposed only if the commission finds that the activity, if continued, aggravates the goal, comprehensive plan or land use regulation violation and that the requirement is necessary to correct the violation.

(4) As part of its order under ORS 197.320 or subsection (2) of this section, the commission may withhold grant funds from the local government to which the order is directed. As part of an order issued under this section, the commission may notify the officer responsible for disbursing state-shared revenues to withhold that portion of state-shared revenues to which the local government is entitled under ORS 221.770, 323.455, 366.525, 366.800, 474.105, 474.115 and ORS chapter 471 which represents the amount of state planning grant moneys previously provided the local government by the commission. The officer responsible for disbursing state-shared revenues shall withhold state-shared revenues as outlined in this section and shall release funds to the local government or department when notified to so do by the commission or its designee. The commission may retain a portion of the withheld revenues to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the local government upon completion of requirements of the commission order.

(5)(a) As part of its order under this section, the commission may notify the officer responsible for disbursing funds from any grant or loan made by a state agency to withhold such funds from a special district to which the order is directed. The officer responsible for disbursing funds shall withhold funds as outlined in this section and shall release funds to the special district or department when notified to do so by the commission.

(b) The commission may retain a portion of the funds withheld to cover costs of providing services incurred under the order, including use of a hearings officer or staff resources to monitor land use decisions and limited land use decisions or conduct hearings. The remainder of the funds withheld under this provision shall be released to the special district upon completion of the requirements of the commission order.

[(5)] (6) The commission may institute actions or proceedings for legal or equitable remedies in the Circuit Court for Marion County or in the circuit court for the county to which the commission's order is directed or within which all or a portion of the applicable city is located to enforce compliance with the provisions of any order issued under this section or to restrain violations thereof. Such actions or proceedings may be instituted without the necessity of prior agency notice, hearing and order on an alleged violation.

SECTION 12. As used in sections 1 to 7 of this 1993 Act, unless the context requires otherwise:

(1) "District" has the meaning given that term in ORS 198.010. In addition, the term includes a county service district organized under ORS chapter 451.

(2) "Urban growth boundary" means an acknowledged urban growth boundary contained in a city or county comprehensive plan or an acknowledged urban growth boundary that has been adopted by a metropolitan service district council under ORS 268.390 (3).

(3) "Urban service" has the meaning given that term in section 3 of this 1993 Act.

SECTION 13. (1) A city or district that provides an urban service may annex territory under this 1993 Act that:

(a) Is situated within an urban growth boundary; and

(b) Is contained within an annexation plan adopted pursuant to this 1993 Act.

(2) A city or district may submit an annexation plan to a vote under subsection (5) of this section only if, prior to the submission of the annexation plan to a vote:

(a) The territory contained in the annexation plan is subject to urban service agreements among all appropriate counties and cities and the providers of urban services within the territory, as required by sections 3 and 4 of this 1993 Act, and:

(A) Such urban service agreements were in effect on the effective date of this 1993 Act; or

(B) They expressly state that they may be relied upon as a prerequisite of the annexation method authorized by this 1993 Act; and

(b) The territory contained in the annexation plan is subject to an agreement between the city and county addressing fiscal impacts, if the annexation is by a city and will cause reductions in the county property tax revenues by operation of section 11b, Article XI of the Oregon Constitution.

(3) Prior to adopting an annexation plan, the governing body of a city or district shall hold a public hearing at which time interested persons may appear and be heard on the question of establishing the annexation plan.

(4) The governing body of the city or district shall cause notice of the hearing to be published, once each week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the city or district.

(5) If after the public hearing required under subsection (3) of this section, the governing body of the city or district decides to proceed with the annexation plan, it shall cause the annexation plan to be submitted to the electors of the city or district and to the electors of the territory proposed to be annexed under the annexation plan. The proposed annexation plan may be voted upon at a general election or at a special election to be held for that purpose.

SECTION 14. (1) The statement of chief purpose in the ballot title of a proposal for adoption of an annexation plan shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words.

(2) The notice of an annexation plan election shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.

SECTION 15. (1) The governing body of the city or district shall determine the results of the election from the official figures returned by the county clerk. If the governing body of the city finds that a majority of all of the votes cast in the territory and the city favor the annexation plan, then the governing body, by resolution or ordinance, shall proclaim the adoption of the annexation plan. The governing body of the district shall certify the results of the election to the appropriate county governing body. When a majority of all of the votes in the territory and district are in favor of the annexation plan, the county governing body by order shall so declare. The proclamation or order declaring approval of the annexation plan shall contain a legal description of each territory annexed.

(2) Annexation of particular tracts of territory shall take effect in accordance with the provisions of the adopted annexation plan.

SECTION 16. (1) An annexation plan adopted under section 13 of this 1993 Act shall include:

- (a) The timing and sequence of annexation.
- (b) Local standards of urban service availability required as a precondition of annexation.
- (c) The planned schedule for providing urban services to the annexed territory.
- (d) The effects on existing urban services providers, including, but not limited to, the effects on the tax base and budget of each provider.
- (e) The long-term benefits of the annexation plan.

(2) An annexation plan shall be consistent with all applicable comprehensive plans.

SECTION 17. (1) In areas subject to the jurisdiction of a local government boundary commission, the boundary commission shall conduct an advisory review of an annexation plan for conformity with annexation plan requirements set forth in section 16 of this 1993 Act, ORS 199.462 and the rules of procedure of the commission.

(2) If a boundary commission finds that an annexation plan does not comply with section 16 of this 1993 Act, ORS 199.462 or the procedural rules of the commission, the boundary commission, by order, shall disapprove the annexation plan and return the plan to the governing body of the city or district. The order of the boundary commission that disapproves an annexation plan shall describe with particularity the provisions of the annexation plan that do not comply with section 16 of this 1993 Act, ORS 199.462 or the procedural rules of the commission and shall specifically indicate the reasons for noncompliance.

(3) The governing body of the city or district, upon receiving an order of the boundary commission that disapproves an annexation plan, may amend the plan and resubmit the amended plan to the boundary commission.

(4) After a boundary commission reviews an annexation plan, the annexation plan shall be submitted to the electors of the city or district and affected territory as provided in section 13 of this 1993 Act.

(5) Notwithstanding ORS chapter 199, annexations provided for in an annexation plan approved by the electors of a city or district and affected territory do not require the approval of a local government boundary commission.

(6) A city or district shall submit an annexation plan approved by the electors and a copy of the resolution, ordinance, order or proclamation proclaiming an annexation under an approved annexation plan to the local government boundary commission filing with the Secretary of State, Department of Revenue, assessor and county clerk of each county in which the affected territory is located.

SECTION 18. The method of annexing territory to cities or districts set forth in sections 13 to 17 of this 1993 Act is in addition to and does not affect or prohibit other methods of annexation authorized by law.

SECTION 19. (1) To insure that the supply of land available for urbanization is maintained, local governments may cooperatively designate lands outside urban growth boundaries as urban reserve areas, subject to ORS 197.610 to 197.625.

(2)(a) The Land Conservation and Development Commission may require a local government to designate an urban reserve area during its periodic review in accordance with the standards for periodic review under ORS 197.628.

(b) Notwithstanding paragraph (a) of this subsection, the commission may require a local government to designate an urban reserve area outside of its periodic review if:

(A) The local government is located inside a Primary Metropolitan Statistical Area or a Metropolitan Statistical Area as designated by the Federal Census Bureau upon the effective date of this 1993 Act; and

(B) The local government has been required to designate an urban reserve area by rule prior to the effective date of this 1993 Act.

(3) In carrying out subsections (1) and (2) of this section:

(a) Within an urban reserve area, neither the commission nor any local government shall prohibit the siting on a legal parcel of a single family dwelling that would otherwise have been allowed under law existing prior to designation as an urban reserve area.

(b) The commission shall provide to local governments a list of options, rather than prescribing a single planning technique, to assure the efficient transition from rural to urban use in urban reserve areas.

(4) For purposes of this section, "urban reserve area" means lands outside an urban growth boundary that will provide for:

(a) Future expansion over a long-term period; and

(b) The cost-effective provision of public facilities and service within the area when the lands are included within the urban growth boundary.

SECTION 20. ORS 223.304 is amended to read:

223.304. (1) Reimbursement fees shall be established by ordinance or resolution setting forth a methodology that considers the cost of the existing facility or facilities, prior contributions by existing users, the value of unused capacity, rate-making principles employed to finance publicly owned capital improvements and other relevant factors identified by the local government imposing the fee. The methodology shall promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities. The methodology for establishing such fees shall be available for public inspection.

(2) Improvement fees shall be established by ordinance or resolution setting forth a methodology that considers the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related. The methodology for establishing such fees shall be available for public inspection.

(3) The ordinance or resolution that establishes an improvement fee shall also provide for a credit against such fee for the construction of a qualified public improvement. A "qualified public improvement" means *(one)* a **capital improvement** that is[.]:

[(a)] required as a condition of [*residential*] development approval, [.]

[(b)] identified in the plan adopted pursuant to ORS 223.309[.]; and either:

[(c)] (a) Not located on or contiguous to property that is the subject of [*residential*] development approval; or [.]

(b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(4) *(If a qualified public improvement is partially located on and partially located off property that is the subject of the residential development approval, the credit shall be only for the cost of the portion of the improvement not located on or wholly contiguous to the property. The credit provided for by subsection (3) of this section shall be only for the improvement fee charged for the type of improvement being constructed and shall not exceed such improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee.)*

(a) The credit provided for in subsection (3) of this section shall be only for the improvement fee charged for the type of improvement being constructed, and credit for qualified public improvements under subsection (3)(b) of this section may be granted only for the cost of that portion of such improvement that exceeds the government units minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under subsection (3)(b) of this section.

(b) When the construction of a qualified public improvement gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. This subsection shall not prohibit a unit of government from providing a greater credit, or from establishing a system providing for the transferability of credits, or from providing a credit for a capital improvement

not identified in the plan adopted pursuant to ORS 223.309, or from providing a share of the cost of such improvement by other means, if a unit of government so chooses.

(c) Credits shall be used in the time specified in the ordinance but not later than 10 years from the date the credit is given.

(5) Any unit of local government that proposes to adopt a system development charge shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least 45 days prior to the first hearing to adopt or amend a system development charge, and the methodology supporting the adoption or amendment shall be available at least 30 days prior to the first hearing to adopt or amend. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the local government. The unit of local government may periodically delete names from the list, but at least 30 days prior to removing a name from the list must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list. No legal action intended to contest the methodology used for calculating a system development charge shall be filed after 60 days following adoption or modification of the system development charge ordinance or resolution by the local government. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100, and not otherwise.

SECTION 21. ORS 223.304, as amended by section 20 of this Act, applies to a governmental unit when the governmental unit adopts or amends after the effective date of this Act an ordinance or resolution that sets forth a methodology for a system development charge imposed by the governmental unit.

Passed by Senate May 26, 1993

Received by Governor:

Repassed by Senate August 1, 1993

.....M..... 1993

Approved:

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Secretary of Senate

.....M..... 1993

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President of Senate

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Governor

Passed by House July 21, 1993

Filed by Office of Secretary of State:

Repassed by House August 1, 1993

.....M..... 1993

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Speaker of House

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Secretary of State

**CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
January 17, 1995**

Dan Bartlett, City Manager, opened the work session at 5:11 p.m. The following Councilmembers were present:

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Rob Kappa
Don Trotter

Staff present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Pam Beery,
City Attorney
Greg Drechsler,
Acting Public Works Director

Kelly Somers,
Public Works Superintendent
Mike Clark,
Operations Supervisor - Streets
Pat DuVal,
Recorder/Secretary

Also present:

Roger Brown, Director
North Clackamas Parks
and Recreation District
Joan Young, Director
Milwaukie Center
Thom Kaffun,
North Clackamas Parks
and Recreation District

Don Robertson,
North Clackamas Parks
and Recreation District
Randy Lytle, Project Manager
Alpha Engineering

North Clackamas Parks and Recreation District Quarterly Report

Bartlett reviewed the North Clackamas Parks and Recreation District proposal to use City-owned property for maintenance and administrative operations. The locations were 40th and Harvey and 2566 Harrison.

He recommended the City Council approve a long-term agreement, similar to the present arrangement for the property at 11022 SE 37th Avenue. The District would be responsible for utilities, maintenance, and meeting ADA requirements. Utility costs for the two facilities was \$9,600 last year. He added that the City has access to the Harrison St. property by an easement. The City should be able to continue use of the easement if the facility is for public use.

Councilmember Schreiber asked if there were plans for the building at 11022 SE 37th. **Bartlett** said the Milwaukie Museum, with whom the City has a long-term agreement, was interested in using the facility. The Museum would pay the utilities and maintain the property.

Mayor Lomnicki asked if the current standards would be maintained. **Bartlett** said the Museum would probably maintain the renovation and remodeling already completed by the District.

Councilmember Farley asked if the Harrison St. property complied with electrical codes. **Bartlett** said the electrical was sufficient for police use.

Councilmember Kappa said the Budget Committee discussed a facilities plan and talked about what to do with the properties. **Bartlett** said the Committee discussed a facilities review within the Budget.

Councilmember Kappa said he understood that all buildings would be evaluated. **Bartlett** said square footage minimums would be maintained. Block Grant funds would complete a majority of the Library facilities plan. The two properties being discussed at this work session are not included in a facilities plan. City Council goals are to look at Johnson Creek facility to address employee concerns about overcrowding. The feasibility of adding an extension to either the South or East of the current building would be considered.

Councilmember Kappa said he remembered discussions about using the 40th and Harvey facility for Public Works maintenance and repair facilities. **Bartlett** said all active Public Works operations are operating from the Johnson Creek facility. The 40th and Harvey facility is currently used for storage.

Councilmember Schreiber asked how the District would use the 40th and Harvey facility. **Brown** said it would be used to store maintenance equipment.

Bartlett pointed out that someone would be in and out of the building seven days a week. This would help prevent vandalism and graffiti.

Councilmember Trotter asked who contacted the City about renting the Harrison St. facility. He asked if the City would gain anything by agreeing to let the District use that facility.

Bartlett said, in order to sell the property, the City would not only have to buy the access, but also give up control of the park area. This park is an important feature of the City's open spaces plan.

Councilmember Trotter suggested that the City could change the property lines. This would make more sense than retaining the liability.

Councilmember Schreiber said she saw certain advantages to keeping park functions in the City as a service to the residents of Milwaukee.

Councilmember Kappa said he would like to see a presentation from the District prior to making a decision.

Brown said the District submitted a letter last year expressing an interest in using these two properties when they became available. The District would like to use one portion of the 40th and Harvey facility for maintenance, and another section for activities and meeting space. Parking space is readily available. The District proposes to move its administrative operations from 37th and Railroad to the Harrison St. facility. The District needs a facility in which to serve the public and offer sufficient parking.

Councilmember Trotter asked if the disposition of the property at 2566 Harrison was addressed in the bond issue for the new Public Safety Facility. **Bartlett** said it was not.

Bartlett said in order to sell the property, the City would probably have to buy legal access. Individuals interested in leasing the facility from the City were from graphic design and public relations firms. He said he had generally ruled out selling the parcel, to keep the pond and the property together. The City had never considered doing a lot-line adjustment. There were also discussions of demolishing the house and developing a pocket park, but that idea was discarded.

Councilmember Trotter asked if there was an appraisal on the Harrison facility. **Somers** said neither the house nor the fire station had been appraised recently.

Bartlett said, since the City receives direct benefit from the District, rent would not be charged.

Councilmember Trotter asked how much of the 40th and Harvey site the District proposed to use.

Bartlett said the City would deal with the paved aprons and parking lot; the well; packed tower; and storage space for Water Department, Fire Department, and Friends of the Library supplies.

Councilmember Trotter asked if the City would still be able to use the facility. **Bartlett** said the District would use the bays and the sleeping quarters. That would amount to about 25% of the entire facility.

Brown said, if the City Council approved the use of the 40th and Harvey facility, the District would move relatively soon. Maintenance is approaching its busy season, and the building needs certain repairs and modifications. He said he would like to be able to relocate by the beginning of March. If the Administration operations relocated to the Harrison St. facility, the registration address would have to be changed in the catalogues, and the public notified.

Councilmember Schreiber said she saw no reason to sell property at this time.

Councilmember Trotter said, if we have an inventory of property that has no particular use to us, it might be better to sell and use the funds toward the riverfront or other park property.

Mayor Lomnicki said, in the visioning process, participants looked at keeping the area along the creek more open. The property might be used in the future.

Bartlett said the District is the City's parks function. The Spring Creek weir is maintained, and it is treated as a park intended for use by the general public. He said one could see the District staff as an extension of the City that goes out to the urban growth boundary. Housing maintenance operation in North Clackamas Park has always been considered a poor idea. The City has made a conscious effort to consolidate all facets of Public Works and Community Development in one facility.

Councilmember Trotter asked what the term of the agreement would be with the District if the City Council decided to follow the staff recommendation. **Bartlett** said the agreement could be subject to a periodic review. **Brown** said the District would like to have a ten-year agreement.

Bartlett added the City would save about \$9,600 a year on utilities. The City, as the property owner, would continue to maintain insurance.

Councilmember Schreiber agreed that the risk of vandalism would be less if the facility were occupied on a regular basis.

Bartlett agreed that the facility would probably be more secure. He said he believed park development and expansion was a better use of public dollars.

Mayor Lomnicki said he would probably agree with staff's recommendation to put the two facilities into some type of operation and to review any agreements in ten years. He said he believed there was community value in having the District headquarters located in the City of Milwaukie.

Councilmember Kappa said the District would be a good tenant, but was concerned that there were other uses for the facilities. He wanted to act in the best interest of the City.

Councilmember Trotter said he was more concerned about the Harrison St. property than 40th and Harvey. He agreed that wise use of public dollars needed to be considered. He said he would be more comfortable if he knew how much money the City could realize on the sale of the property. If the amount were substantial, the money could be used to purchase other property.

Councilmember Schreiber said the Harrison St. property is part of the creek-park linkage for community-use trails. The property's shape, location on a busy street, and proximity to an apartment complex may not attract buyers. The Parks District is part of the City's service plan, and the City should encourage it to make use of the resource. In addition, the facilities would be upgraded.

Councilmember Farley said he agreed with Trotter and was concerned with how much of the pond flow would be taken away if the property were sold.

City Council directed staff to: (1) immediately begin preparing a Community Service Overlay for the 40th and Harvey facility in response to the North Clackamas Parks and Recreation District request for facility use; and (2) in the next thirty days, gather information on appraised value and potential buyers of the Harrison Street property, before responding to the Parks District request.

Licyntra Lane Design Alternatives

Greg Drechsler, Acting Public Works Director, presented the staff report. He discussed the City's commitment to repairing a portion of Licyntra Lane west of Boss Lane that impacted five homes. Project funds are included in the 1994 - 1995 Budget. At the July 5, 1994, work session, City Council directed staff to obtain more detailed information on the design alternatives and estimated costs to repair and renovate a portion of Licyntra Lane.

Two engineering firms submitted proposals to provide preliminary design alternatives and develop cost estimates. The City entered into an agreement with Alpha Engineering to provide this service. Residents were notified of the work session and several interested parties were present. **Drechsler** said Randy Lytle, Alpha Engineering Project Manager, would present the options.

Mayor Lomnicki asked if the design options were specific to one street. **Drechsler** responded that the issue being addressed at this work session was improvements to Licyntra Lane, but there was also the broader perspective of the City's street design.

Bartlett said City Council and the Planning Commission have adopted certain street standards. When issues arise, such as 32nd Avenue, the improvements seem to violate our own standards.

Mayor Lomnicki said he did not want to get City Council into a situation of holding a public hearing on each specific street issue rather than making policy considerations.

Councilmember Schreiber said the issue would be whether to stick to or modify the standards based on public input and/or engineering options.

Bartlett said decisions would be made in the Capital Improvement Program, and he discussed recent Filbert Street improvements.

Lytle showed illustrations of the topography and three design alternatives that included: (1) full street improvements with curbs and gutters, sidewalks, new paved structural section, catch basins, and storm drainage improvements; (2) half-street improvements with curbs and gutters on one side of the street, utilization of existing manhole, possible addition of a catch basin, and paved structural section; and (3) pavement overlay, graded ditches, and current drainage system.

Councilmember Farley asked the length of Licyntra Lane. **Lytle** said the section under consideration was about 700 feet.

Lytle said Alternative Two would maintain the topography. Alternative Three would be a typical inverted street with repaving of certain portions.

Lytle said, with Alternative One, there may be existing obstructions such as fences, landscaping, or utility poles. This design may require constructing some retaining walls and a substantial amount of grading. Alternative Two would have a similar impact on one side of the street.

Councilmember Farley asked what type of soil was in that area. **Lytle** said he did not know.

Lytle added that Alternative Three might also include moving utilities and landscaping because each site is very different. The drainage is currently on the north side of the street and outlets toward the creek.

Councilmember Trotter said the drawings of Alternatives Two and Three indicate no curbs. **Lytle** responded that Alternative Two has curbs on one side of the street. He added that there could also be a combination of the Alternatives. These are a baseline comparison of costs.

Councilmember Trotter said that Alternative Three appears to use the same amount of base rock as Alternatives One and Two and is really not an overlay. **Lytle** said an overlay is an option, and there are portions of Licyntra Lane that may need to be reconstructed.

Councilmember Trotter asked from a policy standpoint, if this were a new subdivision, would a cul-de-sac be required? This is a major street rehabilitation. He asked if there would be a liability in not providing a turn-around for emergency vehicles.

Drechsler said the area under consideration is adjacent to Rowe Jr. High School, and he did not believe that the street would go through in the future. He said staff was looking at the feasibility of a cul-de-sac.

Councilmember Trotter expressed concern about how this issue would fit into the current Transportation System Plan (TSP). He said he would like to look at the whole picture and to see sidewalks on at least one side of Licyntra. He was also concerned about the current Traffic Safety Commission's school route study. School safety issues must be considered in the policy-setting issue.

Councilmember Kappa added that certain streets, on an individual basis, do not fit into a pattern. From a policy standpoint, there should be curbs and gutters.

Councilmember Schreiber said she believed the TSP would look mostly at collector and arterial streets.

Councilmember Trotter said he believed City Council should look at both the Traffic Safety Commission study and TSP when setting policy.

Councilmember Farley asked what would be gained by an overlay. **Lytle** said the overlay could redirect drainage, and an asphalt curb could be considered. The life expectancy would be about ten years.

Mayor Lomnicki said he was concerned that a policy is long-term, and standards are set. Policy develops a vision that sets a look and use for a certain street. He thought City Council needed to indicate to Public Works the look, feel, and functionality of each street. He added that sidewalks, at least on one side of the street, would meet the City's policy of pedestrian-friendly streets.

Councilmember Trotter suggested that the street and curb system could be paid for by the City and the sidewalks, except where they would be needed for safety, by a Local Improvement District. He agreed that pedestrian-friendly streets are needed. He added that the City would not have a long-lasting policy until the TSP was complete.

Mayor Lomnicki said the TSP set priorities for the broader policy.

Councilmember Schreiber discussed the feasibility and maintenance of walking lanes. The issue was how to deal with established homes that do not have curbs and gutters when they are located adjacent to new developments that have full-street improvements.

Bartlett said the TSP may designate pedestrian-friendly routes and suggest improvements that are consistent with standards.

Mayor Lomnicki believed that improvements should be consistent with what the City requires from its developers.

Councilmember Trotter said he was also concerned about storm water runoff. It is implied that an inverted crown or curbs to direct the runoff is the minimum.

Drechsler said getting an engineering idea of the economics of the issue was also primary. Staff will need City Council direction to maintain standards when Capital Improvements are considered.

Mayor Lomnicki said he believed a long-term solution was needed. Short-term improvements start the cycle all over again without addressing bigger issues.

Councilmember Farley asked how old Licynta Lane was. A member of the audience said it was built about thirty years ago.

Councilmember Kappa said he thought the road should be reconstructed.

Karen Coreson, 3648 SE Licynta Lane, said the width of the road would not allow for sidewalks. Residents would be happy with something simple such as improving the grade of the road. Pedestrian traffic is made up of residents living on a dead-end road. Children are not in jeopardy. She said it was most important to redirect the water and resurface the road.

Councilmember Kappa asked how the residents felt about resurfacing the street. **Coreson** said the neighbors were interested in having a decent paving job, but the project is more expensive and complicated than anyone on the street intended.

A member of the audience said he wanted relief from the constant water damage.

Drechsler said streets are deteriorated by standing water. The City wants to do street improvements that will handle water effectively to extend the life of the surface.

A member of the audience said the neighbors were not looking for elaborate improvements; they want to keep it simple.

Mayor Lomnicki said he was concerned that there be available a way for children to safely walk or ride their bikes to school.

A member of the audience said children do not usually use Licyntra Lane to get to school.

Mayor Lomnicki said it sounded as if there was a concern regarding the proximity of houses to the current roadway. He said there needed to be some flexibility because each situation may be unique. The biggest needs were to get our children to and from school safely and to get rid of standing water.

Coreson said erosion is very bad, but runoff does not impact everyone on the street.

Drechsler said the TSP Study will be completed by June and will help in determining long-term needs. He agreed that any work being considered should be done to enhance future improvements.

A member of the audience asked why 34th Avenue gets expensive speed humps and his street gets nothing. **Bartlett** recommended that Drechsler contact him.

Drug and Alcohol Policy

There was insufficient time for this work session item. It was considered during the regular session.

Pat DuVal, Recorder/Secretary

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
January 17, 1995**

The one thousand seven hundred and eleventh meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 6:58 p.m. at Milwaukie City Hall with the following Councilmembers present:

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Rob Kappa
Don Trotter

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager
Pam Beery,
City Attorney
Jim Crumley,
Associate Planner

Angus Anderson,
Finance Director
Greg Drechsler,
Acting Public Works Director
Debbie Bishcoff,
Senior Transportation Planner
Pat DuVal,
Recorder/Secretary

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Presentation of the 1993-1994 Comprehensive Annual Fiscal Report (CAFR)

Angus Anderson, Finance Director, presented the 1993-1994 Audit report. The CAFR was distributed to City Council and appointed Budget Committee members. The Mayor and City Council will have the opportunity to review the Management Letter and Comments, and a work session will be scheduled in February to discuss the Management Letter and Audit.

AUDIENCE PARTICIPATION

Due to the size of the audience, it was City Council's consensus to hold the Audience Participation portion of the meeting before the Public Hearings.

Wes Johns, firefighter, read a letter from Milwaukie firefighters into the official record. It unanimously expressed a vote of confidence in Fire Chief Dan Olsen. He said there was a rumor that the Chief's contract would not be renewed.

Mayor Lomnicki said the City Charter does not allow Council to enter into personnel issues.

John Hipes, MPEA Vice President, read a letter into the minutes expressing the unit's vote of confidence in Chief Olsen.

Jim Backenstos, 3626 Harrison, spoke on behalf of Chief Olsen, who, he believed, had done much for the morale of the Fire Department. He commended Police and Fire for the good things that were happening in the City. He said he was not in favor of the proposed Ambulance Transport Agreement with AMR. He advised City Council to go slowly on disposal of public property and to take a good look at potential liabilities. He said he also had questions relative to storm water runoff and how it relates to the amount of storm water going through the Kellogg Treatment Plant. He urged City Council to remember the people who voted for them.

John Muirhead, Oregon Cutting Systems, expressed his support for Chief Olsen. He remarked that the Chief has encouraged local businesses, through training, to realize their own capabilities.

David Long, Life Flight Director, commended Chief Olsen for his leadership and his representation of the City in other organizations.

Richard Leonard, Troop 9-1-1 Scoutmaster, said Chief Olsen was a concerned citizen of Milwaukie who put out effort for the kids in the community. He gave his vote of confidence.

Dave Price, firefighter from another jurisdiction, expressed his support for Chief Olsen.

John Stennett, retired Milwaukie firefighter, said the City was fortunate to have a Chief who has come up through the ranks and is experienced. He urged that the City not fall into the trap of saving money. He said that Chief Olsen is a good leader, and the Department's morale is high.

Catherine Jones, Hillside Manor Association President, spoke in support of the Department. The Firefighters are always on hand and cheerful when Manor residents need help.

Larry Lohr, Portland Community College, said Dan Olsen, a nationally recognized figure, provided the leadership to the Department.

Councilmember Schreiber said there was no documentation on the issue of Chief Olsen's contract renewal.

Mark Tidwell, IAFF Steward, read a statement into the record regarding the City's participation in an ambulance transport contract with AMR. The Milwaukie Fire Department does not feel that the agreement, as it has operated to date, would benefit Milwaukie citizens. Taxpayers should not subsidize the efforts of out-of-state business. He requested further discussions with the City Council.

Mayor Lomnicki said City Council has not seen the analysis of the issue and is waiting for more data. The ambulance issue will be brought to the City Council at some future date. The information is currently going between the City Manager and the Fire Chief. The members of IAFF will be notified of future discussions.

PUBLIC HEARING

Comprehensive Plan Map Amendments for Annexed Lands (CPA-94-04) and Comprehensive Plan Text Amendment for Elk Rock Island Plan (CPA-94-05) -- Ordinance

Mayor Lomnicki called the public hearing on the proposed Comprehensive Plan Map and text amendments to order at 7:31 p.m.

The purpose of the hearing was to consider proposed amendments to: designate previously annexed lands with City land use designations on the Comprehensive Plan Map; add a policy that confirms the City's participation in implementing the Elk Rock Island Natural Area Management Plan; and adopt the Elk Rock Island Natural Area Management Plan as an ancillary document.

Mayor Lomnicki said the procedures governing this legislative action and applicable substantive criteria were outlined in the staff report. Interested parties may appeal the decision of the Council to the State Land Use Board of Appeals, according to the rules adopted by the Board. He reviewed the conduct of the hearing.

Councilmember Trotter stated, for the record, that he was a Planning Commission member at the time these Comprehensive Plan Map and text amendments were considered. He voted, based on information in the staff report and public testimony at the Planning Commission public hearing, to recommend approval to the City Council. He said he was not biased and would be open-minded enough to decide the issue. He said he would be prepared to say that he was wrong and disregard the previous decision if evidence indicated.

Staff Report: **Debbie Bischoff**, Senior Transportation Planner, presented the staff report in which the City Council was requested to consider amendments to the Comprehensive Plan Map and a text amendment relating to the Elk Rock Island Management Plan.

She reviewed the Planning Commission work sessions and subsequent public hearings. A duly noticed public hearing for CPA-94-04 was held on November 22, 1994. The Planning Commission recommended the City Council adopt CPA-94-05 at its public hearing on January 10, 1995. The amendments included a new policy in the Open Spaces, Scenic Areas, and Natural Resources Element of the Comprehensive Plan to affirm the City's participation in implementing the Elk Rock Island Natural Area Management Plan. City Council held a public hearing on December 6, 1994, and affirmed their participation in the Plan. All findings are included in the staff report, and this public hearing has gone through a duly noticed process.

Councilmember Kappa asked if there would be dual Police protection from the City of Milwaukie and the City of Portland on Elk Rock Island. **Bartlett** said there are mutual aid agreements between Milwaukie and Clackamas County for river patrol and backup.

Councilmember Farley said Portland Police will not actually be on the Island with its officers. **Bartlett** said the City of Portland would respond if necessary. Milwaukie would be the first responder depending on the status of the incident.

Mayor Lomnicki referred to page 69 of the packet and asked why responsible parties were not indicated for: PS-1 Park Agency Cooperation; PS-2 Volunteer Participation; PS-3 Police Response; PS-4 Fire Protection; and PS-5 Park Codes. He asked how the responses would be delegated. **Bischoff** said she did not know at this time.

Councilmember Schreiber said this section of the Plan was described as a team effort at the Parks District meeting.

Bischoff said approving these amendments would state the City's responsibilities.

Mayor Lomnicki said he would like to see staff further continue its work regarding the responsibility issue.

Bischoff said she understood that the City Council, at its December 6 meeting, had agreed to participate.

Councilmember Farley asked if this was for an Ordinance or for information. **Bischoff** said this was an Ordinance proposed for adoption that would amend the Comprehensive Plan. City Council reviewed the information at a public hearing on December 6, 1994.

Councilmember Farley agreed that he would like to see the information on delegation of responsibilities as soon as possible.

Correspondence: **Jim Crumley**, Associate Planner, read a letter from James Murray, 5577 SE Firwood, Portland, 97222, into the record. The letter stated that due process was not being followed. Murray contacted the Community Development Department and asked for all relevant information. Murray stated that he did not receive the information in a timely manner and did not have adequate time to review the material. Because of this, Murray believed that the City should grant a 120-day extension. Murray did not attend any of the previous public hearings. He was also notified of tonight's public hearing, but he was not present. Information was available on December 15, 1994, but Murray did not avail himself of the information. Murray is not a resident of the City of Milwaukie and has not identified those he represents.

Mayor Lomnicki said this correspondence would be entered into the record, but it did not pertain to this particular issue.

Crumley identified those parcels on the map that were recently annexed but had not been rezoned to City designations. The proposed map amendment would provide consistent designations and development patterns within the City. The proposed change conforms to Statewide Planning goals. He discussed zoning of the Portland Traction Line/Springwater Corridor and the Wiley Property. Wiley operates a home occupation and requested a rezone to Commercial designation. Staff did not feel it was appropriate to rezone that parcel; however, Wiley will be grandfathered in and will not have to make any changes unless he sells his business.

Councilmember Kappa asked if the 120-day waiting period would be a problem. **Bartlett** said this was a legislative hearing.

Councilmember Trotter discussed Murray's letter. Murray indicated, by way of his letter, that he was aware of the Public Hearings, and the request for an extension should not be granted.

Public Testimony: None.

Staff Comments: None.

Questions of Clarification: None.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the Comprehensive Plan Map and text amendments at 7:53 p.m.

Discussion among Councilmembers: **Councilmember Kappa** asked if the property being proposed for City zoning designations was already annexed. **Mayor Lomnicki** said parcels have been previously annexed by the City.

Determination of Findings and Decision: **It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to read the Ordinance amending Ordinance No. 1437, the Milwaukie Comprehensive Plan (CPA-94-04 and CPA-94-05) for the first time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions. The Ordinance was read for the first time by title only.**

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to read the Ordinance amending Ordinance No. 1437, the Milwaukie Comprehensive Plan (CPA-94-04 and CPA-94-05) for the second time by title only. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions. The Ordinance was read for the second time by title only.

It was moved by Councilmember Schreiber and seconded by Councilmember Kappa to adopt the Ordinance amending Ordinance No. 1437, the Milwaukie Comprehensive Plan (CPA-94-04 and CPA-94-05). Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions.

ORDINANCE NO. 1777:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
AMENDING ORDINANCE NUMBER 1437, THE MILWAUKIE
COMPREHENSIVE PLAN (CPA-94-04 AND CPA-94-05).**

Zoning Map Amendments for Annexed Lands (ZC-94-01) and Subdivision Ordinance Text Amendment for Flag Lot Buildability (ZA-94-07) -- Ordinance

Mayor Lomnicki called the public hearing on the proposed Zoning Ordinance text amendments to order at 7:55 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider proposed text amendments to the City's Zoning Ordinance. He reviewed the order of business. The procedures governing the legislative action were outlined in the staff report. The applicable substantive criteria were addressed as outlined in the staff report. Any interested party may appeal the decision of the Council to the State Land Use Board of Appeals, according to the rules adopted by the Board. He reviewed the conduct of the hearing.

Councilmember Trotter stated for the record that he was a Planning Commission member at the time these Comprehensive Plan amendments were considered. He voted, based on information in the staff report and public testimony at the Planning Commission public hearing, to recommend approval to the City Council. He said he would be open-minded enough to decide the issue and would be prepared to say that he was wrong on his previous decision. He said he was not biased and would be able to disregard the previous decision if evidence indicated.

Staff Report: **Jim Crumley**, Associate Planner, presented the staff report in which the City Council was requested to consider an Ordinance to amend the Zoning Map and the Subdivision Ordinance text.

This is the complementary portion to the Comprehensive Plan amendment and the County rezone project. This proposed action would apply City zoning to previously County-zoned areas. Subarea #1 is located generally north of Johnson Creek Boulevard between 55th Avenue and Flavel Drive. Subarea #1A, south of Johnson Creek Boulevard, contains Wiley's Key Shop. The owner requested that his property be rezoned light industrial or commercial. Staff determined, however, that all property south of Johnson Creek Boulevard should remain residential, primarily because of its separation by the Springwater Corridor.

Crumley described Subarea #2 that lies north of King Road and west of Stanley Avenue. Several property owners requested R-5 zoning in order to stimulate development in the area. Staff recommended that the R-7 designation be maintained because the R-5 was not consistent with adopted Comprehensive Plan designations.

Councilmember Farley asked for clarification of R-5,7,10. **Crumley** discussed the square footage differences of the lots.

Crumley said Subarea #3 was located at the southwest corner of King Road, and Linwood Avenue. Subarea #3A contains the Wichita Center, which is a fully-developed commercial center. A mobile home park, zoned R-3, is located in Subarea #3B in addition to three residential lots. Subarea #4 is the Kellogg Lake Apartment complex and is zoned R-1.

Councilmember Kappa asked if the mobile home park owner would be able to redevelop the property in the future. **Crumley** said the owner could redevelop within an R-3 designation if he decided to remove the mobile home park.

Mayor Lomnicki asked if it would be possible to rezone the parcel to R-7 but still keep the mobile home park. **Crumley** said this was possible, but a nonconforming use might make financing difficult. Staff did not want to deteriorate the mobile home park.

Crumley discussed the Subdivision Ordinance amendment regarding flag lots. Currently the portion of the lot designated for access is not included in the computation of the square footage. As a result, the owner may have to seek a variance. Staff believes that applying to the Planning Commission for a variance in such a case is a needless expense to the applicant. Staff is trying to reduce the time, effort and cost to the public and to reach the goal of providing infill opportunities. The impact might be that there will be more flag lots and minor land partitions within the City.

Councilmember Trotter asked if the Planning Commission decision of January 10, 1995, made any changes to the City Council staff report. **Crumley** said there were no changes.

Correspondence: There was no additional correspondence on this matter other than those items included in the agenda materials.

Public Testimony: **Michelle Greeley-Roberts**, 2924 SE Malcolm, asked that City Council postpone its decision so that the Ardenwald-Johnson Creek Neighborhood Association could prepare a response. She explained that the Association has been consumed with serious traffic and public safety issues. She and other members of the Association have appealed several flag lot requests in Bonnie View Acres because of the uniqueness of the area. This proposed amendment would allow developers to meet zoning standards more frequently. She said she was not against infill; however, the livability and

character of the neighborhood would not be enhanced. The Community Development Department is not helping the neighborhoods protect their investments. She discussed requests she made of staff that she believed were not met.

Mayor Lomnicki said this was a grievance with previous City Council decisions and was not relevant to this decision.

Greeley-Roberts discussed the importance of her property to her family.

Councilmember Kappa asked if there would be a historic review of the neighborhood. **Greeley-Roberts** said she was working with Linda Mullen, Neighborhood Services Coordinator, on this issue. She was concerned with maintaining the character of the neighborhood through the lot sizes.

Mayor Lomnicki said he understood the potential historic importance of the neighborhood. He asked Greeley-Roberts if she was concerned with her neighborhood, or the rest of the City in general. **Greeley-Roberts** said her concerns were with the Bonnie View Acres area.

Councilmember Trotter asked Greeley-Roberts if she was concerned that this proposal would encourage thoughtless development. **Greeley-Roberts** said many realtors come into the neighborhood encouraging property owners to develop their lots.

Councilmember Trotter said he did not hear in her response how this proposed change would make development worse than it is now. **Greeley-Roberts** said she was alarmed when she read the staff report. Variances would be allowed without the neighbors knowing. The Ardenwald-Johnson Creek Neighborhood Association Board supported a postponement so the proposal could be reviewed and a presentation prepared.

Staff Comments: **Crumley** said the Historic Review Commission (HRC) would consider the Bonnie View Acres area at their January 30, 1995, meeting. According to earlier City Council direction, this was part of the HRC 1995 work program. Flag lot development occurs through the minor land partition process. It allows property owners to request public hearings and allows appeals before the City Council.

Councilmember Trotter said the neighborhood would have the opportunity to request a hearing. Minor land partitions are a Type 2 Review. Notice is sent to property owners within 150 feet, and they are given a 14-day public review period. After that, there is a 15-day appeal period during which time a person can pay the fee and appeal to the Planning Commission.

Questions of Clarification: **Councilmember Farley** asked what would happen if Bonnie View Acres were approved as a historic district. **Crumley** said such a district would have its own development guidelines. If Bonnie View Acres is declared a historic district for the reason of its long lots, that would be part of the Zoning Ordinance and Comprehensive Plan.

Councilmember Farley asked how many people actually get notification within a 150-foot radius. **Crumley** said, in addition to all property owners within 150 feet, notices are sent to the Neighborhood District Association.

Close Hearing: **Mayor Lomnicki** closed the public testimony portion of the hearing on the Zoning Ordinance Map and text amendment at 8:28 p.m.

Discussion among Councilmembers: **Councilmember Schreiber** said adopting the Ordinance does not preclude the historic district concept.

Councilmember Kappa said he was concerned that flag lots would create a livability issue. He said he did not feel that it would hold up any process by allowing the Neighborhood District to review the amendment and make its recommendations. As a City Council, it is important to allow the Neighborhood District Associations to address their concerns.

Councilmember Farley said he agreed to a certain point. The historical issue is important, and the neighborhood should be given the opportunity of a historical advantage.

Councilmember Trotter said it is difficult to know when enough testimony has been received to make their desires known. He heard Greeley-Roberts say that the Neighborhood Association did not have time to review the issue, although it has been before the Planning Commission since November 12, 1994. The neighborhoods are protected through the minor land partition process. Based on the records of the proceedings for the past five years, during which time no variances were denied, it would be difficult to prove that flag lots negatively impact adjacent properties. In essence, access to a flag lot is a long driveway. It is a matter of equity between property owners.

Mayor Lomnicki said Greeley-Roberts stated that her concern was with her neighborhood only, and this proposal is for the entire City. Greeley-Roberts' concerns will be addressed by the Historic Review Commission. The process and the criteria will be different from those being considered at this public hearing. He said he did not believe that flag lots degrade a neighborhood. This amendment was reviewed by the Planning Commission and there was sufficient opportunity for public testimony.

Councilmember Kappa said he believed it was appropriate to ask for representation from the Neighborhood Districts. This is a livability issue for those residents.

Councilmember Farley said, from this point of view, any 10,000-square-foot lot could become a flag lot in that neighborhood.

Councilmember Trotter said the R-10 criteria would still have to be met on both lots. The proposed amendment states that driveways will be included in the square footage calculations. He believed there were still many built-in safeguards.

Councilmember Schreiber said she would like to see the proposed Ordinance adopted to allow property owners to use their land as creatively as possible. The property owner wishing to develop his land would still be required to meet zoning criteria.

Mayor Lomnicki said there are many safeguards in the system through the notification and appeal process. The City Council is focusing on a City-wide process, not on a particular neighborhood.

Councilmember Farley said a minor land partition would help protect the neighborhood.

Councilmember Kappa moved to table the proposed Ordinance. The motion died for lack of a second.

Determination of Findings and Decision: It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to read the Ordinance amending Ordinance No. 1712, the Milwaukie Zoning Ordinance (ZC-94-01) and amending Ordinance No. 1440, the Milwaukie Subdivision Ordinance for the first time by title only.

Councilmember Kappa said he did not have a problem with the process, but he believed everyone should have the opportunity to address City Council.

Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, and Councilmember Trotter aye; Councilmember Kappa nay; no abstentions. The Ordinance was read for the first time by title only.

The second reading of the Ordinance will be on the February 7, 1995, City Council agenda.

Consider three-year Serial Levies for Library and Public Safety -- Resolutions

Mayor Lomnicki called the public hearing on the proposed three-year serial levies for Library and Public Safety Services to order at 8:50 p.m.

Mayor Lomnicki said the purpose of the hearing was to consider Resolutions calling for an election on March 28, 1995, for the purpose of submitting three-year serial levies for Library and Public Safety Services to the voters of the City. He reviewed the conduct of the hearing.

Staff Report: **Angus Anderson**, Finance Director, presented the staff report in which the City Council was requested to consider two Resolutions calling for a special election on March 28, 1995, for the purpose of submitting three-year serial levies to voters of the City for Library and Public Safety Services. The serial levies that passed in 1992 will expire June 1995. The Budget Committee determined that replacement funding would be necessary to continue this level of service in Library and Public Safety. The proposed Library Levy is \$200,000 each year for three years, and the Public Safety Levy is \$858,000 each year for three years. The Public Safety Levy includes continued operation of the Main Street Fire Station and City matching funds for three Police Officers who would be hired under the COPSFAST Program.

Councilmember Farley asked if the COPSFAST Program was state or federal. **Anderson** said it was part of the 1994 Crime Bill. **Councilmember Farley** asked if he could get a number on the Bill. **Anderson** said he did not have that information with him, but he would look it up and contact the Councilor.

Councilmember Kappa said the Budget Committee discussed Fund 64 -- Public Safety Building. **Anderson** said this fund was a capital outlay fund for the building and fixtures. Funds from the proposed levy will not be used for Fund 64.

Bartlett said the proposed Resolutions would undergo some Flesch and readability changes, but the basic context would not change.

Correspondence: There was no correspondence on this matter.

Audience Testimony: - None.

Staff Comments: None.

Questions of Clarification: None.

Close Public Testimony: **Mayor Lomnicki** closed the public testimony portion of the hearing at 9:00 p.m.

Discussion among Council Members and Decision: **It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the Resolution calling for a special election on March 28, 1995, to submit a three-year serial levy for library services to the voters of the City. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions.**

RESOLUTION NO. 4-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR A SPECIAL ELECTION ON MARCH 28, 1995, FOR THE PURPOSE OF SUBMITTING A THREE-YEAR SERIAL LEVY FOR LIBRARY SERVICES TO THE VOTERS OF THE CITY.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to adopt the Resolution calling for a special election on March 28, 1995, to submit a three-year serial levy for public safety services to the voters of the City.

Councilmember Trotter commented that this information was covered by the Budget Committee over the past several months, and City Council is well informed on the issue.

Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions.

RESOLUTION NO. 5-1995:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CALLING FOR A SPECIAL ELECTION ON MARCH 28, 1995, FOR THE PURPOSE OF SUBMITTING A THREE-YEAR SERIAL LEVY FOR PUBLIC SAFETY SERVICES TO THE VOTERS OF THE CITY.

OTHER BUSINESS

Elect Council President

It was moved by Councilmember Farley and seconded by Councilmember Kappa to elect Councilmember Trotter as City Council President.

It was moved by Councilmember Schreiber to elect Councilmember Kappa as City Council President. Motion died for lack of a second.

The motion to elect Councilmember Trotter as City Council President passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Schreiber nay; no abstentions.

Consider Letters of Agreement on Drug and Alcohol Policy with MPEA and IAFF

Charlene Richards, Assistant to the City Manager, presented the staff report in which the City Council was requested to direct the City Manager to implement the drug and alcohol policy through a directive and authorize the Mayor and City Manager to sign the letters of agreement between the City and the MPEA. She said she was still discussing the policy with IAFF.

She reviewed the policy development timeline and process that began in July 1992. At that time, the City of Milwaukie joined with the Chamber of Commerce to use Cascade Centers, Inc. as their Employee Assistance Program (EAP) provider. The Personnel Rules Committee held eleven meetings between October 1993 and March 1994. She discussed the intent of the policy that would be implemented through City Manager Directive. City Council approved drug testing on pre-employment and reasonable-cause basis. She negotiated with MPEA and reached a tentative agreement. Drug testing for department heads, non-represented, and MPEA employees will begin May 1, 1995. Training will be mandatory. Mandatory testing for Commercial Drivers License (CDL) will begin February 1996 and will impact those Public Works employees who operate equipment.

Councilmember Trotter asked for clarification of the term "safety-sensitive employee." **Richards** said this is another term for CDL holders.

Councilmember Farley asked if this policy would include marijuana. **Richards** said that particular substance would be included. Employees being tested will also be asked if they are currently taking prescription drugs or have eaten certain foods.

Councilmember Farley asked what was considered "reasonable grounds." **Richards** read the definition of "reasonable grounds" from page 17 of the staff report. It included, but was not limited to: the odor of an alcoholic beverage; behavior, or speech; and involvement in an accident on company premises that results in physical injury or property damage.

Councilmember Kappa asked if, during training, employees will be given a copy of federal safety regulations. **Richards** said employees will be given a copy of Milwaukie's policy, but the City is not under any federal policy.

It was moved by Mayor Lomnicki and seconded by Councilmember Kappa to direct the City Manager to implement the drug and alcohol policy through a City Manager directive and authorize the Mayor and City Manager to sign letters of agreement between the City and the MPEA. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions.

Consider Town Center Area Plan Process

Bartlett presented the staff report in which he requested that City Council review and give direction on the City's participation in the Town Center Area Plan. The Clackamas County Board of Commissioners held a study session on the Plan in December, and Maggie Collins, Community Development Director, attended. The majority of the area east of I-205 is within the City's Urban Growth Boundary. Categories addressed in the overall Plan include: land use, transportation, urban design, infill and redevelopment, community and cultural facilities; and parks and open spaces. **Bartlett** asked for City Council direction on designating one of its members to the Town Center Area Task Force. He also asked if Council felt that one representative would be sufficient.

Councilmember Farley said he thought there should be at least two Council members and one staff person, as this issue is very important to the City of Milwaukie's future growth.

Councilmember Schreiber said she believed the City should have a strong representation, and staffing the project should be a shared responsibility.

Councilmember Kappa said two members of the Johnson Creek Corridor Committee (JCCC) have contacted him asking how to get representation on the Task Force.

Bartlett recommended another joint meeting with the County Board of Commissioners to reaffirm the existing Urban Management Agreement and to let them know that Milwaukie wants to participate in more than just the process.

Councilmember Schreiber said she talked with Judy Hammerstad and Norm Scott about the Region 2040 Plan, and they took it for granted that the City of Milwaukie did not have a bigger role to play.

Mayor Lomnicki said he was concerned about who would make the final decisions. This Plan issue is important to future annexation proposals within the Dual Interest Area because of our Urban Growth Boundary Area. He did not believe that simply Milwaukie City Council recommendations would have much influence on the County Board of Commissioners.

Councilmember Kappa asked who would make the Task Force appointments. **Bartlett** said the Board of Commissioners would make the final appointments. This process goes over the line of administrative management, and the Board will decide who serves.

Mayor Lomnicki asked if the City of Milwaukie could push for a stronger agreement, such as the one West Linn has for Tanner Basin. **Bartlett** said this was an option.

Councilmember Trotter said this is one of many land use issues in which the City of Milwaukie will be involved. Coordination early on is very important. He liked the idea of having a document similar to West Linn's Tanner Basin Agreement.

Councilmember Schreiber said Metro has not designated either the Town Center or the City of Milwaukie as regional centers. She said the City should not be in competition with the Town Center for the designation.

Councilmember Kappa, referring to the JCCC request, asked if the City Council could represent two different organizations.

Councilmember Farley said the map of the study area looks as if it came from a gerrymander factory. **Bartlett** said the map includes commercial and multi-family residences and excludes Otty Road and other single-family residential areas.

Bartlett said it appears that the City Council needs to meet with the Board of Commissioners to: 1) get as many Councilors appointed to the Task Force as possible; 2) involve a Planning Commissioner; 3) push for staff representation; 4) encompass a broad base to include the Johnson Creek Corridor Committee; and 5) develop a document similar to West Linn's Tanner Basin Agreement.

Councilmember Trotter recommended getting a copy of the West Linn agreement and scheduling a work session to develop a strategy prior to meeting with the County Commissioners.

Consider Construction Board of Appeals Appointments

Greg Drechsler, Acting Public Works Director, presented the staff report in which the City Council was requested to consider appointments to the Construction Board of Appeals. Staff would like to continue abatement on one property in the City. The property owner filed an appeal, and the hearing is scheduled for February 3, 1995. City Council has the option of appointing members based on their applications without interviews, or of directing the Building Official to postpone the hearing for 30 days and allow time for interviews.

Councilmember Kappa asked how imperative it was to proceed with mitigation on the one property. **Drechsler** said normally, it would cause only a simple delay.

Councilmember Trotter asked how many members are supposed to be on the Appeals Board? **Drechsler** said the Board has seven members.

Councilmember Trotter asked how many are needed for a quorum. **Drechsler** said bylaws are being developed regarding a quorum.

Councilmember Schreiber commented that City Council usually goes through the interview process for other boards and commissions.

Drechsler said, at this time, the main concern is property abatement. Those who have applied are familiar with the building trades. Some of the applicants are building officials from other cities, and one is from the South Metro Fire Marshal's Office. None of the Board members may be City of Milwaukie employees.

Mayor Lomnicki said those on the Board will consider a specific property that needs corrective action. The Board, based on their professional knowledge, will review the information and decide if the structure on this particular property could be renovated or should be demolished.

Beery said this particular abatement applies to a dangerous building. Other appeals may pertain to other types of Building Official decisions or may include an innovative design request.

Councilmember Farley commented that none of the applicants were City residents. **Drechsler** said there was only one response from a Milwaukie resident who saw the announcement on the cable reader board, but he did not return his application.

Councilmember Trotter asked if delaying the hearing would cause a liability problem. **Beery** said the City's risk could be increased because the structure is both a fire and safety hazard.

Councilmember Trotter asked if all six people named in the staff report were willing to serve but did not have the opportunity to return their applications. **Drechsler** said they had, and he was expecting their applications.

Councilmember Schreiber asked the length of the terms. **Drechsler** said there was no term length established. The Board met only when necessary and appropriate.

Councilmember Schreiber suggested an 18-month, interim appointment to find out if the Board functions well.

Councilmember Kappa said he agreed with this concern. City Council usually conducts interviews, except for incumbents.

Councilmember Farley asked if time was of the essence. **Beery** said it was not the typical round of appointments, and there was some need to expedite filling the positions. **Councilmember Farley** was concerned that City Council would not have the opportunity to meet the Board members.

Bartlett said the individual involved has been an expert at exploiting time factors. The City has given notice of the February 3, 1995, hearing date and received confirmation from the appellant's representative. Staff is concerned about being able to serve notice to the individual in the future if the hearing is delayed for 30 days. This structure has been a problem for about three years. He added that often professionals do not like to deal with issues like this in their own City, and this might explain why there were no applications from Milwaukie residents.

Councilmember Trotter asked what information the Board would receive prior to the hearing. **Drechsler** noted the Board would receive a staff report and supporting materials, but the appellant would make her presentation at the hearing.

Councilmember Kappa suggested that City Council interview the Board applicants on January 31.

Councilmember Trotter agreed with Councilmember Schreiber's suggestion of a short-term appointment.

Mayor Lomnicki suggested making interim appointments and then scheduling meetings with the Board members in the next six months. If City Council feels the members do not meet the requirements, other considerations could be made.

Councilmember Farley asked for Keith Wilson's address. **Drechsler** said he did not have it with him, but would provide it.

It was moved by Mayor Lomnicki and seconded by Councilmember Farley to appoint the list prepared by staff for six members to the Construction Board of Appeals and, within six months' time, hold the standard interview process. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions.

Suspension of Council Rules

It was moved by Councilmember Farley and seconded by Councilmember Kappa to extend the time beyond 10:00 p.m. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Farley to adopt the Consent Agenda that consisted of the City Council Minutes of January 3, 1995. Motion passed 5 - 0 with the following vote: Mayor Lomnicki, Councilmember Farley, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; no nays; no abstentions.

INFORMATION

Councilmember Kappa said he received calls from citizens concerned about development of Creekway Estates. He thanked Drechsler for acting on the residents' behalf to settle issues satisfactorily.

Councilmember Trotter pointed out a change to page six of the draft "Board and Commission Handbook" regarding Traffic Safety Commission and Historic Review Commission recommendations.

Mayor Lomnicki discussed a storm drainage workshop on January 27, 1995.

Bartlett discussed several information items: the Fire Department quarterly report; City Council Goal update; and the Traffic Safety Commission recommendation on the proposed 32nd Avenue pedestrian crossing signal. The Commission recommended curtailing additional signal devices on 32nd Avenue. **Bartlett** said he would prepare a report for the next City Council meeting because some of the neighborhood residents had concerns about this recommendation.

Mayor Lomnicki announced an executive session pursuant to Oregon Revised Statutes 192.660 to consult with legal counsel on potential litigation and discuss personnel issues.

ADJOURNMENT

Mayor Lomnicki adjourned the meeting at 10:05 p.m.

Pat DuVal, Recorder/Secretary

EXECUTIVE SESSION

Council met with City Manager Dan Bartlett, City Attorney Pam Beery, Assistant to the City Manager Charlene Richards, and Northland Insurance Representative Dunny Sorensen to discuss claims filed against the City. Sorensen told the Council about the insurance company's position on the claims.

The meeting adjourned at 10:45 p.m.

Dan Bartlett, City Manager

MILWAUKIE PLANNING COMMISSION
MINUTES
TUESDAY, JANUARY 10, 1994

DRAFT

COMMISSIONERS PRESENT

Carolyn Tomei, Chair
Gordon Jones
Debi Linn
Bill Johnson
Michael Smith
Calvin Walter

COMMISSIONERS ABSENT

Scott McClure

OTHERS PRESENT

Mayor Lomnicki
Councilmember Trotter

STAFF PRESENT

Maggie Collins,
Community Dev. Dir.
Jim Crumley,
Associate Planner
Debbie Bischoff,
Senior Transportation Planner
Shirley Richardson,
Hearings Recorder

1.0 CALL TO ORDER

Chair Tomei called the meeting to order at 6:30 p.m. Mayor Lomnicki presented Don Trotter with a plaque and gavel for his 14 years of service on the City of Milwaukie Planning Commission. The Planning Commission commended him on his patience and contributions made to the City.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 CONSENT AGENDA

3.1 PLANNING COMMISSION MINUTES -- November 22, 1994 and December 13, 1994

Debi Linn moved to approve the minutes of November 22, 1994, as presented. **Calvin Walter** seconded. MOTION CARRIED 6-0.

Gordon Jones moved to approve the minutes of December 13, 1994, as presented. **Carolyn Tomei** seconded. MOTION CARRIED 3-0 with three abstentions. Carolyn Tomei, Bill Johnson, and Debi Linn were not at this meeting.

4.0 PUBLIC COMMENT -- None.

5.0 PUBLIC HEARINGS

- 5.1 Applicant: Betty Hart
Property Owner: Betty Hart
Location: 4056 SE Washington Street
Proposal: Conditional Use for Secondary Dwelling Unit (CU-94-02)

Chair Tomei explained the public hearing format. She then opened the public hearing on a Conditional Use for a Secondary Dwelling Unit. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. She asked if there were any Commissioners who visited the site; one hand was raised. None of the Commissioners who raised their hands noticed anything different from what is stated 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.

Jim Crumley explained that this proposal is to legalize the existing conversion of a two-car detached garage to a secondary dwelling unit in the R-5 Zone. Approval of a secondary dwelling unit is permitted in the R-5 Zone pursuant to the criteria found in Section 601.2 and 602.10 of the Zoning Ordinance. The Applicant has submitted responses to the criteria.

Even though this is an existing unit, Staff evaluates these types of permits as if nothing was built there and it must be in conformance with what would be built today. Ms. Hart has been informed that she must provide parking, not only for her own home, but for the secondary dwelling unit. Exhibit #2 will be modified to 20x25, giving adequate room to park two cars behind the carport and two cars in the carport; actually one space more than would be required for a single-family house and an accessory living quarters.

The distance between the carport and the house and garage is not specified, but there is a condition in the recommendations for approval that the Applicant meet all the zoning and CABO Code requirements. This may mean construction of fire walls.

This use is allowed in the R-5 Zone and it meets the standards in terms of lot coverage, parking, ratio of dwelling unit to existing home, Staff recommends approval subject to the conditions as listed in the Staff Report.

QUESTIONS FROM COMMISSIONERS

Debi Linn asked for clarification of the distance between the existing garage and the proposed parking shelter. **Jim Crumley** stated that he thinks it might end up being

attached. The Applicant will have to meet the building code and they may not be able to do that without attaching it.

Bill Johnson asked what would happen to the distance between the existing dwelling and the garage if the garage is attached? **Jim Crumley** stated that it must be six feet between the dwelling and the garage. The proposed carport will be five feet to the property line.

Gordon Jones asked if there was a vehicle to remove the deed restriction in the future if the zoning were to change? **Jim Crumley** stated that the Applicant would have to make application to the City for the change. These conditions of approval are recorded with the County Recorder and show up on the title. Any future property owners will have notice that one of the two units have to be occupied by the property owners.

Michael Smith asked how permits are issued to work already completed? **Jim Crumely** stated that there is an inspection after permits have been issued and paid. The inspectors look for flagrant violations and makes sure the structure is up to code before occupancy.

APPLICANT PRESENTATION

Betty Hart, 4056 SE Washington Street, Milwaukie

Ms. Hart stated that it's been about fourteen years that she has had a daughter and grandson living in these quarters. Because of a need for another bedroom, one was constructed behind the garage. The construction was inspected by the City and connected to the sewer. Later her grandson lived there; it was more or less like a studio area. In the last couple of years her mom has become ill and needs to be close to her. There were stairs in the residence and the mother could not navigate them.

Ms. Hart stated that she wanted to remodel this structure so that her mother could live in it. Her mother then changed her mind and decided to stay in her own home. Therefore, she would like to rent this structure out to industrial workers in the area.

QUESTIONS OF THE APPLICANT FROM THE COMMISSIONERS -- None.

TESTIMONY IN FAVOR OF THE APPLICATION -- None.

QUESTIONS OR COMMENTS ON THE APPLICATION

CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF JANUARY 10, 1994
PAGE 4

Speaking: David Murry, 4055 SE Washington, Milwaukie

Mr. Murry stated that he lives directly across the street from the Applicant. He was aware of the construction but did not know there were no permits. He knew that the Applicant ran this as a guest house. He stated that he is concerned about the safety, parking, and what kind of use this new construction will be. He would like to know if she is going to stay there and lease one of the structures. There are children in the neighborhood and he is concerned about overnights.

Speaking: Ken Butler, 4036 SE Washington, Milwaukie

Mr. Butler stated that he lives next door to the Applicant. He is concerned that the rental property would not be kept up as well as it has been in the past. He asked what type of rental this will be, lease or short-term rental. He would like to know what this structure will look like and who will be renting.

Jim Crumley stated that only one unit can be rented. The owner must occupy one of the units. There are no provisions on terms of the rental, but under no circumstances will both structures be allowed to be rented. It is not a motel, boarding house, or care facility. It would be a violation of this permit to rent this unit out on a night-by-night basis. The City is anticipating a monthly rental arrangement. These terms will be recorded on the deed restrictions and will follow the property in the future.

Mr. Butler stated that there are duplexes at the end of his street. He asked if this area is zoned for rentals? **Jim Crumley** stated that the duplexes are non-conforming units; they would be allowed to be rented.

Mr. Butler stated that the sidewalk is poured right up to the wall of his shop. He asked if potential drainage problems would be considered in the inspection of this Application. **Jim Crumely** stated that the sidewalk is not an issue in this Application; however, drainage will be considered in the inspection and if found in violation, will be corrected.

Speaking: Kathleen Butler, 4036 SE Washington Street, Milwaukie

Ms. Butler stated that the Staff Report mentioned the two units and that the drains must flow into the drywell. The secondary drains should also flow into the drywell. She would like to know if this site is draining correctly as stated? **Jim Crumley** stated that the inspector will be looking at the stormwater run-off. Public Works will consider this when the new drywell is sized for the carport.

Ms. Butler asked for clarification on whether the owner of the house will have to live in one of the dwellings; and only one unit rented out? **Jim Crumley** stated that this is correct.

Ms. Butler asked if the Applicant's preliminary drawing has to be approved before construction? **Jim Crumley** stated that a site plan will have to be provided that will indicate exact construction plans.

Ms. Butler asked for clarification of the 20-foot setback. **Jim Crumley** stated that a 20-foot setback must be in front of the carport to be approved.

Ms. Butler then read a letter to the Commission so that it could be made a part of the record. The letter was from Sheryl Deva who lives at 4084 SE Washington Street, next door to property in question. She asked what the proposed construction do to the value of her property? Another concern was whether the secondary dwelling will be a long-term or short-term rental.

TESTIMONY IN OPPOSITION OF THE APPLICATION -- None.

APPLICANT'S CLOSING COMMENTS

Speaking: Betty Hart, 4056 SE Washington Street, Milwaukie

Ms. Hart stated that the yard and structure will be kept up as she has done in the past. She is planning on living in one of the units. She wants this rental to be long-term, maybe yearly.

DELIBERATION AMONG COMMISSIONERS

Chair Tomei closed the public portion of the hearing and opened the hearing to deliberations by the Commissioners.

Michael Smith stated that he is in agreement with the Application, but he is concerned that the inspection would not be thorough. **Jim Crumley** stated that the building will be inspected by both the City Building Official and South Metro Fire.

Gordon Jones stated that he is in support the application. He informed the audience that it was not under the purview of the Planning Commission to maintain property values.

Debi Linn stated that she, too, is in support of the application. She voiced concern about the inspection of the lot. She would like to see that the inspectors be particularly careful to look for safety factors of the residence.

Calvin Walter stated that the application states that the construction was done without benefit of mechanical or electrical permits. Was there a building permit? **Jim Crumley** reported that Ms. Hart says there was a building permit; Staff could not find one on file.

Gordon Jones stated that one of the neighbors raised the concern about the design of the new structure. The Planning Commission is not a Design Review Committee; as long as it meets code, that is what it will be.

Bill Johnson moved to approve the Conditional Use for the Secondary Dwelling Unit, CU-94-02 with the conditions and findings as stated in the Staff Report. **Debi Linn** seconded. MOTION CARRIED 6-0.

Recess was called at 6:25 p.m. and the meeting reconvened at 7:30 p.m.

- 5.2 Applicant: City of Milwaukie
Property Owner: N/A
Location: N/A
Proposal: Comprehensive Plan Amendment Package (CPA-94-04 and CPA-94-05)

Chair Tomei explained the public hearing format. She then stated that this is a continued hearing on a Comprehensive Plan Amendment Package. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. There was no audience.

Debbie Bischoff stated that the purpose of this hearing was to approve Comprehensive Plan Map and Text Amendments and Adoption of Management Plan as an Ancillary Document. The Planning Commission previously held a public hearing on November 22, 1994, on CPA-94-04, as part of the County Rezone project. It is included in this hearing package because Staff is preparing the CPA staff report to be in final form for City Council adoption at the January 17, 1995, public hearing.

The Planning Commission also held a public hearing on the City's adoption of the Elk Rock Island Natural Area Management Plan on November 8, 1994. The section of the staff report related to CPA-94-05 contains comprehensive findings related to adoption of the Management Plan, as well as a Comprehensive Plan text amendment that adds a new policy to the Open Spaces, Scenic Areas, and Natural Resources Element.

Calvin Walter moved to recommend to City Council adoption of Management Plan as an Ancillary Document, CPA-94-05, and amendments to the Comprehensive Plan Map, (CPA-94-04) based upon the findings as stated in the Staff Report. **Bill Johnson** seconded. MOTION CARRIED 6-0.

- 5.3 Applicant: City of Milwaukie
Property Owner: N/A
Location N/A
Proposal: Zone Amendment Package (ZC-94-01 and ZA-94-07)

Chair Tomei explained the public hearing format. She then stated that this is a continued hearing on a Zone Amendment Package. She asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. There was no audience.

Debbie Bischoff stated that the purpose of this hearing was to approve amendments to the Zoning Map and Subdivision Ordinance text. The Planning Commission previously held a public hearing on November 22, 1994, on ZC-94-01, as part of the County Rezone project. It is included in this hearing package because Staff is preparing a Staff Report to be in final form for City Council adoption at the January 17, 1995, public hearing.

The Planning Commission is holding its first public hearing on the proposed text amendment to the Milwaukie Subdivision Ordinance, ZA-94-07. This amendment proposes to delete Section 17.32.40F, eliminating the exclusion of the access strip and paved turnaround areas from the calculations of a buildable flag lot.

Gordon Jones moved to recommend to City Council adoption of the proposed Subdivision Ordinance Amendments contained in ZA-94-07 based upon the findings as stated in the Staff Report. **Debi Linn** seconded. MOTION CARRIED 6-0.

Debi Linn commended Staff on the outstanding job done on the Comprehensive Plan Amendments and the Zone Amendments packages.

- 6.0 WORKSESSIONS
6.1 Tree Ordinance

Chair Tomei opened discussion on the Tree Ordinance. **Jim Crumley** reported that at the November 9th meeting of the Tree Committee, a considerable amount of discussion

CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF JANUARY 10, 1994
PAGE 8

was held concerning the length of time necessary to produce a "first rate" Tree Preservation Ordinance.

A handbook, "Guidelines for Developing and Evaluating Tree Ordinances," was received from the Urban Forestry Program of the California Department of Forestry.

In order to provide the opportunity to have sufficient public input into the draft of this Ordinance, it is necessary to approach City Council with an interim moratorium on the removal of trees.

The draft tree removal moratorium was submitted to the Commissioners. Staff asked that the Commissioner review the draft for a recommendation to City Council. Discussion followed on the Draft Tree Ordinance. The following changes were made:

- Page 2, section 2 Change the wording "at 54 inches about natural grade" to "at 54 inches above natural grade."
- Page 1, Last whereas replace "exist" with "exists."
- Section 3, A Change "protected trees" and all tree references to "significant tree."
- Page 2, Section 3.#2 Change 1 to read, "...as to prevent reasonable access to property, and to preclude reasonable and lawful use of the property, or is causing significant damage to the property. Certification may be required."

Carolyn Tomei moved to recommend to city council the Interim Tree Ordinance submitted tonight, with the changes as indicated tonight. **Calvin Walter** seconded. MOTION CARRIED 5-1. Bill Johnson voted in opposition.

7.0 CONSIDERATION ITEMS -- None.

8.0 OLD BUSINESS

9.0 OTHER BUSINESS

9.1 Subdivision and Community Shopping Center Development Review Permit/Dental Offices

Jim Crumley explained that the Dental Building at the Milwaukie Marketplace had proposed a 3' high, 6' long block sign. Under the conditions of approval, that is the sign

that they are limited to. They now would like to have a 13' high with a maximum 300 sq. ft. sign face. The proposed 100 square foot sign is within code restrictions.

Gordon Jones remembered that there were restrictive sign requirements on the Milwaukie Marketplace. He feels the proposed sign will be in violation of those restrictions. **Jim Crumley** will research the sign ordinance for this center and get back to the Commission with his findings.

9.2 SHORTAGE OF STAFF

Carolyn Tomei proposed that a statement be drafted to City Council that the position of Assistant Planner had not been replaced and there is a need for more Staff in the Community Development Department.

Calvin Walter moved to send a memo to City Council regarding Staffing. The Planning Commission is concerned about meeting their objectives and expectations of the 1995 work program with the Staff that is available. Carolyn Tomei was asked to write this memo and send it out. **Debi Linn** seconded. MOTION CARRIED 6-0.

9.3 TREES CUT ON 27TH

Carolyn Tomei asked Staff about the trees on 27th Avenue being cut down by the City? **Jim Crumley** stated that the cutting was due to a drainage problem in that area with flooding. When the rains stop, the City will go in and re-do the landscaping and replace the trees.

9.4 LIGHT PROBLEMS AT HARRISON INTERSECTION

Carolyn Tomei stated that she had to wait four lights before she could turn onto 17th. This was not during the rush hour. Is there anything the City can do about it. **Jim Crumley** will check with Public Works and update the Commission at the next meeting.

9.5 PROPOSED RECREATIONAL VEHICLE PARK

Bill Johnson asked if the property owner on Rusk Road was still planning on putting in a recreational vehicle park? **Jim Crumley** stated that he had sold the property and the new owner is building a 8-bedroom, 8-bath, single-family home.

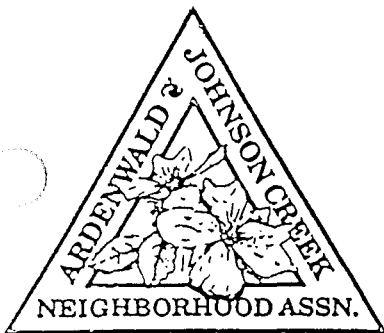
CITY OF MILWAUKIE PLANNING COMMISSION MEETING
MINUTES OF JANUARY 10, 1994
PAGE 10

- 10.0 NEXT MEETING - January 24, 1994
- 10.1 Minor Land Partition/Variance (Chaney) (MLP-94-12/VR-94-09)
- 10.2 TSP Update Worksession
- 10.3 Willamette River Corridor Coordination Plan Worksession
- 10.4 CD Report

Bill Johnson moved to adjourn the meeting of January 10, 1994. **Calvin Walter** seconded.
MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:55 p.m.

Carolyn Tomei, Chair

Shirley Richardson, Hearings Reporter



MONTHLY MEETING OF
ARDENWALD-JOHNSON CREEK NEIGHBORHOOD ASSOCIATION

12/13/94

THE MEETING WAS CALLED TO ORDER BY PRESIDENT MICHELLE GREELY-ROBERTS @ 7:30 PM IN ARDENWALD SCHOOL.

IN ATTENDANCE WERE 12

MINUTES READ AND APPROVED.

MICHELLE: GAVE THE INTRODUCTIONS, REPORTED ON THE TRAFFIC UPDATE AND GAVE US A STREET SAFETY PROGRAM WHICH SHERRIE CAMPBELL MADE A MOTION AN NINA SECONDED- MOTION WAS CARRIED, THAT IT BE USED AS A CRITERIA FOR ITEMS TO BE DONE. MICHELLE ALSO STATED THAT THERE SHOULD BE A SCHOOL GRID DONE TO DESIGNATE THE AREA FOR THE STUDENTS TO WALK TO SCHOOL.

HARRY RICHARDS: GAVE BOARD REPORTS ON SEUL, REGARDING STRUCTURE OF THE NEIGHBORHOOD DISTRICTS AND INTRODUCTIONS OF A NEW DIRECTOR FOR SEUL.

JULIE WISNER: GAVE US A VERY INTERESTING STUDY OF WHAT SHE HAD DONE TO GET SPEED HUMPS ON HER STREET AND THE PRO AND CONS ABOUT THE HUMPS.

NINA WAS INTRODUCED AS BEING IN CHARGE OF THE VOLUNTEER CROSSING GUARD AT 32ND & ROSEWELL AND THE TRAINING FOR CROSSING GUARD, SHE WOULD BE WORKING WITH DAN BARTLETT FOR TRAINING OF THE RADAR GUN.

LINDA MULLEN: WAS INTRODUCED AS THE NEW MILWAUKIE CITY NEIGHBORHOOD LIAISON AND SHE GAVE A LITTLE BACKGROUND ON HERSELF AND WHAT SHE WILL BE DOING AS THE LIAISON .

SUSAN STONE: MADE A MOTION TO LIMIT TRUCK TRAFFIC TO LOCAL DELIVERY W/ SIGNAGE ON 32ND. SHERRIE CAMPBELL SECONDED- MOTION CARRIED

MEETING WAS ADJOURNED AT 8:45PM .

SECRETARY SHARON VAN HORN

CC/
DAN BARTLETT, CITY MANAGER

LINDA MULLEN, NEIGHBORHOOD LIAISON
MARIE ANDERSON, SEUL



MONTHLY MEETING OF
ARDENWALD-JOHNSON CREEK NEIGHBORHOOD ASSOCIATION

11/8/94

THE MEETING WAS CALLED TO ORDER BY PRESIDENT MICHELLE GREELY-ROBERTS @ 7:30 PM IN ARDENWALD SCHOOL.

THERE WAS A CORRECTION ON THE MINUTES OF LAST MEETING, WAS TYPED AS JOHNSON CREEK RESERVOIR SHOULD BEEN JOHNSON CREEK RESOURCE MANAGEMENT PLAN

IN ATTENDANCE WERE 12 PEOPLE.

MICHELLE: GAVE THE INTRODUCTIONS, REPORTED THAT SHE HAS PICKUP GRAFFITI REMOVAL MATERIAL, REPORTED FOR ROGER HASS THAT WE NEED HELP FOR A FOOT BRIDGE FOR ARDENWALD STATION, IT WAS SUGGESTED WE GET THE BOY SCOUTS HELP.

SHERRIE CAMPBELL: REPORTED THE JOHNSON CREEK BLVD. PROJECT WAS IN 2 PHASES (1) DESIGN (2) FUNDING, THE PAVING WOULD START IN 1996 AND THERE SHOULD BE NO TREES REMOVED.

MICHELLE FOR SUSAN STONE: SUSAN WANTED THE NEIGHBORHOOD ASSOCIATION TO VOTE IN SUPPORT FOR A 3,000.00 GRANT APPLICATION FOR ITEMS TO BE PURCHASED FOR A TRAFFIC WATCH AND CALMING PROJECT. SHERRIE CAMPBELL MADE THE MOTION AND JEAN JOHNSON SECONDED - MOTION CARRIED.

MICHELLE: MADE A MOTION THAT THE NEIGHBORHOOD ASSOCIATION PAY FOR SOME WORKSHOPS TO BE ATTENDED BY HERSELF AND SHARON VAN HORN MICHAEL KAY MADE THE MOTION - HARRY RICHARDS SECONDED - MOTION CARRIED

MICHELLE FOR LILLIE MOORE: FOR THE ARDENWALD SCHOOL PATH AND SIGNAL CROSSING ON THE S. SIDE OF ROSEWELL 32ND TO 36TH WITH CURBING OR SIDEWALK, LILLIE HAD SUBMITTED THE REQUEST TO THE CITY OF MILWAUKIE AND MICHELLE HAD SUBMITTED THE REQUEST FOR THE SIGNAL LIGHT AT 32ND & ROSEWELL, THERE WAS GOING TO BE A MEETING ON THE 14TH OF NOVEMBER WITH THE CITY OF MILWAUKIE TO SEE IF ANYTHING, AND WHAT IS GOING TO BE DONE ABOUT THESE PROJECTS

THE WAS AN ANNOUNCEMENT THAT THE ARDENWALD - JOHNSON CREEK NEIGHBORHOOD ASSOCIATION WOULD BE COMING UP BEFORE THE CITY OF MILWAUKIE TO RECOGNIZED AS A NEIGHBORHOOD DISTRICT ON NOVEMBER 15TH THAT SHERRIE CAMPBELL WAS GOING TO ACCEPT FOR THE AJC.

MEETING WAS ADJOURNED AT 8:45 PM

SECRETARY SHARON VAN HORN

ISLAND STATION NEIGHBORHOOD ASSOCIATION

c/o Carolyn Tomei
11907 SE 19th
Milwaukie, OR 97222
659-9116

January 19, 1995

Judie Hammerstad, Chair
Board of County Commissioners
Clackamas County
906 Main Street
Oregon City, OR 97045

Re: Kellogg Creek Sewer Treatment Plant

Dear Ms. Hammerstad:

It is with great disappointment that we write this letter to you regarding the continuing odor problem at the Kellogg Creek Sewer Treatment Plant. After years of discussions and promises regarding odor abatement and visual mitigation, living through the construction phase and the noted completion of the project on November 15, and after spending in excess of \$3 million in taxpayers dollars, we were horribly distressed when the same odor we have become accustomed to was present at the plant, in our neighborhood, and in the heart of downtown Milwaukie. We were guaranteed that the plant would be odor free 95% of the time. Historically, winter has always been the best time of year for lessened odor problems. Yet, on Saturday, December 24, 1994, and almost daily since then, the neighborhood area has reeked with that old familiar smell of Kellogg Creek. Walking through the park area, and especially by the secondary clarifiers, has not produced the relief from odor we were promised. The odor continues to flow into downtown Milwaukie and up around Milwaukie High School. We are keeping a diary of additional times the odor is a problem, including date, time, and location. Discussions with management at the Kellogg Creek Plant include denials of any odor problem and no explainable reason for the odor situation.

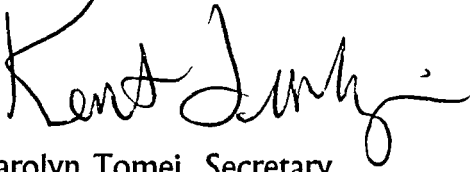
As you are well aware, the City of Milwaukie is in the process of developing a plan for its downtown core and riverfront area. As we have advocated from the beginning, complete odor abatement at the plant **MUST** occur prior to having any ability to entice businesses into the Milwaukie riverfront area. As the KOLT study indicates, the Kellogg Creek plant has the potential to become a permanent part of the Milwaukie riverfront. It would be completely inexcusable to allow **any** odor at the plant for the City of Milwaukie's economic development plans, and visual mitigation should be enhanced on this property on a yearly basis.

We respectfully request that the Board of Commissioners look carefully into this situation and deliver a message to the Island Station Neighborhood regarding the cause of the continued odor, the solutions for eliminating the problem, and your plans for complete odor abatement at this plant.

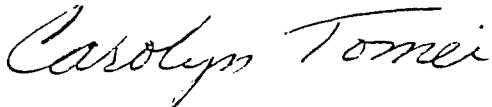
Sincerely,

ISLAND STATION NEIGHBORHOOD ASSOCIATION

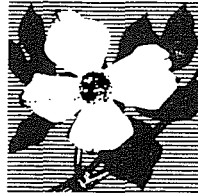
Kent Frutiger, President



Carolyn Tomei, Secretary



cc: Mike Swanson, County Administrator, Clackamas County
Helene Lichtman, Director of Department of Utilities
Craig Lomnicki, Mayor, City of Milwaukie
Milwaukie City Commissioners
Milwaukie Planning Commission
Milwaukie Downtown Development Association
The Oregonian
The Review



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

January 17, 1995

TO: Milwaukie Planning Commission

FROM: Debbie Bischoff, Senior Transportation Planner

RE: Transportation System Plan Update

Staff is moving forward on development of a Transportation System Plan (TSP) for Milwaukie. The TSP is to be a long-range plan that addresses multiple transportation modes such as bicycling, walking, transit, and automobile and freight movements, that are planned, developed, operated and maintained in a coordinated manner.

Attached is a Transportation Planning Rule Summary and the Milwaukie TSP schedule for your information. The Summary includes the elements of the TSP that must be addressed by Milwaukie. Noteworthy aspects of our TSP are that the Plan must be fundable; i.e., identified transportation improvements must have funding sources associated with them; and that as part of being in the Portland metropolitan region, we must reduce vehicle miles traveled (VMT) and parking spaces by 10% over the next twenty years.

Thus far, Staff has been working with a consultant, DKS Associates, on technical matters related to the TSP. New traffic counts for roadways and intersections in the City have been collected and the City has had a Pavement Management System Inventory of our roadways completed that included an inventory of TSP needs such as sidewalks and bicycle lanes. The consultant is completing an Existing Conditions Report based on this information. Also, Matt Freid, GIS Coordinator for Milwaukie, has produced inventory related maps. The consultant is about to undertake traffic modeling using Metro 2015 land use projection data and street forecasts. The outcome of this modeling will be Milwaukie's future roadway system. Staff is also finalizing a report that is an evaluation of existing plans, policies and standards that affect Milwaukie.

The TSP Public Involvement Program is actively moving forward. Staff held a TSP Public Kick-off Meeting in October 1994. At this meeting, two Citizen Working Groups were formed: Roads (Automobile and Freight) and Pedestrian/Bicyclist. The Working

Transportation System Plan

January 17, 1995

Page Two

Groups have been meeting regularly and produced their first product in December 1994; a Transportation Needs Report, which is attached for your information. The Working Groups are meeting and providing input for the next report on Modes Prioritization. As part of this effort, they will be suggesting revisions to the Goals, Objectives and Policies that exist in the Transportation Element of the Comprehensive Plan. They will also review and recommend a prioritization of transportation modes within our transportation system. This report should be completed by the end of March.

A third Citizen Working Group that will address transit issues will be activated in February. This Working Group will be an expansion of the Light Rail Working Group, and will address bus transportation issues as well as light rail.

The TSP is to be completed by the end of June 1995, due to a grant deadline with the State. We anticipate bringing to you at least one more briefing on the project prior to formal worksessions and a public hearing.

attachments

tsppcmem.doc

TRANSPORTATION PLANNING RULE SUMMARY

The Transportation Planning Rule (TPR) was adopted on April 26, 1991 under Chapter 660-12, Oregon Administrative Rule.

The *purpose of the TPR* is to:

- 1) Implement Statewide Planning Goal 12 (Transportation)
- 2) Provide compliance with other Statewide Planning Goals
- 3) Coordinate of transportation needs at all governmental levels
- 4) Serve as the necessary Public Facilities Planning for transportation, through development of Transportation System Plans.

The *Transportation System Plan or TSP is defined as:*

“a plan for one or more transportation facilities that are planned, developed, operated and maintained in a coordinated manner to supply continuity of movement between modes, and within and between geographic and jurisdictional areas.”

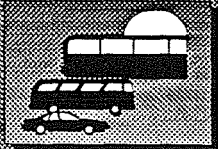
The “plan” has two parts: a TSP with land use controls and a network of facilities and services to meet overall transportation needs; and establish projects and their funding sources to implement the plan.

TSPs must be prepared and coordinated with other local, regional and State Transportation Plans, and with transit and other transportation districts for facilities and services.

Elements of a TSP that are applicable to Milwaukie are:

- 1) A road plan for a network of arterials and collectors
- 2) A public transportation plan
- 3) A bicycle and pedestrian plan
- 4) An air, rail, water and pipeline plan
- 5) Policies and land use regulations for implementing the TSP
- 6) A parking plan intended to achieve a 10% reduction in the number of spaces per capita over the planning period
- 7) Design plan to achieve objectives for reducing automobile vehicles miles travelled (VMT) per capita
- 8) Establish measurable objectives to accomplish reductions in VMT
- 9) Adopt land use and subdivision ordinance amendments that allow transit oriented development, implement demand management programs, achieve reductions in the number of parking spaces per capita, and require all major commercial and industrial developments to provide on-site transit stops or connections to stops
- 10) Evaluate alternative land use designations, densities and design standards to meet local and regional transportation needs
- 11) Include a financing program with specific components

Metropolitan Planning Organizations (MPOs) such as Metro are required to complete their TSPs four years after Rule adoption (1995). Cities within the MPO have one additional year to complete their TSPs. Milwaukie has received a State Transportation and Growth Management Grant to help complete its TSP. Project timeframe and deadline based on the grant is June, 1995.



Milwaukie T.S.P. Schedule

1994			1995					
OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN

Public Involvement Program

TECHNICAL

Inventory of Existing Conditions

Identify Transportation Needs

Develop Plans to Address Needs

Develop & Review T.S.P. Draft

Complete Final Reviews & Adoption

PUBLIC INVOLVEMENT

Public Kickoff Meeting



Needs Assessment



Develop & Prioritize Mode Options



Final Feasibility



Recommendations on Draft T.S.P.



 Working Group Meeting(s)



Working Group Product



REGIONAL WATER SUPPLY PLAN

Portland Metropolitan Area

January 19, 1995

PARTICIPATING
WATER
PROVIDERS

City of Beaverton
Canby Utilities
Board
Clackamas Water
District
City of Gladstone
Clairmont Water
District
Damascus Water
District
City of Fairview
City of Gresham
City of Hillsboro,
Utilities Commission
City of Forest Grove
City of Lake Oswego
City of Milwaukie
Mt. Scott Water
District
Oak Lodge Water
District
City of Portland
Raleigh Water
District
Rockwood Water
City of Sandy
City of Sherwood
South Fork Water
Board,
(City of Oregon City
City of West Linn)
Tigard Water Dist.
City of Troutdale
City of Tualatin
Tualatin Valley
Water District
West Slope Water
District
City of Wilsonville
City of Wood Village
Metro

Mr. Bob Rice
Oregon Water Resources Dept.
158 12th Street NE
Salem, Oregon 97310

Dear Mr. Rice:

The water providers involved with the Portland area Regional Water Supply Planning project offer the following comments on the adoption of rules for the Lower Columbia River. The Regional Water Supply Plan project is a two and a half year, three million dollar plus study to identify the best way for the Portland metropolitan area to meet its future domestic water supply needs to the year 2050. This is a jointly funded and managed project that has 28 individual governmental participants, including Metro. Providers in the Portland metropolitan region recognize that restoration of salmon runs is an objective that many of their customers support. As water providers, however, our charge is to provide high quality drinking water for the current population and to responsibly plan to meet the needs of this growing metropolitan area.

The proposed Lower Columbia River Rules (OAR Chapter 690 Division 11 and Division 33) are not acceptable as drafted primarily due to the standard contained in 690-33-220 (2) (a) which effectively closes the mainstem Columbia, the Willamette Basin, and the other tributaries to any further appropriation of water for municipal purposes from April 15 to September 30. The primary reasons for this objection are:

1) The **fisheries data** relied upon to take this drastic step is that which has been supplied by the Oregon Department of Fish and Wildlife based on data from the National Marine Fisheries Service. This information is based upon the relationship between smolts and flow at Bonneville Dam and the return of adult Chinook Salmon (Endangered fish species) bound for the upper Snake River system. This information is being used to postulate that higher flows in the mainstem Columbia from Bonneville to the mouth during smolt out-migration means greater numbers of adult fish in the years when these fish return as adults. Data on barged fish and in river migration have been combined to show that there is a relationship between flows and returns. This then becomes the rationale for proposing that all further applications for diversions from the mainstem or any of its major tributaries would be detrimental, no matter how small, during the smolt migration months (April-September) and should not be granted. The impact of this decision will be addressed in points below.

The municipalities of the Portland metropolitan region are not prepared to argue about the science of fish migration. However, reasonable minds would want to understand the level of confidence placed on the fisheries data in order to feel comfortable with taking such a drastic step as closing off any new appropriations from what is the nation's second largest

river system. The fisheries data is displayed by the Oregon Department of Fish and Wildlife in a chart which combines the barged fish data with the natural flow passage data. An examination of these data points which all occur within one month of each other (2 in 1977, 2 in 1978, 2 in 1979, 2 in 1986 and 2 in 1989) would seem to indicate that a relationship between flows and survival rates is tenuous at best. This is because eight of the ten data points are all within a narrow flow band of 250-265 Kcfs and the survival rates are within a broad band (from .012-.164). Two data points from 1977 occur at the low flow level of 140 Cfs, and yet very low survival rates occurred in the other years at the much higher flows.

It is a fact of statistical modeling that if we attempt to explain a range of results based on only one out of several underlying factors, especially when that factor could explain only a minor portion of the observed results, the resulting model will be spurious. It cannot do what we ask of it. One way to see how much influence flow has on survival rate, is to measure how much leverage Flow needs in order to move Survival Rate. This can be done by measuring the statistical distance between the main body of data and low-flow year's data. The probability that 1977's Survival rates are part of (have the same mean as) the main group of survival rates is 1 in 20 (one-tailed T test is .0492). This is because the 1977 survival rates are very close below the widely ranging main group. The probability that the 1977 flows are part of the main group of flows is 1 in 3,300 (one tailed test is .0003). This is because the 1977 flow is so far below the tightly clustered main group.

The main point of all this is that from a numbers perspective alone it appears to be a stretch to draw a line that connects the two outlier data points at low flows up to the other data points which are straight line indicating little or no relationship between flows and survival rates. Although ODF&W did try to equalize the data as much as possible to avoid using data points where there were significant differences in ocean conditions or transportation factors, the fact is that the data that is left give a less than convincing picture that salmon have better returns when they outmigrate in higher flow conditions. Something else may be responsible.

Why should all of this make much difference, however, if Endangered fish just might be injured by even small reductions in flows? The following points address why this is such a significant issue to Oregon.

2) The needs for municipal water in Western Oregon are going to increase. Many of the systems have water rights in place to meet some of these needs, but not all of these rights are in the right location, or transferable to the current and future areas of need.

Very shortly the Water Resources Commission will be receiving a request for a municipal reservation from the Willamette system by the Dept. of Land Conservation and Development. What is notable about this request is the information provided about the level of future growth that is projected for the Willamette basin by the year 2050. The Willamette Basin is the economic heart

of Oregon and the draft reservation growth projections are based on an estimated population increase of 1,362,703 by 2050, or an 81% increase in current population. This growth cannot take place without additional municipal water supplies.

The total peak day needs identified in the reservation request is approximately 590 mgd of additional water by the year 2050 and lessor amounts for peak season (summer) and for winter (or base) water use. Some 64% of the draft reservation amount requested would go to meet the demands of the Portland region. Metro's mid-range projection is that the Portland metropolitan region will grow by some 735,000 persons by the year 2040. The region's water providers have completed a new water demand forecast based on the most recent growth alternative being discussed as a part of Metro's growth management process. Based on Metro's mid-range population estimate we find that the region will need to provide 221 mgd in the non-peak season, 350 mgd during the peak season, and as much as 596 mgd during a hot season peak day in the year 2050. High range estimates based on faster population growth rates and hotter weather patterns result in even higher numbers than these. The Municipal providers of the Portland area must plan for at least a 50 year time horizon before building expensive infrastructure systems such as treatment plants, large transmission mains, intake facilities, interconnections, and storage. The numbers given above are reduced to account for "naturally occurring conservation" due to already in place requirements for conservation fixtures and to account for some reductions in consumption due to increasing prices for water. How will Western Oregon municipal providers meet these needs?

3) Municipal water demands which will affect the flows in the mainstem Columbia River will be heaviest from the Willamette Basin. For many of the communities in the Basin there will be no choice except to look at conservation, system efficiencies, and new or expanded sources of supply that come from the Willamette/Columbia Basin. Interbasin diversions from coastal streams are not a major factor in current supplies, nor will they be likely major new sources in the future. Neither do we expect groundwater to be a likely source for significant new supplies. The primary major source options available for the Portland metropolitan area after conservation and system efficiencies are waters from the Columbia system.

As you know, the Portland metropolitan water providers have been engaged in a multi-year multi-million dollar regional water supply planning effort. Earlier work (Phase 1 studies) indicated that there were only limited options available for future water supplies. The field was narrowed from 29 to 6 options largely based on water availability and public interest environmental issues. A decision to close off the Columbia/Willamette surface water sources could effectively limit the options for consideration in this planning effort which is due to be completed in late 1995. The options related to the Columbia, Willamette, Bull Run, and Clackamas system may be affected in yet undetermined ways if the rules are adopted as drafted. The region has made a conscientious effort to evaluate the impacts of using these various sources and is seriously evaluating the benefits of meeting future needs from conservation, water re-use, and from system efficiencies through interconnections, as well as looking at aquifer storage and recovery which would change the period of withdrawal from the time of greatest demand (summer) to the period of highest flows (winter).

4) The Portland Regional Water Supply Plan is in the process of evaluating the impacts of run of river withdrawals at different levels on the Columbia,

Willamette, and Clackamas Rivers. Based on our analysis, flows in the mainstem Columbia are significant in comparison to the amounts of water that might be needed for municipal purposes over a fifty year time frame. Although the Portland region has yet to be presented with the choices and tradeoffs involved with different water supply "futures", preliminary analysis of the mainstem Columbia indicates that at 95% exceedance the river has 91,000 cfs of flow over the period of record since 1961 at The Dalles. The maximum peak day withdrawal from the Willamette reservation request in the year 2050 could reduce the flow by 912 cfs, or 1% (not taking into account the added flows contributed below The Dalles gauge which reduces this percentage of impact). This level of impact assumes high growth projections, conservation averages by 2050 of between 12-17%, no changes in current system efficiencies, and no use of storage. This latter point is important by itself.

Data presented by the fisheries agencies, the Power Planning Council and DEQ indicate that the primary factor affecting changes in the hydrology of the mainstem Columbia are dams created primarily for hydropower, particularly the upriver storage projects that change the regime of high to low flows. Minor alterations in the Columbia mainstem dam operations by 1% during low flow months, and other alterations of the Corps Willamette reservoir system could mitigate or even improve the current low flow periods in the rivers to negate any impacts of increased municipal diversions. The scenario presented above resulting in a less than 1% impact at the 95% level of Columbia River flows is based on the high projections, and at whatever lesser level would not even be measurable nor constitute any significant impacts in the near term while we learn more about the effects of altering the flow patterns in the river. In the mean time, the permit process should be capable of handling any identifiable fisheries impacts related to intake facilities and keep track of cumulative amounts of withdrawals.

In summary, the impact of closing the entire system from further appropriation would significantly affect the ability to meet water needs for future urban growth. Several smaller communities such as Longview/Kelso and Astoria may also need to draw on the water resources of the Columbia. These demands, however, are likely to be fairly modest in comparison to the Portland/Vancouver metropolitan region. These rules coming at this point in time will have a significant impact on the ability of the region to evaluate and make choices about how its future needs might be met, particularly for those sources that require new water rights. For all of the reasons noted above the Portland municipal water providers request that the Commission not adopt rules for the Lower Columbia which contain any closure at this time.

Other issues for comment in the proposed rules or notice:

Having noted the primary position above on the closure issue, the rules as proposed and the two WRD notices do ask for comments about other aspects of the Lower Columbia Rules proposal. The providers would offer the following additional comments for your consideration:

- 1) The proposed rules contains an exemptions language section (690-33-140) which allows certain types of projects notwithstanding the closure window language. It is not clear whether municipal water supply storage projects would qualify as "or other projects with measurable public benefits in subsection (e). This clarification would be helpful. In addition subsection (b) notes that projects that provide net benefits for resident and native anadromous fish recovery could be allowed. Would this include the possibility

of deciding to not fully exercise existing water rights on more sensitive fish reaches and to allow water rights to either be transferred or granted on a less sensitive source? If this is a possibility this could be also included as an example in this subsection.

2) The notice for another Lower Columbia Rules Advisory Committee meeting on January 9 notes a desire to specifically discuss several issues, many of which have been dealt with in the above testimony. However, one of the items relates to the use of an interim or cumulative cap which would allow a specific total of additional water rights to be issued over a specified time period in lieu of a seasonal restriction. The question is asked about an appropriate quantity of water. Apart from our position that no cap or closure is warranted by the data shown to date, the amount of such a cap should at least be sufficient to meet the municipal needs as identified in the Willamette Reservation Request at its upper limit. The reason for using the upper limit figure is that if some smaller figure is selected to represent the shorter time frame, then what equitable basis would be used to ensure that those who needed the rights were able to do so before others filed? In addition, it should be possible to incorporate a similar concept of accounting for reductions in the amount over time as prior rights are exercised and any new rights are granted.

3) The regional providers also urge you to consider the comments provided by Al Larson on behalf of the Oregon Water Utilities Council and the Tri-County Water Districts Association.

Thank you for the opportunity to provide comments at the hearing in Portland and in writing. We would appreciate the opportunity to provide further oral testimony when the final set of rules appears before the Water Resources Commission, since a final form will not have been subject to public comment prior to the Commission hearing.

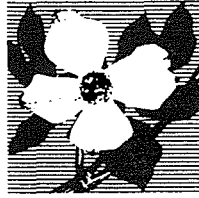
Sincerely Yours



Michael Rosenberger, Chair
Regional Water Supply Plan Participants Committee

cc: Participants Committee
Al Larson
Joni Low, League of Oregon Cities
Kevin Hanway, Special Districts Association
Susan Brody, Eugene Water and Electric Board


CITY OF MILWAUKIE



FAX (503) 652-4433

*** MEMORANDUM ***

January 20, 1995

To: Mayor and City Council
From: Dan Bartlett, City Manager 
Re: Regional Water Supply Study

Action Requested

Information item.

Background

The attached memo describes the conclusion of Phase 2 of the Regional Water Supply Plan. This process will be wrapping up during the first six months of next fiscal year. The timeline is shown on the last page of this packet.

The memo describes the draft outcomes expected for the completion of this process. In the draft, a briefing on the process will be scheduled during July and August 1995. We would hold hearings on the plan in October 1995 and adopt the plan in December 1995.

Dale Jutila, Clackamas Water District, has been our area's representative on the project Steering Committee. He will be briefing me on this draft, soon. If Councilors would like specific information about the plan, please let me know.

cc: File
cm803/hd

FACSIMILE TRANSMITTAL

TO: Phase 2 Participants Committee
(see distribution below)

FROM: Dominique Bessée

DATE: January 19, 1995

SUBJ: Attached memorandum on Phase 2 Project Conclusion
and Participants Committee meeting on 1/24/95

Number of Pages sent: 6

Distribution List

Jeffrey Sarvis, City of Fairview
John D. Thomas, Manager, Mt. Scott Water District
Larry Sparling, South Fork Water Board
Gregory E. DiLoreto, The City of Gresham
Mike Walker, City of Sandy
Mike McKillip, City of Tualatin
Robert E. Rapp, Judy Hogland, Dirk Borges, Canby Utility Board
Tim Erwert, City of Hillsboro/Joint Water Commission
Denny Klingbile, Damascus Water District
Dale L. Jutila, Clackamas Water District
Dan Bartlett, City of Milwaukie
Alan Fletcher, Clairmont Water District
Ed Wegner, City of Tigard Water Department
Duane E. Robinson, Rockwood Water PUD
Roger Meyer, West Slope Water District
Jim Galloway, City of Troutdale
Von Walter, Raleigh Water District
Sheila Ritz, City of Wood Village
Ronald J. Partch, City of Gladstone
Gene Seibel, Tualatin Valley Water District
John Burdett, City of Forest Grove
Duane Cline, City of Lake Oswego
Thomas Hoffman, Oak Lodge Water District
Jim Rapp, City of Sherwood
Jeff Bauman, City of Wilsonville
David Winship, City of Beaverton
Andy Cotugno, Rosemary Furfey, Metro

January 19, 1995

MEMORANDUM

TO: Participant's Committee

FROM: Steering Committee

RE: Conclusion of the Phase 2 project & the January 24 meeting

This is the big year when we anticipate the closure of the Phase 2 project and end with a Regional Water Supply Plan. The conclusion of this project presents some challenges with so many jurisdictions being involved. The Steering Committee, the project consultants, and the project staff have given this some thought and at a January 12 special meeting of the Steering Committee we discussed this issue. The result of this discussion is represented in three attached documents which we propose to discuss with the entire Participant's Committee at your next meeting January 24. These items are the desired outcomes for both the preliminary and the final Regional Water Supply Plan. Based on these outcomes or products we have developed for your consideration a process for reviewing the preliminary plan and adopting a final plan. We also hope to also be able to discuss some of what will need to happen between now and July which will enable us to enter the adoption process stage as proposed.

In addition we will be discussing a scope expansion which will allow an analysis of the flow impacts from a third Bull Run dam on the Sandy River which the Steering Committee recommends for approval. Although Portland will pay for this expansion, the Intergovernmental Agreement requires that scope expansions must be approved by a vote of the Participant's Committee, but a quorum must be present. Your attendance at next weeks meeting will ensure that we have the needed attendance.

DRAFT

**Potential Criteria and Desired Outcomes for the Preliminary
Regional Water Supply Plan
July 1995**

The preliminary Regional Water Supply Plan should be a document or set of documents that allow providers to reach different audiences. Documents may include summaries, sections with more details, or appendices as needed) The preliminary plan should engage various stakeholder groups and decision makers in a productive dialogue about how to meet the water supply needs of this region in the near and long term.

The preliminary RWSOP should:

- A. Be a discussion document for use with various stakeholder groups and decision makers which presents:
1. summary information about the work done to date,
 2. the evaluation methodology and results which can be understood without having to read through all of the interim reports,
 3. what we have heard from stakeholders through the public involvement program,
 4. outlines of 6-8 scenarios or water supply futures for consideration. These scenarios will provide information across the board (or common to all) about the benefits, impacts, risks, and tradeoffs of each scenario, allowing them to be compared against each other on the basis of common policy objectives and evaluation criteria,
 5. recommendations for serious regional consideration of 1-3 scenarios based on expert opinion of the consultant team and the Steering/Participants Committees. The recommendations should be linked clearly to the policy objectives and screening criteria which clearly present the reasons for the recommendations.
 6. information on all the scenarios which would contain basic resource options (combinations of sources, conservation, transmission, or reuse) on a 1995-2050 timeline that contains uncertainties and contingencies. Strategies for implementation will be included for each scenario, which have more detail for the near term strategies and less for the ones in further out years (this is because the plan should be updated on a periodic basis allowing the strategies to be refined as they become necessary for implementation).
- B. Further an open and frank discussion of how the region should meet its future water supply needs. Subregional differences may be presented within the various options to consider.
- C. Lay out major assumptions as clearly as possible about such things as demand forecasts, reliability, risks, current system capacities (including any assumptions about near term additions to the system such as Barney and any Clackamas expansions), costs (including some mitigation estimates) and institutional barriers (if any).
- D. Present clear policy choices between different scenarios by formulating scenarios based upon reasonable groupings of policy objectives. It is

DRAFT

possible that some objectives could be partially met by all of the scenarios presented (such as some element of conservation in all of them, or all of them should represent a reasonable range of costs or all of them would meet water quality objectives after treatment) while others should emphasize certain objectives over others to display tradeoffs.

- E. Outline a process for achieving a stated desired outcome so that stakeholders and the public are aware of how they may be engaged in the discussion leading to a final Regional Water Supply Plan.

DRAFT**Potential Criteria and Desired Outcomes for the Final Regional
Water Supply Plan
November 1995**

The establishment of a Regional Water Supply Plan will occur through adoption by all of the Participant decision making bodies (except possibly Metro) in a timely manner to allow the documentation of the decision in a Regional Water Supply Plan document by the end of 1995.

The Final Regional Water Supply Plan should:

- A. Contain the basic summary information from the preliminary plan and summary information about the public involvement program outcomes in a user friendly manner with understandable graphics.
- B. Provide a single direction (one scenario) and set of action strategies (which are phased and contain contingency or default strategies to deal with uncertainties) for the region to pursue (or continue pursuing) to ensure that the water supply needs of the region are met in a timely manner.
- C. Contain documentation of collective decisions to implement a single scenario made up of coordinated regional strategies for action to be taken by individual (or groups of) providers that ensure:
 1. Needs are met in a timely manner,
 2. Funds to explore alternatives are expended in an efficient and coordinated manner
 3. Increments of supply and conservation water savings will be brought on line without costly overbuilding, but sufficient to meet the needs of the region (as a whole or sub regionally) considering needs for emergency/backup supplies
 4. Institutional and financing arrangements will be pursued and resolved for efficient implementation of selected strategies.
 5. Strategies are outlined to direct research and development, and pilot projects to determine a more definitive role for non-potable water (i.e. direct source untreated water or re-use of treated wastewater effluent).
- D. Document primary assumptions about future demands, system reliability, redundancy and emergency supplies.
- E. Contain a mechanism(s) to ensure timely updates and continued regional coordination.
- F. Meet the needs of the Metro charter, sufficient for the RWSP to become the water supply element of the Regional Framework Plan.
- G. Meet as much as possible any other objectives outlined by the 1995 Legislature review process required by statute.

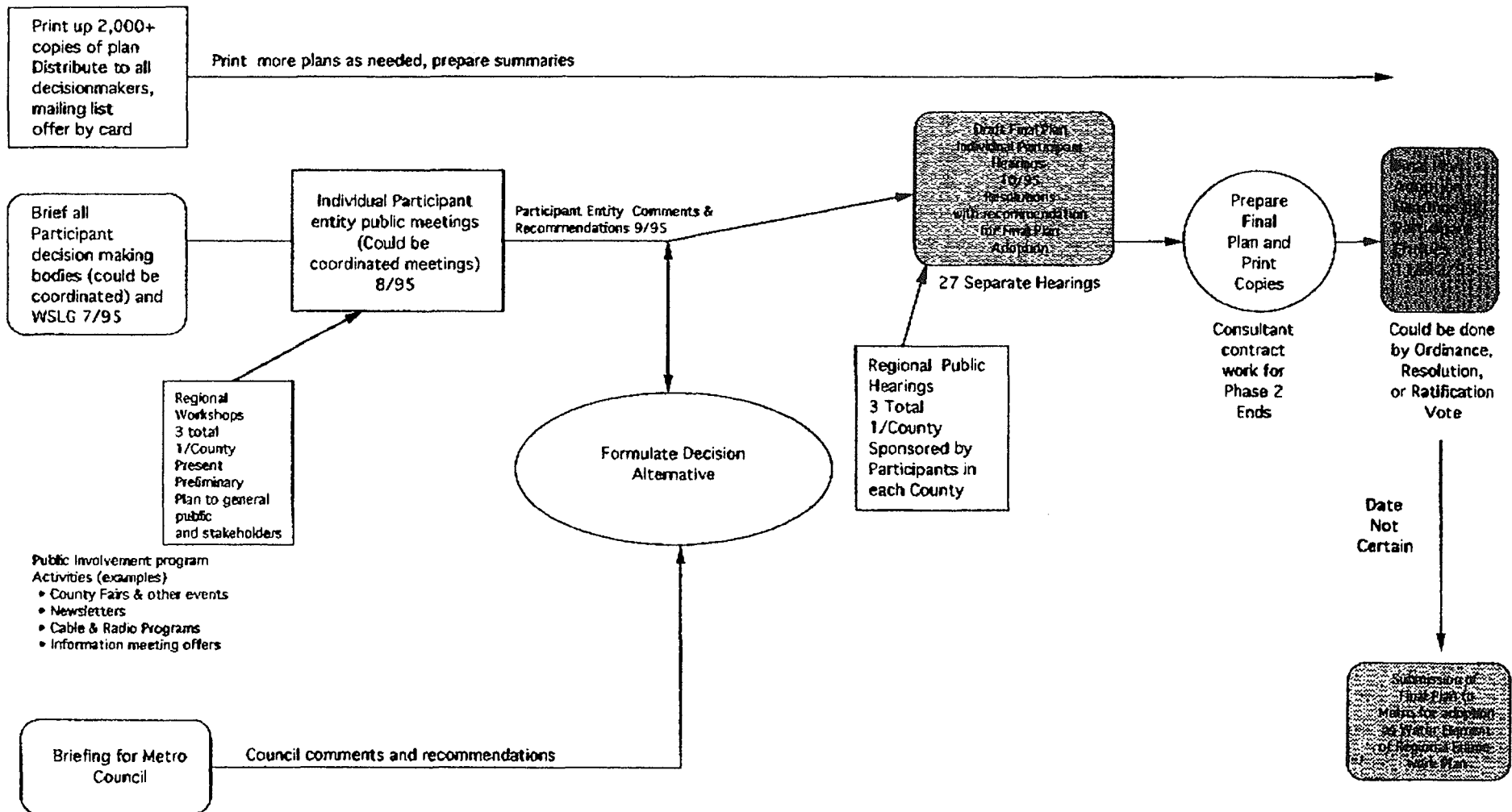
PRELIMINARY PLAN
JULY 1995

August

September

October

FINAL PLAN
NOVEMBER - DECEMBER 1995



DRAFT

Forum on Cooperative Urban Services (FOCUS)

Meeting Notes Of The November 17, 1994 Meeting Metro Office

Topic: Law Enforcement

Participants Present

Chair Judie Hammerstad, Clackamas County
David Bunnell, Clackamas Water District
Greg Chew, McKeever/Morris, Inc.
Len Edwards, City of Wood Village
John Hartsock, J.N. Hartsock Project Management
Bonnie Hays, Washington County
Rick Jensen, Multnomah County Juvenile Justice Division
John Lowe, Clackamas County Circuit Court
Mike McKeever, McKeever/Morris, Inc.
Lou Ogden, City of Tualatin
Lloyd Smith, State Police Department Law Enforcement Data Systems
Forrest Soth, City of Beaverton
Don Welch, Clackamas County Juvenile Division
Steve Winegar, City of Tualatin Policy Department
Neal Winters, Tualatin Hills Parks and Recreation District

1.0 Approval of Meeting Notes

Participants were asked if there were any corrections to the Meeting Notes of the October 20, 1994 General Membership meeting. There were none. The General Membership accepted the Meeting Notes as submitted.

2.0 FOCUS Business

Greg Chew noted that there will be no FOCUS General Membership meeting in December. The next meeting will be on January 19 at Beaverton City Hall.

3.0 Law Enforcement Discussion

There were three topics within Law Enforcement that were discussed: (1) feasibility of a regional preadjudicative juvenile holding facility; (2) a compatible region-wide radio communication system; and (3) the Law Enforcement Data System. These three topics were discussed by the General Membership meeting in August. The General Membership asked FOCUS staff provide more analysis on these three topics, and to outline a possible plan for implementation.

3.1 Regional Preadjudicative Holding Facility

Don Welch, Director of the Clackamas County Juvenile Justice Department, and John Lowe, Clackamas County Circuit Court Judge, summarized what the subcommittee had discussed about possibility of expanding the capacity of preadjudicative juvenile holding system in the Portland region.

The subcommittee, composed of the representatives of the region's juvenile justice systems, had no consensus on whether and how to add capacity to preadjudication holding facilities. However, all subcommittee members agreed that public policy is what will drive this: how much will be spent, how much change needs to happen to the current system, and whether holding facilities are the appropriate solution.

The realities of building a new facility are virtually impossible because of the difficulty in land use siting. It will take political heat to get something like this sited. The cost to build new facilities are estimated is \$100,000 per bed. For the 10 beds in Clackamas County, there are 3,000 referrals each year.

Alternatives to detention that are currently being used are training schools, electronic surveillance bracelets, Boys/Girls schools, and home detention. The main purpose of any holding facility or alternative to detention is to keep troubled juveniles off the streets and to protect them.

3.2 Region-wide Compatible Radio Communications

John Hartsock of J.N. Hartsock Project Management discussed the current status of trying to develop a communication systems that is compatible throughout the metropolitan region.

Mr. Hartsock, who helped in Washington County's development of emergency communications, is also assisting in Clackamas County's efforts to do the same. In Washington County the cities in the County came together and promoted a successful \$16.3 million levy for an upgraded emergency radio communications system. This price included the building, the Geographic Information System, the telephone system, and 911 enhanced. He stated this was successful because there was cooperation among all of the cities and 190 Agreements were developed.

Clackamas County is currently undergoing the same process and is facing several factors which are significantly greater in many ways. Originally, when C-REG (the advisory body overseeing this effort), looked at the price of doing this, the estimated cost was \$10 million. Today, one estimated cost is up to \$40 million. There are many reasons why new costs are substantially higher than for Clackamas County. First, the terrain and size of Clackamas County is much more challenging than in Washington County. Second, the cost of technology advances are substantial. Third, inflation is eroding the County's buying power.

Mr. Hartsock stated that the price will only continue to rise and that the system will be badly needed. Most fatalities in disaster occur because of poor communications. If Clackamas County is to develop a successful communications system, then Mr. Hartsock concluded that elected officials will have to take leadership on the issue.

3.3 Law Enforcement Data Systems

Lloyd Smith, Director of the State Police Department of Law Enforcement Data Systems (LEDS), discussed the ability of local police agencies to access the police records of all local jurisdictions in the state through LEDS.

Mr. Smith stated LEDS is a central law enforcement records system for warrants, wanted persons, missing persons, and probation lists. It can also connect into some of the records systems of the Federal Bureau of Investigations. The State legislature funds the State Police Department to run this system. It is not paid for by subscription, which encourages all police agencies in the state to use it. If it were user subscription based, many jurisdictions could not pay for it and the records systems would be filled with holes.

With its ability to read records from local agencies, any authorized terminal in the state can access the system. The response is automated in the criminal history format. Access may also be made to the Department of Corrections. Many

jurisdictions do not realize that through LEDS, access to the police records of other jurisdictions is possible.

Clackamas County recently became the first jurisdiction to make its records accessible through LEDS.

4.0 Other Business

Some members suggested that FOCUS provide a briefing session for newly elected officials. The briefing session should highlight issues that have regional significance, particularly the programs managed by Metro (e.g., Greenspaces, 2040, etc.)

Forrest Soth stated that the League of Oregon Cities will be holding a 1-day workshop just for newly elected officials.

5.0 Adjourned

The meeting was adjourned at 8:15 p.m.

Notes taken by Greg Chew. Videotape copies of this meeting are available. Call Greg at 228-7352 for details.

CLATSOP
MULTNOMAH
WASHINGTON



PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION

800 NE OREGON STREET # 16 (SUITE 540)

PORTLAND, OREGON 97232

PHONE: 731-4093

**CONTACT: Kenneth S. Martin
Executive Officer
(503) 731-4093**

January 13, 1995

FOR IMMEDIATE RELEASE

Attached for your information are copies of documents relating to a proposed adoption of a Permanent Rule by the Portland Metropolitan Area Local Government Boundary Commission.

Enclosures: Notice
Permanent Rule
Findings
Proposed Assessments (Schedule A)

STAFF

KENNETH S. MARTIN, Executive Officer
DENIECE WON, Executive Assistant
KELLY PAIGE, Executive Assistant
LANA RULIEN, Administrative Assistant

RAY BARTEL, Chair
TOM WHITTAKER, Vice-Chair
BOB BOUNEFF
NATHALIE DARCY

COMMISSIONERS:

ELEANOR DAVIS
MARILYNN HELZERMAN
SY KORN BRODT
SUE LAMB

MURLIN LITSON
ROY SOARDS
CAROL TROMMLER
BOB WIGGIN

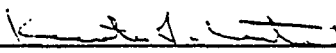
Before The

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY CMSN

In the matter of the adoption)
of a Permanent Rule adopting) NOTICE OF PROPOSED
the 1995-96 FY Budget and)
Assessments) ADOPTION OF PERMANENT RULE
)

1. On February 9, 1995 at 7:00 PM in Room 602, Multnomah County Court House - 1021 SW 4th Avenue, Portland, Oregon, the Portland Metropolitan Area Local Government Boundary Commission will consider adoption of a Permanent Rule of Adoption of the 1995-96 FY Budget and Assessments.
2. The Proposed Permanent Rule establishes the Boundary Commission's 1995-96 budget and sets the assessment rates which provide the revenue for the budget.
3. The purpose of the budget and assessments is to fund the operation of the Boundary Commission for 1995-96 fiscal year.
4. The Commission will consider whether the budget is adequate and whether the assessments are reasonable.
5. Interested persons may appear and testify either orally or in writing at the hearing. Written comments may also be submitted prior to the hearing at the Commission office -- 800 NE Oregon Street (STE 540) #16, Portland OR 97232.
6. Citation of statutory authority, statement of need, principal documents relied upon and statement of fiscal impact are attached to and made a part of this notice, as Attachment "A".
7. The Portland Metropolitan Area Local Government Boundary Commission will conduct the public hearing regarding this issue.

Dated: January 10, 1995



Kenneth S. Martin, Executive Officer

DIVISION 20
BUDGET AND ASSESSMENTS

1995-96 Budget and Assessments

193-20-000 (1) Pursuant to ORS 199.457, the Portland Metropolitan Area Local Government Boundary Commission approves \$349,022 for the 1995-96 fiscal year budget. This amount is to be raised by the following methods:

- (a) 24 percent from filing fees \$83,661 (ORS 199.457(3))
 - (b) 37 percent from assessments upon cities and counties \$128,500 (ORS 199.457(4))
 - (c) 27 percent from assessments upon districts \$94,103 (ORS 199.457(5))
 - (d) 12 percent from balance carried forward from previous fiscal year \$42,768
- (2) The per capita rate in accordance with ORS 199.457(4) is \$.10:

$$\begin{array}{r} 37\% \text{ budget} \\ \hline \text{Total 1994 population} \\ = \$128,500 \\ \hline 1,285,000 \\ = \$.10 \end{array}$$

SCHEDULE A
PROPOSED ASSESSMENT AGAINST LOCAL GOVERNMENTS
Fiscal Year 1995-96

<u>CITIES</u>	<u>POPULATION</u> ¹	<u>ASSESSMENT</u> <u>(@ \$.10)</u>
Banks	570	\$57
Barlow	130	\$13
Beaverton	61,085	\$6,109
Canby	10,405	\$1,041
Cornelius	6,550	\$655
Durham	1,270	\$127
Estacada	2,045	\$205
Fairview	3,740	\$374
Forest Grove	14,295	\$1,430
Gaston	610	\$61
Gladstone	11,325	\$1,133
Gresham	74,625	\$7,463
Happy Valley	2,365	\$237
Hillsboro	44,045	\$4,405
Johnson City	620	\$62
King City	2,155	\$216
Lake Oswego	32,940	\$3,294
Maywood Park	780	\$78
Milwaukie	19,930	\$1,993
Molalla	3,915	\$392
North Plains	1,160	\$116
Oregon City	17,545	\$1,755
Portland	495,090	\$49,509
Rivergrove	300	\$30
Sandy	4,520	\$452
Sherwood	4,615	\$462
Tigard	33,730	\$3,373
Troutdale	10,495	\$1,050
Tualatin	17,450	\$1,745
West Linn	18,860	\$1,886
Wilsonville	9,680	\$968
Wood Village	<u>2950</u>	<u>\$295</u>
Sub-Total	<u>909,795</u>	<u>\$90,980</u>
 <u>COUNTIES</u>		
Clackamas (Unincorp. pt.)	170,379	\$17,038
Multnomah (Unincorp. pt.)	31,975	\$3,198
Washington (Unincorp. pt.)	<u>172,851</u>	<u>\$17,285</u>
Sub-Total	<u>375,205</u>	<u>\$37,521</u>
 PAGE TOTAL	 <u>1,285,000</u>	 <u>\$128,500</u>

SCHEDULE A
PROPOSED ASSESSMENT AGAINST LOCAL GOVERNMENTS
Fiscal Year 1995-96

<u>WATER DISTRICTS</u>	<u>ASSESSED VALUE²</u>	<u>ASSESSMENT</u> <u>(@ \$.00159/\$1000)</u>
Alder Creek-Barlow	\$10,432,750	\$17
Alto Park	\$13,019,829	\$21
Boring	\$101,108,010	\$161
Burlington	\$15,767,587	\$25
Clackamas	\$1,919,812,350	\$3,053
Clairmont	\$728,254,200	\$1,158
Colton	\$43,373,770	\$69
Country Club	\$7,940,760	\$13
Corbett	\$137,484,664	\$219
Damascus	\$343,649,490	\$546
Lake Grove	\$275,832,770	\$439
Lusted	\$52,859,136	\$84
Mossy Brae	\$8,126,580	\$13
Mt. Scott	\$878,977,380	\$1,398
Mulino	\$21,848,980	\$35
Oak Lodge	\$1,170,813,920	\$1,862
Palatine Hill	\$269,828,151	\$429
Pleasant Home	\$65,679,441	\$104
Powell Valley Rd.	\$903,408,404	\$1,436
Raleigh	\$258,330,171	\$411
Rivergrove	\$189,459,238	\$301
Riverside	\$4,067,660	\$6
Rockwood	\$428,806,639	\$682
Rockwood PUD		
Sleepy Hollow	\$5,873,090	\$9
Southwood Park	\$34,366,180	\$55
Tigard	\$500,529,033	\$796
Valley View	\$96,200,225	\$153
West Slope	\$665,420,850	\$1,058
Wildwood Annex	<u>\$3,434,430</u>	<u>\$5</u>
Sub-Total	<u>\$9,154,705,688</u>	<u>\$14,556</u>
 <u>FLAT RATE DISTRICTS</u>		
Clack. Co. R.F.P.D. # 1	\$3,937,478,962	\$5,000
Clack. Co. CSD for Parks	\$4,699,448,530	\$5,000
Clack. Co. Enhanced Law	*\$3763,750,000	\$5,000
METRO	\$61,800,118,957	\$7,500
Tualatin Valley W.D.	\$6,332,292,968	\$5,000
Tualatin Valley Fire & Resc.	\$13,945,048,430	\$7,500
Tualatin Hills Park & Rec.	\$8,912,373,451	\$5,000
Unified Sewerage Agency	\$18,578,137,295	\$7,500
Wash. Co. Enhanced Sheriff	\$7,648,592,187	\$5,000
Wash. Co. Urban Road Maint.	<u>\$7,648,592,187</u>	<u>\$5,000</u>
Sub-Total	<u>\$125,853,490,780</u>	<u>\$57,500</u>
PAGE TOTAL	<u>\$135,008,196,468</u>	<u>\$72,056</u>
GRAND TOTAL	<u>\$148,875,443,185</u>	<u>\$222,603</u>

* Rough estimate done by Clackamas County Assessor's Office July 1994. Even this rough estimate places this district well within the \$5000 Flat Rate category. Actual assessment will be available sometime in February 1995.



January 11, 1995

TO: Oregon City Mayors
FROM: Di Lyn Larsen-Hill, LOC President
SUBJECT: Litigation Challenging Ballot Measure 8

*Working together
for livable
Oregon
communities*

League of Oregon Cities
Local Government
Center
1201 Court St. NE
Salem, OR 97301
P.O. Box 928
Salem, OR 97308
(503) 588-6550 or
1-800-452-0338
Fax: (503) 399-4863

OFFICERS

President
Di Lyn Larsen-Hill, Councilor
La Grande

VICE-PRESIDENT
Alice Schlenker, Mayor
Lake Oswego

TREASURER
Larry Griffith, Mayor
Baker City

PAST PRESIDENT
Charles Vars, former Mayor
Corvallis

DIRECTORS

Dick Culbertson, Mayor
Oakridge

Charlie Hales, Commissioner
Portland

Mike Kelly, City Manager
Springfield

Craig Lomnicki, Mayor
Milwaukie

Bob McPheeters, Mayor
Tillamook

Larry Patterson, City Manager
Bend

Marilyn Schafer, Mayor
Gold Beach

Gwen VanDenBosch, Mayor
Dallas

EXECUTIVE

DIRECTOR

Richard C. Townsend

Enclosed is a copy of a complaint filed in Lane County Circuit Court seeking a judgment declaring Ballot Measure 8 unconstitutional on several grounds. You will note that, in addition to some well known political figures, the list of plaintiffs includes the League of Oregon Cities.

Regardless of anyone's position on the merits of Ballot Measure 8, the League Board of Directors believes there are several important reasons for joining this challenge. The complaint explains more fully the grounds for the challenge, but cities' interests are basically these:

Legislation directed to individuals is not appropriate in a constitution that grants to local governments and their voters the right to adopt local legislation on matters of municipal concern. Ballot Measure 8 is only the most recent measure that has had the effect of further eroding our constitutional home rule authority.

Local elected officials and local voters are the appropriate bodies to enact local laws. Constitutions, like charters, should contain the form and functions of government, not legislation pertaining to individuals.

The time to determine whether a proposed measure can be enacted through the initiative process is before the measure is placed on the ballot. That is, and should be, a function of the Secretary of State, and this litigation seeks to confirm that.

Please read the complaint carefully. We believe you will agree that this is an important case for cities. A favorable decision will help preserve local control of local affairs.

DLL:sw
Enclosure

cc: Managers/Recorders
City Attorneys



1 to review proposed initiatives, before approving them for circulation, to determine whether the
2 sponsors of the measure violate the Oregon Constitution by using the initiative process to place
3 legislation or administrative matters into the Constitution. If so, the Secretary of State must
4 refuse to issue a ballot title for that proposed ballot measure. Defendants deny these contentions
5 as well.

6 The Parties

7 6.

8 Plaintiff Victor Atiyeh served as Governor for the State of Oregon for eight years. Prior
9 to his election to that office, he served in the Oregon Legislative Assembly. Plaintiff Atiyeh is
10 a taxpayer and an elector.

11 7.

12 Plaintiff Vera Katz served in the Oregon Legislative Assembly, including serving as
13 Speaker of the House. She now serves as Mayor for the City of Portland. She also is a
14 taxpayer and elector.

15 8.

16 Plaintiff Berkeley Lent served as Chief Justice of the Oregon Supreme Court and as a
17 Judge of the Circuit Court. He also served in the Oregon Legislative Assembly. Plaintiff Lent
18 is a taxpayer and an elector.

19 9.

20 Plaintiff Ellen Lowe is Director of Legislative Affairs for Ecumenical Ministries of
21 Oregon, an association of 17 Christian denominations. She is a taxpayer and an elector.

22 10.

23 Plaintiff Fred Miller served as the Director of the Executive Department for the State of
24 Oregon, and as Director of the Oregon Department of Transportation. He is a taxpayer and
25 elector.

26 /////

16.

As former and present officials in Oregon's three branches of government, and as local government officials, plaintiffs are aware of the long-standing role that each of the three branches of government play with respect to properly enacted legislation, roles which initiatives like Measure 8 preclude. By locking legislation into the Constitution, the legislative process is circumvented. Unlike the legislative process, legislation adopted into the Constitution allows neither for deliberation of the proposal, nor compromise. Initiatives can be drafted by anyone, and without any scrutiny or possibility for revision. Legislative measures, on the other hand, can be clarified and modified after committee hearings and debate. Where legislation is locked into the Constitution, the legislation receives no review and modification before adoption. Because the legislation is locked into the Constitution, the Legislative Assembly cannot modify it after adoption to correct mistakes, address unintended consequences of the legislation, or adjust the policy choices embedded in the legislation to fit changing times.

17.

Placement of legislation into the Constitution through the initiative process likewise deprives the Governor—Oregon's chief executive officer—of the Governor's constitutional obligation to review legislation, and if found wanting, to veto the legislation.

18.

Similarly, embedding legislation into the Constitution deprives Oregon's judicial branch of its role with respect to legislation. If legislation is elevated improperly into the Constitution, Oregon's courts are unable to review the legislation to determine whether it complies with the constitutional guarantees embedded in the Oregon Constitution.

19.

Plaintiffs League of Oregon Cities and the City of Eugene are likewise concerned about the unlawful use of the state initiative process. Plaintiff City of Eugene is a municipal corporation with home rule powers granted by the Oregon Constitution. The electors in the Ci

1 unconstitutional use of the initiative process, claiming that he has no authority to determine
2 whether placing a measure before the electorate would violate the Article IV, section 4 of the
3 United States Constitution—i.e., the Guaranty Clause.

4 22.

5 This action is brought to vindicate and protect constitutional rights of all Oregonians.
6 Plaintiffs are therefore entitled to reasonable attorney fees under the authority of Deros v.
7 Myers, 272 Or 47, 535 P2d 541 (1975).

8 **FIRST CLAIM FOR RELIEF**

9 23.

10 Plaintiffs reallege paragraphs 1 - 22.

11 24.

12 Article IV, section 4 of the United States Constitution—the Guaranty Clause—requires
13 each state to have a republican form of government. Certain uses of the initiative process violate
14 the Guaranty Clause. Among others, the Guaranty Clause prohibits initiatives which seek to
15 enact ordinary laws or legislation into the Constitution, thereby placing the legislation beyond
16 the purview of the elected representatives from reviewing and modifying the legislation, and
17 beyond the authority of the Oregon courts from ensuring that the legislation comports with the
18 constitutional guarantees incorporated into the Oregon Constitution. The Guaranty Clause
19 likewise prohibits the use of the initiative process to enact an amendment to the Oregon
20 Constitution which (1) imposes unique disabilities on an identifiable group of citizens, exalts one
21 group of citizens over another group of citizens, or is directed against an identifiable group of
22 citizens based on a social, physical, or psychological characteristic, (2) asks voters to act based
23 on passion or prejudice, or (3) results in a fundamental departure from a separation of powers
24 structure.

25 25.

26 The Guaranty Clause invalidates any ballot measure enacted in violation of the principles

