

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JANUARY 19, 1999**

The one thousand eight hundred and seventh meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:05 p.m. in the Public Safety Building Community Meeting Room. The following Councilors were present:

Rob Kappa
Mary King

Larry Lancaster
Jeff Marshall

Also present:

Dan Bartlett,
City Manager

Jim Coleman,
City Attorney

Charlene Richards,
Assistant City Manager

Martha Bennett,
Assistant City Manager

Jan Gehlen,
Finance Director

Jim Brink,
Public Works Director

Janet Wright,
Assistant Planner

Susan Heiser,
Planning Director

John Gessner,
Associate Planner

PROCLAMATIONS COMMENDATIONS, SPECIAL REPORTS AND AWARDS

Recognize Susan Heiser

Mayor Tomei presented a certificate of appreciation to Susan Heiser for her dedicated work in the City Planning Department.

Milwaukie Downtown Development Association (MDDA) Quarterly Report

Dodie Linder, Director, and **Jim Bernard**, Board President, presented the Association's fourth quarter progress report. Highlights of the report included: the Economic Improvement District (EID) and Business License Surcharge renewal process; the Niche Committee's "Taste of Milwaukie" event in September; the Image Committee's tree planting project; Share the Lights partnership; and continued work with the business community to enhance the Association's involvement in solving problems such as litter, landscaping, and parking. Council appointed Linder to the Riverfront Board, and she will act as a communication agent with the MDDA during the project. The Board is beginning its goal setting process and is looking for input from businesses and property owners. Linder provided a year-end financial report.

Councilor Lancaster referred to the EID assessment methodology. He asked how the MDDA established the criteria for improvement levels.

Bernard described the three levels upon which assessments were based: bare land, one story, and two story improvements. The residential element was also a factor in determining the assessment.

Councilor Kappa asked when the proposed Business Forum would take place.

Linder said the Business Forum proposal was a recommendation of the Problem Solving Partnership (PSP), and the MDDA wants to be an active partner in the event. She understood from the PSP financial reports that there were some funds available for the event.

Councilor Lancaster was concerned, after looking at the financial statement, that there was a severe lack of accountability in the past. He felt the Board should develop a clearly-defined business plan. He also commented that overhead was about 67% of the Association's budget.

Linder agreed that the budget did appear top-heavy in administration. This will be an issue for the Board to consider when looking at the draft budget.

Councilor Kappa asked Linder if she believed downtown business and property owners would support the Riverfront project.

Linder noted that two Board members had specifically asked to be kept informed of what was taking place with the Riverfront Board. She felt it was very important to keep downtown business and property owners informed and identify a way for them to access meetings and provide input.

Councilor Kappa asked if the goal setting session was only for Board members.

Linder indicated the meeting was going to be in a private home and suggested interested parties call her for information.

Councilor Lancaster was concerned with the power the MDDA had to contribute to either a business's success or failure. He did not want promotion of new or expanded businesses to detract from older, anchor businesses. He used the example of a recent MDDA newsletter article highlighting The Glass Shop's expansion. He felt the MDDA should promote businesses on an equal basis and not expend funds to promote a competitor.

Bernard explained that all businesses within the District are encouraged to put information in the newsletter, and, in this case, The Glass Shop responded with expansion information.

Linder added the Association was listening to this type of concern; however, it is important to recognize downtown expansion activities.

Bernard said the Association hopes to promote all businesses that submit material to the newsletter. There are plans for a downtown directory later this year.

Councilor Lancaster hoped to avoid negative activity. His other issue was that The Glass Shop expansion took place on Bernard's property, and he was concerned there might be a perception of conflict of interest or prejudicial business practices.

Linder had not, at this time, looked into the legal ramifications, and, if needed, this issue could be moved forward to the Board.

Councilor Lancaster suggested the MDDA might wish to get involved with the Milwaukie Middle School script program.

Linder thanked Lancaster for the suggestion and briefly discussed the concept for a "Downtowners' Club" that offered small discounts. She provided the MDDA phone number and e-mail address for those seeking information or wishing to provide input.

Mayor Tomei suggested Linder include administrative activities such as citizen and business and property owner contacts in the next quarterly report.

Councilor Lancaster agreed that would help quantify the intangible.

CONSENT AGENDA

It was moved by Councilor Marshall and seconded by Councilor King to pull item III.B -- Lease Electric-Powered Vehicle for discussion. Motion passed unanimously.

Councilor Lancaster commended Kelly Somers for coming in under budget on the Public Works vehicles.

It was moved by Councilor King and seconded by Councilor Marshall to adopt the Consent Agenda that consisted of:

1. City Council minutes of January 4 & 5, 1999; and
2. Purchase Public Works Vehicles.

Motion passed 4 - 0 - 1 with the following vote: Mayor Tomei, Councilor King, Councilor Lancaster, and Councilor Marshall aye; no nays; Councilor Kappa abstained because he had not attended the City Council meetings of January 4 and 5.

AUDIENCE PARTICIPATION

Art Lewellan, 3205 SE 8th #9, Portland. He addressed the City Council regarding the South Willamette River Crossing Study and recommended that Milwaukie make the Ross Island Bridge its number one priority for improvements rather than increasing Sellwood Bridge capacity.

PUBLIC HEARING

Economic Improvement District

Mayor Tomei reopened the hearing on the Economic Improvement District assessments that was continued from November 17, 1998, at 6:50 p.m.

The purpose of the hearing was to allow persons owning property in Milwaukie's economic improvement district the opportunity to support or object to the assessment. **Mayor Tomei** reviewed the conduct of the hearing.

Staff Report: **Bartlett** reported that Dark Horse and Nelson's Nautilus withdrew their earlier remonstrances bringing the objection percentage to 22.1. Those who submitted written remonstrances will not be assessed, so the Milwaukie Downtown Development Association (MDDA) can expect approximately a \$19,000 turn over. He added that Ordinance 1845 does not have a provision for a civil infraction to collect funds.

Correspondence: None.

Audience Testimony: **George Van Bergen**, 12366 SE Guilford Drive, continued to support his remonstrance letter because he felt the assessment methodology was faulty. He did believe, however, that the MDDA had done an incredible job with limited funds and noted that administrative expenses appear higher in a small budget.

Councilor Kappa asked Van Bergen if he felt there was support for the Riverfront project.

Van Bergen felt the bigger issue was the relative value of the contract.

Bernard responded to Van Bergen's concern with the assessment methodology and explained the process was changed because of Measure 5 legal requirements.

Bartlett added that, although still an option, experience has shown that renewal assessments on an ad valorem basis had a higher remonstrance rate than those with a voluntary assessment.

Additional Staff Comments: None.

Questions of Clarification: None.

Mayor Tomei closed the public hearing at 7:10 p.m.

Council Discussion: **Councilor King** was impressed with how hard people were working to increase both downtown and neighborhood involvement.

Mayor Tomei concurred and felt that the MDDA, its Director, and the business and property owners were becoming increasingly involved with improving the downtown climate. She felt the MDDA was a viable organization.

It was moved by Councilor Marshall and seconded by Councilor Kappa that the assessment roll would stand and assessments levied in accordance with Ordinance 1845. Motion passed unanimously.

Wichita Park Master Plan -- CPA-98-04

Mayor Tomei opened the public hearing on the proposed Comprehensive Plan and map amendment at 7:13 p.m. This was a de novo hearing, and all persons were recognized to speak.

The purpose of the hearing was to consider the Planning Commission's recommendation to approve the Wichita Park Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan and redesignate the site from medium density residential to public. Mayor Tomei reviewed the order of business.

The applicant has the burden of proving that the amendments conform to all applicable criteria of the City's Comprehensive Plan. All testimony and evidence had to be directed toward the applicable substantive criteria listed in the staff report. Failure to address a criterion or raise any other issue with sufficient detail precluded an appeal based on that criterion or issue. Any party with standing may appeal the decision of the City Council to the State Land Use Board of Appeals according to the rules adopted by that Board. Persons with standing are those who testify or sign the City Council attendance sheet.

Site Visits: All members of Council had visited the site.

Ex-parte Contacts or Conflicts of Interest: None were declared.

Challenges to Impartiality: No member of the audience challenged any Council member's impartiality or ability to participate in the decision.

Jurisdictional Issues: There were no objections to the Council's jurisdiction to consider the matter.

Staff Report: **Wright** presented the staff report in which the Council was requested to consider and adopt an ordinance amending the Comprehensive Plan and Map 7 to redesignate the Wichita Park site from Medium Density Residential (MD) to Public (P). The Planning Commission held a public hearing on December 8, 1998, and voted unanimously to recommend the Wichita Park Master Plan to the Council for adoption. The staff report contained the findings upon which the Commission based its recommendation.

The site itself is .95 acres and is proposed to be designed as a neighborhood park that will be accessed by foot or bicycle. There will be no parking or restroom facilities. The North Clackamas Parks and Recreation District (NCPRD) worked with the Linwood Neighborhood District Association (NDA) on the design. Proposed improvements include a sidewalk on Monroe Street; a concrete walkway through the park with a soft path around the perimeter; a tot lot and play structure for elementary school-age users; half-court basketball; drinking fountain; automatic irrigation systems; bike racks; benches and ADA accessible picnic tables; and new trees and other plantings.

Correspondence: None.

Public Testimony: None.

Staff Comments: None.

Questions from Council: **Councilor Lancaster** was concerned that Monroe was not a user friendly street and particularly noted the grade near the park site.

Wright responded that the Planning Commission had address that concern in its Conditions of Community Service Overlay (CSO) Approval. She referred to staff report page V.B.21, Condition 10 that provided for a gravel shoulder for pedestrian access from the park to 60th Avenue and for installation of "Children at Play" traffic signs.

Mayor Tomei closed the public testimony portion of the hearing at 7:20 p.m.

Council Discussion: No further discussion.

It was moved by Councilor Kappa and seconded by Councilor King to read the ordinance adopting the Wichita Park Master Plan as an ancillary document to the Comprehensive Plan and amending Map 7 to redesignate the site from medium density to public for the first time by title only.

Councilor Kappa felt the neighborhood/pocket park approach served the community well and hoped the City would continue that philosophy.

Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor King and seconded by Councilor Kappa to read the ordinance adopting the Wichita Park Master Plan as an ancillary document to the Comprehensive Plan and amending Map 7 to redesignate the site from medium density to public 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 Mayor Tomei and seconded by Councilor Kappa to adopt the ordinance adopting the Wichita Park Master Plan as an ancillary document to the Comprehensive Plan and amending Map 7 to redesignate the site from medium density to public. Motion passed unanimously.

ORDINANCE NO. 1851:

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE COMPREHENSIVE PLAN BY ADOPTING THE WICHITA PARK MASTER PLAN AS AN ANCILLARY DOCUMENT AND CHANGING MAP #7 TO REDESIGNATE THE WICHITA PARK SITE FROM MEDIUM DENSITY RESIDENTIAL (MD) TO PUBLIC (P). CPA-98-04.

OTHER BUSINESS

Protest of Nuisance and Abate Order on Property Located at 4206 SE Bowman

Gessner presented the staff report in which the City Council was requested to sustain staff's Declaration of Nuisance and Requirement to Abate issued December 31, 1998, for structural failure of a concrete block retaining wall at 4206 SE Bowman. Community Development staff believes that the failure of the wall demonstrates a significant threat to public health, safety, and welfare. Evidence and argument of nuisance related to structural failure, fill movement, potential to cause harm, and zoning violation.

The staff report included six exhibits: site location; site plan with location of retaining wall approved under building permit #97-350 and the extent of the wall built; photo survey demonstrating in visual terms staff's concerns; Declaration of Nuisance dated December 31, 1998; Notice of Violation dated December 31, 1998; and Uniform Citation dated January 15, 1999.

Gessner noted a scrivener's error on the Declaration of Nuisance and the need to change Municipal Code reference from Chapter 15.05.180 to 15.04.180.

The structure was a declared nuisance by virtue of the Municipal Code and poses a threat to public safety. Zoning violations are also declared a nuisance by Code.

Gessner referred to Exhibit 2 -- Site Plan that indicated portions of the wall were constructed in excess of six feet in height as had been specified in the building permit originally issued. He reviewed the arguments in support of staff's decision.

Brink discussed Public Works' belief that the wall, in its current condition, presents a continuing safety hazard. Two evident, horizontal cracks in the fill running parallel to the wall indicate the fill is moving toward the wall which may result in additional structural failure. Additionally, staff was confident the structural integrity was diminished

because walls over four feet needed engineering plans. In reviewing the plans, it appears that items, such as sufficient Geogrid, which would normally ensure structural integrity were not present. Several engineering issues need verification. In Brink's opinion, the wall constituted a nuisance, and there were a number of indicators that the remainder of the wall might fail.

Mayor Tomei noted the discrepancy between the length and height of the constructed wall and the dimensions called for in the original permit.

Councilor Marshall asked, for clarification, if there was or was not an engineering plan provided at the time of application.

Brink said there was not. Any wall over four feet in height would require an engineering plan, and one was not submitted for this project.

Councilor Marshall asked why Lown was not issued an erosion control permit in conjunction with the building permit.

Brink said he could not answer that question specifically. There were some unclear issues at the time such as the amount of fill behind the wall and the amount of disturbance. An erosion control permit for that type of wall would usually be required because of the steepness of the terrain.

Councilor Marshall asked how the City would ensure this wall was installed in a manner that protected the interest of its citizens.

Brink said an installer would normally have called for the appropriate inspections, but it had not happened in that sequence. There was no initial, interim, or final inspections of the wall.

Councilor Marshall asked if the person applying for the permit had been given a set of criteria and disregarded the steps necessary to carry out the requirements and had built a wall other than that approved.

Brink said Lown submitted minimal plans with the application, and no inspections were done during construction.

Councilor King asked if the applicant had the burden of calling for inspections.

Brink said that was the normal process; however, the issue under consideration at this meeting was the structural integrity of the wall.

William Lown, 4206 SE Bowman, felt there was a misunderstanding of how things had happened. He provided copies of the original permit and supplementary documentation. When he originally applied for the permit, he provided information on the wall system. The City had asked about Geogrid which he purchased based on the advice of an installer.

Lown believed Wong may have signed-off on the permit, and J. Bennett and Roeger may have been there when he picked up the permit. When he paid his fee, he asked what inspections were needed, and he was told that none would be necessary if the wall was built to those specifications. He admitted he had inadvertently built the wall up to ten feet in some areas. He did not, however, know about the need for an engineering plan for walls higher than four feet.

Lown continued. J. Bennett came to the site in October and addressed issues of a broken curb, filled catchbasin, and the need for a railing. Lown admitted he did not have a permit for a ten-foot wall. He discussed the excavation that would be required on his neighbor's property for a driveway and understood he would not be allowed to cut the roots of the cedar tree. The permit indicated at this point that the wall was not structural. He had no idea the wall would fail.

Councilor Kappa asked how the bricks were laid together.

Lown said each block has tabs, and, as they are stacked, the wall tapers back to lend structural integrity. The fill material was compacted soil and gravel. After J. Bennett brought up the fact that the wall was too high, he and Newman, his neighbor, began working on the issue together. He also had an arborist look at the cedar, and it was determined the tree was not healthy and would likely die within seven years. He felt the tree could be removed, and he and Newman would build a wall that would make the City happy. They were looking for a commitment from the Planning Department on setbacks.

Councilor Marshall asked Lown if he received an inspection card with his building permit.

Lown responded he was told he did not need inspections. He did not feel he could be held responsible for the City not enforcing its own building code. He added he had receipts for the fill material, Geogrid, and compactor rental.

Mayor Tomei noted the October 12, 1998, Warning of Violation letter, giving Lown notice of violations that needed correcting.

Lown said Gessner suggested a meeting with engineering, planning, and building to discuss the issues. There was a meeting in December that included Newman, and since that time, the area was surveyed and an arborist evaluated the cedar tree. Gessner had suspended zoning enforcement action while he and Newman worked together on a plan. He felt it was at a point where the project could work for everyone. The top blocks could be removed to make a six-foot wall and reduce other impacts on the site.

Lown expressed concern with the process because the underlying rules apparently kept changing. He stated he could not anticipate what the City should have told him.

Councilor Marshall asked Lown how long he had been a general contractor, and **Lown** responded about twenty years.

Lown said he had been cited on two issues, so he hoped to resolve those. He was anticipating the need to have a geotechnical report prepared. On January 5, 1999, he asked Gessner and J. Bennett if the fill and Geogrid could be inspected and was told this was not something building or engineering could do.

The Council recessed at 8:20 p.m. to consult with legal counsel in executive session pursuant to ORS 192.660 (h) -- legal rights and duties. Council reconvened the session at 8:35 p.m.

It was moved by Mayor Tomei and seconded by Councilor Marshall to sustain the Declaration of Nuisance and Requirement to Abate issued December 31, 1998, for structural failure of a concrete block retaining wall.

Mayor Tomei said this brought a great deal of attention to issues that would need to be addressed. The City Council is responsible to its citizens, and, if the wall were allowed to remain, there was potential for personal injury or property damage.

The group agreed there was a nuisance, and it needed to be removed for citizen safety.

Motion passed unanimously.

Lown said he had been prepared to have a report by January 15, 1999, attesting to the wall's integrity, but Gessner advised him to wait. He asked for a reasonable opportunity to prove the wall was stable or to reconstruct it in a manner that it would be.

Mayor Tomei said the Council had made its decision and recommended meeting with staff.

Intergovernmental Agreement with Happy Valley for Interim Planning Director Services

Bennett presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to sign an intergovernmental agreement with Happy Valley for Jim Crumley to provide interim Planning Director services.

It was moved by Councilor Kappa and seconded by Councilor King to adopt the resolution authorizing the City Manager to sign the intergovernmental agreement with the City of Happy Valley for Interim Planning Director services. Motion passed unanimously.

RESOLUTION NO. 3-1999:**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING AN AGREEMENT WITH THE CITY OF HAPPY VALLEY, OREGON, UNDER ORS 190 FOR THE PROVISION OF INTERIM PLANNING DIRECTOR SERVICES.****Town Center Redesignation Request**

Heiser and Chris Eaton, W&H Pacific, presented the staff report in which the City Council was requested to consider a draft letter asking the Metro Council to consider changing Milwaukie's designation from Regional Town Center to Special Town Center.

The term "special" was created by staff to indicate the City's unique role as a transportation hub. The goal would be for Milwaukie to continue its eligibility for Regional Center level points in Metro's Transportation Improvement Program funding evaluation.

The draft Growth Concept Map demonstrates that Milwaukie can maintain its target capacity on sites such as Murphy, McFarland, Pendleton, Proto Tool, and the downtown mixed use (MU) zone. The intent is to show that the area may be smaller, but the target can still be met. The Metro Council would ultimately make the decision. **Heiser** said it was important to stress that Milwaukie was requesting a downgrade to Town Center, but targets and goals would not change.

Councilor Kappa asked if the City could request a designation change in the future, and **Heiser** responded that could be done at any time.

Mayor Tomei said, in addition to changing the geographical boundaries, the City hopes to change the perception that it is trying to be something like the Clackamas Town Center.

Councilor Lancaster asked if this opened the door for different development and greater performance expectations.

Heiser said Metro has no standards developed for the term "special." She envisioned that Metro might wish to open a dialogue during the process and get input for developing standards. Based on Milwaukie's location, there is a need for transportation funding.

Eaton added that Milwaukie was stating its uniqueness in the region. The City is already at 90% capacity, and she suggested performance standards could include increased pedestrian access and connectivity between pedestrian, bike, auto, and mass transit. The most intense density would be in the downtown's MU zone.

Councilor King liked the statement about Milwaukie's being a built-out community.

Councilor Marshall felt these were good ideas. He was, however, concerned that there had been no work sessions to discuss possible ramifications and, perhaps, setting a policy tone the City Council did not necessarily support.

Councilor Kappa asked the timelines for this request to go before the Metro Council.

Eaton said Metro has not provided a schedule.

Bartlett expected it to be a rather long process because of the significant turnover of Metro Councilors. He suspected the Metro Policy Advisory Committee (MPAC) would review the request before it went to the Council. He apologized for not having a work session on this issue.

It was moved by Councilor King and seconded by Councilor Marshall to authorize the Mayor to sign a letter to Mike Burton, Metro Executive Officer, requesting that the Metro Council consider amending the Metro Growth Concept Map designation for Milwaukie from Regional Center to "Special Town Center" with a change to the date on page two. Motion passed unanimously.

Riverfront Consultant Contract

Bartlett presented the staff report in which he requested authorization to sign a personal services agreement with Crandall Arambula, P.C., in the amount of \$234,596 to complete the Downtown/Riverfront Plan. He and Bennett provided a draft scope of work to Crandall, and most of the elements were incorporated. The goal is a long-term relationship with many small successes to celebrate along the way.

Councilor Kappa asked if the City Council had discussed the Riverfront Board's role in meetings he missed.

Mayor Tomei recalled that the Riverfront Board and other stakeholders would be heavily involved but would not be the main decision makers.

Bartlett added that Crandall will conduct stakeholder meetings this spring, and the Board can expect to be heavily involved June through September.

Councilor Marshall wanted to be sure that major property owners were included in the process. He also urged that a Design Review Board be established as soon as possible so the members would have the opportunity to participate in the process and have the historical background to help future decision making.

Councilor King wanted assurance that Milwaukie's youth and senior population would be represented.

It was moved by Councilor Marshall and seconded by Councilor King to authorize the City Manager to sign a personal services agreement with Crandall Arambula, P.C., in the amount of \$234,596 to complete the Downtown/Riverfront Plan. Motion passed unanimously.

Lease of Electric Powered Ford Pick Up

Bartlett said this proposal was indicative of the major effort of fleets, particularly public ones, to respond to the Clean Air Act and the Energy Policy Act. The vehicle under consideration would be used by the Code Enforcement Officer and was appropriate for short trips.

Councilor King asked the cost of the electricity to power the vehicle, and **Bartlett** responded he did not have that information.

Councilor Lancaster asked the useful life of this type of vehicle, and **Bartlett** responded it was estimated at five to eight years.

Councilor Marshall had concerns with the ecological impact of electric vehicles and noted that electricity was being shown not to be the once thought of clean and cheap power source. As everyone knows, dams are becoming an issue, and, if hydroelectric power had to be abandoned, we could be looking at going back to more pollution-generating methods of generating electricity. He requested staff provide information on a dual fuel, propane-powered vehicle. Propane is clean, and conversion costs are minimal. He felt this option might be more financially responsible while meeting Clean Air Act requirements.

Bennett said there were to issues with propane and natural gas: availability and potential hazards.

Bartlett said the City had investigated a propane vehicle in the past, but the fueling station costs were prohibitive for a single vehicle. He suggested staff provide an economic analysis addressing these various issues.

Councilor Lancaster pointed out that the City should not ignore reducing the number of trips.

Mayor Tomei supported the lease of the electric vehicles and was delighted that staff was looking at alternatives to gasoline.

INFORMATION

1. **Councilor King** called attention to the new permit posting sign.
2. **Councilor King** announced a wetland planting in a park near the Milwaukie Center on Saturday.

3. **Councilor King** announced that the Milwaukie City Council had nominated Mart Hughes for a Metro volunteer award.
4. **Councilor King** announced that Milwaukie High School has both the Oregon Principal and Vice-Principal of the Year, Kelly Hood and Frank Hernandez. She suggested the City Council recognize them at an upcoming meeting.
5. **Councilor King** announced that "Slow Down" signs were available from Clackamas County by contacting Ron Oberg.
6. **Mayor Tomei** announced a Metro listening post on January 21 addressing transportation alternatives.
7. **Mayor Tomei** participated in recognizing Scott Brosius of the World Series winning New York Yankees at a Rex Putnam High School function.
8. **Mayor Tomei** also experienced the Clackamas County jail as an observer.
9. **Councilor Kappa** suggested the City Council meet with the Traffic Safety and Transportation Board (TSTB) to give direction. **Councilor Marshall** recommended the Council meet on the issues prior to scheduling a work session with the Board.
10. **Councilor Kappa** announced he would be a co-moderator on transportation issues in "Partnership Matters."
11. **Councilor Marshall** requested a work session on the public hearing process and Robert's Rules of Order.
12. **Councilor Marshall** asked for a discussion of the Council retreat draft agenda. **Bartlett** provided an overview of the session. It will be purely a training activity to identify personal styles and how these impact communication.
13. **Bartlett** discussed publication of the South/North Light Rail Final Environmental Impact Statement (FEIS) and the City's role in what is contained in the Federal Record. This is the final step of the contract since there is no funding.
14. **Bartlett** said the League of Oregon Cities would like to have Milwaukie Council members participate in a Legislative Reception in February.
15. **Bartlett** noted that Customer Service Training with Dr. Bud Kass will begin this week.
16. The group discussed goal setting sessions tentatively scheduled February 3 and 10 from 5:00 p.m. to 9:00 p.m.

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17. **Councilor Marshall** cited a recent Oregonian article and suggested Milwaukie apply for a tourism grant.

ADJOURNMENT

It was moved by **Councilor Lancaster** and seconded by **Mayor Tomei** to adjourn the meeting. Motion passed unanimously.

Mayor Tomei adjourned the meeting at 9:40 p.m.

Pat DuVal
Pat DuVal, Recorder



To: Milwaukie City Council
From: Brent W. Collier, Chief of Police *Brent Collier*
Through: Dan Bartlett, City Manager *Dan*
Date: January 12, 1999
Subject: **October - December 1998 Police Department Quarterly Report**

Action Requested:

Information only.

Background:

This report specifically focuses on Police Department activity for October - December 1998. It will also provide you with Jan-December 1998 data and a comparison to 1997. You should know that as we bring closure to case files for 1998, December data is still trickling in. I would caution you to use December 1998 data as information only.

Traffic Unit:

Sergeant Marthaller supervises this unit. The decrease in traffic citations is directly attributable to injuries sustained by our traffic officers. Officer Gilbert is still recuperating from his motorcycle accident. He underwent successful reconstructive facial and eye surgery on August 21, 1998. He is now working a light duty assignment at the police department. I have recently been informed that Officer Gilbert will undergo another facial reconstructive surgery in March 1999. We are hopeful that Officer Gilbert will return to traffic duty in June or July 1999. The third traffic officer position (night DUII car) has not been filled. The department was recently awarded a \$10,000 grant, which targets DUII/Seatbelt violations. We will use these traffic specific overtime funds to offset the lack of the third traffic officer. We continue to participate in "Three Flags", an International campaign to encourage seatbelt and child safety seat usage. We recently joined forces with Clackamas County to form a Multi-Agency Carrier Enforcement team (MACE). This team targets unsafe trucks throughout Clackamas County. Two Milwaukie officers have been trained as level 2 ODOT inspectors and are conducting inspections on local trucks.

We recently established a cooperative enforcement effort with other traffic units in Clackamas County. Participating member agencies are Lake Oswego PD, Oregon State Police, Milwaukie PD, Molalla PD, Oregon City PD, Sandy PD and West Linn PD. The task force is referred to as the Strategic Traffic Accident Reduction Team (START). This

team pools all traffic enforcement resources within Clackamas County to provide saturation patrols in targeted areas. These saturation patrols will rotate to the various jurisdictions twice a month for a four-hour period. On November 10, 1998, the team targeted the City of Milwaukie. Special enforcement focus was placed on school zones, selected residential streets and problematic areas on Highway 99E and 224. Media releases (example attached) were provided one day prior to the saturation patrol. The traffic unit is also working to establish an Internet Web Page, which would notify the public as to the rationale and location of enforcement efforts.

School Resource Officers:

Sgt. Bartol supervises the SRO's and the DARE Officer. He has created a team of officers who are dedicated to the youth of our community. Officer Sterling (SRO for Milwaukie High School) and Officer Neitch (SRO for Milwaukie Jr. and Rowe Jr. High Schools) have been very busy in their assignments. In November 1998, Officer Sterling received the "Mustang Salute" in the school newsletter for the support he provides to students and parents. The cooperative agreement between Clackamas County law enforcement and Clackamas County schools to address weapons, destructive devices and threats of harm in our schools has been signed. The Police Chiefs, Sheriff, Juvenile Director, DA, School Administrators and Presiding Judge participated in this agreement.

Officer Freshner has been very busy with his DARE program. He is also assigned as the coordinator for the RideALong Program, COP Camp Program and The Block Home Program. He is also assigned as the Department representative for the drug elimination collaborative agreement and a proposed Community Anti-Crime Planning Team proposal between the Clackamas County Housing Authority and the Milwaukie Police Department.

Detective Unit:

Detective Sergeant Loudonback supervises this unit of four detectives and one Police Technician. The unit completed the retrofitting of a retired Milwaukie Fire Dept. brush rig. This vehicle was converted to a Major Crime Scene Vehicle. This Major Crime Scene vehicle was pressed into service on the home invasion robbery and three separate homicide investigations. The Detective Unit received several commendations from citizens, victims and prosecutors in reference to the quality of their investigations.

Interagency Narcotic Team:

Milwaukie Detective Dye is assigned to this team. The team has executed numerous search warrants, both inside and outside our jurisdiction. We have several Milwaukie area cases that are currently under investigation. We will receive forfeiture funds for several of these cases.

Interagency Homicide Team:

Detective Sergeant Loudonback, Detective Wright and Detective Guy are actively involved in this team. Milwaukie PD continues to host the monthly training meeting for this team.

Uniform Officer/Detective Training Program:

We are beginning our second year of this program. This program acknowledges uniform officers who demonstrate exceptional dedication to our law enforcement mission. The selected officer is released from patrol duties and temporarily assigned to the Detective Division for a period of three months. The officer receives specialized training in forensics, undercover operations, inter-agency liaison, search warrant application process and interview techniques. Patrol officers return to their shift with additional tools to facilitate problem solving. They also return with an increased level of confidence and enthusiasm. Five patrol officers have rotated through this program. While this program does draw down our patrol strength, we are extremely pleased with the demonstrated results of this program. We look at this program as a long-term investment in our officers and in our community.

Emergency 911 Center:

The City of Milwaukie and Clackamas County Fire District No.1 have posted a Request For Proposal (RFP) for dispatch services. We conducted a prebid conference regarding the RFP on September 17, 1998. The RFP submittal date has been extended to February 5, 1999.

We have recently upgraded our dispatch consoles to what is referred to as a Gold Elite platform. Simply put, this upgrade converts the old switches and buttons to a computer based modern technological system. Our computer aided dispatch (CAD) upgrade has been placed on hold until after the dispatch RFP decision has been made.

Police Reserve Unit:

The 20-member unit donated 5988 hours of volunteer time to our community for 1998. Sgt. Martin supervises the unit; Officers Rash and Marl serve as liaisons. The unit also provides bailiff duties for our municipal court. Many of the members are certified as police mountain bike operators. Members are also used to move the radar SMART trailer to requested locations. Several members are used as interpreters in Spanish, Korean and Russian languages. The unit has become recognized for its strict selection criteria, as well as its exceptional training investment. Many members of this unit are subsequently hired as regular officers with various agencies. One can readily see why this volunteer unit is such an incredible asset to our profession, our department and to our community. Reserve Sergeant Dalrymple was recognized at a banquet as the 1998 Milwaukie Police Reserve Officer of the Year.

Police Explorer Unit:

The six-member unit donates on an average of 20 hours per person of volunteer time to our community. Officer Neitch supervises the unit. The unit assists with the Block Home Program; the Graffiti Removal Program, traffic control details, Bike Safety and other youth related programs. We find that this explorer experience typically creates a proving ground and hiring resource for future police officers.

Police Interns:

We currently have one police intern working at the police department. Portland State intern Kameron Bracy is currently assigned to the Problem Solving Partnership Program.

COPS Grants:

The U.S. Department of Justice on January 6, 1999 conducted a full-day site visit. An official report will be forthcoming, but it appears that we will receive very favorable ratings on all of our federal grants.

SALT:

A cooperative agreement between AARP, Clackamas County Sheriffs Office, Milwaukie Police Department, Oregon City Police Department and the Gladstone Police Department was signed on May 11, 1998. This agreement created a North Clackamas County "Seniors and Law Enforcement Together" (SALT) Council. The SALT Council has recently produced a Seniors Fraud Protection booklet, which is available at the Milwaukie Center, PSB and AARP. Over 4000 of these booklets were distributed in 1998. SALT members have expressed an interest in becoming involved with the Clackamas County Citizens Academy, neighborhood patrol, handicap parking enforcement and crime prevention programs. SALT members conducted over 22 fraud presentations to various community-based groups in 1998. SALT, AARP, RSVP, the North Clackamas Chamber of Commerce, The Senior Citizens Council and local volunteers have recently joined forces to conduct a community survey on seniors' issues. A "Reverse Boiler Room" was recently conducted at the AARP offices. This project was a cooperative venture between the FBI, Oregon DOJ, the Oregon Department of Human Services & SALT, which exposed suspects who perpetrated telemarketing and financial fraud schemes against seniors. Sheriff Bradshaw and I taught a Rural vs. Urban Community Policing Philosophy class to students at Western Oregon State College at the request of SALT. SALT has demonstrated that it is a productive and energetic force in our community. I will continue to keep you apprised of the progress of this invaluable partnership with our seniors.

RED Ribbon Week:

I participated as a Milwaukie Together! Board member and as the Milwaukie Police Chief in the October 24, 1998 Kick-off event for Red Ribbon Week. This event was at the Old Safeway Site. This event was followed by a Red Ribbon Celebration at the Milwaukie Elks Lodge.

Additional:

I have included July-September 1998 data for the Clackamas County Juvenile Reception Center. You may note that during April, May and June, the reception center served 527 youths. This is an invaluable resource to our community.

Also included in this report is a summary of the January-June 1998 Uniform Crime Report. This report was released on December 13, 1998. I do caution you against making definitive assumptions reference this data. The definitional and procedural differences in nationwide reporting may account for discrepancies in results.

Officer Stensrud has been reassigned from crime prevention/crime analysis duties and is working a cooperative policing assignment with the Tri-Met Transit Police Division.

Sgt. Jim Colt has been nominated to attend the FBI National Academy. His application has been processed and he is scheduled to attend this three-month training at Quantico, Virginia in the fall of 1999. Less than ½ of 1% of law enforcement officers nationwide, have the opportunity to attend the FBI National Academy. We are very proud of Sgt. Colt's nomination.

I would be pleased to respond to any questions you may have about this report or any other police department issue. Thank you.

11/23/98 MILWAUKIE POLICE DEPARTMENT

STATISTICS FOR THE MONTH OF
OCTOBER 1998

OFFENSE/ACTIVITY	OCTOBER 1997	OCTOBER 1998	JAN OCT 1997	JAN OCT 1998
PART I OFFENSES	37	79	560	887
PART II OFFENSES	37	75	617	648
1 PART III ACTIVITY	406	330	3693	3279
2 OFFICER ASSISTANCE	86	6	2766	780
TOTAL	566	490	7636	5594

CLEARANCES

PART I OFFENSES	6	6	179	139
PERCENT of CLEARANCES	16%	8%	32%	16%
PARTII OFFENSES	25	39	377	387
PERCENT of CLEARANCES	68%	52%	61%	60%
TOTAL	31	45	556	526
PERCENT of CLEARANCES	42%	29%	47%	34%

ARRESTS

ADULTS	52	57	806	727
JUVENILE	57	13	377	226
TOTAL	109	70	1183	953
MISDEAMEANOR	75	32	701	484
*FELONY	28	24	358	333
**TRAFFIC	1	0	23	1
DUII	5	14	101	133
TOTAL	109	70	1183	951

TRAFFIC ACCIDENTS

INJURY ACCIDENTS	3	3	29	27
NON-INJURY	30	20	219	188
TOTAL	29	23	248	215
FATAL ACCIDENTS	0	0	1	0
PERSONS INJURED	6	7	50	40
CITATIONS ISSUED	8	1	22	13

UNIFORM TRAFFIC CITATIONS

VBR (SPEEDING)	100	120	1638	1110
EQUIPMENT VIOLATIONS	20	25	713	283
DUII	5	14	101	133
REG/LIC VOL	9	17	284	95
DWS	27	38	415	359
OTHER	86	77	998	757
TOTAL	247	291	4149	2737
COURTESY NOTICES	25	16	649	335

MISCELLANEOUS

PARKING CITATIONS	1	1	21	25
RESIDENTIAL ALARMS	39	30	253	318
COMMERCIAL ALARMS	30	37	236	285
SCHOOL ALARMS	3	3	57	34
BANK ALARMS	0	0	20	8
TOTAL	73	71	587	670

* Includes Felony Traffic Arrests **Infraction and Misdemeanor Traffic Arrests

1.Non-Criminal Activity

2.Number of Officers Required to Provide Back-up/Assistance to Primary Officer

12/22/98 MILWAUKIE POLICE DEPARTMENT

STATISTICS FOR THE MONTH OF
NOVEMBER 1998

OFFENSE/ACTIVITY	NOVEMBER 1997	NOVEMBER 1998	JAN OCT 1997	JAN NOV 1998
PART I OFFENSES	85	52	560	939
PART II OFFENSES	58	46	617	694
1 PART III ACTIVITY	336	283	3693	3562
2 OFFICER ASSISTANCE	209	0	2766	780
TOTAL	688	381	7636	5975

CLEARANCES

PART I OFFENSES	15	10	179	149
PERCENT of CLEARANCES	18%	19%	32%	16%
PARTII OFFENSES	52	24	377	411
PERCENT of CLEARANCES	90%	52%	61%	59%
TOTAL	67	34	556	560
PERCENT of CLEARANCES	47%	35%	47%	34%

ARRESTS

ADULTS	68	60	806	787
JUVENILE	40	17	377	243
TOTAL	108	77	1183	1030
MISDEAMEANOR	72	36	701	520
*FELONY	32	28	358	361
**TRAFFIC	1	0	23	1
DUII	3	13	101	146
TOTAL	108	77	1183	1028

TRAFFIC ACCIDENTS

INJURY ACCIDENTS	3	1	29	28
NON-INJURY	18	21	219	209
TOTAL	21	22	248	237
FATAL ACCIDENTS	0	0	1	0
PERSONS INJURED	3	2	50	42
CITATIONS ISSUED	5	0	22	13

UNIFORM TRAFFIC CITATIONS

VBR (SPEEDING)	149	100	1638	1210
EQUIPMENT VIOLATIONS	30	35	713	318
DUII	3	13	101	146
REG/LIC VOL	9	13	284	108
DWS	21	18	415	377
OTHER	79	73	998	830
TOTAL	291	252	4149	2989
COURTESY NOTICES	37	27	649	362

MISCELLANEOUS

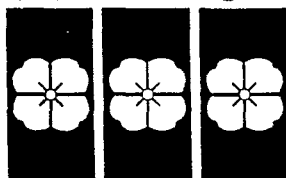
PARKING CITATIONS	6	0	21	25
RESIDENTIAL ALARMS	22	22	253	340
COMMERCIAL ALARMS	28	31	236	316
SCHOOL ALARMS	1	7	57	41
BANK ALARMS	3	1	20	9
TOTAL	60	61	587	731

* Includes Felony Traffic Arrests **Infraction and Misdemeanor Traffic Arrests

1.Non-Criminal Activity

2.Number of Officers Required to Provide Back-up/Assistance to Primary Officer

C I T Y O F



MILWAUKIE

Milwaukie Police Department
Officer Monte L. Sterling, PIO
(503) 786-7488

November 9, 1998
News Release

The Strategic Traffic Accident Reduction Team will be conducting a Saturation patrol in Milwaukie on November 10th. The interagency traffic team will focus enforcement efforts in school zones -- during crossing hours, on selected (high traffic volume) residential streets, and in problematic areas on Highways 99E and 224. The teams' mission is to pool police resources and to conduct joint saturation patrols on public highways located within each participant's respective jurisdiction.

Saturation patrols of this kind will occur on a rotational basis in Clackamas County and are designed to lower incidents of traffic collisions. Each participating agency will select its own highways to be targeted by the team. The S.T.A.R.T. comprises law enforcement officers from the following agencies: Canby PD, Clackamas County Sheriff's Office, Gladstone PD, Lake Oswego PD, Milwaukie PD, Mollala PD, Oregon City PD, Oregon State Police, Sandy PD, and West Linn PD. Please contact Sergeant Terry Marthaller (786-7415) for additional information.

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PUBLIC SAFETY BUILDING
3200 SE HARRISON
MILWAUKIE, OREGON 97222
PHONE: (503) 786-7400 • FAX: (503) 786-7426

RECEPTION CENTER REPORT FOR

July through September

1998

During the months of April, May, and June, the Reception Center served 527 youths. The information below breaks down the number of youth by agency and the average length of stay. I have also attached a summary which gives the breakdown of offenses for those youth.

<u>Department</u>	(Number of youth/Average length of stay)		
	<u>July</u>	<u>August</u>	<u>September</u>
CCSO	66 (2 hr. 59 min)	99 (3 hr. 10 min)	87 (2 hr. 36 min)
CPD	11 (3 hr. 8 min)	9 (1 hr. 36 min)	6 (4 hr. 30 min)
GDP	23 (2 hr. 29 min)	22 (2 hr. 7 min)	9 (1 hr. 51 min)
LOPD	16 (2 hr. 29 min)	17 (2 hr. 42 min)	8 (2 hr. 31 min)
MIPD	3 (1 hr. 11 min)	8 (1 hr. 36 min)	13 (2 hr. 48 min)
MOPD	9 (2 hr. 46 min)	8 (2 hr. 22 min)	10 (4 hr. 5 min)
OCPD	17 (2 hr. 44 min)	22 (2 hr. 54 min)	14 (2 hr. 32 min)
OSP	0	1 (1hr. 30 min)	0
SPD	0	2 (5 hr. 37 min)	1 (2 hr. 50 min)
WLPD	8 (2 hr. 47 min)	15 (2 hr. 35 min)	12 (1 hr. 31 min)
JUV/OYA	5 (2 hr. 30 min)	1 (1 hr. 30 min)	2 (2 hr. 10 min)
TOTAL	158	207	162

RESERVE OFFICER:	MILWAUKIE POLICE RESERVE UNIT												YEAR TO DATE
	MONTHLY HOURS												
	JAN:	FEB:	MAR:	APR:	MAY:	JUN:	1998 JUL:	AUG:	SEP:	OCT:	NOV:	DEC:	
ARANT, TOM	33.00	28.00	22.00	20.00	25.00	33.00	13.00	24.00	15.00	18.00	17.00	6.00	254.00
BLEDSOE, BRUCE	31.00	32.00	25.00	24.00	23.00	39.00	16.00	30.00	17.00	35.00	15.00	12.00	299.00
CHARRON, ERIC	29.00	13.00	14.00	4.00	17.00	22.00	UNEX	16.00	18.00	20.00	13.00	EX	166.00
COOKSON, ANDREW	ACA	14.00	ACA	ACA	12.00	88.00	48.00	29.00	68.00	64.00	71.00	44.00	438.00
COP, FRANCIS	16.00	10.00	17.00	15.00	15.00	24.00	24.00	14.00	12.00	23.00	28.00	EX	198.00
DALRYMPLE, JEFF	41.00	30.00	82.00	108.00	71.00	75.00	108.00	63.00	59.00	37.00	82.00	87.00	843.00
GLENN, RON	ACA	4.00	ACA	ACA	13.00	37.00	82.00	64.00	84.00	44.00	81.00	138.00	547.00
HEIMBIGNER, JAKE	ACA	4.00	ACA	ACA	7.00	81.00	33.00	55.00	53.00	48.00	18.00	19.00	318.00
HERMES, TRACY	EX	EX	EX	EX	EX	EX	EX	EX	EX	17.00	17.00	15.00	49.00
JOHANNESSEN, BRAD	ACA	4.00	ACA	ACA	EX	25.00	17.00	20.00	16.00	16.00	21.00	3.00	122.00
KILLINGER, TONY	54.00	30.00	51.00	42.00	41.00	42.00	16.00	52.00	91.00	97.00	57.00	71.00	644.00
MCDERMOTT, JERRY	42.00	20.00	22.00	18.00	22.00	10.00	RES	RES	RES	RES	RES	RES	134.00
PISHA, JASON	34.00	57.00	48.00	52.00	35.00	77.00	35.00	20.00	17.00	35.00	45.00	31.00	486.00
SHELOFSKY, DAVE	17.00	8.00	19.00	21.00	18.00	27.00	9.00	21.00	28.00	28.00	16.00	17.00	229.00
STRAIT, SANDY	EX	EX	EX	EX	EX	EX	EX	EX	EX	16.00	17.00	13.00	46.00
TAUT, NELU	ACA	4.00	ACA	ACA	EX	21.00	18.00	22.00	19.00	26.00	16.00	12.00	138.00
TRUONG, JOHN	31.00	44.00	79.00	59.00	92.00	64.00	28.00	60.00	51.00	24.00	18.00	28.00	578.00
WEEKS, ROGER	25.00	10.00	39.00	16.00	21.00	EX	EX	EX	EX	39.00	56.00	19.00	225.00
WEEKS, RON	20.00	7.00	14.00	11.00	18.00	11.00	18.00	10.00	EX	EX	12.00	EX	121.00
WERDER, MANDI	17.00	11.00	20.00	7.00	12.00	13.00	UNEX	19.00	18.00	17.00	16.00	3.00	153.00
RESERVE UNIT TOTALS	390	330	452	397	442	689	465	519	566	604	616	518	
LOA = LEAVE OF ABSENCE													
EX OR E = EXCUSED													
ACA = ACADEMY													
UNEX = UNEXCUSED													
TERM = TERMINATED													
TOTAL HOURS YEAR TO DATE:												5988.00	

The number of Crime Index offenses reported to law enforcement agencies throughout the United States decreased 5 percent during the first 6 months of 1998 when compared to the figures reported during the same period of 1997. The violent crimes of murder, forcible rape, robbery, and aggravated assault fell 7 percent, and the property crimes of burglary, larceny-theft, and motor vehicle theft dropped 5 percent.

During the first quarter of 1998, a decline of 4 percent in serious crime was reported when compared with the numbers reported for the same quarter of 1997. Second quarter numbers decreased 7 percent.

Crime Index trends by population groups and by geographic regions appear in Tables 1 and 2 below.

TABLE 1 - CRIME INDEX TRENDS Percent change January through June 1998 over 1997, offenses known to the police.

Population Group and Area	Number of agencies	Population (thousands)	Crime Index total	Modi- [*] fied total	Vio- lent crime	Prop- [*] erty crime	Murder	For- cible rape	Rob- bery	Aggra- vated assault	Bur- glary	Larceny -theft	Motor vehicle theft	Arson [*]
Total	9,069	193,688	-5	-5	-7	-5	-8	-5	-11	-5	-3	-5	-8	-12
Cities:														
Over 1,000,000	9	20,922	-6	-6	-6	-6	-11	-3	-11	-2	-8	-3	-12	-16
500,000 to 999,999	18	11,865	-5	-5	-13	-3	-8	-6	-15	-12	-1	-2	-9	-5
250,000 to 499,999	33	12,210	-5	-5	-10	-4	-12	-8	-12	-8	-3	-4	-5	-13
100,000 to 249,999	145	21,157	-4	-4	-7	-4	-5	-6	-9	-5	-1	-5	-6	-13
50,000 to 99,999	280	19,007	-8	-8	-9	-7	-11	-3	-11	-9	-7	-7	-11	-11
25,000 to 49,999	523	18,168	-5	-5	-8	-5	-9	-6	-11	-8	-4	-5	-6	-19
10,000 to 24,999	1,201	18,907	-4	-4	-6	-4	+8	-1	-9	-5	-1	-4	-5	-19
Under 10,000	4,326	15,049	-3	-3	-3	-3	-20	-11	-5	-2	-1	-4	-3	-12
Counties:														
Suburban ¹	873	37,725	-6	-6	-5	-6	-3	-2	-10	-3	-3	-6	-12	-8
Rural ²	1,661	18,678	-2	-2	+1	-3	+3	-10	-7	+3	-2	-4	+1	-6
Areas:														
Suburban Area ³	4,581	73,803	-5	-5	-5	-5	-3	-2	-9	-4	-3	-5	-9	-12
Cities outside Metropolitan Areas	2,343	16,065	-4	-5	-8	-4	-12	-9	-14	-7	-2	-5	-2	-18

¹ Includes crimes reported to sheriffs' departments, county police departments, and state police within Metropolitan Statistical Areas.

² Includes crimes reported to sheriffs' departments, county police departments, and state police outside Metropolitan Statistical Areas.

³ Includes crimes reported to city, county, and state law enforcement agencies within Metropolitan Statistical Areas, but outside the central cities.

TABLE 2 - CRIME INDEX TRENDS BY GEOGRAPHIC REGION

Region	Crime Index total	Modi- [*] fied total	Vio- lent crime	Prop- [*] erty crime	Murder	For- cible rape	Rob- bery	Aggra- vated assault	Bur- glary	Larceny -theft	Motor vehicle theft	Arson [*]
Total	-5	-5	-7	-5	-8	-5	-11	-5	-3	-5	-8	-12
Northeast	-8	-8	-8	-8	-10	-5	-12	-5	-10	-6	-13	-12
Midwest	-1	-2	-3	-1	-4	-3	-6	-2	+1	-1	-7	-14
South	-5	-5	-8	-5	-5	-6	-12	-6	-2	-6	-8	-8
West	-6	-6	-9	-5	-13	-6	-13	-7	-5	-5	-7	-16

TABLE 3 - CRIME INDEX TRENDS January through June each year over previous year.

Years	Crime Index total	Modi- [*] fied total	Vio- lent crime	Prop- [*] erty crime	Murder	For- cible rape	Rob- bery	Aggra- vated assault	Bur- glary	Larceny -theft	Motor vehicle theft	Arson [*]
1995/1994	-1	-1	-5	0	-12	-7	-10	-2	-4	+3	-5	-7
1996/1995	-3	-3	-5	-2	-7	-1	-5	-5	-5	-1	-4	+2
1997/1996	-4	-4	-5	-4	-9	-2	-9	-3	-5	-4	-5	-9
1998/1997	-5	-5	-7	-5	-8	-5	-11	-5	-3	-5	-8	-12

* The Modified Crime Index total is the sum of the Crime Index offenses, including arson. Data for arson are not included in the property crime totals.

PREPARED BY Louis J. Freeh, Director, Federal Bureau of Investigation, United States Department of Justice, Washington, D.C. 20535
 Advisory: Criminal Justice Information Systems Committee, International Association of Chiefs of Police;
 Criminal Justice Information Services Committee, National Sheriffs' Association;
 Criminal Justice Information Services Advisory Policy Board.

01/15/99 MILWAUKIE POLICE DEPARTMENT

STATISTICS FOR THE MONTH OF
DECEMBER 1998

OFFENSE/ACTIVITY	DECEMBER 1997	DECEMBER 1998	JAN DEC 1997	JANDEC 1998
PART I OFFENSES	68	91	713	1030
PART II OFFENSES	79	71	754	765
1 PART III ACTIVITY	353	292	4382	3854
2 OFFICER ASSISTANCE	157	0	3132	780
TOTAL	657	454	8981	6429

CLEARANCES

PART I OFFENSES	20	8	214	157
PERCENT of CLEARANCES	29%	9%	30%	15%
PARTII OFFENSES	62	38	377	449
PERCENT of CLEARANCES	78%	54%	50%	59%
TOTAL	82	46	591	606
PERCENT of CLEARANCES	56%	28%	40%	34%

ARRESTS

ADULTS	71	59	945	844
JUVENILE	19	7	436	250
TOTAL	90	66	1381	1094
MISDEAMEANOR	56	34	829	554
*FELONY	28	23	418	384
**TRAFFIC	0	0	24	1
DUII	6	9	110	153
TOTAL	90	66	1381	1092

TRAFFIC ACCIDENTS

INJURY ACCIDENTS	1	3	33	31
NON-INJURY	16	8	253	217
TOTAL	17	11	286	248
FATAL ACCIDENTS	0	0	1	0
PERSONS INJURED	1	3	54	45
CITATIONS ISSUED	1	0	28	13

UNIFORM TRAFFIC CITATIONS

VBR (SPEEDING)	88	130	1875	1340
EQUIPMENT VIOLATIONS	31	16	774	334
DUII	6	9	110	155
REG/LIC VOL	15	11	308	119
DWS	17	32	453	409
OTHER	41	70	1118	900
TOTAL	198	268	4638	3257
COURTESY NOTICES	22	18	708	380

MISCELLANEOUS

PARKING CITATIONS	0	0	27	25
RESIDENTIAL ALARMS	28	37	303	377
COMMERCIAL ALARMS	33	41	297	357
SCHOOL ALARMS	2	5	60	46
BANK ALARMS	2	0	25	9
TOTAL	65	83	712	814

* Includes Felony Traffic Arrests **Infraction and Misdemeanor Traffic Arrests

1.Non-Criminal Activity

2.Number of Officers Required to Provide Back-up/Assistance to Primary
Officer

MILWAUKIE POLICE DEPARTMENT
ANNUAL REPORT 1998

OFFENSE/ACTIVITY	1996	1997	1998	95-96 PERCENT OF CHANGE	3 YEAR TOTAL	3 YEAR AVERAGE
PART I OFFENSES	726	713	1030	44.46%	2469	823
PART II OFFENSES	909	754	765	1.46%	2428	809
1 PART III ACTIVITY	4129	4382	3854	-12.05%	12365	4122
2 OFFICER ASSISTANCE	3661	3132	780	-75.10%	7573	2524
TOTAL	9396	8981	6429	-28.42%	24806	8269

CLEARANCES

PART I OFFENSES	187	214	157	-26.64%	558	186
PART II OFFENSES	633	377	449	19.10%	1459	486
TOTAL	820	591	606	2.54%	2017	672

ARRESTS

ADULTS	924	945	844	-10.69%	2713	904
JUVENILE	501	436	250	-42.66%	1187	396
TOTAL	1425	1381	1094	-20.78%	3900	1300
MISDEAMEANOR	834	829	554	-33.17%	2217	739
*FELONY	409	418	384	-8.13%	1211	404
**TRAFFIC	28	24	1	-95.83%	53	18
DUII	149	110	153	39.09%	412	137
TOTAL	1426	1381	1092	-20.93%	3899	1300

TRAFFIC ACCIDENTS

INJURY ACCIDENTS	43	33	31	-6.06%	107	36
NON-INJURY	240	253	217	-14.23%	710	237
TOTAL	283	286	248	-13.29%	817	272
FATAL ACCIDENTS	1	1	0	-100.00%	2	1
PERSONS INJURED	68	54	45	-16.67%	167	56
CITATIONS ISSUED	28	28	13	-53.57%	69	23

UNIFORM TRAFFIC CITATIONS

VBR (SPEEDING)	2062	1875	1340	-28.53%	5277	1759
EQUIPMENT VIOLATIONS	717	774	334	-56.85%	1825	608
DUII	149	110	155	40.91%	414	138
REG/LIC VOL.	380	308	119	-61.36%	807	269
DWS	546	453	409	-9.71%	1408	469
OTHER	1328	1118	900	-19.50%	3346	1115
TOTAL	5182	4638	3257	-29.78%	13077	4359
COURTESY NOTICES	465	708	380	-46.33%	1553	518

MISCELLANEOUS

PARKING CITATIONS	35	27	25	-7.41%	87	29
RESIDENTIAL ALARMS	296	303	377	24.42%	976	325
COMMERCIAL ALARMS	358	297	357	20.20%	1012	337
SCHOOL ALARMS	49	60	46	-23.33%	155	52
BANK ALARMS	29	25	9	-64.00%	63	21
TOTAL	767	712	814	14.33%	2293	764

* Includes Felony Traffic Arrests

**Infraction and Misdemeanor Traffic Arrests

1.Non-Criminal Activity

2.Number of Officers Required to Provide Back-up/Assistance to Primary Officer

INTEROFFICE MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
THROUGH: DAN BARTLETT, CITY MANAGER *DB*
FROM: CHARLENE RICHARDS, ASSISTANT CITY MANAGER *CR*
SUBJECT: QUARTERLY REPORT - HUMAN RESOURCES/COMMUNITY SERVICES
DATE: JANUARY 14, 1999
CC: HR/COMMUNITY SERVICES STAFF

What follows is the second Quarterly Report (October, November and December 1998) for Human Resources and Community Services. If you have any questions, please speak with me. My telephone number is 786-7506.

HUMAN RESOURCE SERVICES

General Administration

- Completed modifications to human resources information system, HRVantage.
- Previewed Diversity Training video with HR/CS team for implementation of future citywide training.

Anticipated 3rd Quarter 1998-99

- Input new information into modified HRVantage system and provide data for budget development.

Employee Committees and Teams

- Provided facilitation of Development Review Team to improve team effectiveness.

Anticipated 3rd Quarter 1998-99

- Continue to work with DRT to develop and improve meeting management and decision-making and problem solving skills.
- Schedule and hold Employee Recognition.

Training

- Held live and replayed Forecast 98-99 employee meeting. Provided written response to all questions asked at Forecast 98-99 live and replay sessions. Had over 50 employees view the Forecast live and over 15 employees view the videotaped rebroadcasting of the meeting.
- Provided vouchers for employees to attend computer training at New Horizons on an as needed basis.
- Scheduled customer service training for winter 99.
- Completed training on legal and appropriate use of e-mail.

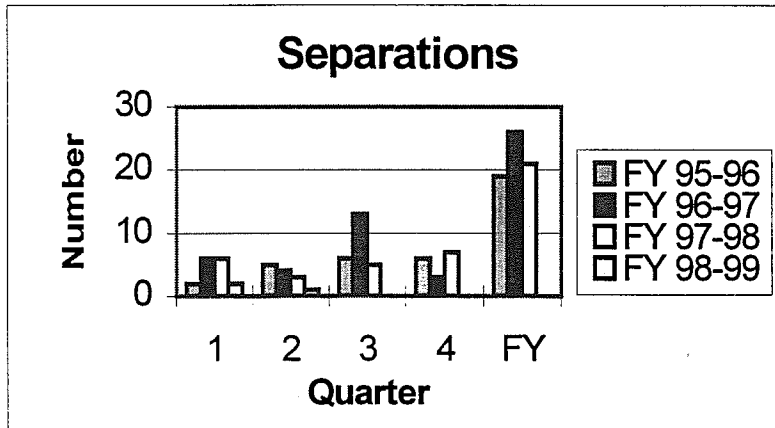
Anticipated 3rd Quarter 1998-99

- Continue to provide vouchers for computer training at New Horizons.
- Schedule and conduct supervisory training classes February, March and April 1999.

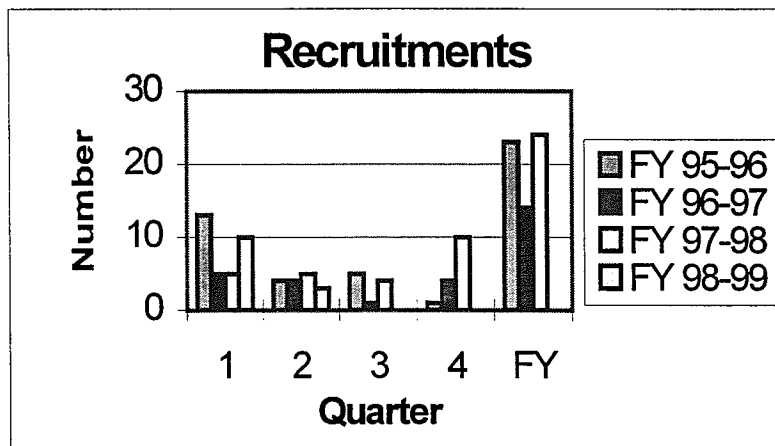
Employment Activities



- Hired 3 employees into regular positions and 3 seasonal, temporary, provisional employees.



- Separated 1 regular employee and 4 seasonal and provisional employees.



- Completed 3 recruitments and have 2 recruitments remaining in progress.

COMMUNITY SERVICES

LIBRARY

Circulation

- Increased circulation to an all-time high for any second quarter in library history.

Children's Services

- Received part of the Ready to Read grant funds which will be used to purchase outreach materials for home childcare providers and another CD-ROM station.

Collection

- Installed four new databases on public CD-ROM workstation.

Computer System

- Installed an internet workstation for the public, which has proven to be very popular. The internet policy was approved by the City Council prior to installation.
- Began offering weekly internet classes to the public.
- Acquired new computers for library staff providing access to e-mail and the internet.
- Sent ten staff members to the annual LINCC Conference for workshops on the internet and on-line searching, among others.

Budget

- Cut the budget without losing hours, personnel, or funds for circulation materials.

Anticipated 3rd Quarter 1998-99

- Install three more internet workstations— one in juvenile and two in adult.
- Work on the 1999-2000 budget.
- Distribute the Futures Committee's questionnaire to patrons.
- Start plans for the summer reading program.
- Begin the first phase of the outreach program to daycare providers in the Milwaukie area.

NEIGHBORHOOD SERVICES

- Completed NDA Visioning Process for Hector Campbell NDA, Linwood NDA. Initiated process for Island Station and Ardenwald NDAs.
- Started evaluation and associated survey process for the Milwaukie Youth Center Pilot Project.
- Coordinated and held appreciation dinner for Youth Center Volunteers.
- Conducted surveys of downtown businesses, employees, on-street and off-street parking customers.
- Worked with Planning Staff and Neighborhoods to process and implement results of the City-wide Community Design Workshop.
- Worked with CERT team to introduce Code Compliance Door Hanger to staff and City Council.
- Worked with Records & Information Management Staff and city team on the development of a parcel-based, shared database.
- Staffed lay portion of the Budget committee to review and process 1st Quarter Grant applications.
- Coordinated second quarter grant submissions process.
- Represented Division and Neighborhoods on the Problem Solving Partnership.
- Worked with Planning Staff to produce Milwaukie's first Measure 56-required notice.
- Worked with Planning Staff to coordinate Functional Plan Open House.
- Worked with Human Resources to reclassify and begin recruitment for the vacant code compliance position.
- Coordinated Neighborhood Services Team for months of October, November and December.

- Presented Neighborhood Services concept to Innovations in Government group that Milwaukie hosted.
- Worked with Library Futures Committee on development of a public involvement/education process for upcoming Library funding options.
- Represented City of Milwaukie at monthly South/North Public Information Professionals meetings.
- Worked with Information Services staff to develop specifications for an Interactive Bulletin Board System upgrade.
- Fielded daily Code Compliance requests in absence of Code Compliance Specialist.
- Presented at Lewelling NDA meeting on how code compliance is achieved in the City of Milwaukie.
- Served as a panelist at the National Collaborative Planning Symposium of the American Planning Association in Chicago, representing Milwaukie.

Anticipated 3rd Quarter 1998-99

- Complete Visioning process for Lake Rd, Ardenwald and Island Station.
- Work with Parcel-based Database Team toward city-wide system development.
- Work with Information Specialist on Comprehensive Communications Plan Development.
- Complete Youth Center Evaluation Report to Council.
- Complete Parking Study for Downtown.
- Continue to work with other departments, agencies and citizens on public outreach and problem solving efforts.
- Recruit and train new Code Compliance Specialist/parking enforcement officer.

Public Information

- Created, coordinated and edited the text, graphics and photos for the Oct., Nov., Dec. and Jan. newsletters.
- Designed and produced inserts that went inside the water bill describing water charges.
- Generated press releases for City events. Rebuilt and modified the existing brochure explaining Milwaukie's boards and commissions.
- Conducted research for the City's Comprehensive Communication Plan.
- Designed and produced brochures describing Milwaukie's permit process.
- Represented Milwaukie in the region-wide emergency response meetings.
- Served as a member of the South-North public information team.
- Designed and coordinated advertisements for the Neighborhood Grant Program, and the Functional Plan Compliance Open House.
- Assisted with the development of public information materials provided at the Functional Plan Compliance Open House.
- Developing a story budget from each of the City's departments.

Anticipated 3rd Quarter 1998-99

- Establish the position as the primary designer of City public information materials (brochures, pamphlets and inserts).
- Complete the Comprehensive Communication Plan.
- Utilize cable access for public information projects.
- Research creating a Web Page for the City.
- Develop a "Meet Your Council Brochure" that introduces each councilor and explains council meeting format.
- Initiate more positive pro-active media coverage of City affairs.

Code Compliance (omitted due to position vacancy)

ENVIRONMENTAL/TELECOMMUNICATION SERVICES

Solid waste and Recycling

- Coordinated distribution of America Recycles Day materials to area stores and City facilities.
- Appeared on cable access show to advertise America Recycles Day and buying recycled materials.
- Wrote a proclamation for Council acknowledging America Recycles Day.
- Met with area coordinators to discuss the benefits of ARD.

Anticipated 3rd Quarter 1998-99

- Meet with other local governments to discuss year 10 waste reduction plan for Metro.
- Begin organizing Down To Earth Day.

Cable Renewal & Other Telecommunications Issues

- Held three negotiation sessions with TCI.
- Met with Council to extend franchise for TCI.
- Worked with telecommunications consultant to develop PEG access options for the City.
- Reviewed TCI/AT&T merger information and developed approval packet for Council consideration.

Anticipated 3rd Quarter 1998-99

- Continue negotiations with TCI.
- Return to Council for franchise extension.
- Potentially expand ascertainment begun in 1995.
- Refine City need for inter-facility cable and Studio alternatives.

Event Permits

- Coordinated the permit process for Downtown Festival of Lights and tree planting.
- Finished event packet revision.
- Finished final draft of permit flier.

PARKS AND RECREATION

Parks and Recreation Board (PARB)

- Developed draft work plan for FY 99-00.

Anticipated 3rd Quarter 1998-99

- Adopt Wichita Park Master Plan as ancillary document to comprehensive plan.
- Begin work on developing proposal for improved Land Acquisition process.
- Final funding and programming recommendations for NCPRD and convey to Council.

Metro Greenspaces Local Share Projects

- Met with Planning Commission regarding the planting plan for the Willow Place site.
- Met with abutters of Willow Place to discuss actual plants proposed for Willow Place.
- Walked lot lines at Willow Place to establish property boundaries.
- Developed list of plants for both Roswell Pond and Willow Place.
- Met with Ardenwald Neighborhood Association to enlist volunteers for planting parties.
- Distributed request for bids to several plant nurseries
- Submitted orders for plants and arranged for plant delivery.
- Coordinated site preparation at both Roswell and Willow Place.

Anticipated 3rd Quarter 1998-99

- Attend Linwood Neighborhood Association meeting to provide update on Furnberg Park including wetlands enhancement and boardwalk.
- Coordinate and attend planting parties at Roswell and Willow Place.
- Begin selection of spring wetland plants for each site.
- Order plants and organize more planting parties.
- Monitor existing plants at both sites.

North Clackamas Parks and Recreation District (NCPRD)

- Replacing Spring Park entrance sign to coordinate with Elk Rock Island.
Anticipated 3rd Quarter 1998-99
- Provide City Council resolution to NCPRD regarding fiscal year 1999-2000 requests for capital improvements and operations for Milwaukie neighborhood and district.

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MEETING REPORT

DATE OF MEETING: December 10, 1998

GROUP/SUBJECT: Joint Policy Advisory Committee on Transportation (JPACT)

PERSONS ATTENDING: Members: Vice-Chair Susan McLain and Jon Kvistad, Metro Council; Charlie Hales, City of Portland; Rob Drake, Cities of Washington County; Karl Rohde, Cities of Clackamas County; Jim Kight, Cities of Multnomah County; Dave Lohman, Port of Portland; Ed Lindquist, Clackamas County; Kay Van Sickel, ODOT; Roy Rogers, Washington County; Sharron Kelley, Multnomah County; Mary Legry, WSDOT; and Fred Hansen, Tri-Met

Guests: Lou Ogden (JPACT alt.), Mayor of Tualatin; Diane Linn and Lisa Naito, Multnomah County Commissioners; Elsa Coleman, Steve Dotterer, and Marc Zolton, City of Portland; Kevin Downing, Ann McManaman, Anne Devane, SMILE; Carolyn Tomei, Mayor of Milwaukie; Rob Kappa, City of Milwaukie; Dan Bartlett, Jim Rustvold, and Gary Michael, City of Milwaukie; Dick Porn and Sister Eileen Brown, Mary's Woods at Marylhurst; Councilor Scott Rice, City of Cornelius; Stan Ghezzi, Multnomah County; Gary Katsion, Kittelson & Associates; Dave Williams and Dan Layden, ODOT; David Bragdon, Metro Councilor; Ron Papsdorf, City of Gresham; Lynn Dingler, Harold Lasley, Karen Schilling and Susan Lee, Multnomah County; Rod Sandoz, Clackamas County; Scott King, Washington County; G.B. Arrington, Tri-Met; and Lee Leighton, Sellwood-Moreland Citizen

Staff: Andy Cotugno, Richard Brandman, Michael Hoglund, Chris Deffebach, Gina Whitehill-Baziuk, and Lois Kaplan, Recording Secretary

Media: Gordon Oliver, The Oregonian; John Dillin, Sellwood Bee

SUMMARY:

The meeting was called to order and a quorum declared by Vice-Chair Susan McLain.

Chair McLain announced that Metro will be acknowledging, through Livable Community awards, those people in the region that have contributed to planning efforts on regional issues. The purpose of the award is to honor citizens who have worked on efforts supportive of clean air and water, access to nature, a strong regional economy, resources for future generations, ability to get around the region, safe and stable neighborhoods, and access to arts and culture. Nominations should be submitted by 5:00 p.m. Wednesday, January 13, to the Metro Council Public Outreach Office.

A letter from Mike Burton, Metro's Executive Officer, describing the nature of the award, was available at the meeting.

Chair McLain reported on the successful turnout at Metro's December 1 "listening post" held at Metro for the purpose of gaining public input following failure at the polls of the South/North Light Rail project. It was the first of a series of four public meetings on regional transportation issues. The remaining three "listening posts" are scheduled as follows:

- . 7:00 p.m., Tuesday, January 12
Beaverton City Hall
4755 SW Griffith Drive, Beaverton
- . 6:00 p.m., Thursday, January 14
Ockley Green Middle School
6031 N. Montana, Portland
- . 5:30 p.m., Thursday, January 21
Clackamas Community Club
15711 SE 90th, Clackamas

ANNOUNCEMENT

Chair McLain announced that the JPACT meeting was not intended as a public hearing but that she would allow some time for those who wished to give testimony.

MEETING REPORT

Mayor Drake moved, seconded by Commissioner Kelley, to approve the November 12, 1998 JPACT meeting report as submitted. The motion PASSED unanimously.

LETTER OF SUPPORT FOR THE ODOT/WDOT I-5 TRADE CORRIDOR GRANT APPLICATION

Andy Cotugno introduced and reviewed the letter of support that would accompany ODOT's application for a grant for the I-5 Trade

Corridor Study. FHWA is now in the solicitation stage for grants. The letter contains a brief description of the proposed study with more details included on the grant application.

Andy noted that January 11, 1999 is the deadline for grant submittals.

Action Taken: Commissioner Lindquist moved, seconded by Councilor Kight, to approve the letter of support for the I-5 Trade Corridor Study. The motion PASSED unanimously.

SOUTH WILLAMETTE RIVER CROSSING STUDY

Chair McLain cited the importance of knowing the kinds of responses we are seeking on the South Willamette River Crossing Study before we go to the public for input. It focuses on a potential river crossing in the corridor between the Marquam and I-205 bridges. Options for study to define a multi-modal transportation plan for river crossings were approved by JPACT/Metro Council in August 1997. This study is tied to the condition of the Sellwood Bridge and a broader set of questions.

The purpose of the transportation plan is intended to serve the growth in the area that supports the 2040 Growth Concept. Andy spoke of competing values -- trying to use transportation to access the places proposed for growth and the problems created by such access, noting the resulting traffic impact to Tacoma Street, Lake Oswego and Milwaukie in terms of a walkable environment.

Fourteen options were approved for study by JPACT that are being addressed in terms of travel effects, costs and environmental concerns. The information has been compiled and staff is now seeking JPACT direction. A decision needs to be made as to whether an Environmental Impact Statement process should be started for consideration of replacement or construction of a new bridge. In addition, the information needs to be shared with the public as a means of gaining public comment before JPACT is asked to make that decision.

Chris Deffebach reviewed the findings and conclusions of the South Willamette River Crossing Study. She commented that the area between the Marquam and I-205 bridges has increasing population and employment growth and that the crossing demands exceed capacity. Chris noted that the reason we are looking at the study now is because of the status of the Sellwood Bridge. The Sellwood Bridge was built in 1925 and is nearing the end of its structural life span.

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Part of the 2040 goals is to provide access to regional centers, town centers, and main streets but the intent is not to provide it at the expense of livability. Chris reviewed the options that include changes to the Ross Island Bridge, Sellwood Bridge and new crossings in Clackamas County. She identified the three possible bridge crossings that were costed out: the Milwaukie crossing, the north Lake Oswego crossing and the Marylhurst crossing. Costs varied greatly depending on bridge design (whether box girder or cable stayed), and reflect a feasible location for two and four-lane crossings and directly related street improvements. The study reflects the *Regional Transportation Plan's* base increase in transit services, a better transit network and better bus service. Chris reported that another option studied was how much of the traffic demand could be accommodated by travel demand management such as additional transit and telecommuting. Also assumed in this demand management option was meeting the ECO Rule, a reduction in per capita vehicle miles traveled (VMT), and a reduction of transit fares.

Depending on the options selected, the next steps in the study would involve how you accommodate the extra traffic, with examples noted of traffic calming measures and different ways of redirecting traffic. Also to be studied further is to see how the changes in traffic volumes affect the 2040 Growth Concept.

Chris reported that one of the findings of the Demand Management and Transit Service Option is that transit use increased by 10 percent and that VMT/capita was also reduced by 0.9 percent/capita. The 2040 Growth Concept was clearly supported by improving transit access to centers and main streets.

Charted for the committee were options that didn't add new capacity across the Willamette River and those that did. Among those that did not add new capacity was the proposal to use the existing Sellwood Bridge as a bike/pedestrian facility only, allowing some seismic retrofitting (\$23 million); to preserve the Sellwood Bridge to maintain its current use (\$40 million); and to improve the Sellwood Bridge to current design standards, allowing for full seismic standards, wider traffic lanes, sidewalks, bike/pedestrian crossings and extending the width (\$72 million). Chris noted that the bike/pedestrian use only option reduces the number of people crossing the river. It would also make some trips longer and would have a significant effect of lowering traffic volumes on Tacoma Street.

Councilor Kight asked about the timeline in terms of constructing a new bridge. Chris responded that an Environmental Impact Statement (EIS) would take a couple of years and then the

question of how you pay for it relative to other priorities evolves. Andy Cotugno estimated it could be done physically in four to six years but that the big issue is funding. Harold Lasley, Multnomah County, felt it would be 10-15 years until construction, given the factors out there. Replacement of the Sellwood Bridge with a two-lane facility (depending on design type) would cost between \$45 and \$59 million.

Chris reported that staff has met with ODOT and City of Portland staff to define the options for the Ross Island Bridge. Neither Ross Island option is enough of a change to draw traffic off the Sellwood Bridge.

Chris Deffebach noted that, on a four-lane Sellwood Bridge facility, traffic would be increased by 15 percent and would also add traffic to Tacoma Street (estimated on the peak two-hour period). Mayor Ogden asked about the relationship of the 0.1 percent increase in all river crossings and the 15 percent increase in traffic on the bridge. Andy noted that the 15 percent does not reflect changes in land use patterns that may result from changes in accessibility. As growth occurs in this corridor, traffic increases would be higher than 15 percent. Chris spoke of how traffic shifts from one bridge to another when you change capacity from one bridge to another. She explained that the change in daily river crossings for all modes reflects the changes that occur on all bridges.

Chris indicated that one of the more significant findings is that, the further south you go, the least effect a new bridge would have on the Sellwood Bridge. The four-lane facility for the north Lake Oswego crossing and the four-lane Marylhurst crossing provide opportunities to improve access to and support for the Lake Oswego/West Linn town centers. But, even with no added capacity, they wouldn't be drawing from the Sellwood Bridge. The cost of each of the "new capacity" four-lane options is upwards of \$100 million. There are many options that would connect to Highway 224. In discussion of options that would add capacity, reportedly, the two-lane crossing in Clackamas County would be as congested as the Sellwood Bridge is today.

Commissioner Hales pointed out that the issue is to decide what should be sent out for public review, not to select an option. Chair McLain assured Commissioner Hales there would be no vote taken on the options at this meeting.

Carolyn Tomei, Mayor of Milwaukie, reported that the same presentation was made before the Milwaukie City Council the prior week. Three Council members felt they should be looking at a crossing in Milwaukie. She spoke of an unworkable situation in Sellwood and the fact that their Council would be willing to work

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with staff on this study. Milwaukie wants to study all the alternatives but is supportive of the Milwaukie option. She noted that Milwaukie is a middle-class town bordered by Waverly Country Club and expensive neighborhoods. If an appropriate, viable place for a crossing could be found, Milwaukie would consider it (even through Waverly Country Club).

Chris Deffebach reviewed JPACT's optional next steps for the South Willamette River Crossing Study, which included: sharing the findings for all options with conclusions but not recommendations; identifying the most promising options for public comment; or developing a recommendation for a specific option.

Councilor Kight asked whether the data could be provided in terms of car counts rather than percentages. Chris indicated it could be done in terms of induced traffic for the entire length of the corridor in daily increases of people and traffic.

Andy Cotugno reviewed the four areas of consideration recommended by the Project Management Group (PMG) as detailed in a December 10 memo to JPACT. They related to 1) options that the region should consider further but not in the context of the Sellwood Bridge; 2) options that the region should set aside as they do not address the South Willamette River Study crossing objectives or other needs; 3) options that the region should consider further to meet the South Willamette River crossing needs; and 4) options that the region should consider further to meet the South Willamette River crossing needs in conjunction with adding or not adding roadway capacity. Andy noted that staff and the PMG are recommending that major rehabilitation or minor rehabilitation that preserves the bridge only for bike/pedestrian movement be dropped. Andy also noted that staff recommend setting aside the two crossings in the south (the north Lake Oswego and Marylhurst options) that do not affect the Sellwood Bridge or other needs. He asked committee members to indicate which options should be continued for consideration and what questions should be raised for public response. A key issue is to decide whether or not options that increase capacity should be considered or whether to mitigate the traffic by providing alternatives with better bike/pedestrian improvements. If it is decided that we should expand capacity, there's also need to decide whether a four-lane Sellwood or Milwaukie bridge should go into the EIS.

Fred Hansen expressed concern about dropping options before the study goes out for public comment and what their response might be. He suggested preserving the Sellwood Bridge for bike/pedestrian use only. Andy Cotugno felt that the issue is whether or not the main street needs bridge access to some degree. He felt that the Sellwood Bridge will always need to be retained for some

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vehicular use and that the businesses along that main street have expressed concern about losing access.

Commissioner Hales felt that analysis based only on congestion is the wrong way to proceed. Commenting on the meaning of traffic congestion, he felt it meant too many cars, while ODOT's emphasis and concern would be over capacity. He suggested another alternative. He noted that JPACT stands for Joint Policy Advisory Committee on Transportation and suggested taking out for public review only those alternatives based on the policy laid out for the *Regional Framework Plan*. He felt it was an opportunity to base the public's discussions on policy rather than vehicle counts. He recommended taking out for public comment only those alternatives that advance the goals of the *Regional Framework Plan*. He urged returning to an approach where roads and bridges are built to provide needed access to key destinations, not simply to relieve congestion.

Diane Linn, Multnomah County Commissioner, distributed a letter to JPACT recommending that Metro convene a meeting or meetings of elected officials and engaged citizens (representing the most directly impacted districts) from Metro, Multnomah County, Clackamas County, Portland, Milwaukie and Lake Oswego. The objective is to have a clear, unambiguous discussion among involved elected officials and directly impacted citizens on the subject of their communities and a river crossing strategy. The product would be a short document that will focus future community discussions on values and strategies for supporting the area's land use and transportation issues. The letter was supported by Beverly Stein, Chair of the Multnomah County Commission; Sharron Kelley, Multnomah County Commissioner of District 4; and Lisa Naito, Multnomah County Commissioner of District 3. Commissioner Linn thanked the Multnomah County Commissioners for their support in this regard.

Commissioner Linn felt that Metro should convene the meeting and that it would represent an interim step in the process that would encourage an open, deliberative discussion about policy issues. She cited the need for playing a partnership role with Metro and felt it represented an opportunity for the jurisdictions to connect and relate to one another.

Councilor Rohde asked whether any of the TDM options have been costed out. Chris noted that they are not comparable because the TDM option included systemwide costs. One year of operation is over \$40 million for TDM costs. She indicated the numbers could be refined.

Mayor Ogden asked for clarification with regard to costs relating to preservation of current usage. The response indicated that,

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for example, preservation would cost about \$40 million in addition to the \$11 million needed for modifying Ross Island Bridge ramps. He noted that the concept of creating a six-lane bridge at Ross Island sounded devastating. He felt that a reasonable portion of the increase will go on alternative modes but that there will be people in cars.

Commissioner Hales commented on the earlier history of the Willamette River bridges based on the need to connect places. The later phase of this study has dealt with the movement of cars. He felt that Milwaukie needs to be better connected to the rest of the region and that land use planning is about connecting places. He was not supportive of taking options out for public review that were corrosive to the transportation plan.

Chair McLain cited the need to have a complete picture and to be direct and clear with respect to public strategy.

Commissioner Rogers took exception to Commissioner Hales' comments about congestion. He noted that, in parts of Washington County, congestion might be delivery vans and trucks. He felt too many cars aren't always the issue. Commissioner Rogers cited the need to also address trucks, delivery vans and commerce.

Commissioner Lindquist commented that the study should also include analysis of bus-only and HOV lanes for a four-lane Sellwood Bridge facility as an option.

Rob Kappa, a Milwaukie Councilor, indicated he was not supportive of bigger and better roads in getting from point A to point B. He was opposed to subsidizing the auto and spoke of its impact to the city of Milwaukie. He noted that, in their *Riverfront Master Plan*, there is no bridge scenario. He also commented that he was a strong supporter of light rail but expressed his concern that the voters and citizens sent a message that they are not committed. He cited the need to form better partnerships with the citizenry and support of commuter rail to Oregon City. Councilor Kappa believed in forming a better partnership with the respective jurisdictions so that there's a consensus around the region to buy into. He didn't want to spend another four to five years of time to wait for a measure that might fail and not be supported by its citizens.

Lee Leighton, a Sellwood-Moreland resident, commented on the need for an enhanced mode split for a variety of modes. He spoke of an element of retraining. He felt that an alternative mode strategy such as suggested by Commissioner Hales can work. Lee likened the 2040 concept to a composting process for the region, commenting that this could have a positive effect. He felt a four-lane Sellwood Bridge could be problematic and would be

detrimental to Tacoma Street. He was not here with any ultimatums, spoke of wanting to work with his Milwaukie neighbors, and was supportive of a policy-driven solution.

Kevin Downing, Chair of the Sellwood-Moreland Neighborhood Transportation Committee, questioned why there was continued consideration of the four-lane Sellwood Bridge option. He commented that the Sellwood-Moreland neighborhood is concerned about a four-lane facility's impacts and its surrounding neighborhood. The neighborhood is not afraid of growth. They have a vital business district, good housing, connectivity and many alternative modes. The neighborhood has supported South/North light rail, participated in the 2040 planning process, and has been held up as a model community. He believed that it is the only neighborhood that has an adopted neighborhood plan that calls for increased density. He questioned how an expanded Sellwood Bridge would support the 2040 Growth Concept. He suggested more thought be given to how we are going to grow and mature in this region.

Motion: Commissioner Kelley moved, seconded by Commissioner Hales, that Metro convene a meeting or meetings of elected officials and engaged citizens (representing the most directly impacted districts) from Metro, Multnomah County, Clackamas County, Portland, Milwaukie and Lake Oswego. The objective is to have a clear, unambiguous discussion among involved elected officials and directly impacted citizens on the subject of their communities and a river crossing strategy. The product would be a short document that will focus future community discussions on values and strategies for supporting the area's land use and transportation issues.

In discussion on the motion, Commissioner Hales indicated his support as long as the smaller group would take up the policy issue of building bridges to support the land use plans, not just relieve congestion.

In further discussion on the motion, Fred Hansen suggested that the piece missing should include the effect of this facility on the rest of the transportation system, the movement of people, and its connectivity. He felt that some of the options will be eliminated based on whether it achieves the goals of the 2040 Growth Concept. The need to consider different river crossing impacts would have a bearing on those choices.

It was also suggested that the committee be expanded to include Tri-Met and ODOT.

Commissioner Lindquist proposed that the bridge options south of Milwaukie, Marylhurst and Lake Oswego be omitted.



To: City Council Agenda Page and Meeting Minutes Recipients

From: Pat DuVal, City Recorder

Re: E-Mail

Date: January 11, 1999

The City Council agenda page and minutes are available to you by e-mail if you wish to receive one or both of these items in electronic format. This is an effort to improve communication with you and to reduce the amount of paper City staff produces and mails to you on a regular basis.

If you wish to be added to our e-mailing list, send your address to me at duvalp@ci.milwaukie.or.us. Please include your name if your e-mail address is a little "obscure" or goes to a business so we can properly identify you.

You may contact me at 786-7502 if you have any questions or if you find you have trouble opening an e-mailed document.

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

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
JANUARY 19, 1999**

MILWAUKIE PUBLIC SAFETY BUILDING

Community Meeting Room
3200 SE Harrison

1807th MEETING

WORK SESSION - 5:00 p.m.

Joint session with the Park and Recreation Board to discuss fiscal year 1999 - 2000 North Clackamas Parks and Recreation District neighborhood funding priorities. (Richards)

REGULAR SESSION - 6:00 p.m.

I. CALL TO ORDER

Pledge of Allegiance

II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Milwaukie Downtown Development Association (MDDA) Quarterly Report

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

A. City Council Minutes of January 4 & 5, 1999

B. Lease Electric-Powered Vehicle

C. Purchase Public Works Vehicles

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

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

A. Economic Improvement District Assessment Hearing (Bartlett)

B. Wichita Park Master Plan – CPA-98-04 – Ordinance (Wright)

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

- A. Protest of Nuisance and Abate Order on Property Located at 4206 SE Bowman (M. Bennett)**
- B. Intergovernmental Agreement with Happy Valley for Interim Planning Director Services -- Resolution (M. Bennett)**
- C. Town Center Redesignation Request to Metro (Heiser)**
- D. Riverfront Consultant Contract (Bartlett)**

VII. INFORMATION

- A. Board and Commission Minutes**
 - 1. Planning Commission, December 8, 1998**
 - 2. Traffic Safety and Transportation Board, December 7, 1998**
- B. Departmental Quarterly Reports**
 - 1. Information Systems and Technology**
 - 2. Records and Information Management**
 - 3. Public Works**
- C. Permit Posting**
- D. Abatement of Unauthorized Fill at 12929 SE Rusk Road**

VIII. ADJOURNMENT

EXECUTIVE SESSION

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

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

Memorandum

To: Mayor and City Council, City of Milwaukie
CC: Dan Bartlett, City Manager, City of Milwaukie
From: Jim Bernard, President, Milwaukie Downtown Development Assoc. JB
Date: 01/08/99
Re: Progress Report for Fourth Quarter 1998

Purpose:

To provide information on the progress of the Milwaukie Downtown Development Association, (MDDA) from September through December 1998. For Council's information we have included with this memo the year-end financial reports for the MDDA, 1993-1998.

Activity Report:

The EID/BID assessment method process discussions were held with the members at a special meeting on September 2nd. Attendance was minimal by business and property owners, though all were notified by mail of the meeting. From that meeting it was determined to compare an EID assessment based on downtown parcel square footage, and levels of improvement to the parcel, with the former method of assessment based on a percentage of the assessed value of the parcel. This topic was again the focus of the regular September Board Meeting. Once again, attendance was minimal. It was determined at that meeting to implement an EID assessment method based on square footage and level of improvement. Information packets on the MDDA and the BID/EID were distributed to all effected business and property owners with contact information for questions. On September 15th, the MDDA Niche Development/Business recruitment committee held "A Taste of Milwaukie". Invitations were sent to downtown property owners, developers, real estate professional and other interested parties. The focus of the event was to showcase the Downtown Milwaukie area and the current and future revitalization plans. The event drew 75 attendees. The MDDA Director attended Main Street managers' training in Baker City, September 16th-18th. This was a valuable training as Baker City had just successfully completed renewal of its EID.

January 8, 1999

In October, the MDDA focused on providing a forum for downtown business and property owners to discuss MDDA's strengths and weaknesses, suggestions for improvement and suggestions for the 1999 goals for the downtown. Dave Libbey of Libbey's Restaurant donated catering for the meeting. Once again, attendance was minimal. Suggestions included changing the meeting time to noon; one business owner mentioned it wasn't a bad turn-out, since 10% of any group does 90% of the work; generally the members in attendance like the newsletter, they felt it was a good way to stay informed; landscaping and litter issues were important to the group; more parking was another issue to be looked at in 1999. The Image Committee continued planning and implementation work on Phase I of the Downtown Streetscape Enhancement Project, the planting of 26 red-sunset maples on Main Street. The Membership Committee planned for the Annual Meeting and Luncheon held on November 19th, while the Niche Development/Business Recruitment Committee strategize on the upcoming "roadshow" for "A Taste of Milwaukie". During this month, the Director and I attended Neighborhood District Association meetings and presented background information on the MDDA, the development of the niche, as well as upcoming events and meeting dates.

In November, aggressive planning and guidance was provided to the Share the Lights© Festival community partner. In January of 1998, the MDDA Board decided the festival and the business community would be best served by the MDDA partnering with a community group to manage the event. This was the first year for this partnership and much time went into the planning.

On November 17th, the MDDA asked the Milwaukie City Council to set-over the hearing process on the EID, as the Association felt it needed more time to get information out to property owners. At that Council meeting, the BID was renewed until 2004. The MDDA Board of Directors began to strategize outreach methods to property owners dissatisfied with the EID.

On November 19th, the MDDA Annual Meeting and Luncheon was held. Attendance was good at 50. Awards were presented to Patty Wisner, Teresa Bresaw, Ron Roppel, Richard Beck, Ron and Kathy Koenig, Carl Nelson, Jim and Siri Bernard, Ed Zumwalt and The Clackamas Review. The Niche Development/Business Recruitment Committee gave a video presentation on potential downtown redevelopment. The membership elected two new Board Directors and two renewed their terms for 1999.

Twenty-six trees were planted in Downtown on November 21st. This could not have been accomplished without the assistance of City staff, the Mayor and City Council, the NDA members, Friends of Trees and the contributions of downtown businesses and property owners.

Director Dodie Linder was appointed to the Riverfront Board in November.

January 8, 1999

In December, the Share the Lights© Festival and Umbrella Parade took place on the 5th. Many turned out for the parade and businesses reported strong customer patronage and about 40 children participating in the Scavenger Hunt through Downtown. The focus this month is on renewal of the EID. Board members are visiting property owners that have remonstrated and providing them with information on the EID, the MDDA, year-end financial reports from 1993-1998. They are also answering any questions property owners might have and providing any other information needed.

The next Board meeting will be January 13th, 1999, 7:30AM at "Some Like it Hot" in Downtown Milwaukie. The EID hearing and five-year renewal process comes to an end on January 19th.

On January 20th, the MDDA Board will sequester in a Goal Setting Session for 1999. Suggestions are still being solicited. Comments and suggestions must be sent in writing to the MDDA office by January 15th to be included in the Session.

The MDDA continues to seek and receive media coverage of its activities.

The MDDA remains on budget for 1998 into 1999.

Some business and property owners have asked, "Where has the money gone since 1993?" To that, we have provided the Council with the year-end financial reports since the inception of the EID in 1993. Should you have any questions, please contact the MDDA office.

Some MDDA business and property owners participated in the Youth Center Evaluation Survey and the Downtown Parking Survey presented by Michelle Gregory, Neighborhood Services Coordinator, City of Milwaukie.

Milwaukie Downtown Development Association

P&L Budget Comparison

January through December 1998

01/08/99

II. 4

	Jan - Dec '98	Budget
Income		
Bus. License Surcharges	18,000.00	18,000.00
City Contributions	18,000.00	18,000.00
Contributions	100.00	
Economic Restructure	300.00	
EID	17,672.02	18,000.00
Interest Income	779.54	550.00
Membership Dues	245.00	125.00
Temporarily Restricted STL	25.00	
Total Temporarily Restricted	<u>25.00</u>	
Total Income	55,121.56	54,675.00
Expense		
OPERATING EXPENSES		
Accounting	2,850.00	3,600.00
Contract Services	17.70	500.00
Equipment	3,300.86	4,000.00
Equipment - Repairs & Maint.	-450.00	500.00
Insurance	880.88	800.00
Legal and Professional	200.00	150.00
Licenses/Fees/Dues	10.00	100.00
Mileage Reimbursement	0.00	250.00
Office Rent	3,965.00	3,660.00
Office Supplies	1,127.34	1,500.00
Postage	664.65	1,200.00
Printing and Publications	919.30	1,600.00
Utilities	983.01	1,200.00
Total OPERATING EXPENSES	<u>14,468.74</u>	<u>19,060.00</u>
PAYROLL EXPENSE		
Payroll	17,634.00	17,500.00
Payroll Taxes	2,656.75	2,350.00
Employee Insurance	558.56	1,063.50
Unemployment Insurance	0.00	0.00
Worker's Comp Insurance	-80.70	600.00
Total PAYROLL EXPENSE	<u>20,768.61</u>	<u>21,513.50</u>
PROFESSIONAL DEVELOPMENT		
Conferences and Education	280.00	800.00
Lodging and Meals	321.92	500.00
ODDA Membership	1,250.00	1,250.00
Total PROFESSIONAL DEVELOPMENT	<u>1,851.92</u>	<u>2,550.00</u>
ANNUAL PROJECTS		
Annual Meeting		
Annual Mtg & Lunch - Income	-518.00	
Annual Meeting - Other	626.44	350.00
Total Annual Meeting	<u>108.44</u>	<u>350.00</u>
Matching Grants	0.00	3,500.00
Planter Maintenance	16.00	100.00
Plantings		
Cont. Design / Image	372.34	100.00
Design / Image	4,290.00	3,500.00
Tree Planting	4,655.31	100.00
Tree Planting Program - Income	-7,470.00	0.00
Plantings - Other	0.00	0.00
Total Plantings	<u>1,847.65</u>	<u>3,700.00</u>
Total ANNUAL PROJECTS	1,972.09	7,650.00
OTHER		
Economic Restructure	1,869.03	3,500.00
Membership Development	1,690.38	3,500.00

01/08/99

Milwaukie Downtown Development Association
P&L Budget Comparison
January through December 1998

II. 5

	Jan - Dec '98	Budget
STL/Promotion 1997 Carryover	2,801.15	3,577.00
Total OTHER	6,360.56	10,577.00
CONTINGENCY		
Operating Contingency	0.00	7,000.00
Project Contingency	2,250.00	3,800.00
Total CONTINGENCY	2,250.00	10,800.00
Total Expense	47,671.92	72,150.50
Net Income	7,449.64	-17,475.50

Milwaukie Downtown Development Association
Balance Sheet
As of December 31, 1998

01/08/99

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	<u>Dec 31, '98</u>
ASSETS	
Current Assets	
Checking/Savings	
Pacific One Bank - Checking	25,076.33
Petty Cash	50.00
Total Checking/Savings	25,126.33
Other Current Assets	
Prepaid Expenses	350.00
Total Other Current Assets	350.00
Total Current Assets	25,476.33
TOTAL ASSETS	25,476.33
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
Payroll Liabilities	-644.48
Payroll Taxes Payable	111.69
Total Other Current Liabilities	-532.79
Total Current Liabilities	-532.79
Total Liabilities	-532.79
Equity	
Net Income	7,449.64
Unrestricted Net Assets	18,559.48
Total Equity	26,009.12
TOTAL LIABILITIES & EQUITY	25,476.33

YEAR END CLOSING REPORT

II. 7

BA(NUMBER: CLOSE COMMENT: General Ledger Closing Entries

-----ACCOUNT-----	POST	DEBIT	CREDIT	JRNL	SRC	-----TRANSACTION-----
NUMBER DESCRIPTION DATE	DATE	AMOUNT	AMOUNT	ENT#	DOC	SOURCE REFERENCE
4110-000	Revenue/City Contribution	12/31/97	18,500.00		535 ADJ	Closing Entry
4120-000	Revenue/Bus. License Surcharge	12/31/97	18,000.00		535 ADJ	Closing Entry
4130-000	Revenue/EID	12/31/97	18,000.00		535 ADJ	Closing Entry
4135-000	Revenue/Landscaping Maint.	12/31/97	3,195.00		535 ADJ	Closing Entry
4137-000	Revenue/Membership	12/31/97	81.30		535 ADJ	Closing Entry
4140-000	Revenue/Other	12/31/97	630.00		535 ADJ	Closing Entry
4150-000	Revenue/Promotions	12/31/97	8,378.00		535 ADJ	Closing Entry
7110-000	Miscellaneous Income	12/31/97	.00		535 ADJ	Closing Entry
7120-000	Interest Income	12/31/97	546.75		535 ADJ	Closing Entry
3050-000	Retained Fundings	12/31/97		67,331.05	535 ADJ	Closing Entry
3050-000	Retained Fundings	12/31/97	64,382.39		535 ADJ	Closing Entry
6102-000	Accounting Services	12/31/97		3,600.00	535 ADJ	Closing Entry
6130-000	Grants/Facade Improvement	12/31/97		500.00	535 ADJ	Closing Entry
6142-000	Insurance Expense/Liability	12/31/97		2,000.00	535 ADJ	Closing Entry
6150-000	Legal & Professional	12/31/97		200.00	535 ADJ	Closing Entry
6157-000	Lodging And Meals	12/31/97		304.57	535 ADJ	Closing Entry
6165-000	Travel And Mileage	12/31/97		283.41	535 ADJ	Closing Entry
6170-000	Office Rent	12/31/97		3,660.00	535 ADJ	Closing Entry
6171-000	Office Supplies	12/31/97		1,140.76	535 ADJ	Closing Entry
6173-000	Postage	12/31/97		1,137.14	535 ADJ	Closing Entry
6173-000	Printing & Publications	12/31/97		893.03	535 ADJ	Closing Entry
6174-000	Promotion/Operating	12/31/97		232.26	535 ADJ	Closing Entry
6174-001	STL/Promotion/Contingency Fund	12/31/97		5,468.53	535 ADJ	Closing Entry
6174-002	STL/Promotion 1996 Carryover	12/31/97		801.37	535 ADJ	Closing Entry
6175-000	Standing Committee/Design	12/31/97		74.75	535 ADJ	Closing Entry
6176-000	Standing Committee/Economic	12/31/97		62.29	535 ADJ	Closing Entry
6176-001	Membership Development	12/31/97		108.12	535 ADJ	Closing Entry
6180-000	Utilities	12/31/97		904.79	535 ADJ	Closing Entry
6230-000	Payroll Expense	12/31/97		27,783.12	535 ADJ	Closing Entry
6230-001	Payroll Expense/Cont Fundr Bon	12/31/97		782.56	535 ADJ	Closing Entry
6230-010	Payroll Expense/Other	12/31/97		1,723.38	535 ADJ	Closing Entry
6231-000	Payroll/Employee Insurance Ben	12/31/97		355.16	535 ADJ	Closing Entry
6232-000	Payroll/Workers Comp Insurance	12/31/97		324.50	535 ADJ	Closing Entry
6235-000	Payroll/Unemployment Expense	12/31/97		715.98	535 ADJ	Closing Entry
6240-000	Payroll Taxes Expense	12/31/97		2,389.53	535 ADJ	Closing Entry
6240-010	Payroll Taxes/Other	12/31/97		211.42	535 ADJ	Closing Entry
6305-000	Conferences & Education	12/31/97		445.00	535 ADJ	Closing Entry
6312-000	ODDA Membership	12/31/97		2,500.00	535 ADJ	Closing Entry
6700-000	Contingency	12/31/97		231.60	535 ADJ	Closing Entry
6705-000	Project: Planters	12/31/97		3,514.40	535 ADJ	Closing Entry
6707-000	Project: Landscape Change	12/31/97		342.26	535 ADJ	Closing Entry
6708-000	Project: Design/Banners	12/31/97		1,478.96	535 ADJ	Closing Entry
6712-000	Project: Annual Meeting/Award	12/31/97		213.50	535 ADJ	Closing Entry
	TOTALS:		\$131,713.44		\$131,713.44	

II.

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YEAR END CLOSING REPORT

BATCH NUMBER: CLOSE COMMENT: General Ledger Closing Entries

-----ACCOUNT-----	POST	DEBIT	CREDIT	JRNL	SRC	-----TRANSACTION-----
NUMBER	DESCRIPTION	DATE	AMOUNT	AMOUNT	ENT#	DOC SOURCE REFERENCE
4110-000	Revenue/City Contribution	12/31/96	18,000.00		455 ADJ	Closing Entry
4120-000	Revenue/Bus. License Surcharge	12/31/96	15,411.38		455 ADJ	Closing Entry
4130-000	Revenue/EID	12/31/96	17,704.97		455 ADJ	Closing Entry
4135-000	Revenue/Landscaping Maint.	12/31/96	5,500.00		455 ADJ	Closing Entry
4140-000	Revenue/Other	12/31/96	1,383.00		455 ADJ	Closing Entry
4150-000	Revenue/Promotions	12/31/96	9,782.00		455 ADJ	Closing Entry
7115-000	Dividend Income	12/31/96	168.00		455 ADJ	Closing Entry
7120-000	Interest Income	12/31/96	756.85		455 ADJ	Closing Entry
3050-000	Retained Fundings	12/31/96		68,706.20	455 ADJ	Closing Entry
3050-000	Retained Fundings	12/31/96	74,103.26		455 ADJ	Closing Entry
6102-000	Accounting Services	12/31/96		3,900.00	455 ADJ	Closing Entry
6103-000	Advertising Expense	12/31/96		237.00	455 ADJ	Closing Entry
6127-000	Equipment, Repair/Maintenance	12/31/96		550.00	455 ADJ	Closing Entry
6130-000	Grants/Facade Improvement	12/31/96		1,666.43	455 ADJ	Closing Entry
6142-000	Insurance Expense/Liability	12/31/96		313.00	455 ADJ	Closing Entry
6150-000	Legal & Professional	12/31/96		185.00	455 ADJ	Closing Entry
6155-000	License/Fees/Dues	12/31/96		10.00	455 ADJ	Closing Entry
6157-000	Lodging And Meals	12/31/96		428.03	455 ADJ	Closing Entry
6165-000	Travel And Mileage	12/31/96		150.90	455 ADJ	Closing Entry
6170-000	Office Rent	12/31/96		3,990.00	455 ADJ	Closing Entry
6171-000	Office Supplies	12/31/96		1,171.94	455 ADJ	Closing Entry
6172-000	Postage	12/31/96		1,231.59	455 ADJ	Closing Entry
6173-000	Printing & Publications	12/31/96		1,670.64	455 ADJ	Closing Entry
6174-000	Promotion/Operating	12/31/96		1,250.00	455 ADJ	Closing Entry
6174-001	STL/Promotion/Contingency Fund	12/31/96		8,001.87	455 ADJ	Closing Entry
6174-002	STL/Promotion 1996 Carryover	12/31/96		1,923.56	455 ADJ	Closing Entry
6175-000	Standing Committee/Design	12/31/96		669.64	455 ADJ	Closing Entry
6176-000	Standing Committee/Economic	12/31/96		132.22	455 ADJ	Closing Entry
6176-001	Membership Development	12/31/96		352.40	455 ADJ	Closing Entry
6180-000	Utilities	12/31/96		892.62	455 ADJ	Closing Entry
6230-000	Payroll Expense	12/31/96		27,347.84	455 ADJ	Closing Entry
6231-000	Payroll/Employee Insurance Ben	12/31/96		1,043.50	455 ADJ	Closing Entry
6232-000	Payroll/Workers Comp Insurance	12/31/96		531.38	455 ADJ	Closing Entry
6235-000	Payroll/Unemployment Expense	12/31/96		767.24	455 ADJ	Closing Entry
6240-000	Payroll Taxes Expense	12/31/96		2,317.12	455 ADJ	Closing Entry
6305-000	Conferences & Education	12/31/96		917.50	455 ADJ	Closing Entry
6700-000	Contingency	12/31/96		1,750.00	455 ADJ	Closing Entry
6705-000	Project: Planters	12/31/96		271.48	455 ADJ	Closing Entry
6706-000	Project: Planter Maintenance	12/31/96		4,766.25	455 ADJ	Closing Entry
6708-000	Project: Design/Banners	12/31/96		5,310.83	455 ADJ	Closing Entry
6711-000	Project: Economic Restructure	12/31/96		37.50	455 ADJ	Closing Entry
6712-000	Project: Annual Meeting/Award	12/31/96		315.78	455 ADJ	Closing Entry
	TOTALS:		\$142,809.46	\$142,809.46		

: 31, 1995 3:23 PM

Milwaukie Downtown Development Association

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YEAR END CLOSING REPORT

TCH NUMBER: CLOSE COMMENT: General Ledger Closing Entries

ACCOUNT NUMBER	DESCRIPTION	POST DATE	DEBIT AMOUNT	CREDIT AMOUNT	JRNL ENT#	SRC DOC	TRANSACTION SOURCE	REFERENCE
10-000	Revenue/City Contribution	12/31/95	18,000.00		381	ADJ		Closing Entry
20-000	Revenue/Bus. License Surcharge	12/31/95	18,225.71		381	ADJ		Closing Entry
30-000	Revenue/EID	12/31/95	17,999.99		381	ADJ		Closing Entry
35-000	Revenue/Landscaping Maint.	12/31/95	3,000.00		381	ADJ		Closing Entry
150-000	Revenue/Promotions	12/31/95	9,587.00		381	ADJ		Closing Entry
115-000	Dividend Income	12/31/95	162.00		381	ADJ		Closing Entry
120-000	Interest Income	12/31/95	675.75		381	ADJ		Closing Entry
050-000	Retained Fundings	12/31/95		67,650.45	381	ADJ		Closing Entry
050-000	Retained Fundings	12/31/95	75,370.09		381	ADJ		Closing Entry
102-000	Accounting Services	12/31/95		2,980.00	381	ADJ		Closing Entry
103-000	Advertising Expense	12/31/95	.00		381	ADJ		Closing Entry
125-000	Equipment	12/31/95		750.00	381	ADJ		Closing Entry
130-000	Grants/Facade Improvement	12/31/95		1,000.00	381	ADJ		Closing Entry
142-000	Insurance Expense/Liability	12/31/95		450.00	381	ADJ		Closing Entry
155-000	License/Fees/Dues	12/31/95		371.46	381	ADJ		Closing Entry
157-000	Lodging And Meals	12/31/95		745.61	381	ADJ		Closing Entry
165-000	Travel And Mileage	12/31/95		353.95	381	ADJ		Closing Entry
170-000	Office Rent	12/31/95		3,300.00	381	ADJ		Closing Entry
171-000	Office Supplies	12/31/95		1,247.22	381	ADJ		Closing Entry
172-000	Postage	12/31/95		990.80	381	ADJ		Closing Entry
173-000	Printing & Publications	12/31/95		1,890.22	381	ADJ		Closing Entry
174-000	Standing Committee/Promotion	12/31/95		2,916.81	381	ADJ		Closing Entry
174-001	Standing Committee/Promo Cont	12/31/95		8,868.58	381	ADJ		Closing Entry
174-002	Promotion 1995 Carryover	12/31/95		1,465.05	381	ADJ		Closing Entry
175-000	Standing Committee/Design	12/31/95		236.82	381	ADJ		Closing Entry
176-000	Standing Committee/Economic	12/31/95		623.82	381	ADJ		Closing Entry
177-000	Subcontract Services	12/31/95	.00		381	ADJ		Closing Entry
180-000	Utilities	12/31/95		748.32	381	ADJ		Closing Entry
230-000	Payroll Expense	12/31/95		26,040.00	381	ADJ		Closing Entry
230-001	Payroll Expense/Cont Fundr Bon	12/31/95		1,646.96	381	ADJ		Closing Entry
231-000	Payroll/Employee Insurance Ben	12/31/95		1,416.00	381	ADJ		Closing Entry
232-000	Payroll/Workers Comp Insurance	12/31/95		540.18	381	ADJ		Closing Entry
235-000	Payroll/Unemployment Expense	12/31/95		689.80	381	ADJ		Closing Entry
240-000	Payroll Taxes Expense	12/31/95		2,257.37	381	ADJ		Closing Entry
240-001	Payroll Tax Expense/Fundr Bon	12/31/95		67.32	381	ADJ		Closing Entry
305-000	Conferences & Education	12/31/95		729.99	381	ADJ		Closing Entry
312-000	ODDA Membership	12/31/95		2,500.00	381	ADJ		Closing Entry
700-000	Contingency	12/31/95		3,544.80	381	ADJ		Closing Entry
705-000	Project: Planters	12/31/95		448.00	381	ADJ		Closing Entry
706-000	Project: Planter Maintenance	12/31/95		5,314.69	381	ADJ		Closing Entry
707-000	Project: Design/Banners	12/31/95		650.00	381	ADJ		Closing Entry
710-000	Project: Design/To Be Assign	12/31/95		217.50	381	ADJ		Closing Entry
712-000	Project: Annual Meeting/Award	12/31/95		368.82	381	ADJ		Closing Entry
TOTALS:			\$143,020.54	\$143,020.54				

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YEAR END CLOSING REPORT

ATCH NUMBER: CLOSE COMMENT: General Ledger Closing Entries

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	POST DATE	DEBIT AMOUNT	CREDIT AMOUNT	TYPE	SPC CODE	SOURCE	TRANSACTION REFERENCE
1110-000	Revenue/Ent. Contribution	12/31/94	19,000.00		7	ADJ		Closing Entry
1120-000	Revenue/Bus. License Surcharge	12/31/94	17,292.82		7	ADJ		Closing Entry
1130-000	Revenue/EID	12/31/94	13,000.70		7	ADJ		Closing Entry
1135-000	Revenue/Landscaping Maintenance	12/31/94	5,150.00		7	ADJ		Closing Entry
1137-000	Revenue/Membership	12/31/94	100.00		7	ADJ		Closing Entry
1140-000	Revenue/Other	12/31/94	410.80		7	ADJ		Closing Entry
1150-000	Revenue/Promotions	12/31/94	10,663.00		7	ADJ		Closing Entry
1160-000	Interest Income	12/31/94	547.49		7	ADJ		Closing Entry
3030-000	Retained Earnings	12/31/94		69,060.22	7	ADJ		Closing Entry
3050-000	Retained Earnings	12/31/94	65,717.37		7	ADJ		Closing Entry
3100-000	Accounting Services	12/31/94		1,925.00	7	ADJ		Closing Entry
3120-000	Equipment	12/31/94		22.21	7	ADJ		Closing Entry
3130-000	Grants - Facade Improvement	12/31/94		1,323.25	7	ADJ		Closing Entry
3140-000	Insurance Expense/Liability	12/31/94		884.65	7	ADJ		Closing Entry
3150-000	Legal & Professional	12/31/94		150.00	7	ADJ		Closing Entry
3160-000	License/Fees/Dues	12/31/94		165.00	7	ADJ		Closing Entry
3167-000	Lodging And Meals	12/31/94		436.87	7	ADJ		Closing Entry
3168-000	Travel And Mileage	12/31/94		466.74	7	ADJ		Closing Entry
3169-000	Office Maintenance Repair	12/31/94		146.35	7	ADJ		Closing Entry
3170-000	Office Rent	12/31/94		3,150.00	7	ADJ		Closing Entry
3171-000	Office Supplies	12/31/94		385.05	7	ADJ		Closing Entry
3172-000	Postage	12/31/94		572.53	7	ADJ		Closing Entry
3173-000	Printing & Publications	12/31/94		1,469.21	7	ADJ		Closing Entry
3174-000	Standing Committee/Promoter	12/31/94		4,435.00	7	ADJ		Closing Entry
3174-001	Standing Committee/Promo Cont	12/31/94		6,415.84	7	ADJ		Closing Entry
3175-000	Standing Committee/Design	12/31/94		390.78	7	ADJ		Closing Entry
3176-000	Standing Committee/Economic	12/31/94		183.76	7	ADJ		Closing Entry
3177-000	Subcontract Services	12/31/94		250.00	7	ADJ		Closing Entry
3180-000	Utilities	12/31/94		640.37	7	ADJ		Closing Entry
3200-000	Payroll Expense	12/31/94		24,800.00	7	ADJ		Closing Entry
3201-000	Payroll/Employee Insurance Ben	12/31/94		354.70	7	ADJ		Closing Entry
3202-000	Payroll/Workers Comp Insurance	12/31/94		563.09	7	ADJ		Closing Entry
3205-000	Payroll/Unemployment Expense	12/31/94		312.34	7	ADJ		Closing Entry
3240-000	Payroll Taxes Expense	12/31/94		2,049.83	7	ADJ		Closing Entry
3305-000	Conferences & Education	12/31/94		442.30	7	ADJ		Closing Entry
3310-000	Training Materials	12/31/94		33.00	7	ADJ		Closing Entry
3312-000	ODDA Membership	12/31/94		3,750.00	7	ADJ		Closing Entry
3706-000	Project: Planters	12/31/94		350.00	7	ADJ		Closing Entry
3706-000	Project: Planter Maintenance	12/31/94		4,635.00	7	ADJ		Closing Entry
3706-000	Project: Design/Trash Recept	12/31/94		2,762.00	7	ADJ		Closing Entry
3710-000	Project: Design/To Be Assign	12/31/94		188.95	7	ADJ		Closing Entry
3712-000	Project: Annual Meeting/Award	12/31/94		200.88	7	ADJ		Closing Entry
	TOTALS:		\$134,777.53	\$134,777.53				

YEAR END CLOSING REPORT

CH NUMBER: CLOSE COMMENT: General Ledger Closing Entries

-----ACCOUNT----- NUMBER DESCRIPTION	POST DATE	DEBIT AMOUNT	CREDIT AMOUNT	JRNL ENT#	SRC DOC	-----TRANSACTION----- SOURCE REFERENCE
4110-000	Revenue/City Contribution	12/31/93	18,000.00		5 ADJ	Closing Entry
4120-000	Revenue/Bus. License Surcharge	12/31/93	17,259.41		5 ADJ	Closing Entry
4130-000	Revenue/EID	12/31/93	18,000.00		5 ADJ	Closing Entry
4135-000	Revenue/Lanscaping Maintenance	12/31/93	3,147.00		5 ADJ	Closing Entry
4140-000	Revenue/Other	12/31/93	716.60		5 ADJ	Closing Entry
4150-000	Revenue/Promotions	12/31/93	13,176.09		5 ADJ	Closing Entry
7120-000	Interest Income	12/31/93	643.27		5 ADJ	Closing Entry
3050-000	Retained Fundings	12/31/93			5 ADJ	Closing Entry
					70,942.37	
3050-000	Retained Fundings	12/31/93	71,576.56		5 ADJ	Closing Entry
6102-000	Accounting Services	12/31/93			5 ADJ	Closing Entry
					1,948.77	
6103-000	Advertising Expense	12/31/93			5 ADJ	Closing Entry
					255.63	
6125-000	Equipment	12/31/93			5 ADJ	Closing Entry
					89.97	
6127-000	Equipment, Repair/Maintenance	12/31/93			5 ADJ	Closing Entry
					269.97	
6130-000	Grants - Facade Improvement	12/31/93			5 ADJ	Closing Entry
					2,278.00	
6142-000	Insurance Expense/Liability	12/31/93			5 ADJ	Closing Entry
					1,289.04	
6150-000	Legal & Professional	12/31/93			5 ADJ	Closing Entry
					150.00	
6155-000	License/Fees/Dues	12/31/93			5 ADJ	Closing Entry
					290.00	
6157-000	Lodging	12/31/93			5 ADJ	Closing Entry
					149.00	
6160-000	Meals	12/31/93			5 ADJ	Closing Entry
					195.70	
6160-000	Mileage Expense	12/31/93			5 ADJ	Closing Entry
					273.25	
6167-000	Office Maintenance/Repair	12/31/93			5 ADJ	Closing Entry
					39.91	
6170-000	Office Rent	12/31/93			5 ADJ	Closing Entry
					3,000.00	
6171-000	Office Supplies	12/31/93			5 ADJ	Closing Entry
					1,367.94	
6172-000	Postage	12/31/93			5 ADJ	Closing Entry
					834.21	
6173-000	Printing & Publications	12/31/93			5 ADJ	Closing Entry
					2,163.12	
6174-000	Standing Committee/Promotion	12/31/93			5 ADJ	Closing Entry
					13,490.42	
6175-000	Standing Committee/Design	12/31/93			5 ADJ	Closing Entry
					162.60	
6176-000	Standing Committee/Economic	12/31/93			5 ADJ	Closing Entry
					390.47	
6180-000	Utilities	12/31/93			5 ADJ	Closing Entry
					463.45	
6230-000	Payroll Expense	12/31/93			5 ADJ	Closing Entry
					24,273.38	
6231-000	Payroll/Employee Insurance Ben	12/31/93			5 ADJ	Closing Entry
					1,062.00	
6232-000	Payroll/Insurance Expense	12/31/93			5 ADJ	Closing Entry
					555.27	
6235-000	Payroll/Unemployment Expense	12/31/93			5 ADJ	Closing Entry
					634.35	
6240-000	Payroll Taxes Expense	12/31/93			5 ADJ	Closing Entry
					2,009.09	
6245-000	Payroll/Benefits	12/31/93	.00		5 ADJ	Closing Entry
6205-000	Conferences	12/31/93			5 ADJ	Closing Entry
					838.19	
6312-000	ODDA Membership	12/31/93			5 ADJ	Closing Entry
					1,250.00	
6315-000	Travel	12/31/93			5 ADJ	Closing Entry
					52.53	
6700-000	Contingency	12/31/93			5 ADJ	Closing Entry
					363.30	
6705-000	Project: Planters	12/31/93			5 ADJ	Closing Entry
					7,062.00	
6706-000	Project: Planter Maintenance	12/31/93			5 ADJ	Closing Entry
					4,175.00	
	TOTALS:		\$142,518.93		\$142,518.93	

CITY OF MILWAUKIE
CITY COUNCIL WORK SESSION
JANUARY 4, 1999

Mayor Tomei opened the work session at 5:45 p.m. in the Public Safety Building Community Meeting Room.

Present were Councilors King, Lancaster, and Marshall.

Staff Present: City Manager Bartlett and Assistant City Manager Bennett.

Information Sharing

1. **Councilor Lancaster** discussed the PERS program and asked if the increasing number of retirements affected the City. Bartlett indicated Finance Director Gehlen was assigned with evaluating the situation.
2. **Councilor Lancaster** asked if the City had addressed same sex couple benefits. Bartlett said Assistant City Manager Richards was working with CCIS to outline procedures and determine required documentation.
3. **Councilor Lancaster** discussed cable television, and Bartlett said those issues would be discussed with counsel in executive session.
4. **Councilor Lancaster** asked how much the City pays for Tri-Met services. He noted other cities, Sandy for example, provide their own bus service and asked if Milwaukie should consider it also. Bartlett said the amount is based on payroll taxes, and he would research those figures under current regulations. It would not be feasible for Milwaukie, a relatively large inner ring city, to provide its own bus service.
5. **Councilor Lancaster** referred to an article in the December 1998 League of Oregon Cities Newsletter regarding the Governor's "Livability Challenge" funds proposed in his 1999 - 2001 budget. He felt Milwaukie had a chance at some of the funds. Bartlett added that Milwaukie was designated a Community Solutions community.
6. **Councilor Lancaster** had received calls about the notices sent to Milwaukie residents regarding Functional Plan Compliance. The group agreed it wished to have prior information on this type of mailing. Bennett discussed Ballot Measure 56 notification requirements.
7. **Councilor Lancaster** referred to the League Newsletter and information on applying for an All-American City designation through the National League of Cities. He suggested the City of Milwaukie try for the award. Bartlett said

III. A. 2

Neighborhood Services Coordinator Gregory had information on the program that she could share. The group discussed the expense and effort that would go into the undertaking.

8. **Councilor Lancaster** asked if the League video, *Right of Way: Protecting the Public's Lifeline* was available. Bartlett has a copy to show during a Council work session.
9. The group was interested in making e-mail available to the City Council in their homes.
10. **Councilor King** discussed acquiring park property and the City's having first right of refusal on large parcels.
11. **Mayor Tomei** and **Councilor King** agreed to attend an upcoming Metro meeting on the South Willamette River Crossing Study, and Councilors Lancaster and Marshall will attend if possible.
12. **Bartlett** announced the Mayors and Managers group was preparing for the Clackamas Cities meeting hosted by the City of Milwaukie on January 28. Mayor Tomei felt there needed to be a focus on transportation funding. Bartlett said there were several proposals for sharing gas tax funds between urban and rural areas. The group discussed the importance of cities getting a fair share for street improvements. Utility providers will also likely go before the legislature regarding franchise fees.

Strategic Direction Plan

Bartlett reviewed a proposal for a strategic direction process to assist Council in goal setting and budget adoption. The Milwaukie High School Langford Team underscored the importance of communication in its recent problem-solving work with City employees.

The questions would be "Where are we now?" and "Where are we trying to go?" He suggested an internal process with each operating unit identifying its strengths, weaknesses, opportunities, and threats and outlining the impact of mandates. Boards and commissions and neighborhoods would be asked the same questions to provide public direction. He will continue the second year of the unmet needs process with the neighborhoods. Finally, Council will legislatively adopt a Strategic Directions Report which provides guidance to the budget adoption.

Councilor Marshall asked when the Neighborhood Vision and board and commission information would be interjected in the process.

Bartlett outlined a tentative process in which the City Council would listen to presentations by each Neighborhood District Association (NDA) and board and commission chair.

Councilor Lancaster commented the Council would determine what resources were left after mandates were met and go forward in that direction.

Bartlett stressed the importance of managing and maintaining momentum in strategic planning.

Councilor Marshall asked what would make this strategic planning process different from those done in the past. Maintaining momentum is the most important and difficult element to sustain.

Mayor Tomei felt there would be a qualitative difference because the process would include input from each neighborhood and City department.

Council Retreat

The group agreed the retreat location would be Skamania Lodge from January 29 through January 30.

Councilor Marshall discussed the agenda and requested that Bartlett spend some time talking about his experience with the City. Bartlett said he would share that idea with Peg Caliendo, consultant. The group discussed other team and communication skill building exercises. Council was hopeful that Kappa would attend and provide his input to the team.

Mayor Tomei felt it was important for the Council to work together and plan for the next ten to fifteen years.

Councilor Lancaster added that the City was at a critical crossroad, and this Council will be setting a course and direction that will have impact on the future of the community. The group had already established that, although it may differ in opinion, it would move forward to the benefit of the City. There is a lot of negativity about government, and it is important to let people know what is being done and when results will be seen.

Preliminary Downtown/Riverfront Contract

Bartlett and Bennett will meet with George Crandall this week. The School District recently awarded the contract for modifications to Rowe Junior High, but the City will not be able to take possession of Milwaukie Middle School until the addition and move to Rowe is complete.

III. A. 4

At this time, he was proposing the first activity to be downtown area planning. Key groups would include the Milwaukie Downtown Development Association (MDDA) Board, Niche Committee, and businesses in addition to conducting a public involvement process. In January 2000, he anticipated the Council would adopt design standards and a streetscape plan.

The next phase would be analyzing the Milwaukie Middle School site. **Bartlett** discussed the Community Service Overlay (CSO) application process.

Mayor Tomei felt the Junior High site was integral to the project and asked if it should not be planned in conjunction with the downtown area.

Bartlett explained the streetscape and design standards would have to be designed prior to the CSO application. Crandall may want to conduct a simultaneous public involvement process for the downtown area and the junior high school site. The funding plan to develop the school site would take place in late 2000. The City of Pendleton recently completed a similar renovation and spent about \$3.5 million including seismic and ADA upgrades. Portland State University or private firms may wish to participate in the project. Construction on that site would not begin until 2003.

Councilor Marshall recommended the City look for funding sources as early in the process as possible. He sensed there were people outside the downtown core who would be willing to participate and contribute to the project. He added that establishing a Design Review Committee was high on his goal setting agenda.

Councilor Marshall asked if there would be an advantage to offering a bonus for early completion of portions of the project, and **Councilor Lancaster** felt it would be more applicable to offer an incentive if the consultant successfully maintained project momentum.

Bartlett said he and Bennett would discuss some options with Crandall.

Councilor Lancaster asked about insurance coverage amounts in the draft contract, and Bartlett said coverage amounts complied with state statute.

Councilor Lancaster discussed contract termination with cause and asked if expenses could be recovered.

Bartlett said, in theory, the full contract amount would not have been expended and could be applied to another contract.

Councilor Lancaster referred to item #20 -- Warranties and asked how the City would know it was getting the best workmanship and materials.

Bartlett said such contracts rely on professional judgement and skills. If there are problems, both sides would normally look to expert witnesses.

Mayor Tomei announced the Council would meet in executive session pursuant to ORS 192.660 to consult with legal counsel.

The work session ended at 7:17 p.m.

Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
JANUARY 5, 1999**

OATHS OF OFFICE

Municipal Court Judge Ron Gray administered the Oaths of Office to Mayor Carolyn Tomei and Councilors Mary King and Jeff Marshall.

REGULAR SESSION

The one thousand eight hundred and sixth meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:00 p.m. in the Public Safety Building Community Meeting Room. The following Councilors were present:

Larry Lancaster
Mary King

Jeff Marshall

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant City Manager
Tim Ramis,
City Attorney
Gary Firestone,
City Attorney

Jan Gehlen,
Finance Director
Jim Brink,
Public Works Director
Paul Roeger,
Civil Engineer
Jack Perry,
Operations Supervisor

PROCLAMATIONS COMMENDATIONS, SPECIAL REPORTS AND AWARDS

Jan Gehlen -- Finance Director

Bartlett introduced Jan Gehlen who began working for the City of Milwaukie on January 4, 1999, as the Finance Director.

CONSENT AGENDA

Councilor Lancaster commended the Police Department and Fleet Services for coming in under budget on the purchase of the police vehicles.

III. A. 7

It was moved by Councilor King and seconded by Councilor Marshall to adopt the Consent Agenda that consisted of:

1. City Council minutes of November 30 and December 1, 8, and 14, 1998;
2. Resolution No. 1-1999: A Resolution of the City Council of the City of Milwaukie, Oregon, Designating the Clackamas Review and the Oregonian as Papers of Record for the City of Milwaukie;
3. Police Vehicle Purchase;
4. O.L.C.C. Application for Danny's Meatlocker Pub; and
5. City Acceptance of Lake Road Sidewalk Improvement Project.

Motion passed unanimously among the members present.

AUDIENCE PARTICIPATION

Ed Zumwalt, 10888 SE 29th Avenue. He read a letter into the record regarding concerns several members of the Historic Milwaukie Neighborhood District Association (NDA) had with Y2K problems and dealing with all-encompassing disasters. These concerns included the absence of utilities and water, fuel, emergency shelters, and assistance for seniors, shut-ins, and those living alone. He assured Council that the NDA was willing to help in any way possible.

PUBLIC HEARING

Waverly Drive Local Improvement District Remonstrance Hearing -- Ordinance

Mayor Tomei opened the hearing to consider the formation of a local improvement district (LID) for sanitary sewers on Waverly Drive at 6:12 p.m.

The purpose of the hearing was to consider public comment on the proposed district and to provide the opportunity for property owners to submit oral or written remonstrances. **Mayor Tomei** reviewed the conduct of the hearing.

Staff Report: **Roeger** presented the staff report. After the City Council stated its intent to form the LID on November 17, 1998, staff met with property owners on December 7 to respond to additional questions and concerns. Staff recommended the City's level of participation be 25%. Compensation for easements will be paid for by the water fund and negotiated with individual property owners. Staff further recommended that assessments be on a "per tax lot" basis and that a \$550 incentive be offered for immediate connection to the public system.

Water improvements will be underway in that neighborhood shortly, and staff sees this as an opportunity to reduce disruptions by constructing these sanitary sewer improvements at the same time. The cost of the project is relatively high because the improvements will serve only one side of the street, rock will likely be encountered during excavation, and lots in that area are large. The City will offer financing to property owners for the LID assessment and the systems development charge (SDC).

Staff received one written remonstrance from property owner Steve Blazo 1829 SE St. Andrews Drive, which was included in the packet. Blazo maintained that access to his lots, 202 and 800, was severely limited, and, if he did develop his property, he would take sewer access from 17th Avenue. **Roeger** stated that Blazo would benefit because of the straight access to Waverly Drive. According to the Planning Commission, Blazo would only be allowed to partition his property into two lots. For purposes of this LID, Blazo would be assessed for one lot. Connecting to the sewer lines on 17th Avenue would require considerable work in order to preserve the existing mature trees. Also, draining to 17th Avenue would require a very long run with clean-out holes every 100 feet and would likely involve two separate property owners.

Correspondence: Letter of support from David Worthington, 1620 Waverly Drive, was distributed at the meeting.

Audience Testimony: **Donna Smith**, 1612 SE Waverly Drive, spoke in opposition. She installed new drain fields several years ago and saw no advantage in the proposed improvement. The Waverley Country Club should have to pay its share.

Councilor Marshall asked **Smith** if she had attended the property owners meetings, and Smith replied that she had.

Staff Comments: **Roeger** said the remonstrance percentage was 54.35% based on the Blazo and Smith oppositions.

Audience Testimony: **Charles Lewis**, 1600 SE Waverly. He had attended one of the property owners meetings. Initially, he was opposed to the LID because of the expense, but he had become comfortable with the proposal. He noted the estimated cost to each property owner was \$11,249 in addition to the expense of connecting each house to the lateral. It was important to have some funding options available. In order to preserve the trees on his lot, Lewis said he would probably have to run a line under his existing driveway. He was still uneasy with the variables, including the County Club property, and asked if there would be any recourse if the project came in much higher than estimated.

Roeger indicated the City would not recommend awarding a contract if the bids came in too high. The City would not expose property owners to a much greater cost than estimated, and he mentioned that the City could take a higher percentage of the cost.

Councilor Marshall asked if the individuals had to pay for their own connections from their homes to the main line.

Roeger said that was correct, and the laterals will be on Waverly Drive.

Mayor Tomei added that the City would assist with initial financing.

Bartlett said the method is normally a ten-year term Bancroft with a fixed interest rate in the range of five to six percent.

III. A. 9

Councilor Marshall asked Lewis the length of his driveway.

Lewis responded that his driveway was about 160 feet.

Mayor Tomei asked if the County Club was part of the LID.

Roeger confirmed that Waverley County Club was the owner of one lot.

Mayor Tomei closed the public testimony portion of the hearing at 6:35 p.m.

Council Discussion: **Councilor Lancaster** asked if the City could assist property owners with the expense of connecting the houses or help make an arrangement with the contractor.

Roeger said residents are given the name of the City's contractor and have the option of making contact.

Mayor Tomei asked if sewer connection in an urban area was federal law.

Bartlett said the state requires connection within 200 feet of a public sewer, and it is the City's responsibility to provide that line.

Mayor Tomei noted, then, that it is assumed that everyone will eventually be on public sewer service in urbanized areas.

It was moved by Councilor Lancaster and seconded by Councilor King to read the ordinance establishing the Waverly Drive Local Improvement District for sanitary sewer improvements for the first time by title only. Motion passed unanimously among the members present. The ordinance was read for the first time by title only.

It was moved by Councilor Lancaster and seconded by Councilor King to read the ordinance establishing the Waverly Drive Local Improvement District for sanitary sewer improvements for the second time by title only. Motion passed unanimously among the members present. The ordinance was read for the second time by title only.

It was moved by Councilor Lancaster and seconded by Councilor King to adopt the ordinance establishing the Waverly Drive Local Improvement District for sanitary sewer improvements. Motion passed unanimously among the members present.

ORDINANCE NO. 1850:

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,
ESTABLISHING THE WAVERLEY DRIVE LOCAL IMPROVEMENT
DISTRICT FOR SANITARY SEWER IMPROVEMENTS.**

OTHER BUSINESS

Protest of Notice to Abate

Brink presented the staff report. Staff requested the Council take three actions: determine that the unauthorized fill at 12929 SE Rusk Road constituted a nuisance under Milwaukie Municipal Code (MMC) Section 8.04.135; reject the request for a one month's extension; and authorize removal of the unauthorized fill subject to receipt of the appropriate warrant.

Municipal Court Judge Gray determined the fill was in violation of the MMC and Zoning Ordinance on November 18, 1998, and ordered Steinmann to remove it. A majority of the fines would have been suspended if the fill was removed by January 4, 1999. Staff issued a Notice to Abate on December 14, 1998, and Steinmann submitted a written protest on December 28, 1998. A silt fence was installed the week of December 21, but no other noticeable activity had occurred until today, January 5, 1999, at which time staff observed that 50% of the berm had been removed.

Although there have been heavy rains at times, there were opportunities for the property owner to remove the unauthorized fill. Sandbags have been available through Public Works to offset any potential flooding caused by fill removal. The City's plan for removing the fill was approved by the Planning Commission and meets zoning and erosion control requirements. Staff worked with Steve Berliner, Friends of Kellogg and Mt. Scott Creek watersheds, in this process, and he supported the prompt removal of the unauthorized fill.

The berm is in violation of the MMC and the Natural Resource Overlay. The property owner has ten days in which to act from the date of the Council's decision.

Mayor Tomei asked, for clarification, if Steinmann had removed 50% of the berm since Council received the staff report.

Brink responded that about 50% of the earth and concrete was removed during the afternoon of January 4, 1999.

Mayor Tomei asked how long this had been an issue.

Brink replied that the first notice of violation was issued about two years ago.

Councilor Marshall asked if the current work was going on under the City's close supervision.

Perry said that is correct, and the amount of time City employees spend on the project was being tracked.

Councilor Marshall asked if Steinmann had permits to do this work.

III. A. 11

Brink responded that Steinmann had filed for an erosion control permit to remove the fill material. He did not apply for a permit for the installation of the material, and two stop work orders had been issued.

Councilor Lancaster asked when the removal work started.

Brink replied the actual excavation started today, but there had apparently been a time delay in scheduling a contractor. About 50% of the work was done in two days.

Staff requested that the City Council determine if the berm was a nuisance so that the City could, after the waiting period, finish the work and file a lien against the property for costs incurred.

Mayor Tomei pointed out that Steinmann came before the City Council on September 15, 1998, and assured the body that he would immediately remove the fill.

Councilor Marshall added that Steinmann never contacted him about his recommendation for a location to dispose of the concrete as discussed at that Council meeting.

Brink noted that the trial was on November 18, 1998.

Councilor King felt Steinmann had ample opportunity to take care of the problem, and she supported the staff recommendation.

It was moved by Councilor King and seconded by Councilor Lancaster to determine that the unauthorized fill at 12929 SE Rusk Road constituted a nuisance; to reject the one month extension; and to authorize removal of the fill subject to receipt of the appropriate warrant.

Councilor Marshall asked if the City could recover its costs.

Firestone referred to the MMC nuisance provisions. The City can recover its costs if Steinmann does not abate, and other fines could be levied under the zoning code. He discussed the proceedings before Judge Gray. The City will not, however, be able to recover the full cost of its involvement.

Brink said the Judge assessed \$14,000 for three violations of which \$12,800 was waived assuming the work would be done by 5:00 p.m. on January 4, 1999.

The City Council directed staff and city attorney to take appropriate action in front of the Judge to get maximum recompense.

Leroyce Massey, 13021 SE Weiko Way, indicated that Brink lead him to believe Steinmann would get a thirty-day extension if the weather continued to be bad. He understood there was a hold on the January 4th deadline. He said he was unable to coordinate the removal effort when Brink changed his mind. Erosion control devices have been added, and the rest of the fill would be removed the following day.

Councilor Lancaster asked Massey when he was first contacted about doing this work.

Massey responded he was contacted about two weeks ago, but he had not been sure of Steinmann's position. He was told to hold off if the weather did not change, and Brink indicated he could provide up to a thirty-day extension.

Ron Steinmann, property owner 12929 SE Rusk Road, said Brink led him to believe that he could get an extension because of the weather and the amount of water in the front yard. That was the reason he delayed removal. When he purchased the property, he knew it would flood, but he had no idea of how often. He took action to protect his property and his tenants. The berm had been about four feet high, but in August 1998 he lowered it to two feet and did some landscaping. When he purchased the property, it was a junkyard, and he spent a lot of money improving both the house and the lot. He thought he was doing the City a favor, but the neighbors told him he could not build the berm because they were afraid they might get flooded. At 1:00 a.m. on Thanksgiving morning, the water was almost to the top of the berm, and, if it had not been there, his house would have flooded. He discussed the detention facility being constructed by Clackamas County off Harmony Road, and Ella Whelan told him that facility would not help his property.

Mayor Tomei asked Steinmann if he had a response to this being unauthorized fill.

Steinmann said he realized that it was unauthorized fill.

Councilor Marshall was curious what had taken place since September at which time Steinmann promised Council he would take care of removing the berm.

Steinmann said he did not want to remove the berm so went through the court proceedings, and then the bad weather started.

Bev Neal, 4119 SE Northridge Drive; owner of the property at 13033 SE Rusk Road. She talked to Steinmann in May 1996, and he was aware that the house was in a flood plain when he purchased the property. She had called the City in December 1996 and told staff about the fill activity. She urged the City Council to go forward because Steinmann was aware of the flooding problem. In her opinion, all of the fill did not go into the berm because it appears as if the entire backyard is higher. She did not have faith in Steinmann's words and hoped the City could recover its expenses.

Judy Bunn, 6690 SE May Street, for Elaine Knapp, Rusk Road resident. Steinmann accesses his property through hers, and she saw no evidence of trucks at 4:00 p.m. this afternoon. Her property is still at the same level as it was, and Steinmann was on her property without permission and had left a mess. She said it appears the berm is still on the King property. She and her mother have been dealing with Steinmann for a long

III. A. 13

time, and the situation is stressful to her unwell mother. He went to court and was told he had until January 4 or be fined. She checks the property daily, and not one bit of work has been done. Steinmann was fined by the judge for his actions, and he did not apply for the proper permits. He has gone against all aspects of the law, yet it goes on for years. Neal told him it was a flood plain and showed him pictures, yet Steinmann continues to say he did not know the property flooded in that way. He only went to the property today because he was worried about the fine. She urged the City to follow through. She added that Brink told her Steinmann would likely get an extension.

Steve Berliner, Friends of Mt. Scott and Kellogg Creeks, PO Box 22373, Milwaukie, OR 97269. He supported the staff recommendation. The City needs to be in a position to act quickly before there are serious rains and flooding. Clearly, there would be more damage to Neal's property with the berm in place. If there is a significant flood, the berm and smooth wall face would increase the water velocity and impact Neal's side of the creek. Because the berm was not studied and designed, Steinmann's property will continue to flood. The neighbors should not be made to suffer. He discussed the regional water detention facility and noted that it was designed to detain water from a seven to fifteen year storm event. If there were, for example, a twenty-year flood event, neither Steinmann nor his neighbors would be relieved, and the impact of the berm itself will be unpredictable.

Mayor Tomei felt great sympathy for the residents. A lot of time was spent on this issue in September, and she wanted the situation taken care of as soon as possible.

The motion adopting staff's recommendation passed unanimously among the members present.

Councilor Marshall asked if there were any other avenues the City could follow.

Firestone said, if the berm is not removed, there are code enforcement proceedings that have gone before the judge, and the City would not have to wait ten days to initiate the process. Since the Judge set the date of January 4 for removal, the City could take the position that the remaining fill constitutes a new code violation. He discussed a new notice procedure.

Councilors Lancaster and Marshall agreed that the City needs to bring all forces to bear.

Councilor King said an ethical neighbor not only takes care of his or her own property, but also is cognizant of how actions may impact neighbors and the environment.

Johnson Creek Boulevard Phases II & III Agreement with City of Portland

Brink presented the staff report in which the City Council was requested to authorize the City Manager to sign an intergovernmental agreement with the City of Portland for Phases II & III improvements on Johnson Creek Blvd.

This is an ongoing project that began in February 1995 when the Council approved a resolution that endorsed safety improvements on Johnson Creek Boulevard between 36th and 45th Avenues. Project Phase II would design and install 2,060 feet of storm line and a water quality facility. Milwaukie's cost would be about \$60,000 and the City of Portland \$26,000 because 90% of that phase is in the City of Milwaukie. Maintenance responsibilities will be addressed in a subsequent agreement. Phase III has to do with design of roadway improvements and right-of-way acquisition. If approved, construction would take place this summer.

Councilor Marshall asked how this project fit into the big picture that included such proposals as taking the Sellwood Bridge out of service. Who has a concept of what will be taking place with the many regional transportation concerns?

Bartlett said this project began about ten years ago with the Southeast Corridor Study looking for solutions to the existing traffic problems on Johnson Creek Boulevard. A new bridge crossing will likely not be constructed for twenty years, and the storm drainage project will support future improvements.

Brink added that Phase III includes curbs, sidewalks, and bike lanes. This is part of the Regional Transportation Plan, and he felt there was a commitment to continue moving in this direction.

Councilor King asked about resident parking.

Brink said residents wanted bike lanes and did not want travel lanes widened, so parking will be off-street.

It was moved by Councilor Marshall and seconded by Councilor King to authorize the City Manager to sign the intergovernmental agreement with the City of Portland for Phases II & III improvements on Johnson Creek Blvd. Motion passes unanimously among the members present.

Community Development Block Grant Ramp Project

Brink presented the staff report in which the City Council was requested to approve the construction of 76 sidewalk ramps in the City. The cost to the City will be approximately \$17,000 which was about \$4,000 more than anticipated in order to include 6 additional ramps for \$660 each. This would complete improvements to all known unramped pedestrian crossings in the City of Milwaukie.

Councilor King discussed the design of the ramp at 42nd Avenue and Monroe Street.

Brink said the asphalt was added as a transition between a section with sidewalks and one without.

III. A. 15

It was moved by Councilor Marshall and seconded by Councilor Lancaster to approve construction of 76 sidewalk ramps under the Community Development Block Grant Ramp Program. Motion passed unanimously among the members present.

Establish City Council Meeting Dates for 1999 -- Resolution

Bartlett presented the staff report. This would typically be a Consent Agenda item, but he sought City Council direction for scheduling meetings in the neighborhoods. Council agreed that the first and third Tuesdays of each month should be at a specific location because some actions have long-term notice requirements. Work sessions would be scheduled in the neighborhoods.

It was moved by Councilor King and seconded by Councilor Lancaster to adopt the Resolution establishing 1999 meeting dates. Motion passed unanimously among the members present.

RESOLUTION NO. 2-1999:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, DESIGNATING THE FIRST AND THIRD TUESDAYS OF EACH MONTH AS THE REGULAR CITY COUNCIL MEETING DATE.

INFORMATION

Mayor Tomei announced the Roswell pond planting on Saturday, January 9, 1999.

ADJOURNMENT

It was moved by Councilor Marshall and seconded by Councilor Lancaster to adjourn the meeting. Motion passed unanimously among the members present.

Mayor Tomei adjourned the meeting at 7:50 p.m.

Pat DuVal, Recorder



III. B. 1

MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*
Martha Bennett, Assistant City Manager *MB*

FROM: Kelly Somers, Fleet/Facility Manager *Kelly*

DATE: January 5, 1999

RE: Lease new EV

Recommendation/Action Requested

Authorize the City Manager to sign Purchases Order totaling \$13,500, for a three-year closed end lease for an electric powered Ford pickup and charging equipment.

Background

There are two federal acts that effect future fleet vehicle acquisitions. The Clean Air Act Amendment of 1990, and The Energy Policy Act of 1992.

The goal of the Clean Air Act Amendments (CAAA) of 1990 is to curb air pollution from a variety of sources including motor vehicles. The statute established mandates for the purchase of "clean-fuel vehicles" by fleet operators in metropolitan areas that have the worst ground-level ozone's or carbon monoxide pollution.

The CAAA defined a clean fuel as any type of fuel, including reformulated gasoline and alternative fuels, on which a vehicle meets EPA's clean-fuel vehicle standards. Of all approved alternate fuel vehicles the EV (Electric Vehicle) has the least emissions (zero). The current goal for fleets in Oregon is to purchase one AFV for each 10 new vehicles purchased per year.

III. B. 2

The primary goal of the Energy Police Act of 1992 is to strengthen the nation's energy security by displacing imported petroleum with alternative transportation fuels. The statute set the goals of replacing at least 10 % of petroleum-based motor fuels with alternative fuels by year 2000 and 30% by 2010.

Discussion

Fleet services replacement program budgeted to replace the Code enforcement vehicle this FY. The amount budgeted is \$19,000.

The Code enforcement person works out of the City Hall building, and is currently driving a 1986 Ford Tempo with 71,000 miles on it. The vehicle is used to make inspections within the City limits, with a maximum usage of 10 to 20 miles per day.

Ford Motor Company has offered a 1999 Ford Ranger Electric Powered Pickup fully loaded with all major standard equipment including 4-wheel ABS brakes and dual air bags. The vehicle is offered on a three year closed end lease and carries a 3 year 36,000 mile full warranty. The total cost for the lease is \$ 11,208, the cost of the charging station is \$1800 and \$400 to install the charging station. The total cost for the three-year period would be \$13,408 plus the electricity to charge the vehicle. The daily range of this EV is 50 plus miles between charging. I would recommend that the City lease this vehicle, rather than purchase, as EV technology will move forward quickly. At the end of the lease we simply return the vehicle.

This is a perfect opportunity for the City to meet the goals of two federal acts. I recommend that Council approve this proposal to authorize the City Manager to sign Purchases Order totaling \$13,408, for a three-year closed end lease for an electric powered Ford pickup and charging equipment.



III. C. /

MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager *DB*
Martha Bennett, Assistant City Manager *M/B*

FROM: Kelly Somers, Fleet/Facility Manager *Kelly*

DATE: January 5, 1999

RE: Purchase PW Vehicles

Recommendation/Action Requested

Authorize the City Manager to sign Purchase Orders totaling \$87,015 for the purchase of three new Public Works Vehicles and specialized equipment.

Background

Fleet services has a vehicle replacement program that is set up to replace vehicles on a regular schedule that insures the lowest overall cost possible, and provides safe and reliable vehicles. The replacement schedule for Public Works vehicles varies depending on what the vehicle is used for.

The Budget committee approved the purchases for this year with a suggestion that we look for one or two year old vehicles with low mileage. I have been looking in two publications for vehicles similar to the units that are to be replaced. I have not found any that fits our needs, and have low mileage. Most of the vehicles for sale already have 75,000 plus miles on them. After looking at what is available in the used market, I would recommend that we purchase new vehicles. By using the state bid process we can buy new vehicles at a tremendous savings compared to retail.

III. C. 2

Discussion

Fleet Services replacement schedule for FY 98-99 includes three Public Works vehicles. The amount budgeted for the vehicles is \$89,000. The following is a description of each unit, what it is used for, and the total cost of the vehicle:

1. The first unit is a one-ton-truck with a service body. This truck will be used by the Water Department as a customer service repair truck. The total cost of this vehicle is \$31,071.
2. The second unit is a one-ton truck with a dump bed. This truck is used by all four departments for hauling gravel and waste materials. The total cost of this vehicle is \$28,961.
3. The third unit is a one-ton truck with a flat bed. This truck will be used by all four departments for hauling supplies and materials. The total cost of this vehicle is 26,983.

The new water service truck will replace unit # 6373 a 1990 GMC with 87,553 miles. The new one-ton dump truck will replace unit # 6406 a 1981 Ford with 79,934 miles. The new one-ton flat bed will replace a 1978 Chevrolet with 104,469 miles. The used units will become surplus vehicles and will be disposed of at auction.

The vehicles will be purchased through the Oregon State Cooperative Purchasing Program.



*** M E M O R A N D U M ***

January 12, 1999

To: Mayor and City Council
From: Dan Bartlett, City Manager *DB*
Re: Economic Improvement District Hearing

Action Requested

The City Council should receive written objections to the proposed assessment, and if these are less than 33 percent Council can find that the improvement project go forward. If there are no additional objections the Council can find that the Assessment Roll standards and the assessments shall be levied in accordance with Ordinance 1845.

Background

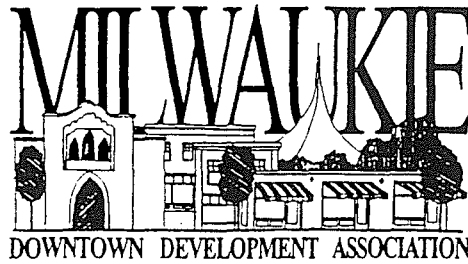
On November 17, 1999, Council held a public hearing on the Economic Improvement Ordinance 1845. At that hearing Jim Bernard, President of MDDA requested that the hearing be continued. Council agreed with the request and set the matter over to January 19, 1999.

To date, the City Recorder has received one letter withdrawing a property owner's objection. This drops the objection percentage to 23.9%. At this level the assessment would be imposed.

At the hearing, the Mayor will ask for any additional written objections. If there are no additional objections the Council can find that the Assessment Roll standards and the assessments shall be levied in accordance with Ordinance 1845.

cc: File -- cm2/hd

V. A. 2



10952 Southeast 21st Avenue, Suite 5 • Milwaukie, Oregon 97222 • (503) 653-0378 • FAX: (503) 653-9913

11/17/98 2:42 PM

Dan Bartlett, City Manager, City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Re: Economic Improvement District Renewal

This is a request for a set-over of the hearing process for the renewal of the Economic Improvement District. We request the hearing be set-over until the January 19th City Council Meeting. Just today, we learned that non-factual information was provided to the Milwaukie District office of Key Bank regarding the Business License Surcharge. Key Bank was informed that the Business License Surcharge would double if the renewal was passed. Key Bank called the Association and was advised by the Director that this was not the case.

Actually the fact is, the surcharge has decreased due to the fact that the Milwaukie Downtown Development Association (MDDA) has worked hard to increase businesses and employees in the downtown, which drove the per employee cost down for the renewal period beginning in 1999 through 2004. This, along with other rumors and non-factual information, has been brought to my attention. We feel strongly that our business and property owners must have the facts before they decide on the future of their downtown district. A letter was circulated that led the property and business owners to believe that they would be able to support programs on "a case by case" basis. There will be no "case by case" basis because there will be no Association to obtain and manage programs. Without the Association, no one will collectively and objectively champion the desires for the kind of development that is compatible with our existing downtown businesses.

On behalf of the Board of Directors, we ask the Mayor and City Council to grant a set-over of the Economic Improvement District hearing so we may have the opportunity to provide factual information to the business and property owners – we think they deserve the facts before making such a crucial decision. Should the renewal be defeated at the set-over in January, we will accept the member's decision knowing we provided them the facts.

Thank You,

James M. Bernard
President

www.mdda.org

Director: Dodie Linder

director@mdda.org

Board: President, Jim Bernard, Bernard's Garage; Vice-President, Brad Olson, Olson Bros. Texaco;
Treasurer, Pam Reynolds, Statements Plus

Dan Bartlett, City Manager (ex-officio); David Strauss, Downtown Property Owner; Kim Haines, Dark Horse Comics;
Doug Naef, Doug Naef Insurance Agency; Paul Graham, Graham's Book & Stationery; Mayor Carolyn Tomei, City of Milwaukie;
Terri Krueger, Key Bank; Kelly Hood, Milwaukie High School; Jan Morrison, Pacific One Bank;

CITY OF MILWAUKIE
ORDINANCE NO. 1845

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING ORDINANCE NO. 1704, AS AMENDED BY ORDINANCE NO. 1710, PERTAINING TO THE MILWAUKIE DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT TO CHANGE THE METHOD OF ASSESSMENT AND TO CONTINUE ASSESSMENTS FOR A PERIOD OF FIVE (5) YEARS STARTING WITH THE FISCAL YEAR BEGINNING JULY 1, 1999, GRANTING PROPERTY OWNERS IN THE DISTRICT THE RIGHT TO REMONSTRATE, AND CLASSIFYING ASSESSMENTS AS NOT SUBJECT TO THE LIMITS OF ARTICLE XI, SECTION 11(b) OF THE OREGON CONSTITUTION.

WHEREAS, after notice and hearing, Ordinance No. 1704 was adopted by the City Council on May 7, 1991, and created an economic improvement district in the downtown area, determined the boundaries of the district, determined the formula for assessment of benefitted properties and assessed the benefitted properties within the district boundaries for a three year period; and

WHEREAS, Ordinance No. 1710, adopted by the City Council on July 16, 1991, amended Ordinance NO. 1704 to provide for a fiscal year collection cycle and to provide for certification of the assessments to the County Tax Assessor for collection; and

WHEREAS, the City's authority pursuant to Ordinance No. 1704, having been extended by Ordinance No. 1759 to levy assessments for the economic improvement district expires after fiscal year 1998-99; and

WHEREAS, the City Council has considered the assessment options available through the provisions of ORS 223.112 to 233.132, elects to exercise the option provided by ORS 223.118, and determines that it is in the best interest of the City to change the method of assessment to one that is not subject to the limits of Article XI, Section 11(b) of the Oregon Constitution; and

WHEREAS, ORS 223.118(2)(c) authorizes the adoption of an ordinance providing for continued assessments; and

WHEREAS, the City council finds it beneficial to the downtown area and the City as a whole to continue the assessments in order to provide funding for an economic improvement district; now, therefore;

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1: Section 2 of Ordinance No. 1704, as amended by Ordinance No. 1710, is further amended by adding a new subsection (f) to read as follows:

“(f) The assessment method created by subsections (a) through (e) of this section shall continue as the assessment method until June 30, 1999. Beginning July 1, 1999, as authorized by ORS 223.118, and continuing for five (5) years, the assessment method shall change to the following:

Real property within the District that is not exempt from assessment pursuant to Section 3 shall be assessed on a rate per square foot of real property basis. The total assessment for each year of the five (5) year term of this assessment authorization is \$24,000 per year.

The assessment for each property shall be based upon the following codes:

CODES	RATES
1. Unimproved & Improved Lot	1 x Base Rate x Lot Square Footage
2. One Story Commercial & Two Story with Second Level Residential	2 x Base Rate x Lot Square Footage
3. Two or more Story Commercial	3 x Base Rate x Lot Square Footage

The Base Rate for the fiscal year beginning July 1, 1999 shall be \$0.009974.

The City Manager or designee shall prepare an assessment roll containing all the assessed real property in the District and in that assessment roll shall assign one of the rate codes to each property, and calculate the assessment due. However, the property of an owner that submits a written objection at the public hearing held pursuant to ORS 223.117(1)(f) on November 17, 1998 shall not be assessed. A new owner of that property may subject the property to assessment pursuant to ORS 223.118(2). Pursuant to ORS 223.118(1)(a) a property owner that does not submit a written objection at the public hearing is considered to have made a specific request for the services provided by the District.

Prior to July 1 of each successive fiscal year, the City Manager shall recommend a Base Rate that will result in a total assessment that does not exceed \$24,000. The Council shall adopt the recommended Base Rate, or a revised rate. After the Council, by resolution, adopts a Base Rate, the City Manager, or designee, shall prepare an assessment roll containing all the assessed real property in the District and in that assessment roll shall assign one of the rate codes to each property, and calculate the assessment due. However, the property of an owner that submits a written objection at the public hearing held pursuant to ORS 223.117(1)(f) on November 17, 1998 shall not be assessed. A new owner of that property may subject the property to assessment pursuant to ORS 223.118(2).

Section 2: Ordinance No. 1704 shall be amended by adding a new Section 5 to read as follows:

“5. Collection of Funds

For assessments made for the fiscal year beginning July 1, 1999, and each year thereafter, the Finance Director is hereby directed to give notice that the assessments are declared to be due and payable within thirty (30) days from the mailing of the notice of assessment, and in the event that said assessments are not so paid, the same shall thereupon become delinquent and bear interest at the rate of nine percent (9%) per annum thereafter. Failure to pay the assessment when due is a violation of the Code subject to the general penalty established by Section 1.12.010 of the Code and the City shall proceed in the manner prescribed by the City's civil infractions process found in Chapter 1.08 of the Code."

Section 3: Ordinance No. 1704 shall be amended by adding a new Section 6 to read as follows:

"6. Disbursement of Funds by Finance Director

For assessments collected after July 1, 1999, the Finance Director shall disburse funds collected from the Milwaukie Downtown Economic Improvement District to the Milwaukie Downtown Development Association quarterly, commencing October 1, 1999, to accomplish the purposes set forth in Section 4 herein. No funds shall be distributed if the Milwaukie Downtown Development Association ceases to exist for the purposes set forth in its adopted bylaws, or if the bylaws are amended so as to be in conflict with the enabling legislation contained in ORS Chapter 223."

Section 4: Ordinance No. 1704 shall be amended by adding a new Section 7 to read as follows:

"7. Expenditure of Funds

Funds collected after July 1, 1999 shall be allocated and expended by the Milwaukie Downtown Development Association in accordance with the following condition: the filing with the City Recorder a report showing compliance with Section 4 before any funds are released. A report will be prepared annually and provided to the City Recorder by April 1 of each year that the Milwaukie Downtown Economic Improvement District is in effect. The annual report will include a current budget including an annual financial statement, scope of work, and list of accomplishments of the Milwaukie Downtown Development Association."

Section 5: Ordinance No. 1704 is amended by adding a new Section 8 to read as follows:

“If sufficient written objections to terminate the economic improvement project are not received at the public hearing held pursuant to ORS 223.117(1)(f) on November 17, 1998, then the assessments shall be levied through fiscal year 2003-2004 pursuant to the terms of this Ordinance, as amended by Ordinance No. 1845.”

Section 6: The City Council grants to property owners in the economic improvement district the notice and right to remonstrance described in ORS 223.117(2)(b) to (e) and 223.118(1)(a) to (c). Therefore:

- a. The City Manager or designee is directed to prepare and file the assessment roll for the fiscal year beginning July 1, 1999.
- b. The City Recorder is directed to mail to the owner of each lot to be assessed a notice that the method of assessment is changing and the assessments are to be continued, and stating the time and place of a public hearing at which time affected property owners may appear to support or object to the continuation of the assessment. The notice shall contain the amount of the proposed assessment for fiscal year 1999-2000. The hearing shall not be held sooner than 30 days after mailing of the notice.
- c. After hearing, the City Council shall consider such objections and may adopt, correct, modify or revise the proposed assessments.
- d. The assessments will not be made and the economic improvement project terminated when written objections are received at the public hearing from owners of property upon which more than 33 percent of the total amount of assessments are levied.

Section 7: The property assessments authorized by Ordinance No. 1704 as amended by this Ordinance No. 1845 are not subject to the limits of Article XI, Section 11(b) of the Oregon Constitution.

Within fifteen (15) days of the adoption of this Ordinance, the City Recorder shall cause to be published in a newspaper of general circulation within the City, a notice which shall:

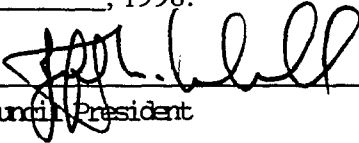
- a. Appear in the general news section of the newspaper, not in the classified advertisements;
- b. Measure at least three (3) inches square;
- c. Be printed in a type size at least equal to 8-point type; and
- d. State that the City has adopted this Ordinance classifying the property assessment for the financing of the Milwaukie Downtown Economic Improvement District as charges not subject to the limits of Article XI,

Section 11(b) of the Oregon Constitution, that the reader may contact the City Recorder to obtain a copy of the Ordinance, and that judicial review of the classification may be sought within sixty (60) days of the date the ordinance was adopted.”

READ for the first time at the regular meeting of the City Council, City of Milwaukie, Oregon, on the 6 day of October 1998.

READ for the second time and passed by the City Council, City of Milwaukie, Oregon at the regular meeting on the 6 day of October, 1998.

Mayor



Council President

ATTEST:

Pat Duval

City Recorder

jmc/acm/65021/eidsquarefootage.or2(10/6/98)



MEMORANDUM

Community Development Department
City of Milwaukie
January 12, 1999

TO: Milwaukie City Council

THRU: Dan Bartlett, City Manager *DB*

FROM: Susan Heiser, Planning Director
Janet Wright, Assistant Planner *JW*

SUBJECT: Planning Commission Recommendation on Comprehensive Plan Amendments for the Wichita Park Master Plan. - File No. CPA-98-04

Action Requested

Consideration and adoption of the Wichita Park Master Plan as an Ancillary Document to the Milwaukie Comprehensive Plan; and adoption of a Comprehensive Plan Map Amendment to Map 7 to redesignate the Wichita Park site from Medium Density Residential (MD) to Public (P).

Background

The Planning Commission held a public hearing on this matter on December 8, 1998 and unanimously voted to recommend City Council adoption of the Wichita Park Master Plan as an ancillary document to the Milwaukie Comprehensive Plan as well as the changes to Map 7. No one from the public spoke in favor or against the proposal. Attached is a copy of the staff report and Findings on which the Planning Commission based their recommendation. A draft Ordinance has also been prepared for Council consideration.

Recommendation

That the City Council accept the Planning Commission recommendation on CPA-98-04 and adopt the Wichita Park Master Plan an Ancillary Document to the Comprehensive Plan and amend Comprehensive Plan Map 7 to redesignate the Wichita Park site from Medium Density Residential (MD) to Public (P) by adopting the ordinance contained in Attachment A.

Attachments:

- A. Ordinance to Adopt CPA-98-04
- B. Planning Commission Staff Report of December 8, 1998
- C. Excerpts from the Planning Commission Minutes of December 8, 1998

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE COMPREHENSIVE PLAN BY ADOPTING THE WICHITA PARK MASTER PLAN AS AN ANCILLARY DOCUMENT AND CHANGING MAP #7 TO REDESIGNATE THE WICHITA PARK SITE FROM MEDIUM DENSITY RESIDENTIAL (MD) TO PUBLIC (P). (CPA-98-04)

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

WHEREAS, review of the Wichita Park has been coordinated with the Linwood Neighborhood Association and the North Clackamas Parks and Recreation and affected agencies; and

WHEREAS, the Planning Commission has reviewed the request to adopt the Wichita Park Master Plan and amend Map #7 (CSO-98-06) as set forth in Exhibits 1 and 2 respectively, at a duly advertised Public Hearing on, December 8, 1998; and recommending adoption of the Wichita Park Master Plan; and

WHEREAS, the proposed Comprehensive Plan and Map amendments were referred to the Department of Land Conservation and Development and other interested agencies on August 3, 1998; and

WHEREAS, the City Council held a duly advertised Public Hearing on January 19, 1999.

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

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

A. The City of Milwaukie owns the property where the park is to be developed.

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

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

The document proposed for adoption is consistent with the goals and policies of the Comprehensive Plan Chapter 4 – Recreational Needs Element. Specifically the proposed amendment is consistent with Objectives 3, 5, and 6 which calls for

intergovernmental cooperation; the provision of a system of neighborhood and community parks; and maximizing the use of existing parks, and is not inconsistent with any other goal or policy.

Wichita Park is classified as a Neighborhood Park, which serves the recreational needs of the residents of the Linwood Neighborhood. In 1990, the City of Milwaukie developed a Master Plan for parks within its jurisdiction. The proposed plan is consistent with the citywide plan. Improvements will be designed to accommodate the needs of the very young (1 to 6 years old), the handicapped and the elderly.

2. Public need for the change.

The current Comprehensive Plan does not contain a plan for Wichita Park. The adoption of the Wichita Park Master Plan as a Community Service Overlay (CSO) on November 10, 1998, provided specific direction for the Wichita Park development, as well as the protection and enhancement of the space as “public” (P) open space. Changing the land use designation from Medium Density Residential (MD) to Public (P) will ensure the future continued use of this site as public open space, and meets a public need for park development.

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

The Wichita Park Master Plan provides a comprehensive approach to balancing the need for recreational uses by the neighborhood, and the need to protect the open space. The public need is best served by providing the recreational amenities that are proposed for the site.

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

The Wichita Park Master Plan will protect the health, safety, and welfare of the community by identifying actions to preserve, protect and enhance the natural habitat within the park while providing open space for the neighborhood.

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

The Wichita Park Master Plan is in conformance with Statewide Planning Goal 5- Open Spaces, Scenic and Historic Areas, and Natural Resources – by providing direction for conserving and protecting natural areas and resources and is not inconsistent with other goals.

Section 2. Comprehensive Plan Ancillary Document. The Wichita Park Master Plan (Exhibit 1) is adopted as an ancillary document to the Comprehensive Plan.

V. B.. 4

Section 3. Comprehensive Plan Map Changes. The change to Map #7 of the Comprehensive Plan is amended to show the Wichita Park site Land Use as Public (P) as shown in Exhibit 2.

Read the first time on _____, 1999 and moved to second reading by _____ vote of City Council.

Read the second time and adopted by the City Council on _____, 1999.

Carolyn Tomei, Mayor

ATTEST:

Pat DuVal, City Recorder

Approved as to form:

O'Donnell, Ramis, Crew, Corrigan & Bachrach

WICHITA PARK

A. Describe Proposal

At the request of the City of Milwaukie City Council, the North Clackamas Parks and Recreation District proposes to create a master plan for improvements to Wichita Park. The City of Milwaukie in the 1997-98 fiscal year made this request.

Existing Conditions:

The site in its existing condition has an open lawn area only. There are no other improvements to the site.

Planning Process for Improvements to the park:

In order to design improvements to the park, the Park District held two public meetings to gather citizen input. Our meetings were held in conjunction with the Linwood Neighborhood District Association (NDA).

The meetings were announced through the Linwood NDA, flyers were sent to citizens who live in the area around the park, public notices were listed in the Clackamas Review and The Oregonian, and a sign was posted at the site listing meeting information.

The first meeting's intent was to gather information. The citizens were asked to provide input regarding the improvements they would like to see at the park. At the second meeting staff presented two designs for the citizens to comment on, ask questions, and make recommendations. Of the sketches shown, one was chosen as the recommended design for the improvements to the park. That sketch is attached with this application.

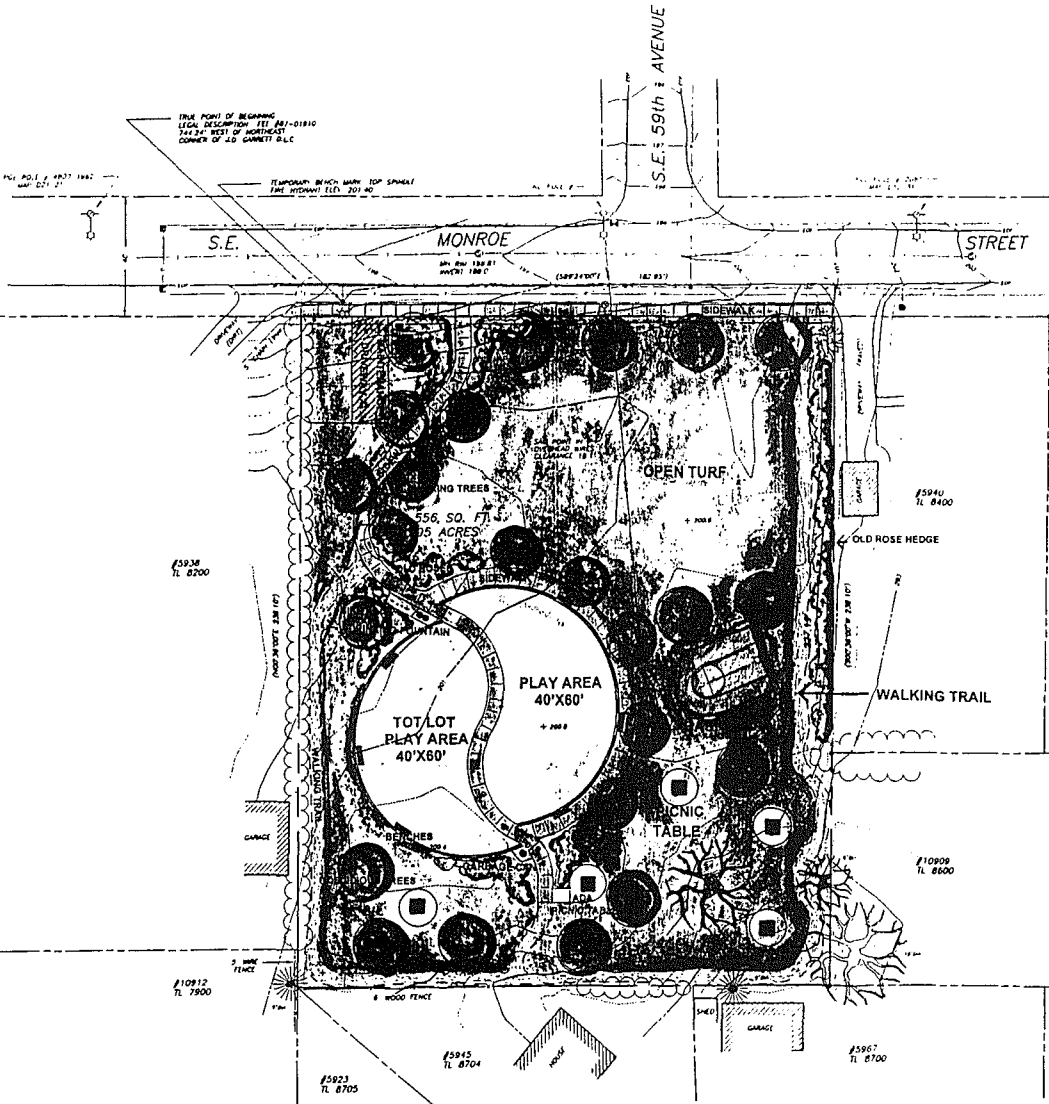
The following is an itemization of the improvements to be made at Wichita Park. We anticipate that the improvements will cost approximately \$100,000.00.

Proposed Improvements to Wichita Park:

- Construction of sidewalk on Monroe St.
- Concrete walkway within the park.
- Play structure that incorporates a tot lot and an area for older children (elementary school ages).
- Half-court basketball court.
- Drinking fountain.
- Automatic irrigation system.
- Bike racks.

- Picnic tables and benches.
- Soft surface path around perimeter of park.
- New trees.
- Planting of vegetation on eastern end of park.
- Open turf area in northern portion of site.

Parking spaces will not be provided (and currently do not exist). This park falls within the "neighborhood park" category according to national standards. Because of its size, (less than an acre) it is a walk-to park primarily used by neighbors within a $\frac{1}{4}$ to $\frac{1}{2}$ mile radius. Neighborhood parks are intended to encourage walk-to use and are not designed to attract users from other parts of the city or parks district.



WICHITA PARK

NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31,
TOWNSHIP 1 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN
CITY OF MILWAUKIE, CLACKAMAS COUNTY, OREGON

OWNER: CITY OF MILWAUKIE
SITE ADDRESS: 5908 SE MONROE STREET
TAX LOT: 12E31AA 8300

LEGEND

- BURNED GAS PIPE
- BURNED TELEPHONE CABLE
- SANITARY SEWER
- WATER LINE
- STORM SEWER
- OVERHEAD WIRES
- FENCE
- GATE
- BOUNDARY LINE
- 1/2-FOOT CONTOUR
- SANITARY SEWER MANHOLE
- CATCH BASIN
- HEDGEMARK
- WATER VALVE
- WATER METER
- UTILITY POLE W/ LIGHT
- CUT POLE & ANCHOR
- LIGHT POLE
- GAS VALVE
- PE
- MAILBOX
- SURVEY PROPERTY MONUMENT
- EDGE OF PAVEMENT
- SPOT ELEVATION
- RECORD DISTANCE
- HEDGE / BOUNDARY LINE
- DECIDUOUS TREE
- CONIFEROUS TREE

NOTES:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM VISUAL EVIDENCE AND EXISTING DRAWINGS. HANER, ROSS & SPORSEEN, INC. (HRS) MAKES NO WARRANTY NOR GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA (IN-SERVICE OR ABANDONED). HRS HAS NOT PHYSICALLY LOCATED ANY UNDERGROUND UTILITIES AND DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION.

CONCEPTUAL MASTER PLAN

City of Milwaukie Community Development Department

Title: Proposed Wichita Park Master Plan Submitted by: MCPRD Date: 9/18 # Pages: 1 **3**
File Number: 650-18-04/CPA-48-04 Applicant: MCPRD Exhibit #: 3



TOPOGRAPHIC SURVEY OF WICHITA PARK

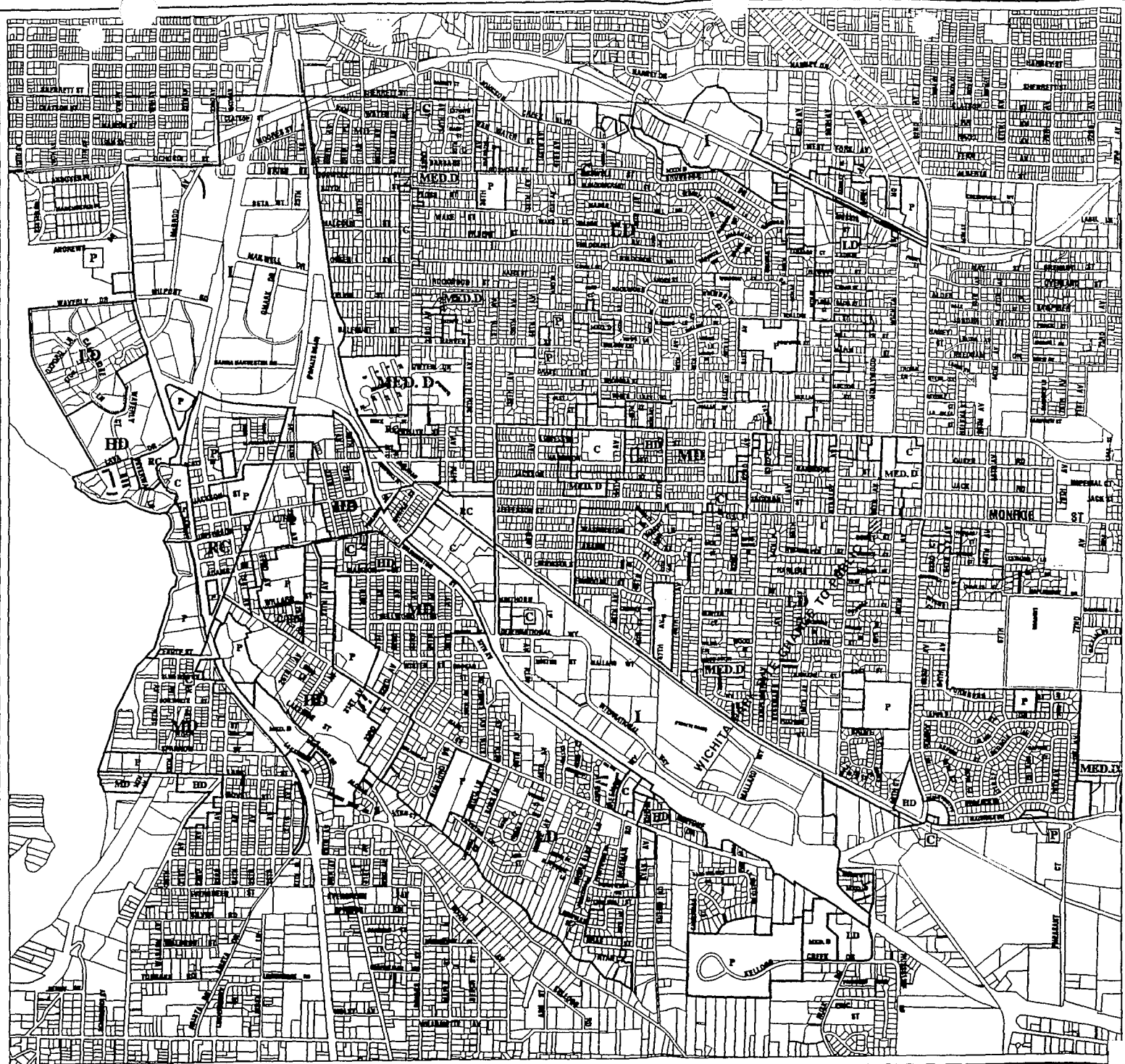
HANER, ROSS & SPORSEEN, INC.
ENGINEERS
15 S.E. 2ND AVENUE, CLACKAMAS COUNTY, OREGON 97144
PHONE: 503/638-1111 FAX: 503/638-1112
WWW.HRSINC.COM

V.B. 7

LAND USE

Milwaukie Comprehensive Plan
Map 7

- LD Low Density
- MD Moderate Density
- MED.D Medium Density
- HD High Density
- C Commercial
- C/HD Mixed Use
- I Industrial
- P Public
- RC Regional Center



PROPOSED

Adopted Date: July 7, 1998


City of Milwaukie 

EXHIBIT 2

V. B.

V. B.. 9

CITY OF MILWAUKIE

COMMUNITY DEVELOPMENT DEPARTMENT

STAFF REPORT

Hearing Date: December 8, 1998
120 Days - NA
NDA: Linwood

Date: November 25, 1998
File No.: CPA-98-04

Application: Comprehensive Plan Amendment to Re-designate Wichita Park and to Adopt the Park Plan as an Ancillary Document

Applicant: North Clackamas Parks & Recreation District

Property Owner: City of Milwaukie

Location: SE Monroe between SE Stanley & SE 60th, Milwaukie,
Tax Lots: 1 2E 31AA TL 8300, (Exhibit 1)

Zoning: R-7 Residential

RECOMMENDATION:

That the Planning Commission recommend that the City Council approve a Comprehensive Plan Amendment (CPA-98-04), (1) to create a master plan for improvements to Wichita Park as an Ancillary Document and (2) to change the Comprehensive Plan Designation for the property from Medium Density (MD) to Public (P) and amend and update Map #7 – Land Use Designation Map to reflect the land use change.

PROPOSAL

The North Clackamas Parks and Recreation District requests an amendment to the Milwaukie Comprehensive Plan to include the Wichita Master Plan as an ancillary document. The amendment also requests approval to change the Comprehensive Plan Designation of the property from Medium Density (MD) to Public (P) and update Map #7 – Land Use Designation Map to reflect the change.

BACKGROUND

The request to complete a Parks Master Plan was requested by the Milwaukie City Council in FY 1997-98. The size of the proposed Wichita Park is .95 acres (41,382 Square Feet). The site abuts SE Monroe Street.

This park falls within the “neighborhood park” category according to national standards. Because of its size, (less than an acre) it is a “walk-to” park primarily used by neighbors within a ¼ to ½ mile radius. Parking spaces will not be provided at the site, because neighborhood parks are intended to encourage “walk-to” use and are specifically not designed to attract users from other parts of the city parks district.

On August 7, 1998, the Milwaukie Parks and Recreation Board (PARB) unanimously passed a recommendation to the Planning Commission and City Council to approve an amendment to the Comprehensive Plan to designate of the park property (located at 59th and Monroe) as Public (P) in order to construct the Park. The site in its existing condition is an open field, with no improvements to the site.

The Community Service Overlay review (CSO-98-06) was approved with conditions at the November 10, 1998 meeting of the Planning Commission **Exhibit 2. – Notice of Decision.** No additional communications have been received from the surrounding neighbors regarding the improvements, and the Planning Commission CSO approval was not appealed to the City Council. The sketch of the proposed park design and Master Plan is attached to this application as **Exhibit 3.**

The following is an itemization of the improvements that will be made along with the anticipated cost of approximately \$100,000.

- construction of sidewalks on Monroe Street
- construction of a concrete walkway in the park
- construction of a play structure that incorporates a tot lot and an area for older children (elementary school ages)
- half-court basketball courts
- drinking fountain
- automatic irrigation system
- bike racks Additional
- picnic tables, benches
- soft surface path around the perimeter of the park
- new trees and vegetation on the east end of the park
- open turf for the northern portion of the site.

Two additional conditions of approval were added at the public hearing for the CSO approval. The first condition requires the Public Works Department to provide a gravel shoulder for pedestrian access from the park to 60th Avenue. Traffic signs to alert drivers and children at play shall also be installed. The second condition required the North Clackamas Parks & Recreation District and the effected homeowners to work together to construct a 6-foot fence along the south and east property lines. These conditions of

November 25, 1998

Page 3

approval have also been added to the Conditions of Approval for this Comprehensive Plan Amendment.

DISCUSSION

The appropriate Zoning Ordinance and Comprehensive Plan criteria and standards by which a request of this nature is reviewed are:

- Chapter 2—Comprehensive Plan Review; and Amendment Process,
- Community Service Overlay Zone (CSO), Section 321,
- In addition to underlying compliance with the R-5 Zone Criteria; and
- Chapter 4—Land Use, Recreational Needs Element, Approval of a Master Plan for the proposed Wichita Park improvements is incorporated as an ancillary Document to the Comprehensive Plan.

Staff's review for compliance with the necessary findings is provided below:

Compliance with the Comprehensive Plan

Chapter 2 – Plan Review and Amendment Process and Chapter 4- Land Use are the appropriate sections of the Comprehensive Plan that apply to this request.

Objective 1 of Chapter 2 allows for review, revision and amendment to the Comprehensive Plan as the community identifies issues and concerns that are deemed appropriate to change. Under Chapter 2 the City is required to notify the Department of Land Conservation and Development (DLCD), and other interested agencies. A Notice of Proposed Change was sent to DLCD and Metro per the state noticing requirements.

Chapter 4-Land Use outlines the City's Goals and Objectives regarding land use within the City. This chapter recognizes that the future character of Milwaukie is largely dependent on how land within the community is used, the relationships among the different land uses, and the intensity of development allowed within individual areas. The Land Use Chapter (4) identifies a Recreational Needs Element that addresses the City's need for recreational facilities and outlines the objectives toward meeting those needs.

The site of the proposed park is currently shown as Moderate Density (MD) in the Comprehensive Plan. This proposal would change the Moderate Density (MD) designation of the site on the Land Use Designation Map #7 to a "Public" (P) designation.

Recreational Needs Element

Goal Statement: *To provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities, encouraging the development of private recreational facilities, and preserving the opportunity for future public recreational use of vacant private lands.*

Discussion: The North Clackamas Parks and Recreation District is providing for the needs of the present and future City residents by maximizing the use of Wichita Park. The park was identified by the Milwaukie City Council as a site to master plan in the 1997-98 fiscal year. Through meeting with the Linwood Neighborhood District Association and the neighbors who have an interest in Wichita Park, a master plan was developed to maximize the space available in the park. Amenities to be included in the park: a play-structure, a half-court basketball court, soft surface path, and concrete sidewalks, picnic tables and benches.

Objective #1 – Park Classifications

Establish the following park classification and standards to guide provision of parks and other public open space throughout the City:

Neighborhood Park: Typically serves one neighborhood (within a ½ mile radius), is often located by a school, and provides short duration activities (field sports, play, leisure time etc.). Minimum size is 1 acre. The standard is 1 acre of neighborhood park per 1,000 residents.

Discussion: Wichita Park is classified as a Neighborhood Park and is located in the Linwood Neighborhood. The park is located within approximately one mile of Seth Lewelling Elementary School and provides short duration activities (play, leisure time, and walking). The size of Wichita Park is .95 acres.

Objective #2- Parks and Recreation Master Plan

- 1. A detailed Parks and Recreation Master Plan will be prepared based on the need identified for the City as a whole, and for each park planning sub-area. The standards noted previously in this element will serve as guidelines for the master plan.*
- 2. To prepare a Citywide master plan for parks and recreation facilities, services and programs that provides for a wide range of recreation opportunities for residents of the City.*

3. *Neighborhood groups will have opportunities to evaluate the adequacy of their recreation facilities as a part of the total evaluation of neighborhood needs and priorities*
4. *The Parks and Recreation Master Plan will include consideration of a number of implementation techniques including but not limited to the following: annual budgeting, bonds, special levies, grants, dedications, systems development charges, the formulation of a special park and recreation district, the usage of street vacations for providing park land, and development regulations for the Willamette Greenway and other open spaces as described elsewhere in the Recreational Needs Element.*

Discussion: A parks and recreation master plan was created in 1990 for each sub-area in the City of Milwaukie. The parks and Recreation District uses the master plan as a guide to acquire and develop parks in the City of Milwaukie.

The Linwood Neighborhood Association has had the opportunity to evaluate the adequacy of the recreational facility (Wichita Park) as a part of the total evaluation of neighborhood needs and priorities. The Milwaukie City Council identified Wichita Park as a site to Master Plan in the 1997-98 fiscal year. The Linwood Neighborhood District Association, the Parks and Recreation Board, and the local neighbors have been given the opportunity through public master planning meetings to offer their suggestions and concerns regarding the master plan of Wichita Park. These groups played a vital role in creating the master plan. A work session will also be held with the Milwaukie City Council to receive their input.

Objective #3 – Intergovernmental Cooperation

Work with, and initiate support and joint-use construction and maintenance agreements with other governmental agencies in providing parks and recreational facilities and services. These policies insure regional recreation planning and implementation programs through Metro and will coordinate activities with Clackamas County and other federal and state agencies.

Discussion: The North Clackamas Parks and Recreation District and the City of Milwaukie are two governmental agencies that have formed a partnership to work towards providing parks and recreation for the City of Milwaukie. The City of Milwaukie owns the existing parks in the City and the Parks District operates and maintains these parks.

Objective #5 – Neighborhood and Community Parks

Development of a City-wide park and recreation system which meets the needs of neighborhoods and the City as a whole by assuring that neighborhood parks are:

- *Conveniently located for the residents of each neighborhood, preferably on collector or minor arterial streets.*
- *Provides services that are oriented towards neighborhood needs and will not attract users from outside the neighborhood.*

Discussion: Wichita Park is located on Monroe Street between Stanley and Linwood Avenues. The park will serve the recreational need of the residents of the Linwood neighborhood. Wichita Park will not contain large, highly structured facilities that will attract users from outside the neighborhood. The structures on the site will be designed to accommodate the needs of the neighborhood. Walking paths, a play structure, and a basketball area were requested by the neighbors to provide a place for their children to play.

Objective #6 – Maximization of Existing Parks

The City will strive to maximize the use of existing City parks and through the master planning process will strive to develop appropriate facilities, improve access to existing parks and enlarge existing parks when feasible.

Discussion: Improvements to Wichita Park will maximize the existing use of the facility through the construction of a play structure, hard and soft surface paths and a half-court basketball court. The park will be designed consistent with its natural features and carrying capacity. The design of the park is intended to maximize the use of the space available. There is a balance between active play areas and passive open turf areas, picnic areas and walking paths.

The master plan for Wichita Park proposes to improve access to the park by constructing a sidewalk in front of the site and constructing a path from the entrance of the park to the amenities within the site.

Neighborhood Element – Neighborhood Area 5

Guideline #5 -Recreation

Provide for increased recreational opportunities by implementing the Parks and Recreation Master Plan sub-area recommendations.

Discussion: The North Clackamas Parks and Recreation District is providing increased recreational opportunities by implementing the recommendation of the Milwaukie City Council to master plan Wichita Park in the 1997-98 fiscal year.

City Growth Element

Objective #7 – Extension of Services

Enables the City to maintain and extend adequate service levels as City growth occurs through policies that allow participation and cooperation with the County and affected service districts in planning for and providing the delivery of urban services.

Discussion: The North Clackamas Parks and Recreation District operate and maintains the City of Milwaukie parks. The Milwaukie City Council serves as a Neighborhood Parks Advisory Board to the Parks District. A member of the Milwaukie city Council serves on the North Clackamas Parks and Recreation District Advisory Board. The North Clackamas Parks and Recreation District Staff attends the Milwaukie Parks and Recreation Board's monthly meeting in order to ensure cooperation and continual communication regarding parks needs in the City of Milwaukie.

CONCLUSION

The adoption of the Wichita Park Master Plan as an ancillary document to the Comprehensive Plan meets the criteria and policies established by Chapter 2 – Plan Review and Amendment Process, of the Comprehensive Plan. Adoption of the Master Plan requires the amendment to the Land Use Map #7. A Notice of Proposed Amendment has been sent to DLCD per the state statute requirements. The proposed Master Plan complies with the Comprehensive Plan policies, guidelines and objectives that have been previously adopted by the City Council.

Compliance with the Zoning Criteria

The Wichita Master Plan as approved under the CSO review process meets the zoning requirements under Section 302 – Residential Zone R-7, and Section 321.10 of the Community Service Overlay Zone. Staff recommends approval of the Comprehensive Plan Amendment based on the approval of CSO-98-06 at the November 10, 1998 Planning Commission Meeting.

COMMENTS

No additional comments were received as a result of the application for the Comprehensive Plan Amendment. All of the comments were addressed at the time of the CSO approval.

FINDINGS FOR COMPREHENSIVE PLAN AMENDMENT- CPA-98-04

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

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

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

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

Wichita Park is classified as a Neighborhood Park which serves the recreational needs of the residents of the Linwood Neighborhood. In 1990, the City of Milwaukie developed a master plan for parks within its jurisdiction. The proposed plan is consistent with the City wide plan. Improvements will be designed to accommodate the needs of the very young (1 to 6 years old), the handicapped and the elderly.

2. ***Public Need for the Change.***

The current Comprehensive Plan does not contain a plan for Wichita Park. The adoption of the Wichita Park Master Plan as a Community Service Overlay on November 10, 1998, provided specific direction for the Wichita Park development, as well as the protection and enhancement of the space as public open space. Changing the land use designation from Low Density Public will ensure the continued use of this site for parks.

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

The Wichita Park Master Plan provides a comprehensive approach to balancing the need for active recreational use of the site with the need to protect the open

space by maximizing the unique recreational opportunities that the site has to offer.

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

The Wichita Park Master Plan will protect the health, safety, and welfare of the community by identifying actions to preserve, protect and enhance the natural habitat within the park, while providing open space for the neighborhood.

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

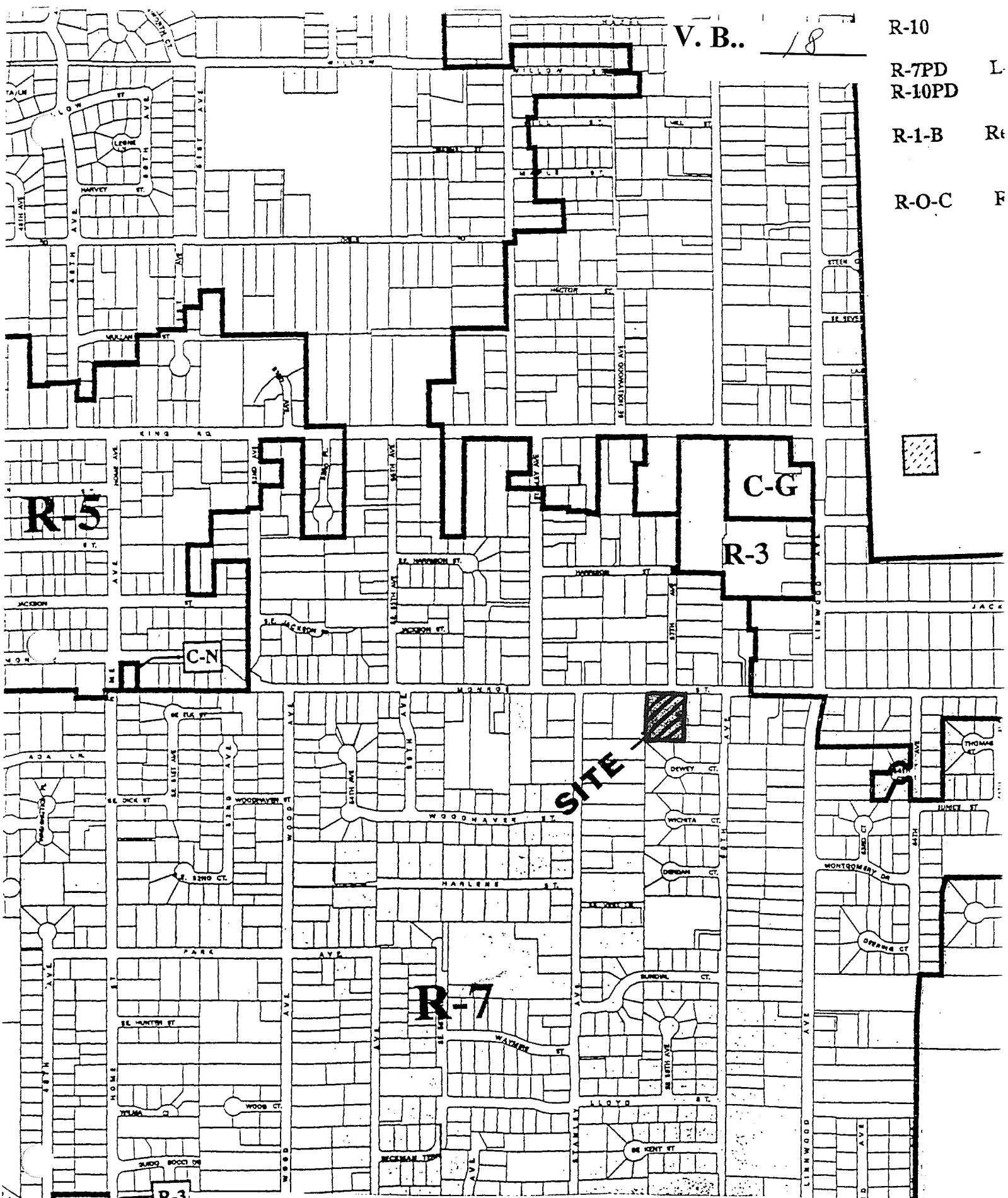
The Wichita Park Master Plan is in conformance with Statewide Planning Goal 5 – Open Spaces, Scenic and Historic areas, and Natural Resources – by providing direction for conserving and protecting natural areas and resources.

Exhibits:

1. Vicinity Map
2. Notice of Decision (CSO-98-06)
3. Proposed Wichita Park Conceptual Master Plan
4. DLCD Notice of Proposed Change
5. Park and Recreation Board Recommendation of Approval for Comprehensive Plan Amendment

V. B. 18

- R-10
- R-7PD L
- R-10PD
- R-1-B R
- R-O-C F



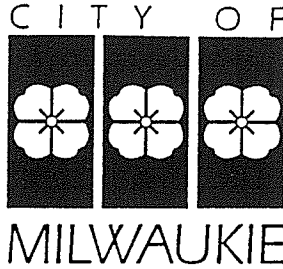
City of Milwaukee Community Development Department

Title: VICINITY MAP Submitted by: LD Date: 9/18/98 # Pages: 1

File Numbers: 05268-0210M Applicant: MCPRB Exhibit #: 1



V. B.. 19



November 12, 1998

CSO-98-06

NOTICE OF DECISION

This is official notice of action taken by the Milwaukie Planning Commission at a Public Hearing held on Tuesday, November 10, 1998, regarding an application for the creation of a Master Plan for the Wichita Park Improvements. The application was submitted by the North Clackamas Parks and Recreation District. The property is located at SE Monroe between SE Stanley and SE 60th Street, Milwaukie, Clackamas County, Oregon. Map 1S, 2E, Section 31AA, TL 8300.

After taking testimony at the November 10, 1998 Meeting regarding the proposed improvements, the Planning Commission approved the applicant's request with conditions, based on the public testimony and the findings contained in the Staff Report. The adopted findings and conditions of approval are included with this Notice.

Following provisions of Section 1011.3 of the City of Milwaukie Zoning Ordinance, this application has been approved as of this date. A 15-day appeal period is now in effect, expiring at 5:00 p.m. on November 27, 1998.

Copies of the Staff Report and other written materials are available upon request. Community Development Department Staff can be contacted at 786-7650 if additional information is required.

Susan Heiser

Susan Heiser, Planning Director

By Janet Wright

Cc: Jim Brink, Public Works Director
John Bennett, Building Official
Paul Roeger, Civil Engineer
File: CSO-98-06

Attachment: Exhibit 1: Conditions of Approval

COMMUNITY DEVELOPMENT DEPARTMENT

City of Milwaukie Community Development Department				
Title: <u>Notice of Dec.</u>	Submitted by: <u>CD</u>	Date: <u>11/18/98</u>	# Pages: <u>3</u>	
File Numbers: <u>CPA-98-04</u>	Applicant: <u>NCPD</u>	Exhibit #: <u>2</u>		

EXHIBIT 1

CONDITIONS OF CSO APPROVAL

Community Development:

1. The Community Service Overlay Zone (CSO) approval establishes a Master Plan for improvements to Wichita Park, and amends the City of Milwaukie Comprehensive Plan by adding the Master Plan as an ancillary document.
2. Improvements to Wichita Park will be completed in accordance with the approved Master Plan.
3. The Land Use Map - #7 of the Milwaukie Comprehensive Plan is amended to reflect the change in the land use of the park site from Medium Density Residential (MD) to Public (P) in order to protect the park from future land use changes.
4. A determination and/or a delineation of any wetlands at the site will be required prior to construction of any improvements.
5. A review of the Nationwide Wetlands Inventory must be conducted to determine if the plan includes wetland areas that are covered under the jurisdiction of the Oregon Removal-Fill Law (ORS 196.800–196.990). Any removal, filling or alteration of 50 cubic yards or more of material within the bed or banks of the waters of this state, requires a permit from the Division of State Lands (including a wetland delineation report reviewed and approved by the Division and the US Army Corps of Engineers). Documentation and/or approvals from the appropriate agencies regarding any wetland areas must be submitted to Community Development prior to the beginning of construction of any improvements at the site. **Exhibit 8.**

Public Works:

6. Improvements to Wichita Park will comply with the requirements of the City Public Works Department as stipulated in the Public Works Memorandum of August 21, 1998. **Exhibit 6.**
7. An erosion control plan will be submitted to the Public Works Department for approval prior to beginning construction of any of the park improvements.

8. Full-engineered plans are required to be submitted to Public Works for street and storm drainage improvements along Monroe Street.
9. The North Clackamas Parks and Recreation and effected homeowners shall work together to construct a 6-foot fence along the south and east property lines.
10. The Public Works Department shall provide a gravel shoulder for pedestrian access from the park to 60th Avenue. Traffic signs to alert drivers to children at play shall also be installed.

COMMUNITY SERVICE OVERLAY WICHITA PARK

A. Describe Proposal

At the request of the City of Milwaukie City Council, the North Clackamas Parks and Recreation District proposes to create a master plan for improvements to Wichita Park. The City of Milwaukie in the 1997-98 fiscal year made this request.

Existing Conditions:

The site in its existing condition has an open lawn area only. There are no other improvements to the site.

Planning Process for Improvements to the park:

In order to design improvements to the park, the Park District held two public meetings to gather citizen input. Our meetings were held in conjunction with the Linwood Neighborhood District Association (NDA).


The meetings were announced through the Linwood NDA, flyers were sent to citizens who live in the area around the park, public notices were listed in the Clackamas Review and The Oregonian, and a sign was posted at the site listing meeting information.

The first meeting's intent was to gather information. The citizens were asked to provide input regarding the improvements they would like to see at the park. At the second meeting staff presented two designs for the citizens to comment on, ask questions, and make recommendations. Of the sketches shown, one was chosen as the recommended design for the improvements to the park. That sketch is attached with this application.

The following is an itemization of the improvements to be made at Wichita Park. We anticipate that the improvements will cost approximately \$100,000.00.

Proposed Improvements to Wichita Park:

- Construction of sidewalk on Monroe St.
- Concrete walkway within the park.
- Play structure that incorporates a tot lot and an area for older children (elementary school ages).
- Half-court basketball court.
- Drinking fountain.
- Automatic irrigation system.
- Bike racks.

City of Milwaukie Community Development Department				
Title: <u>Master Plan</u>	Submitted by: <u>NCPRD</u>	Date: <u>11/13/98</u>	# Pages: <u>7</u>	
File Numbers: <u>CSO-98-04</u>	Applicant: <u>NCPRD</u>	Exhibit #: <u>3</u>		

- Picnic tables and benches.
- Soft surface path around perimeter of park.
- New trees.
- Planting of vegetation on eastern end of park.
- Open turf area in northern portion of site.

Parking spaces will not be provided (and currently do not exist). This park falls within the "neighborhood park" category according to national standards. Because of its size, (less than an acre) it is a walk-to park primarily used by neighbors within a $\frac{1}{4}$ to $\frac{1}{2}$ mile radius. Neighborhood parks are intended to encourage walk-to use and are not designed to attract users from other parts of the city or parks district.

B. Address Approval Criteria

- Comprehensive Plan Goals and Policies:

Recreational Needs Element

Goal Statement: To provide for the recreational needs of present and future City residents by maximizing the use of existing public facilities, encouraging the development of private recreational facilities, and preserving the opportunity for future public recreational use of vacant private lands.

The North Clackamas Parks and Recreation District is providing for the needs of the present and future City residents by maximizing the use of Wichita Park. The park was identified by the Milwaukie City Council as a site to master plan in the 1997-98 fiscal year. Through meetings with the Linwood Neighborhood District Association and the neighbors who have an interest in Wichita Park, a master plan was developed to maximize the space available in the park. Amenities to be included in the park are: a play structure, a half-court basketball court, soft surface path, concrete sidewalks, picnic tables and benches.

Objective #1 - Park Classifications

Wichita Park is classified as a Neighborhood Park and is located in the Linwood neighborhood. The park is located within approximately one mile of Seth Lewelling Elementary School and provides short duration activities (play, leisure time, and walking). The size of Wichita Park is .95 acre.

Objective #2 - Parks and Recreation Master Plan

1. A parks and recreation master plan was created in 1990 for each sub-area in the City of Milwaukie. The Parks and Recreation District uses the master plan as a guide to acquire and develop parks in the City of Milwaukie.
2. Not applicable.
3. Neighborhood groups have the opportunity to evaluate the adequacy of the recreational facility (Wichita Park) as a part of the total evaluation of neighborhood needs and priorities. The Milwaukie City Council identified Wichita Park as a site to master plan in the 1997-98 fiscal year. The Linwood Neighborhood District Association, the Parks and Recreation Board, and local neighbors have been given the opportunity through public master planning meetings to offer their suggestions and concerns regarding the master plan of Wichita Park. These groups played a vital role in creating the

master plan. A work session will also be held with the Milwaukie City Council to receive their input.

4. Not applicable.

Objective #3 - Intergovernmental Cooperation

The North Clackamas Parks and Recreation District and the City of Milwaukie are two governmental agencies that have formed a partnership towards providing parks and recreation for the City of Milwaukie. The City of Milwaukie owns the existing parks in the City and the Parks District operates and maintains these parks.

Objective #4 - Private Recreation Opportunities

Not applicable.

Objective #5 - Neighborhood and Community Parks

1. Wichita Park is located on Monroe St. in between Stanley and Linwood avenues.

2. Wichita Park will serve the recreational needs of the residents of the Linwood neighborhood. Wichita Park will not contain large, highly structured facilities that will attract users from outside the neighborhood. The structures on the site will be designed to accommodate the needs of the neighborhood. Walking paths, a play structure, and a basketball area were requested by the neighbors to provide a place for their children to play.

3. Not applicable.

4. Not applicable.

Objective #6 - Maximization of Existing Parks

Improvements to Wichita Park will maximize the existing use of the facility through the construction of a play structure, hard and soft surface paths and a half-court basketball court. The park will be designed consistent with its natural features and carrying capacity. The design of the park is intended to maximize the use of the space available. There is a balance between active play areas and passive open turf areas, picnicking areas and walking paths.

-Policy #1. The master plan of Wichita Park proposes to improve access to the park by constructing a sidewalk in front of the site and constructing a path from the entrance of the park to the amenities within the site.

Objective #7 - Riverfront Recreation

Not applicable.

Neighborhood Element:
Neighborhood Area 5

Guidelines #1 - #4 - Not applicable.

Guideline #5 - Recreation

The North Clackamas Parks and Recreation District is providing increased recreational opportunities by implementing the recommendation of the Milwaukie City Council to master plan Wichita Park in the 1997-98 fiscal year.

Guideline #6, #7 - Not applicable.

City Growth Element:

Objective #7 - Extension of Services

To enable the City to maintain and extend adequate service levels as city growth occurs.

The City will participate and cooperate with the county and affected service districts in planning for and providing the delivery of the full range of urban services.

The North Clackamas Parks and Recreation District operates and maintains the City of Milwaukie parks. The Milwaukie City Council serves as a Neighborhood Parks Advisory Board to the Parks District. A member of the Milwaukie City Council serves on the North Clackamas Parks and Recreation District Advisory Board. The North Clackamas Parks and Recreation District staff attends the Milwaukie Parks and Recreation Board's monthly meeting in order to ensure cooperation and continual communication regarding parks needs in the City of Milwaukie.

- **Zoning Ordinance Sections**

1. ***Section 302 - Residential Zone R-7***

- 302.1 ***Outright uses permitted***

- Wichita Park is a community use permitted through the Community Service Overlay process.

302.2 Conditional use permitted

Not applicable.

302.3. Standards

A. Lot size: .95 acre (41,382 square feet).

B. Front yard: (north side of site) No structure is located within 20 feet of property line.

C. Side yard: (east and west sides of site) No structure is located within five or ten feet on either the east or west side yard.

D. Rear yard: (south side of site) No structure is located within 20 feet of the property line.

E. Yard abutting major street: Not applicable.

F. Off-street parking and loading: No off-street parking will be provided as this is a neighborhood park that is intended to be walked to by the neighborhood.

G. Height restriction: play structure (not a building) will not exceed 2.5 stories or 35 feet, whichever is less.

H. Lot coverage: play structure will not cover more than 30 percent of the total area of the lot.

I. Minimum vegetation: This site is a park and a prominent feature of the park will be vegetation. (At least 30 percent of the site will be vegetation.)

J. Access requirement: This lot abuts one public street.

2. Section 321.4 - Authority to grant or deny a community service use

A.1 The requirements of the underlying zone are met

See section 302 above.

A.2 Specific standards for the uses found in subsections 321.7 - 231.10 are met

321.7 Specific standards for schools

A-J Not applicable.

321.8 Specific standards for nursing or convalescent homes

A-J Not applicable.

321.9 Specific standards for churches, convent, related facility

A-E Not applicable.

321.10 Specific standards for institutions: public/private and other facilities not covered by other standards

A. Not applicable.

B. Access is to a local residential street. Vehicular trips are not anticipated at this site as it is walk-to in nature, designed to meet the needs of neighbors that live within a $\frac{1}{4}$ to $\frac{1}{2}$ mile radius of the site.

C. Not applicable.

D. Not applicable.

E. Not applicable.

F. There is no lighting proposed at this park.

G. The hours of operation will be one half-hour after sunrise to one half-hour after sunset.

A3. The hours and levels of operation of the proposed use can be adjusted to be reasonably compatible with surrounding uses. For solid waste facilities, this shall mean:

a. - h. Not applicable.

V. B.. 29 NOTICE OF PROPOSED AMENDMENT

This form must be received by DLCD at least 45 days prior to the final hearing
ORS 197.610 and OAR Chapter 660, Division 18

See reverse side for submittal requirements

Jurisdiction CITY OF MILWAUKIE

Date of Final Hearing 12-1-98 Local File # CPA-98-04

Has this proposal been previously submitted to DLCD? Yes XX No Date

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation

Briefly summarize the proposal. Do not use technical terms. Do not write "See Attached."

Create a master plan for improvements to Wichita Park and amend Map 7-Land Use
Map of the City of Milwaukie Comprehensive Plan. The Master Plan is an
Ancillary document to the Comprehensive Plan.

Plan Map Change From Low Density to Public

Zone Map Change From None to

Location: SE Monroe between SE Stanley & SE 60th Acres Involved: 95

1 2E 31AA, TL 8300

Specified change in Density: Current Density Proposed Density

Applicable Goals: 5,2,8,9,10,& 15 Is an Exception proposed? Yes XXNo

Affected State or Federal Agencies, Local Governments or Special Districts: METRO

Local Contact: Janet Wright Phone: 786-7653

Address: City of Milwaukie
6101 SE Johnson Creek Blvd
Milwaukie, OR 97222

DLCD File #

City of Milwaukie Community Development Department

Title: DLCD Notice Submitted by: NCPRD Date: 11/18/98 # Pages: 10
File Numbers: CPA-98-04 Applicant: NCPRD Exhibit #: 4



response (please add pages if necessary):

File #(s): CSO-98-06

V. B.. 30

The City of Milwaukie Parks and Recreation Board unanimously passed the following motion "Accept the proposal to change the Comprehensive Plan Designation of Property located at 59th and Monroe from Medium Density (MED.D) to Public (P) in order to construct Wichita Park based on the PARB previous approval on May 4, 1998, of the Wichita Park Master Plan."


RECEIVED

AUG 10 1998

CITY OF MILWAUKIE
COMMUNITY DEVELOPMENT

Agency: City of Milwaukie, Parks and Recreation Board

Signature: *Charles S. Roberts (Staff)* Date: 8/7/98

City of Milwaukie Community Development Department				
Title: MPRB Approval	Submitted by: MPRB	Date: 9/11/98	# Pages: 1	
File Number: CSO-98-06	Applicant: MPRB	Exhibit #: 5		

DELIBERATION AMONG COMMISSIONERS

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

Donald Hammang moved to recommend to City Council approval of Comprehensive Plan Amendment, CPA-98-04, to create a master plan for improvements to Wichita Park as an Ancillary Document. Further, to change the Comprehensive Plan Designation for the property from Medium Density (MD) to Public (P) and amend and update Map #7 - Land Use Designation Map to reflect the land use change. **Mike Miller** seconded. MOTION CARRIED 5-0 with one abstention. Barbara Cartmill abstained.

Ayes: Smith, Hammang, Borden, Cook, Miller; Nays - None.

- 6.4 Applicant: Criterion Supply, Inc.
Owner: Same
Location: 4500 SE Mallard Way - a.k.a. 4500 SE Criterion Court
Proposal: Consideration of a modification to NR-97-01 for additional grading and the construction of a retaining wall at the northeast corner of the site.
File Number: NR-98-07
NDA: Business Industrial/Hector Campbell

Chair Smith opened the public hearing on File Number NR-98-07, a request to review Natural Resources Overlay for modified site improvements of NR-97-01 approval. Criteria to be addressed are found in Section 322 of the Milwaukie Zoning Ordinance and Chapter 3- Environmental & Natural Resources, of the Milwaukie Comprehensive Plan.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare. **Donald Hammang** reported that he was a participant in the neighborhood association meetings on the history of this site. He does not feel this will prejudice his vote on this issue. **Chair Smith** asked if anyone had opposition to Donald Hammang voting on this issue. There were none. There were no other conflicts of interest or ex-parte contacts declared.

Chair Smith asked if any member of the Planning Commission visited the site; four hands was raised. No one who visited the site spoke to anyone at the site. **Donald Hammang** noted that there was substantial encroachment of fill off the pad into the

William E. Lown
 4206 SE Bowman
 Milwaukie, Or.
 Phone 654-9036 Fax 652-3927
 mobile 781-3173

MILWAUKIE POLICE DEPT.

JAN - 8 1999

BY: PAD 4:20 PM

January 08, 1999

City Recorder
 City of Milwaukie
 3200 SE Harrison
 Milwaukie Or. 97222

Dear Ms. Duvall,

On December 31, I was hand delivered 1(ea) NOTICE OF VIOLATION & ORDER TO ABATE and DECLARATION OF NUISANCE & ORDER TO ABATE citing code violations of:

NOTICE OF VIOLATION & ORDER TO ABATE

1. zoning sec. 401.1
2. Oregon res. code sec 111.1 / Milw. code 15.04.170 (permit # 97-350)
3. Milw. code 15.04.160
4. Milw. code 16.28

DECLARATION OF NUISANCE & ORDER TO ABATE

faliure to comply: violation 8.04

While I acknowledge the failure of the temporary portion of the wall, I maintian that the structural portion of the wall that remains, is **sound**. The City, in it's letter acknowledges that no inspections have been made that would eleviate concerns about the structural integrity of the remaining portion. On Tuesday Jan 5, I spoke to JohnGessner, as well as John Bennett regarding the wall's safety, and requested an inspection of the compacted backfill and a frontal inspection of all visible exposed Geo-grid. I was informed that that was not something that the building or engineering dept could do.

My feeling is that if the City cannot , and has not inspected the wall, then it cannot judge the wall unsafe or safe so as not to be a nuisance.

I hereby request the City of Milwaukie to be informed that this is a: FORMAL PROTEST OF NUISANCE & ABATE ORDER dated 12/31 as signed by:Charlene Richards Acting City Manager, and FORMAL PROTEST OF VIOLATION & ABATE ORDER dated 12/31 and co-signed by John Gessner and John Bennett.

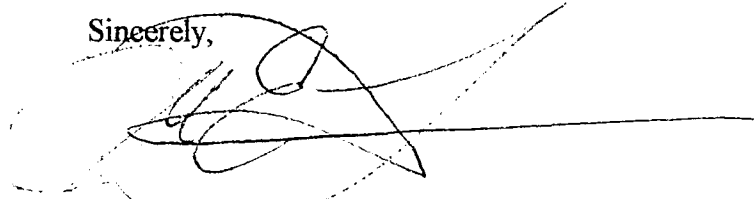
I further request that: **inforcement of these violations be suspended**, until proper investigation of the structural status of the wall. There are many issues other just the structural and it all ties together with the Newman's, whom are developing the property below. We are developing a

VI. A.

2

partnership on the wall to accomodate their needs for a driveway and make the wall have a minimum impact in the area as well as be structurally sound. The temporary section that collapsed was only there till all the various issues regarding the wall and the driveway were worked out with the City, the Newmans and myself.

Sincerely,

A handwritten signature in black ink, appearing to read 'William E. Lown', written over a horizontal line. The signature is somewhat stylized and overlaps the line.

William E Lown

cc: John Gessner
John Bennett



VI. A. 3

NOTICE OF VIOLATION & ORDER TO ABATE
By Hand Delivery and Registered Mail

December 31, 1998

Mr. William E. Lown
4206 SE Bowman Street
Milwaukie, Or 97222

Re: Violations at 4206 SE Bowman

Dear Mr Lown:

On October 12, 1998 this office issued a formal warning of violation of the Milwaukie Municipal Code, Milwaukie Zoning Ordinance, and Oregon Uniform Building Code: reference is made to my letter to of October 12, 1998 delivered by certified mail. The warning required you undertake certain actions to correct the violations by no later than October 23, 1998. I verbally suspended enforcement action sometime after its issuance pending resolution of issues related to driveway construction on property of Newman to the south. To date no proposals have come forth. Given recent collapse of the wall, the City is compelled to reinstate the code enforcement proceedings and impose a new deadline for compliance.

This letter serves as official notice of violations of the Milwaukie Municipal Code Milwaukie Zoning Ordinance, and Oregon Uniform Building Code as follows.

1. Violation of Zoning Ordinance Section 401.1 - construction of a wall in excess of 6' in height.
2. Violation of Oregon One and Two Family Dwelling Code, Section 111.1 as adopted by Milwaukie Municipal Code Chapter 15.04.170 - construction of the wall in conflict with approved permit (Permit 97-350),
3. Violation of Milwaukie Municipal Code Chapter 15.04.160 - failure to obtain required inspection(s) of the wall.

COMMUNITY DEVELOPMENT DEPARTMENT
Planning • Public Works • Facilities
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

Mr. William E. Lown
December 31, 1998
page 2 of 2

VI. A.

4

4. Violation of Milwaukie Municipal Code Chapter 16.28 - failure to obtain erosion control plan for placement of fill associated with the retaining wall.

You are hereby ordered to correct these violations no later than January 10, 1999. If you fail to remedy the violations within the specified time period, the City will serve you with a Uniform Summons and Citation ordering you to appear in court. Remedy of the violation means the removal of those portions of the wall violating Milwaukie Zoning Ordinance Section 401.1 for wall height in excess of 6' and removal of those portions of the wall built in violation of building permit 97-350. Additionally you must make provisions for city inspection of that portion of the wall authorized under building permit 97-350. Compliance with this order shall not alleviate any requirement of the Declaration of Nuisance and Order to Abate issued to you on December 31, 1998 that may be more restrictive.

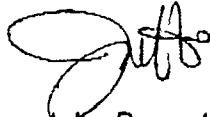
You are advised to install and maintain erosion controls as may be required by Milwaukie Municipal Code Chapter 16.28.

Please do not hesitate to contact John Gessner 786-7652 should you have any questions regarding this matter.

Sincerely,



John Gessner
Associate Planner



John Bennett
Building Official

cc: Charlene Richards, Acting City Manager
Martha Bennett, Community Development Director
James Brink, Public Works Director
Paul Roeger, P.E., Civil Engineer
John Wheeler, Building Inspector
Ali Safayi, Associate Engineer
City Attorney



**NOTICE OF DECLARATION OF NUISANCE
& REQUIREMENT TO ABATE**

By Hand Delivery & Postal Service

December 31, 1998

Mr. William Lown
4206 Bowman Street
Milwaukie, OR 97222

Re: Structural Failure of Retaining Wall at 4206 SE Bowman Street

Dear Mr. Lown:

This letter serves as official notice that the retaining wall located along the southern and western property boundaries of the lot located at 4206 SE Bowman Street has been declared unsafe pursuant to Milwaukie Municipal Code 15.05.180.A. Unsafe structures are declared to be a public nuisance and shall be removed pursuant to Milwaukie Municipal Code 15.05.180.B.

The wall has been declared unsafe based upon the following findings:

1. On or about December 29, 1998 an estimated 30' section of wall, approximately 5' to 6' in height failed and collapsed onto adjoining southern property.
2. Contrary to representations made as to the method of installation, back-fill exposed by the collapse indicates the wall was not installed in accordance with manufacturer specifications referenced in previous meeting with City personnel.
3. Based upon observations made on December 30, 1998 it appears that areas of the wall not yet collapsed are stressed or have shifted.
4. No inspections of wall installation, by City inspectors, have been conducted that would alleviate concerns about the structural integrity of remaining portions of the wall.

COMMUNITY DEVELOPMENT DEPARTMENT
Planning • Public Works • Facilities
6101 SE Johnson Creek Blvd., Milwaukie, Oregon 97206
PHONE: (503) 786-7600 • FAX: (503) 774-8236

Mr. William Lown
December 31, 1998
page 2 of 2

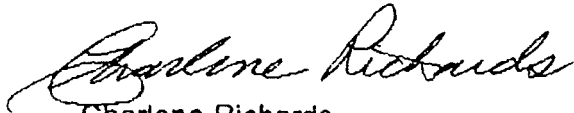
Substantial evidence exists to indicate the wall represents a potentially serious threat to public health, safety, and welfare. Consequently, you are hereby ordered to remove the wall by no later than January 10, 1999. The nuisance shall be considered abated upon city inspection of the premises and confirmation that the risk of collapse and other related impacts have been alleviated in accordance with the following specifications.

1. All portions of the wall located along the southern and western property lines exceeding 4' in height (from bottom of wall to top of wall) shall be reduced to no more than 3' in height.
2. Fill shall be excavated so that no slope exceeds a 1:1 rise to run ratio.
3. All exposed fill shall be stabilized to protect against erosion and sedimentation.

You are advised that failure to abate the nuisance may result in the City taking action to remove the nuisance as authorized by Milwaukie Municipal Code Chapter 8.04. Should the City undertake abatement, its cost shall be assessed as a lien against the property. You have the right to protest the abatement by giving written protest to the city recorder within ten days from the date of notice.

Please do not hesitate to contact me at 786-7652 should you have any question regarding this letter.

Sincerely,



Charlene Richards
Acting City Manager

cc: Dan Bartlett, City Manager
Martha Bennett, Community Development Director
James Brink, Public Works Director
John Bennett, Building Official
John Gessner, Associate Planner
Paul Roeger, P.E., Civil Engineer
Ali Safayi, Associate Engineer
City Attorney



TO: Milwaukie City Council

THROUGH: Dan Bartlett, City Manager *DB*

FROM: Martha Bennett, Assistant City Manager, Community Development *MB*

RE: 190 Agreement with Happy Valley for Interim Planning Director Services

DATE: January 7, 1999

Action Requested

Staff requests that the City Council adopt a resolution authorizing the City Manager to sign an agreement with the City of Happy Valley. Under this agreement, the Community Development Director of Happy Valley would serve as Milwaukie's interim Planning Director while we recruit for a replacement for Susan Heiser.

Discussion

The attached agreement contracts with Happy Valley to have Jim Crumley, Community Development Director, act as our interim Planning Director while we recruit for a permanent replacement for Susan. Our existing staff can absorb many of her duties, but the Planning Division needs support and guidance. As many of you know, Jim worked for the City of Milwaukie before he went to work for Happy Valley. In addition, Jim supervises the building inspection program in Happy Valley, so he brings familiarity with our building inspection program as well.

The attached agreement is very close in structure and language to the agreement that Milwaukie has with Happy Valley for building inspection and engineering services. Jim's time will be charged to Milwaukie at \$62 per hour, the same rate that we charge Happy Valley for the services of the City Engineer. We estimate that Jim will be on site for approximately 14 hours per week, and he will be available by phone to City employees as well.

Staff feels this interim arrangement provides the services we need at a reasonable cost and strengthens our cooperative relationship with Happy Valley.

Budget Impact.

The estimated cost to the City of Milwaukie will be \$17,500, which can be funded from savings from the Planning Director's salary.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING AN AGREEMENT WITH THE CITY OF HAPPY VALLEY, OREGON UNDER ORS 190 FOR THE PROVISION OF INTERIM PLANNING DIRECTOR SERVICES

WHEREAS, ORS 190.010 permits local governments to enter into Intergovernmental agreements; and

WHEREAS, Milwaukie has need of interim planning director services while Milwaukie recruits for a permanent Planning Director; and

WHEREAS, Happy Valley has qualified staff available to provide interim Planning Director services to Milwaukie; and

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Milwaukie, Oregon, authorizes the City Manager to sign an intergovernmental agreement between the City of Milwaukie and the City of Happy Valley for the provision of Interim Planning Director services from January 20, 1999 to June 1, 1999.

Introduced and adopted by the City Council on January 19, 1999.

Carolyn Tomei, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

O'Donnell, Ramis, Crew, Corrigan & Bachrach, LLP

INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF MILWAUKIE AND THE CITY
OF HAPPY VALLEY FOR THE PROVISION OF INTERIM
PLANNING DIRECTOR SERVICES

This Agreement is made and entered into by the City of Milwaukie, an Oregon municipal corporation (hereinafter "Milwaukie") and the City of Happy Valley, an Oregon municipal corporation, (hereinafter "Happy Valley"). Milwaukie and Happy Valley are jointly referred to herein as "the Parties."

RECITALS

1. Milwaukie has need of interim planning director services while Milwaukie recruits for a permanent Planning Director
2. Happy Valley has qualified staff available to provide interim Planning Director services to Milwaukie.
3. The Parties find it would be beneficial to both cities to share resources
4. Milwaukie and Happy Valley acknowledge that they have the authority to enter into this Intergovernmental Agreement pursuant to the powers contained in their respective charters and ordinances.

NOW, THEREFORE, the Parties agree as follows:

1. Services Provided by Happy Valley. Happy Valley will provide the following services to Milwaukie through their Community Development Director:
 - a. Supervise the evaluation of land use proposals to insure compliance with applicable City, State, or Federal Laws. Resolve disputes among planning and building staff and applicants as required.
 - b. Coordinate workloads and assignments of Planning staff. Assist Planning staff in performing duties. Provide guidance and direction in the development of long range plans.
 - c. Provide professional planning and land use advice to Milwaukie City Officials. Provide lead staff support to the Planning Commission.
2. Employee Status, Workers' Compensation. Milwaukie is purchasing professional services on a contract basis. The CDD is for all purposes an employee of Happy Valley. Happy Valley shall remain fully responsible as the employer of the Community Development Director for all taxes, assessments, fees, premiums, wages, withholdings, and other direct and indirect compensation, benefits, and related obligations with respect to its own employees. Likewise, Happy Valley will insure, self-insure, or both its employee as required by Oregon Revised Statutes.
3. Rates for Services. Happy Valley shall charge Milwaukie \$62 per hour for the services provided under this Agreement.

VI. B. 4

4. Billing. Happy Valley shall bill the City of Milwaukie on the same billing schedule and timing as Happy Valley bills for Building Inspection services.

5. Term of the Agreement. This Agreement shall terminate on June 1, 1999 or upon the first day of work of a permanent Planning Director at the City of Milwaukie, whichever comes first.

6. Termination of the Agreement. This Agreement may be terminated by either Party without cause upon giving 10 days written notice of intent to terminate.

7. Attorney's Fees. In the event any suit, action, or other proceeding is brought with regard to this Agreement, or to enforce any of the provisions hereof, the prevailing Party in any such suit, action, or other proceeding, or any appeal therefrom, shall be entitled to reasonable attorneys fees and court costs.

8. Indemnification. To the maximum extent permitted by law, Milwaukie shall hold harmless, defend, and indemnify Happy Valley, it's officers and employees from any claims for damages to property or injury to persons for any penalties or fines, which may be occasioned in whole or in part by Milwaukie's performance under this Agreement.

To the maximum extent permitted by law, Happy Valley shall hold harmless, defend, and indemnify Milwaukie, it's officers and employees from any claims for damages to property or injury to persons for any penalties or fines, which may be occasioned in whole or in part by Happy Valley's performance under this Agreement.

Nothing in this Agreement is intended, nor shall it be construed, as imposing any liability on a jurisdiction for claims in excess of the Oregon Tort Claims Act. Each Party agrees to maintain insurance levels, or self-insurance, in accordance with ORS 30.282 for the duration of this Agreement to the levels necessary to protect against public body liability as specified in ORS 30.270.

9. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

10. Compliance with Laws. In connection with their activities under this Agreement, both Parties shall comply with all federal, state, and local laws and ordinances applicable to the work performed under this Agreement.

11. Approval of this Agreement. This Agreement shall not go into effect until the governing body of each Party enacts a resolution approving the Agreement. This Agreement may be simultaneously executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

12. Amendments. Any Amendment to this Agreement must be approved by the governing body of each Party and signed by an authorized representative of each Party.

13. Assignment. Neither Party shall assign this Agreement, in whole or in part, or any right or obligation hereunder, without prior written approval of the other Party, which shall not be unreasonably withheld.

14. Severability. In the event any provision or portion of this Agreement is held to be unenforceable or invalid by any court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect and shall in no way be affected or invalidated thereby.

15. Effective Date. This Agreement shall be effective on January 20, 1999.

CITY OF MILWAUKIE, OREGON

By: _____

Attest:

CITY OF HAPPY VALLEY, OREGON

By: _____

Attest:



MEMORANDUM

Community Development Department
City of Milwaukie
January 12, 1999

TO: Milwaukie City Council

THRU: Dan Bartlett, City Manager *DB*

FROM: Susan Heiser, Planning Director *SH*

SUBJECT: Request to Metro for Growth Concept Map Amendment from Regional Center to Town Center

Action Requested

Consideration and approval for Mayor to sign the attached letter to Mike Burton, Metro Executive Officer, requesting that the Metro Council consider amending the Metro Growth Concept Map designation for Milwaukie from Regional Center to a "Special Town Center" designation.

Summary

The Council determined to make this request to Metro as part of the Functional Plan Compliance Report adopted by Council on August 18, 1998 and received by Metro on August 19, 1998. Staff, together with the Functional Plan Compliance Steering Committee and Chris Eaton from W&H Pacific, has been working on Code changes needed to implement the issues addressed in the Functional Plan Compliance Report. The attached letter, (Exhibit 1), as well as the Draft Town Center Area Map, (Exhibit 2), were developed as part of this process. Public hearings for the Code changes to implement the other portions of the compliance report will be held by the Planning Commission January 26, 1999 and by the Council on February 16, 1999.

The letter attempts to summarize the concerns regarding the City's Regional Center designation raised by the community during the Functional Plan Compliance report process last summer. It requests that the City be redesignated with a "Special Town Center" designation. This "special" designation would recognize the unique regional significance that Milwaukie plays as a transportation hub by allowing the City to be eligible for Regional Center level points in the Metro Transportation Improvement Program (MTIP) funding evaluation. The letter also includes the evaluation use by the Council when the decision was made to request the Town Center designation.

VI. C. 2

Although a new Town Center Map cannot be adopted until the Metro Council has decided on the City's request to amend the Growth Concept Map, a draft map has been developed by the Functional Plan Steering Committee. During the Compliance Report implementation process it was important for the Committee to consider whether a new boundary could be drawn which does not effect the City's 2017 dwelling unit targets. The Compliance Report analysis shows that the City can meet 90% of the projected dwelling unit capacity, however, two-thirds of the new dwelling units are slated for sites located within the current Regional Center area. In order to maintain the City's 90% dwelling unit compliance and to keep from increasing density in the residential neighborhoods, the key redevelopment sites, (i.e.: Murphy, Pendleton, Proto Tool, McFarland & the Downtown MU Zone), must remain within a new Town Center area. The draft map presented as Exhibit 2, removes much of the residential neighborhood areas while keeping the key development sites and thus dwelling unit compliance intact. This map is provided at this time simply to demonstrate to the Council that compliance can be maintained with a new Special Town Center designation. The draft map will be included as part of the development of a new Town Center Master Plan at the appropriate time.

Attachments:

1. Draft Letter to Mike Burton, Metro Executive Officer, regarding City's request to Amend the Growth Concept Map.
2. Draft Milwaukie Town Center Area Map developed by the Functional Plan Compliance Steering Committee.

DRAFT

January 19, 1999

Mike Burton
Executive Officer
Metro
600 NE Grand Avenue
Portland, Oregon 97232-2736

Re: Request for Amendment to Growth Concept Map

Dear Mr. Burton:

As you are aware, Milwaukie has completed a series of comprehensive planning projects centered on our Downtown area. In 1995, the Milwaukie Vision project stated a vision for the City that included a downtown with civic, commercial and cultural activities that capitalized on the existing transportation hub in the area. In 1997 the City completed the following planning documents:

- Regional Center Master Plan;
- Economic Development Assessment for Milwaukie Regional Center Study Area;
- Removing Obstacles to Smart Development; and
- Riverfront Concept Plan.

This past summer, Milwaukie's citizens, Planning Commission and City Council reviewed implementing ordinances to include a Mixed Use Overlay (MUO) zoning district that included map amendments to apply this new zone to key redevelopment areas in the Regional Center. The City also had many worksessions, public meetings, an open house and hearings at the Planning Commission and City Council to review the City's Compliance Report for the Metro Functional Plan. During that public process, concerns were raised about the size of Milwaukie's Regional Center, its potential impact on established and historic neighborhoods, and the ability of the Regional Center to meet the mixed-use jobs target. At the same time, the City weighed the importance of transportation improvements and the existing transportation hub within the Regional Center against the community's stated values for keeping its small town feel. The City Council articulated those community feelings in their desire for a Town Center designation instead of a Regional Center, as indicated in our August 19, 1998 Compliance Report. However, the fact remains that the downtown is located amidst the convergence of major transportation facilities of regional significance. Therefore, Milwaukie requests that the Metro Council consider a "Special Town Center" designation that would recognize the unique physical conditions and location of Milwaukie as a built-out city in the middle of a growing region. This designation would also recognize the regional significance of its place as a transportation hub – a

VI. C. 4 with Concept Map Amendment Request

central location that serves people in other jurisdictions outside the City boundaries. Transportation facilities in this area include Highway 224, Highway 99E, railroad, future high-speed rail and future south-north light rail. These transportation facilities already exist or are planned in Milwaukie and will need improvements over time. They are so significant to the region that the "Special Town Center" designation should allow the City to be eligible to obtain a Regional Center level of points in the FY 2000 MTIP evaluation criteria as discussed below.

On August 19, 1998, the City forwarded its Functional Plan Compliance Report to Metro. The City is implementing the commitments it made in that report through the work of its citizen-based Functional Plan Steering Committee. The City continues to work on pro-active planning and community development projects in the Downtown area as well. We are currently requesting Statements of Qualifications for proposals to create a master plan for refinements and construction plans for Phase I of the Riverfront Concept, urban design details for the downtown light rail station area, downtown streetscapes, design standards, and development concepts for the Junior High Site.

As the City indicated in its Compliance report, the city wants to amend the Metro 2040 Growth Concept Map that currently shows a Regional Center design type at downtown Milwaukie to a Special Town Center design type in the same location. This letter is our formal request for such an amendment. Specifically, the City of Milwaukie is requesting that the Regional Center "dot" on the 2040 Growth Concept Map be changed to a Special Town Center "dot". We understand that Metro has not mapped the actual boundaries of any design types at this time, in fact that mapping was done by the City as part of its Regional Center Master Plan (RCMP). Milwaukie may amend the existing boundaries shown on the RCMP to those more in scale with a Special Town Center after an appropriate public involvement process. Until that time, the adopted RCMP map of Regional Center boundaries represents the latest design type boundary for the Regional Center/Town Center.

It is important to note that the City is NOT changing the estimates of dwelling units or employment capacity from the RCMP (adopted in December 1997). The RCMP estimates for year 2017 dwelling unit and job targets were based on specific redevelopment sites (see enclosed Tables 3 and 4 and related Subarea maps from the RCMP). The City expects the Town Center boundary will include all of the redevelopment sites and therefore the City's adopted "capacity" for the Regional Center will remain the same for a Town Center designation. The City anticipates that the Town Center area will accommodate 1,773 new dwelling units (69% of the mixed use targets) and 2,119 new jobs (33% of mixed use job targets). See enclosed Table ES-1 from the RCMP for more detail. As mentioned above, the City is working with its Functional Plan Steering Committee to implement the changes noted in our Functional Plan Compliance Report. That group is reviewing new boundary suggestions for the Town Center. The City Council will consider their input in designating a new Town Center boundary upon approval from Metro Council of this request.

We note that Metro anticipated the possibility that some areas designated as Regional Centers will not meet the proposed intensity levels. Page 30 of the Regional Urban Growth Goal's and Objectives (RUGGOs) contains the following statements:

“A dense network of multi-modal arterial and collector streets would tie regional centers to surrounding neighborhoods and other centers. Regional through-routes would be designed to connect regional centers and ensure that these centers are attractive places to conduct business. **The relatively small number of [regional] centers reflects not only the limited market for new development at this density but also the limited transportation funding for the high-quality transit and roadway improvements envisioned in these areas. As such, nine regional centers should be considered candidates and ultimately the number should be reduced or policies established to phase-in certain regional centers earlier than others.” (RUGGOs, page 30, emphasis added)**

In addition to guidance from the RUGGOs, the City used the following matrix to analyze the change from Regional Center to Town Center. The table is taken from Page 2-7 of the City’s Compliance Report.

Table 1. Comparison of Town Centers to Regional Centers

Definitions	Town Center	Regional Center
Design Type (Functional Plan)	Twenty-nine town centers provide local retail services with compact development and transit service. Considered a mixed use area.	Eight Regional Centers in the Region will become the focus of compact development, redevelopment and high-quality transit service and multi-modal street networks. Considered a mixed use area.
Growth Concept assumptions	Growth Concept assumes 40 persons per acre (employment and housing) which results in approximately 15 to 24 dwelling units per acre and Floor Area Ratios of 0.4 to 0.5.	Growth Concept assumed 60 persons per acre (employment and housing) which results in 25 to 50 dwelling units per acre and Floor Area Ratios of 0.5 to 1.
2017 Housing and Employment Targets	Milwaukie’s Housing and Employment Targets for the year 2017 for the Milwaukie Town Center would remain the same as those estimated in the RCMP: 1,773 new Dwelling Units and 2,119 new jobs	The Milwaukie Regional Center Master Plan estimates the following dwelling units and jobs by the year 2017 within the Regional Center’s redevelopment sites: 1,773 new Dwelling Units and 2,119 new jobs
Transportation	Emphasizes all modes of transportation. Light Rail adds to Town Center viability. Needs good auto and pedestrian/bike network.	Focus on regional routes (224, Hwy 99E), access to light rail is a key element, priority for transportation funding.
Size	No specific size is set for Town Centers. Milwaukie’s Town Center boundary would be smaller than the existing Regional Center Boundary.	No specific size. Larger area than Town Centers. Milwaukie RC is about 600 gross acres (465 net). The Clackamas Regional Center study area is over 2,000 gross acres.
Area Served	Tens of thousands of people served, provides local services, some specialty areas. 2-3 mile radius.	Serves hundreds of thousands of people, provides regional employment/shopping area.
Other Examples	On light rail: Orenco, Sunset, Hollywood, Rockwood. Others: Forest Grove, Happy Valley, West Linn, Gladstone, Damascus, Lents, Wood Village, Hillsdale, and Lake Oswego. Total of 29 in region.	Hillsboro downtown, Beaverton downtown, Washington Square mall area, Gateway, Clackamas Town Center, Oregon City, Gresham. Total of 8 in region (<i>including Milwaukie</i>).

VI. C. 4th Concept Map Amendment Request

January 19, 1999

The City requests that Metro apply a "Special Town Center" designation to Milwaukie's downtown, so that priority for Transportation Projects located in the Milwaukie Town Center receive a higher weight than other Town Centers when applying Metro's FY 2000 MTIP Allocation Process and Project selection criteria (see enclosed). Specifically, the City feels that it should be eligible to receive a "Hi" point score of 20 points in the Access to or Circulation Within factors in the FY 2000 MTIP 2040 Point Allocation Matrix contained in the Metro 1998 MTIP/STIP, August 31, 1998 (ATTACHMENT B-1). The reason for this special consideration is because Milwaukie's downtown is at the convergence of several regional through routes and multi-modal transportation corridors, which means the City will face an increased burden for improvements *required by regional demand* on the following facilities:

1. Highway 224 ;
2. Highway 99E;
3. SPRR Lines; and
4. Existing and Future River Access (e.g. River Taxis).

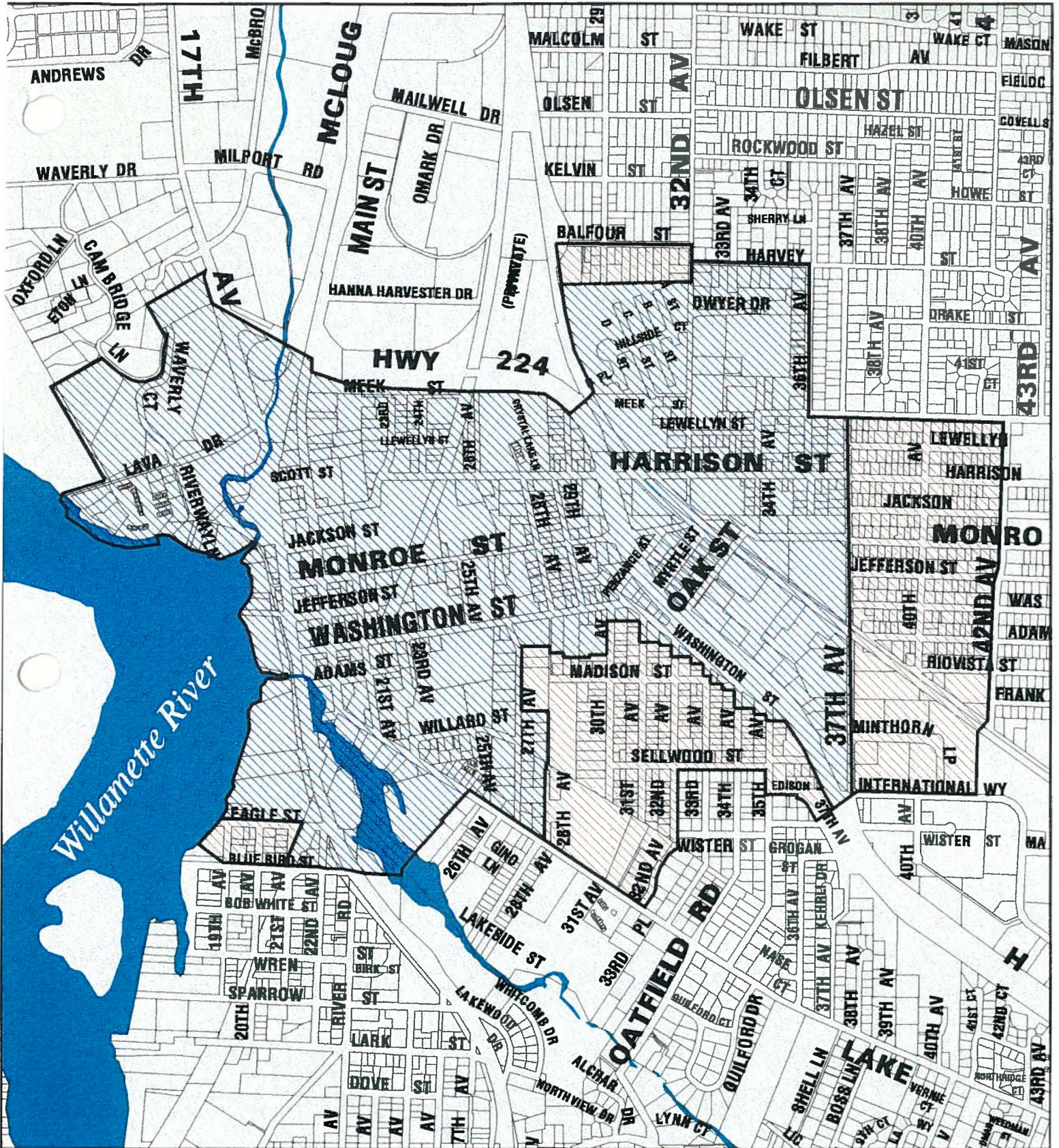
We understand that you will forward this request to the Metro Council. We request that the Council forward this amendment request to the Growth Management Committee for review with the package of other map amendments being prepared by your staff. We do not believe that further review and consideration by MPAC or MTAC is needed at this time.

The City appreciates the work that your staff has provided during the development of this report. If you or your staff has any questions, please call the City's Community development Director, Martha Bennett, at (503) 786-7651.

Sincerely,



Carolyn Tomei
City of Milwaukie
Mayor

cc: Dan Bartlett, City Manager
Martha Bennett, Community Development Director
Tim Ramis O'Donnell Ramis Crew et al.
Jim Coleman, O'Donnell Ramis Crew et al.
Chris Eaton, W&H Pacific, Inc.
Elaine Wilkerson, Metro Growth Management
Brenda Bernards, Metro Growth Management

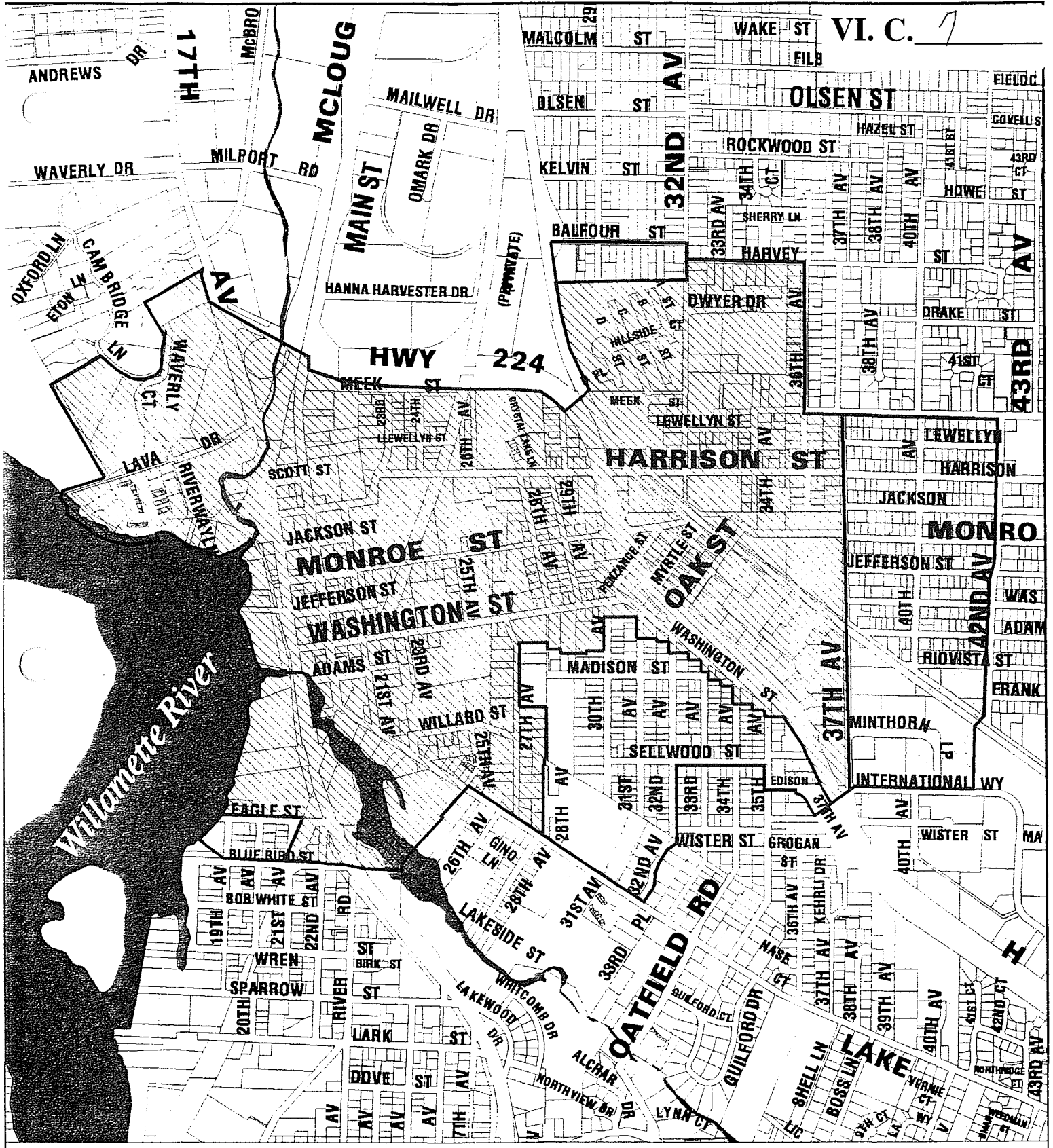


(DRAFT)
Town Center
Area Map

As Recommended by the
Functional Plan Compliance
Steering Committee



-  Areas to be removed
-  Town Center Area





(DRAFT)
 Town Center
 Area Map

As Recommended by the
 Functional Plan Compliance
 Steering Committee

-  Areas to be removed
-  Town Center Area



DRAFT 12/9/98

Traffic Safety Commission
December 7, 1998
7:00 pm
Johnson Creek Conference Room

I CALL TO ORDER

Vice-Chair Aschenbrenner called the meeting to order at 7:10 pm. Present were:

David Aschenbrenner, Vice-Chair	Gene Covey
Al Dorsey	Jim Schierholz
	Julie Wisner

Absent:	Susan Stone, Chair (excused)
	Ron Grasley

Staff present:	Jim Brink, Public Works Director
	Rob Shelton, Traffic Engineer
	Connie Ware, Staff Assistant

II CONSENT AGENDA

Vice-Chair Aschenbrenner called for a motion to approve the November 12th minutes; Schierholz MOVED and Wisner SECONDED. Motion approved unanimously.

III DISCUSSION

A. Police Attendance at TSTB Meetings

Brink explained that generally information requested of the Police Department would be provided by staff by report. For more in-depth information, Sgt. Marthaller would be available to attend the meetings on a quarterly basis. Aschenbrenner said that he was interested in meeting each of the traffic officers; Brink agreed to take that request to Chief Collier.

1. Speeding Citations Issued Last Quarter

Shelton passed out a report with the information Chair Stone had requested. Schierholz asked, as a rule, how much over the speed limit ticketed vehicles are traveling. Shelton replied that generally the ticketed speed is 10 to 15 mph over the posted speed.

B. Traffic Control Device Requests Last Quarter

Shelton noted that the report outlined TCDR's issued over the last quarter. The first one listed was for "Schoolboy Sammie" type signs; Brink gave a brief history of this request. A discussion ensued about the School Zone Flashing Lights —Dorsey noted that there are none on Lake Road for Rowe Junior High School, whereas the one on Monroe is nowhere near a school. Wisner pointed out that only elementary school zones were highlighted with the yellow automatic flashing lights. She suggested asking Rowe staff if they feel it would be helpful to have the lights. Brink explained the issues around the flashing lights, then asked for a volunteer to contact Rowe. Wisner agreed to make that contact and get a feel for their level of interest.

C. Update on Motions to Council and Minutes in the Council Packet

Brink reported that Council had not commented either positively or negatively on the motion summary included with the last set of minutes forwarded for their packet. Aschenbrenner noted that he had noticed the TSTB minutes in the Council packet update he had received. Ware stated that it probably was a good idea that the issue was investigated, as staff had discovered that there was a "glitch" in how the minutes were handled. This problem is now resolved.

D. Update on letter to ODOT re: 99E/Milport Intersection

Shelton's report noted that ODOT has done an inventory of existing signage and are now looking to see if signage can be improved. He expects some feedback in a month or two.

E. Update on NO TRUCK signs/Tacoma Street sign

Wisner passed around some pictures she has been taking of NO TRUCK signs she has noticed in surrounding jurisdictions, and discussed some newer additions. Shelton's report also addressed the NO TRUCKS sign on Tacoma near Johnson Creek Blvd. The rider sign directing truck traffic onto 32nd Avenue has been removed, as no mention was made of the rider in the original enabling ordinance. Brink explained where the existing signs are placed and why they can't be moved to the on-ramp, due to insufficient sight distance. Discussion continued on Wisner's perception that additional NO TRUCK signs are needed near 34th Avenue to supplement those already in place. Brink will look at the area and consider alternate placement.

F. NTMP Policy Discussion

Aschenbrenner suggested tabling this to the next meeting. Shelton asked the group to consider whether or not streets that do not meet NTMP requirements but with citizen financial support should or should not qualify. He explained that a citizen on one street that does not currently qualify for traffic calming has asked if speed bumps could be installed if the residents pay for them. Dorsey asked who would maintain the bumps once installed; Brink said that they would become the City's responsibility, at a cost of annual painting of the markings. There was discussion about liability and precedence.

G. NEW BUSINESS

Shelton passed out the Acts Oregon 98/99 program plan, which was tabled to the next meeting if appropriate.

H. OTHER BUSINESS

Aschenbrenner asked when the next joint meeting of the boards would occur; Brink replied that he is looking at the week of January 24th, and asked the members for their input on the best dates to poll the other on. Monday the 25th was the first choice, and Wednesday the 27th the alternate date chosen. Covey announced that he would not be available for the next two months, due to a long vacation. Staff will poll the remainder of the boards and send all an announcement when the final date is selected.

IV INFORMATION SHARING

Dorsey mentioned that he is on the Oregon State Handicapped Parking Patrol, and if members see areas where frequent violations are occurring they can call him and he will check it out. He outlined how the program recruits volunteers and is run.

Shelton passed out a short article from the Oregonian regarding the death of a pedestrian who was hit by a pickup on a street in Portland. The street did not have sidewalks, and Shelton felt that this is an example of the negative aspects of having no sidewalks. He noted that the driver of the pickup was not cited, and witnesses said that the truck was not speeding, nor did it leave the road. Shelton pointed out that while some Milwaukie residents prefer to keep their roads more rural by eliminating sidewalks, that situation leaves no refuge for pedestrians in an emergency.

That lead to a discussion about bike lane button delineators, and drivers who pass in the bike lanes. Shelton reported that ODOT is moving away from wide bike lanes to

4' widths, because drivers will perceive the 4' wide lane as too narrow to pass safely in.

Brink offered a pavement tour to any member who may be interested in visiting sites due for pavement overlays or rebuilds. Dorsey and Wisner expressed interest; Brink will follow up.

Shelton presented an update on the Stanley Avenue Sidewalk project. He noted that only 4 negative responses were received from the residents polled concerning the speed bumps. The bids have been opened; however, Notice To Proceed is being withheld until the contractor is ready and the weather cooperates.

Aschenbrenner reported that he had attended the Council Work Session prior to the TSTB meeting, and he had noticed that the new Riverfront Board will be dealing with a traffic and transportation element. He wondered if TSTB should be included when traffic issues are discussed; Wisner suggested that a TSTB member – perhaps Aschenbrenner himself – attend and inform the group as appropriate.

Schierholz asked if Milwaukie is involved in the discussions regarding a new Willamette River crossing. A new bridge is being considered that may cross the Willamette River at various proposed locations, as the Sellwood Bridge is now too narrow for the traffic load it currently carries. Brink is aware of the discussions, and Aschenbrenner reported that it was also discussed at the Council work session.

V FUTURE AGENDA ITEMS

Brink noted that TSTB needs to have a work session with Council, now that their goals have been adopted. February 1st is the first available date; Brink said that the Chair and as many of the other members as possible should attend.

V ADJOURNMENT

The next meeting date was determined to be January 11th.

Wisner MOVED and Schierholz SECONDED a motion to adjourn the meeting. Meeting was adjourned at 8:30 pm.

/cjw

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE CITY OF MILWAUKIE COMPREHENSIVE PLAN BY ADOPTING THE WICHITA PARK MASTER PLAN AS AN ANCILLARY DOCUMENT AND CHANGING MAP #7 TO REDESIGNATE THE WICHITA PARK SITE FROM MEDIUM DENSITY RESIDENTIAL (MD) TO PUBLIC (P). (CPA-98-04)

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

WHEREAS, review of the Wichita Park has been coordinated with the Linwood Neighborhood Association and the North Clackamas Parks and Recreation and affected agencies; and

WHEREAS, the Planning Commission has reviewed the request to adopt the Wichita Park Master Plan and amend Map #7 (CSO-98-06) as set forth in Exhibits 1 and 2 respectively, at a duly advertised Public Hearing on, December 8, 1998; and recommending adoption of the Wichita Park Master Plan; and

WHEREAS, the proposed Comprehensive Plan and Map amendments were referred to the Department of Land Conservation and Development and other interested agencies on August 3, 1998; and

WHEREAS, the City Council held a duly advertised Public Hearing on January 19, 1999.

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

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

- A.** The City of Milwaukie owns the property where the park is to be developed.
- B.** Policy 7 of Objective 1 requires all Plan amendments to be evaluated based on the following criteria:
 - 1. Conformance with the Comprehensive Plan, its goals, policies, and spirit.**

The document proposed for adoption is consistent with the goals and policies of the Comprehensive Plan Chapter 4 – Recreational Needs Element. Specifically the proposed amendment is consistent with Objectives 3, 5, and 6 which calls for

intergovernmental cooperation; the provision of a system of neighborhood and community parks; and maximizing the use of existing parks, and is not inconsistent with any other goal or policy.

Wichita Park is classified as a Neighborhood Park, which serves the recreational needs of the residents of the Linwood Neighborhood. In 1990, the City of Milwaukie developed a Master Plan for parks within its jurisdiction. The proposed plan is consistent with the citywide plan. Improvements will be designed to accommodate the needs of the very young (1 to 6 years old), the handicapped and the elderly.

2. Public need for the change.

The current Comprehensive Plan does not contain a plan for Wichita Park. The adoption of the Wichita Park Master Plan as a Community Service Overlay (CSO) on November 10, 1998, provided specific direction for the Wichita Park development, as well as the protection and enhancement of the space as “public” (P) open space. Changing the land use designation from Medium Density Residential (MD) to Public (P) will ensure the future continued use of this site as public open space, and meets a public need for park development.

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

The Wichita Park Master Plan provides a comprehensive approach to balancing the need for recreational uses by the neighborhood, and the need to protect the open space. The public need is best served by providing the recreational amenities that are proposed for the site.

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

The Wichita Park Master Plan will protect the health, safety, and welfare of the community by identifying actions to preserve, protect and enhance the natural habitat within the park while providing open space for the neighborhood.

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

The Wichita Park Master Plan is in conformance with Statewide Planning Goal 5- Open Spaces, Scenic and Historic Areas, and Natural Resources – by providing direction for conserving and protecting natural areas and resources and is not inconsistent with other goals.

Section 2. Comprehensive Plan Ancillary Document. The Wichita Park Master Plan (Exhibit 1) is adopted as an ancillary document to the Comprehensive Plan.

Section 3. Comprehensive Plan Map Changes. The change to Map #7 of the Comprehensive Plan is amended to show the Wichita Park site Land Use as Public (P) as shown in Exhibit 2.

Read the first time on _____, 1999 and moved to second reading by _____ vote of City Council.

Read the second time and adopted by the City Council on _____, 1999.

Carolyn Tomei, Mayor

ATTEST:

Pat DuVal, City Recorder

Approved as to form:

O'Donnell, Ramis, Crew, Corrigan & Bachrach

CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
TUESDAY, DECEMBER 8, 1998

COMMISSIONERS PRESENT

Michael Smith, Chair
Judith Borden
Barbara Cartmill
Tracy Cook
Donald Hammang
Mike Miller

STAFF PRESENT

Susan Heiser,
Planning Director
Janet Wright,
Assist. Planner,
John Gessner,
Associate Planner
Shirley Richardson,
Hearings Reporter

COMMISSIONERS ABSENT

Howard Steward

1.0 CALL TO ORDER

Chair Smith called the meeting to order at 6:30 p.m.

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, November 17, 1998

4.0 PLANNING COMMISSION MINUTES -- November 24, 1998

Tracy Cook moved to approve the minutes of November 24, 1998, as presented. **Mike Miller** seconded. MOTION CARRIED 4-0 with one abstention. Michael Smith was not at that meeting.

Ayes: Borden, Miller, Hammang, Cook; Nays, 0.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Jamie Stangel and Rick Crivellone
Owner: Same
Location: Lot to north of 10317 SE 40th Avenue
Proposal: Consideration of a Conditional Use and Variance to construct a new duplex on a 13,175 sq. ft. lot where 14,000 sq.ft. is required.

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of December 8, 1998

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File Numbers: CU-98-02/VR-98-09

NDA: Ardenwald

Chair Smith opened the public hearing on a Conditional Use Permit, CU-98-02, to construct a duplex; and a Variance Request, VR-98-09, to reduce the Lot Area requirement. Criteria to be addressed are found in Sections 302, 600, and 700 of the Milwaukie Zoning Ordinance and Chapter 4-Land Use of the Milwaukie Comprehensive Plan.

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

STAFF REPORT

Janet Wright reviewed the Staff Report with the Commission. The applicant is requesting approval of a Conditional Use and a Variance to the lot area requirement to construct a single-family attached duplex on a 13,175 square foot lot in an R-7 Residential Zone. The Applicant is requesting variance to the lot area for a total of 825-sq. ft., which represents a minor variance of 5.9%. The 25% variance standards were in effect at the time of the proposal. She showed slides of the subject site and the surrounding area. There are two holly trees on the site that would have to be removed to allow construction.

Staff recommends approval of the Conditional Use request for the duplex and the Variance request to the lot area standard.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED BY STAFF

Janet Wright reported that three other pieces of correspondence was received: Lyle Phelps, 10203 SE 40th Street; Amy Oatfield-Hanson, 10307 SE 40th Avenue; and Myron Nelson, P.O. Box 22872, Milwaukie. All three were in opposition to the proposal.

Susan Heiser reported that she received a call from Darlene Walsh, Neighborhood District Chair, who indicated that their original comment still stands. The Applicant

CITY OF MILWAUKIE PLANNING COMMISSION

Minutes of December 8, 1998

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showed up at one of the meetings and there was discussion, but no consensus or agreements were made on any issue.

APPLICANT PRESENTATION

Speaking: Rick Crivellone, 1819 SE Craighton, Milwaukie

Mr. Crivellone stated that it was his partner who met with the neighborhood association. They received the letter from the Association and responded by addressing all the concerns.

He reported that all of the existing trees to the rear of the property would remain. Two Holly trees will have to be removed for the driveway. Their intent is to build nice, affordable housing. The back yards will be fenced and professionally landscaped. It will be a very nice facility from the street, an asset to the neighborhood. He showed a picture of the proposed duplex.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked if this would be an owner-occupied duplex or a rental? **Mr. Crivellone** stated that this building would be a rental. He lives on one side of a similar duplex now that is located in Milwaukie.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Michelle Roberts, 13709 SE Laurie Avenue, Milwaukie

Ms. Roberts stated that she is familiar with all of the development going on in the Ardenwald area. Initially this proposal was for two houses. It is her understanding that the City suggested this common unit. Because the common use makes for better coverage of the lot, she agrees with this decision. However, she feels that the neighbor's concerns about this unit are valid. She asked that any mitigating concerns by the neighbors be taken seriously.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN OPPOSITION

Speaking: Amy Oatfield-Hanson, 10317 SE 40th, Milwaukie

Ms. Oatfield-Hanson stated that she lives next door to the subject site and confirmed that she did write a letter to the Community Development Department. She expressed concern that the proposal does not meet the variance criteria.

The City can only grant a variance when all three of the variance criteria are met. There are no unusual characteristics to this lot; it is almost a 14,000 sq. ft. lot. There is sufficient room for building and there are no terrain issues that would prevent the building of a single-family detached unit. The fact that the lot is too small to build is not an usual condition and is not a reason for a common wall.

Variations are supposed to be used sparingly. The alternative is to build a single family detached home. The surrounding area is all single-family detached homes, not duplexes. She submitted information highlighting other duplex units. There were no duplexes in the immediate area.

The Applicant has provided no evidence that there will be no mitigation of adverse effects on her property or any surrounding properties. The Applicants have owned the lot since this summer and it has not been maintained.

Ms. Oatfield-Hanson stated that she and the neighbors have serious concerns about a duplex going into this single-family residential area. It will change the face of this neighborhood. It is not designed to enhance the integrity of neighborhood and bring in long-term residents.

The Conditional Use permit criteria are also not met. She cited two points: (1) consideration of a similar structure within 200 feet of the property, and (2) the relationship of the property to other owner-occupied residences in the area.

Ms. Oatfield-Hanson stated that she opposes development in this way. She suggested some mitigating factors should this proposal be approved.

1. Modify the required 6-ft. privacy fence to a wooden fence that doesn't detract from the property.
2. Requirement to plant numerous mature trees in front of property.
3. Landscaping and architectural designs to minimize the look of a duplex

Susan Heiser explained that the Section 602.7, cited by Ms. Oatfield-Hanson, is interpreted by Staff is that a duplex is not permitted if another structure of similar type is within 200 feet.

CITY OF MILWAUKIE PLANNING COMMISSION
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QUESTIONS FROM THE COMMISSIONERS -- None.

Speaking: Paul Hanson, 10317 40th Avenue, Milwaukie

Mr. Hanson asked that the Commissioners envision this duplex next to their homes. He lives across from this vacant lot and would prefer that a single-family dwelling with a double car garage on this beautiful large lot. This lot, 13 minutes from downtown Portland, is prime land.

The Applicant knew when they purchased the land that it did not meet requirements for two homes. He does not look forward to looking at 4 or 5 cars sitting in the driveway. This will no do anything to enhance the character of the neighborhood. He is opposed to having rental property next to him.

QUESTIONS FROM THE COMMISSIONERS -- None.

Speaking: Cheryl Osman-Marino, 10235 SE 40th, Milwaukie

Ms. Osman-Marino stated that she lives next to the Hansons. She is in opposition to anything except single-family housing. There are no other multi-family complexes in this neighborhood. It would definitely change the character of the neighborhood.

She voiced concern about additional parking, added traffic, drainage, and decreased safety. She would like to maintain the integrity of the neighborhood and concur with the Hansons whole-heartily. There is a shortage of lots like this close to Portland.

QUESTIONS FROM THE COMMISSIONERS -- None.

Speaking: Pracilla Phelps, 10203 SE 40th Street, Milwaukie

Ms. Phelps stated that she is in opposition to this proposal. She has submitted a short letter to the Commission. She has lived at this location for 20 years and raised her children at this location.

She stated that she concurs with the other concerns brought up tonight and particularly concerned about increased traffic in that area. She had day-care in her home for 16 years, and this has always been a safe street. She is also concerned about the transient aspect; families in this area have been long-term and committed to the neighborhood.

CITY OF MILWAUKIE PLANNING COMMISSION
Minutes of December 8, 1998
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QUESTIONS FROM THE COMMISSIONERS -- None.

Speaking: Paul Hanson, 10317 40th Avenue, Milwaukie

Mr. Hanson asked Staff to identify where the similar housing is located within the property in question. **Janet Wright** stated that the information in the Staff Report indicated houses in the area that were of similar style, not duplexes.

QUESTIONS FROM THE COMMISSIONERS -- None.

ADDITIONAL COMMENTS FROM STAFF

Mike Miller asked for clarification of 200-ft. rule. From the Applicant's information, he cited "...from the corner of the proposed duplex to the duplex on 41st Court is about 180 feet." **Susan Heiser** stated that if there were another duplex within 200 feet, it would be justification for denial. The information cited is from the Applicant and Staff would have to verify the nature of the structure on 41st Court.

Chair Smith asked Ms. Oatfield-Hanson if the structure on 41st Court was a multi-family dwelling? **Ms. Oatfield-Hanson** stated that there is more than one address for the property and it appears to be a multi-family structure on the flag lot.

APPLICANT CLOSING COMMENTS

Speaking: Rick Crivellone, 1819 SE Creighton, Milwaukie

Mr. Crivellone stated that this would be a single-family attached dwelling. He plans to completely fence the entire yard and down the middle of the lot. The yard will be professionally landscaped. He will will to put in larger trees on Harrison and to provide for more parking. In the rental agreement, there are stringent limitation on cars and appearance of the property.

He admitted that he purchased property with full knowledge that there may only be one home on the lot. After talking to Community Development, he was informed of other options, such as this duplex. He promised that the property will be cleaned up and will be an aesthetically nice addition to the neighborhood.

Ms. Oatfield-Hanson requested that the record be kept open until there is additional evidence/verification of another multi-family structure within 200 feet of this subject site.

CITY OF MILWAUKIE PLANNING COMMISSION
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Mike Miller moved to continued File Number CU-98-02/VR-98-09 to January 12, 1999, for the purpose of collecting additional information regarding materials submitted and to determine the distance to the nearest duplex. **Tracy Cook** seconded. MOTION CARRIED 6-0.

Aye: Borden, Miller, Hammang, Smith, Cook, Cartmill; Nays - None.

- 6.2 Applicant: Daniel Powell for Scott Thomason
Owner: George Anderson
Location: 5800 SE Moore Street
Proposal: Consideration of a Non-Conforming Use permit request to expand the existing non-conforming auto sales use and legalize existing auto repair and office uses.
File Numbers: NCU-98-01
NDA: McLoughlin Industrial/Historic Milwaukie/Ardenwald

Chair Smith re-opened the public hearing on File Number NCU-98-1, to allow expansion of an existing non-conforming use and a Transportation Plan Review. Criteria to be addressed are found in Section 300 of the Milwaukie Zoning Ordinance and Chapter 4-Land Use, of the Milwaukie Comprehensive Plan.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare. He stated that Scott Thomason is a personal friend of his. In order to avoid a potential Conflict of Interest, he stepped down from the Chair. Vice-Chair Hammang then took over the proceedings.

Vice-Chair Hammang asked if there were any other conflicts of interest or ex-parte contacts to declare? There were none. He asked if any member of the Planning Commission visited the site; four hands were raised. No one who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Janet Wright reviewed the Staff Report with the Commission. Staff has been working with the Thomason Group for many months. Issues were discussed regarding their application to expand a non-conforming use and obtain a completed Transportation Plan Review on their site at Ochoco and Moore. She showed overheads of the subject site and surrounding area. The applicant is proposing to

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legalize their expansion of auto sales and display, auto-body repair, and accessory uses associated with the Thomason Used Autos and Isuzu.

Staff recommends approval of the continuation of the Non-Conforming Use and Transportation Plan Review approvals and a denial of the proposal for the continued use of the auto sales lot and office use at 2366 SE Ochoco.

QUESTIONS FROM THE COMMISSIONERS

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Brian Purco, Suite 1110, One SW Columbia Street, Portland 97258

Mr. Purco stated that he is Vice President and General Counsel for Thomason. He thanked Staff for their cooperation in allowing them to prepare for this hearing. He then introduced Bruce Vincent, Bedsel/Vincent Consulting; Dan Powell, Vice President of Finance; George Anderson, Agent of current landowner; Danny McKenny, of Norris and Steven, and Rob Boyer, of Global Engineering.

Mr. Purco stated that they have reviewed the Staff Report and concur with the findings and conditions of approval for the most part on pages 11 and 12. He asked for modifications to Condition #1 and #6.

Condition #1 They agree to not store or sell cars from 2366 SE Ochoco. Because of storage on other lots, there is no need to store cars here. They use this facility as office space for the sales operation and existing sales area. He asked that the words "...or office use..." be removed.

Condition #6 They agree to comply with Milwaukie City Code about signage issues. If they are in violation, it will be removed. He asked that the words "...the banner sign will be removed at the site..." be deleted and replaced with "...The Applicant agrees to abide by all signage ordinances and regulations of the Milwaukie City Code..."

Mr. Purco apologized for the way this Application has been handled in the past. They were clearly out of line and did not follow the rules. It was not intentional, but inadvertent, inattentiveness, and a lack of appreciation for the complexity of the situation. They have done all they can to work with Staff and provide them with all the information that has been requested for a thorough analysis of this Application.

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They have spent a lot of money to do things right. They have not been the best neighbors in the past, but are trying to demonstrate that they have changed for the future.

Speaking: Bruce Vincent, Bedsel/Vincent Consulting, 825 NE 20th, Suite 300, Portland 97232

Mr. Vincent stated that they disagree with Staff's finding to discontinue the office use at the 2366 Ochoco Street site. This office use is an accessory to the primary use. From an operational point of view, there is not enough space in adjoining building for this use.

He pointed out an aerial photo of the subject site to show how this expansion use has no impact on adjacent property in the area. Thomason has fewer employees today, than they had in the past; they are selling fewer autos. The current number of employees and hours of operation has a minimal impact on the surrounding area. Most of the trips generated are late afternoon and evening. There is adequate parking to accommodate the uses as proposed. A landscape plan has been presented that improves the site appearance and special efforts were made to retain the large trees on the property.

Mr. Vincent concluded that there have been no adverse comments from the Historical Milwaukie Neighborhood Association or neighbors on the proposed uses of this application.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller noted that most of the proposed landscaping is away from the view of the people coming to the business. He asked why the Landscaping Plan is devoted only to the back portion of the property and Moore Street. **Mr. Vincent** stated that a lot of the landscaping has to be done where there is space available.

Mike Miller asked for clarification of the location of the sidewalk on Moore Street.

Speaking: Rob Boyer, Global Engineering, 8925 SE Division Street, Portland 97266

Mr. Boyer pointed out the proposed sidewalk location on the site map and Landscaping Plan.

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Vice-Chair Hammang asked what were the uses of the offices on 7100 McLoughlin Blvd.

Speaking: Dan Powell, Vice President of Finance, Suite 1110, One SW Columbia Street, Portland

Mr. Powell stated that this building is used for storage of service records, office space and clerical services.

TESTIMONY IN FAVOR -- None.

QUESTION OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

Susan Heiser noted that the site is also used for financing and car insurance. Sections from the Manufacturing Zone allow for the combination at a site of manufacturing, office, or commercial uses. This includes commercial and office uses, which are accessory. This is not an industrial use, manufacturing use, or permitted use. These provisions do not apply. This is not an expansion of the non-conforming use.

She voiced concern about the changes to the condition for banner signs because they do not conform to the Code. These signs are not conforming and it has been a year that the City has been trying to achieve compliance. The banners have not yet been removed.

Staff's recommendation for denial is based on Finding #4. The industrial district is intended for industrial uses. The allowance of taking over a site that is not directly associated with the other sites, is a significant intrusion into the industrial area. It takes away the land base that is intended for industrial purposes.

QUESTIONS FOR CLARIFICATION

Vice-Chair Hammang asked if the only disagreement between Staff and the Applicant is the use of Tax Lot 7100. **Susan Heiser** stated that sole issue of contention is the denial of use of Tax Lot 7100.

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Mike Miller asked if the sidewalk issue needed to be conditioned. **Susan Heiser** stated that the Public Works memo regarding the sidewalk could be incorporated in Condition #4.

APPLICANT CLOSING COMMENTS

Speaking: Bruce Vincent, Bendel/Vincent Consulting

Mr. Vincent stated that storage of records is a portion of any commercial use.

DELIBERATION AMONG COMMISSIONERS

Vice-Chair Hammang closed the public portion of the hearing and opened the meeting to discussion among the Commissioners.

Discussion followed on the detriment of allowing office space when there is no manufacturing on the premises. If this portion of the proposal is denied, the Applicant would have to vacate the building. Time would be given to allow vacation. The property is leased, not owned by Thomason.

Mike Miller suggested adding to Condition #10 that, "Curbs and sidewalks be required on all streets surrounding the property, starting on the corner of McLoughlin and Moores and extend to the corner of Moores and Main."

Also, an addition to Condition #11, "A landscape plan compatible to the one proposed by the Applicant will also be submitted for the sidewalk area on the north side of Moore Street."

Vice-Chair Hammang noted that he is in favor of Staff's recommendations. He realizes that the denial portion might have some impact on the business operation, but it does conclude the whole process.

Judith Borden stated that she too agrees with Staff's recommendation. The files can be stored in some other existing space.

Judith Borden moved to approve the non-conforming use, NCU-98-02, and Transportation Plan Review, TPR-98-06 with the exception to the portion of the request that seeks to expand for auto sales lot and office use at 2366 SE Ochoco. Further to adopt the appropriate findings and conditions as indicated on Pages 11, 12,

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and 13 of the Staff Report and two conditions amended tonight. **Mike Miller** seconded.

Mike Miller moved to amend the motion to include an addition to Condition #1, "...The Applicant shall abandon use of the office and storage at 2366 SE Ochoco within 120 days of the date of the Planning Commission decision.

MOTION CARRIED 4-0 with one abstention to the main motion with the amendment. Barbara Cartmill abstained. Ayes: Hammang, Borden, Cook, Miller; Nays - None.

Recess was taken at 8:00 p.m. and the meeting reconvened at 8:07 p.m.

- 6.3 Applicant: North Clackamas Park and Recreation District
Owner: City of Milwaukie
Location: On SE Monroe between Stanley and 60th
Proposal: Consideration of a Comprehensive Plan Amendment to re-designate the Wichita Park site from "Medium Residential" to "Public Land" and to adopt the Wichita Park Master Plan as an Ancillary Document to the Comprehensive Plan.
File Number: CPA-98-04
NDA: Linwood

Chair Smith opened the public hearing on File Number CPA-98-04, a consideration of a Comprehensive Plan Amendment to re-designate Wichita Park and to adopt the Park Master Plan as an ancillary document. Criteria to be addressed are found in Section 302 of the Milwaukie Zoning Ordinance and Chapter 4-Land Use of the Milwaukie Comprehensive Plan.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare. **Tracy Cook** noted that she is the acting Chair of the Linwood Neighborhood Association. She does not feel this will impair her ability to vote on this issue. **Mike Miller** reported that he attended the neighborhood meetings on this issue and his property is adjacent to the proposed park. He does not feel this will impair his ability to vote on this issue. **Chair Smith** asked if there was any opposition to either Tracy Cook or Mike Miller voting on this issue. There was no opposition.

Chair Smith asked if any member of the Planning Commission visited the site; four hands was raised. No one who visited the site spoke to anyone at the site or noted

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anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

Janet Wright reviewed the Staff Report with the Commission. The North Clackamas Parks and Recreation District request an amendment to the Milwaukie Comprehensive Plan to include the Wichita Master Plan as an ancillary document. The amendment also requests approval to change the Comprehensive Plan Designation of the property from Medium Density (MD) to Public (P) and update Map #7 - Land Use Designation Map to reflect the change.

Staff recommends approval of CPA-98-04.

QUESTIONS FROM THE COMMISSIONERS -- None.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION -- Staff Report.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATION

Mike Miller noted that Condition #9 indicated, "...North Clackamas Parks and Recreation and effected homeowners shall work together to construct a 6-foot fence along the south and east property lines." He asked about arrangements for payment of this fence.

Speaking: Tom Kaffun, Director, Parks and Recreation District

Mr. Kaffun stated that it was conditioned that the Park share cost with the adjacent property owners on installation of fence; whether it be the labor or materials.

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DELIBERATION AMONG COMMISSIONERS

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

Donald Hammang moved to recommend to City Council approval of Comprehensive Plan Amendment, CPA-98-04, to create a master plan for improvements to Wichita Park as an Ancillary Document. Further, to change the Comprehensive Plan Designation for the property from Medium Density (MD) to Public (P) and amend and update Map #7 - Land Use Designation Map to reflect the land use change. **Mike Miller** seconded. MOTION CARRIED 5-0 with one abstention. Barbara Cartmill abstained.

Ayes: Smith, Hammang, Borden, Cook, Miller; Nays - None.

- 6.4 Applicant: Criterion Supply, Inc.
- Owner: Same
- Location: 4500 SE Mallard Way - a.k.a. 4500 SE Criterion Court
- Proposal: Consideration of a modification to NR-97-01 for additional grading and the construction of a retaining wall at the northeast corner of the site.
- File Number: NR-98-07
- NDA: Business Industrial/Hector Campbell

Chair Smith opened the public hearing on File Number NR-98-07, a request to review Natural Resources Overlay for modified site improvements of NR-97-01 approval. Criteria to be addressed are found in Section 322 of the Milwaukie Zoning Ordinance and Chapter 3- Environmental & Natural Resources, of the Milwaukie Comprehensive Plan.

Chair Smith asked if there were any conflicts of interest or ex-parte contacts to declare. **Donald Hammang** reported that he was a participant in the neighborhood association meetings on the history of this site. He does not feel this will prejudice his vote on this issue. **Chair Smith** asked if anyone had opposition to Donald Hammang voting on this issue. There were none. There were no other conflicts of interest or ex-parte contacts declared.

Chair Smith asked if any member of the Planning Commission visited the site; four hands was raised. No one who visited the site spoke to anyone at the site. **Donald Hammang** noted that there was substantial encroachment of fill off the pad into the

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natural resource area. **Mike Miller** stated that he observed the same thing. No other statements were made about anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

John Gessner reviewed the Staff Report with the Commission. The Applicant is seeking approval for construction of retaining walls and placement of fill within the required 5' natural resource boundary buffer established by condition of approval of NR-97-01. Overheads were shown of the subject site and surrounding area. The City is holding \$5,000 surety to insure compliance with the site improvements.

QUESTIONS FROM THE COMMISSIONERS

Donald Hammang asked if Corps of Engineers reviewed the total amount of potential fill? **John Gessner** stated that the Corps of Engineers was aware of the entirety of the proposal. Exhibit three shows the entire wall.

Donald Hammang asked if the Division of State Lands and the Corps of Engineers reviewed the potential encroachment along the entire south/north access. **John Gessner** stated that Staff did not advise or direct the Applicant to review this issue as they are willing to remove the entire fill that is encroaching.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Daniel Lajoie, Architect, Wasserberger, Benson Partnership, Project Designer.

Mr. Lajoie stated that he is the project manager for this Application. There are two major contentions on this Application; the wall itself and the access fill that shouldn't have occurred on the site. The owner, Cary Jackson, purchased the property to build corporate offices and a warehouse area in Milwaukie. Wetlands are on about 75% of the site with a small buildable area. They wanted to design the building so that the offices looked out on the wetland area. Trucks and parking are restricted to the back area. Landscaping was applied in response to the wetlands.

An observation platform was created to allow the employees to go out and enjoy the wetland area. A 5-foot landscaped setback was established between the wetlands and

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the buildable area of the site. It was decided later to raise this platform. A decision had to be made as to how to buffer the area between the platform and the wetlands. The grading done encroached the wetland area.

The Applicant is proposing to remove the excess soil from the wetland site and repair the area. The retaining wall can be either modular block or a concrete wall. The modular block is preferred by the Applicant.

Donald Hammang stated that there was evidence of trees that had been mowed over by construction equipment. He asked for the reasoning of digging up the trees? **Mr. Lajoie** stated that the contractor is responsible for repairing the entire edge according to owner's wishes. The trees will be replaced.

Mike Miller stated that he noted that the silt fence has been removed. Now that we are in our rainy season, what will be done to prevent further encroachment into the wetland area. **Mr. Lajoie** stated that the fence will be re-erected and the area re-established by the contractor. The plant material existing is per recommendation from the Staff Report.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS

Speaking: Mart Hughes, 3006 SE Washington Street, Milwaukie

Mr. Hughes stated that he has visited the site a number of times over the last 20 years. He asked that the Commission review his comments in their decision-making process. This is a significant wetland area and was established by Lynn Sharp of Woodward/Clyde Consultants, Inc.

The development of the site was and is inconsistent with the conditions set forth by the Planning Commission at a pre-development hearing. The site has been designated part of Milwaukie's Goal Five Natural Resource Inventory. The development of the site consisted of unpermitted fill in a wetland. Evidence has been found that indicated that there has been unpermitted fill placed in this area. The wetland boundaries were defined by the limits of the fill at that time. Photographs clearly show the wetland boundaries.

Review of Lynn Sharp's report revealed that wetlands were at the limits of fill except in one location; on the north side of the property. The Milwaukie Planning Commission allowed development of the site by removing the Natural Resource

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inventory from the fill area and the action was conditioned with the following requirements:

- Development of the site restricted to existing fill area.
- A buffer of the natural resource area and landscaping for development was to be provided on the development pad to protect the natural resource area.
- A Management Plan was to be developed for the natural resource area.

Mr. Hughes stated that the site was developed without regard to meeting the conditions as specified in the Commissions request and natural resource value. It is his opinion that there is still fill in the natural resource area and wetland area along the east boundary from the OECO site to the north point. There is no evidence tonight that shows that the boundary is the limit of fill that was existing before development started.

It is his recommendation to require management of the area. The Commission could require:

- Removal of the fill as it exists.
- Moving the buffer and natural resource area back to the pre-development line.
- Look at entire site and develop a management plan that will protect and enhance the natural resource value of the site.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF

John Gessner stated that he appreciated Mr. Hughes concerns about the erosion control fence. Efforts were made to identify intent in the past. The area was surveyed at the end of the NR process and maps were created that located the boundaries. It is in the exact same location. If appropriate, Staff could re-survey the area to determine accuracy.

QUESTIONS FOR CLARIFICATION -- None.

APPLICANT CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

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

Discussion followed on a solution to protect the entire natural resource area. It was decided that the Applicant provide an Erosion Control Plan and Management Plan before a decision is made by the Commission. Suggestions for the management plan include:

- Show landscaping within the new fill area as well as within the Natural Resource area.
- A long-term maintenance plan for the entire site.
- Landscaping in the new fill area.
- Removal of blackberries.

Donald Hammang moved to continue NR-98-07 to January 12, 1999, to allow time for Staff and the Applicant to get together and create a long-term management plan for this site. **Mike Miller** seconded. MOTION CARRIED 5-0 with one abstention. Barbara Cartmill abstained. Ayes: Smith, Borden, Cook, Hammang, Miller; Nays - None.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS -- None.

9.0 OLD BUSINESS

9.1 Reliable Credit -- Conditions of Approval

Chair Smith opened discussion of Reliable Credit. **Susan Heiser** presented the Conditions of Approval requested by the Commission at their November 24, 1998, public hearing.

Mike Miller moved to accept the Findings and change in Conditions of Approval as recommended by Staff enacting the Commission's decision on the Reliable Credit Union Application, File Numbers MU-99-01, MC-98-02, TPR-98-08, and VR-98-08, at the November 24, 1998, hearing. Donald Hammang seconded. MOTION CARRIED 5-0 with one abstention. Barbara Cartmill abstained. Ayes: Smith, Borden, Cook, Hammang, Miller; Nays - None.

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10.0 OTHER BUSINESS

10.1 Historical Resources Commission Report -- No report.

10.2 Community Development Director Report

Susan Heiser reported that she has given her employment separation notice and December 31, 1998, is her last day. She is going to be working for O'Donnell, Ramis & Crew, Attorneys. She will also be training for race-walking to compete on a national level and in the Olympics.

Martha Bennett, Community Development Director, started last week and will be at the next Planning Commission meeting.

11.0 Next Meeting -- January 12, 1999

11.1 MLP-98-06/NCU-98-04 -- Thompson

11.2 MLP-98-08/VR-98-10 -- Fulmore

11.3 MLP-98-10/VR-98-12 -- Dadras

11.4 VR-98-11 -- Patino

Tracy Cook moved to adjourn the meeting of November 24, 1998. **Mike Miller** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 9:30 p.m.

Mike Smith, Chair

Shirley Richardson, Hearings Reporter



MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
THROUGH: DAN BARTLETT, CITY MANAGER
FROM: LAURA ATANES, INFORMATION SYSTEMS & TECH MANAGER
SUBJECT: QUARTERLY REPORT - INFORMATION SYSTEMS & TECHNOLOGY
DATE: DECEMBER 22, 1998

Action Requested

None - Information only.

Background

This report summarizes the activities of the Information Systems and Technology department for April-June 1998.

Information Systems

- Coordinating the cabling changes for Law Enforcement Data Systems (LEDS), Portland Police Data Systems (PPDS), and network PC's during the Gold Elite upgrade in Dispatch.
- Planning for the removal of all serial cabling at City Hall.
- Provided to Neighborhood Services the installation of one scanner and Zip Drive for publications.
- Provided to Public
 1. Year 2000 "bug" presentation to the Historic Milwaukie Neighborhood Association, explaining what it is, what the City has done (and is preparing to) do about it, and how to get more information.
 2. Year 2000 "bug" interview with KXL newsradio, providing much of the same info as noted in #1 above. To be aired sometime in January or February 1999.
 3. Public access to the Internet (see "Provided to Library" below)
- Provided to Police
 1. Installation of voice-dictation system for four (4) PC's (in progress)
 2. Installation of digital camera software which allows for text-captions on digital photos.
- Provided to Finance
 1. Installation of Year 2000 (Y2K)-Ready Municipal Courts software.
 2. Y2K analysis of existing financial and payroll software.
 3. Implementation planning for Y2K-Ready upgrade to financial and payroll software.
 4. Installation of Y2K-ready financial and payroll software (in progress).
 5. Installation of high-performance network laser printer.
- Provided to Library
 1. Replaced 15+ desktop computer systems with new Y2K-Ready systems.

MILWAUKIE CITY HALL
10722 SE MAIN STREET
MILWAUKIE, OREGON 97222
PHONE: (503) 786-7555 -1• FAX: (503) 652-4433

VII. B. 1-2

2. Installed and configured one Public Access Internet Workstation, with print capabilities, on the main floor.
 3. Upgraded ten (10) serial printers for the citizen (LINAS) terminals and one network printer for staff.
 4. Planning and implementing three (3) citizen-access PC's to the internet (to be phased in).
 5. Planning for the removal of all serial cabling.
- Provided to Public Works
 1. Installed and configured four (4) laptop computers for Sewer, Storm, Water, and Streets divisions, decreasing redundancy in data entry tasks.
 2. Coordinated changes of computer and telephone systems, including cable, for the final phase of the remodel.
 3. Provide ongoing telephone and data changes as requested.
 - Provided to All City Departments
 1. Completed hub equipment upgrades from 10mb to 100mb to improve network speed.
 2. Upgrading all routers to meet Y2K-readiness status.
 3. Evaluating TCI franchise agreement with Jo Ann Herrigel for fiber optic options.
 4. Processing incoming Y2K-readiness requests submitted by citizens, companies, and other agencies.
 5. Coordinating Y2K-readiness documentation, testing and upgrades for non-computer system equipment (elevators, security monitoring, radio equipment, etc).
 6. Donated 15 low-end, used PC's to North Clackamas School District #1.
 7. Implementation planning for Y2K-Ready upgrade to financial and payroll software.
 8. Coordinating the installation of Y2K-Ready financial and payroll software.
 9. Upgrading existing voicemail system to Y2K-Ready status.
 10. Evaluating telephone system options for call-accounting, Central Phones, low maintenance/administration costs.
 11. Implementing internet connectivity for appropriate staff .
 12. Implemented internet email.
 13. Establishing Internet Usage Policy.
 14. Developing Information Systems and Technology Strategic Plan and Policies.
 15. Installing UPS equipment for all telecommunications and server equipment at all sites to protect investments and assure 1-2 hour up-time in case of power failure.
 16. Provide daily end-user support for computer and telephone issues.

GIS

- Provided to Agencies
 1. Provided vacant lands tabular data to W&H Pacific for City's Housing Density Compliance with Metro guidelines.
 2. Created new zoning annotation coverage for Happy Valley.
 3. Coordinated with W&H Pacific to provide housing inventory data for Metro Compliance Report.
 4. Worked with Metro to resolve taxlot data inconsistencies found in Happy Valley coverage.
 5. Began coordination with Clackamas County to integrate improved taxlot data structures, markedly improving positional accuracy of all Milwaukie taxlots.
- Provided to All City Departments
 1. Updated city, site specific street maps for all facilities, with reference phone numbers and other pertinent information. Maps are currently displayed or are being prepared for mounting.
 2. Created a second street name annotation coverage for smaller map applications.
 3. Maintained current system GIS configuration.
 4. Created "routed" street coverage to integrate with existing data.
- Provided to Police
 1. Produced maps and crime scene diagrams for Milwaukie PD and Regional Homicide Team to use with Grand Jury.
 2. Updated police/fire/dispatch maps.
 3. Provided training maps for new police officers.
- Provided to Neighborhood Services
 1. Provided data and minimal training to Neighborhood Services ArcView users.
 2. Created address-matched street maps for Neighborhood Services showing location of survey respondents.
- Provided to Public Works
 1. Provided data and minimal training to JCB ArcView users.
 2. Assisted in the continuing efforts to verify and update Storm/Sewer/Water coverages.



To: Mayor and City Manager
Through: Dan Bartlett, City Manager
From: Pat DuVal, Records and Information Manager
Subject: Second Quarter 1998 – 1999 Report for Records and Information Management Division
Date: January 2, 1999

Action Requested: None. This report is for information only. Those wishing additional information may contact me at 786-7502.

Records and Information Management (RIM) Division

As an internal service, the 15.25 RIM employees provide and participate in a wide variety of administrative and support services in Administration, Municipal Court, Planning, Police, and Public Works.

Staffing Activity, Training, Certifications, and Appointments

- 1 employee hired;
- 1 employee appointed as Association of Records Manager and Administrators Portland Chapter liaison to Institute of Certified Records Managers National;
- 1 employee participating on Oregon Association of Municipal Recordors (OAMR) "Records Management Manual" Committee;
- 3 employees attended various computer training including Microsoft Access, Excel, Outlook, and Word;
- 1 employee successfully completed Law Enforcement Data System Certification exam;
- 1 employee completed notarial exam and was granted commission; and
- 4 employees qualified for Fitness/Wellness by using no sick leave during the quarter.

Records Management Project

With the physical inventory phase of the contract with Talbot, Korvola & Warwick LLP complete, two training sessions were scheduled for all City employees. Approximately 35 people attended the two sessions on November 12 in which a video entitled "Buried Alive" was shown and participants received an overview of the new *City of Milwaukie Records Management Manual* and database.

VII. B. 2-2

RIM staff is currently in the process of fine-tuning the database, identifying retention periods, converting file labels, and purging documents from the Johnson Creek Facility loft and individual work areas including City Hall. To date, approximately 15 cubic feet of obsolete and non-program related records have been purged in Planning and 6.5 cubic feet of Public Works records. This work will continue into the next quarter.

Special Teams

- RIM work request form draft completed and distributed for comments and suggestions;
- Parcel Based Information System Team began project to investigate linking various departmental records with GIS information and standardizing data entry fields; and
- Contract management and tracking.

Administration

- Sponsored Milwaukie High School Langford Team;
- Prepared 10 Council packets;
- Processed 6 ordinances and 5 resolutions;
- Recorded 2 property use agreements, 1 easement, 2 consents to annex, and 3 nuisance liens;
- Processed 6 contracts and agreements;
- Mailed 1,650 business license renewals;
- Mailed 350 Milwaukie Downtown Development Association Economic Improvement District notices and continued to assist with renewal and remonstrance process;
- Supported ongoing board and commission recruitment;
- Increased City Council packet e-mail list to 20 interested persons;
- Scheduled Municipal Code training in conjunction with IST Department to publish code in HTML format for all users; and
- Assembled Riverfront Board Notebooks and provided support for consultant interviews and evaluations.

Elections

- November 1998 General Election complete and filings tracked for five candidates; five candidate committees; and three political action committees.

Fleet and Facilities

- Mastered inventory and repair orders on Qquest program;
- Processed 86 facilities requests;
- Tracked invoices City Hall, Safeway, Library, and Shop/Fire remodel projects;
- Participated in monthly inspections of each facility;
- Processed 162 vehicle maintenance requests from Fire District #1;
- Processed 324 work orders including City equipment and Fire District apparatus;
- Initiated preliminary documents for purchase of four new police vehicles;
- Prepared reports for Fire District on number of maintenance requests, completion of requests, and mechanic training;
- Developed a spreadsheet with fire equipment maintenance schedule;
- Tracking 39 purchase orders for Facilities and 72 for Fleet;

- Prepared 96 check requests for Facilities and 45 for Fleet; and
- Preparing summary timesheets for sixteen employees (Engineering, Fleet, Facilities, and Operations Supervisors).

Municipal Court

- Scheduled and attended 7 court sessions;
- Entered 1,068 citations and 1,342 infractions;
- Scheduled 136 trials scheduled;
- Processed 4,384 after-court entries;
- Sent 1,014 abstracts to DMV;
- Forwarded 161 accounts to collections; and
- Processed and mailed 1,780 bills.

Planning Department

- Prepared 15 applications files and processed referrals;
- Prepared 5 Planning Commission packets;
- Set up 5 meeting;
- Assisted with preparation for 1 Historic Resources Commission meeting;
- Assisted with 1 Planning Commission training session with other agencies;
- Re-designed home occupation application;
- Ongoing mailing list/label maintenance;
- Assisted with Functional Plan hearing drafts;
- Completed replacement pages for Subdivision and Zoning Ordinances relating to flag lot revisions;
- Revised counter handouts related to above;
- Reformatted Subdivision and Sign Ordinances;
- Corrected problems with Transportation System Plan resulting from computer migration.

Police Department

- Mailed 1,200 alarm permit renewal packets;
- Processed 210 false alarms and 63 new alarm applications;
- Assisted with 406 background checks;
- Provided customer assistance to 1,243 lobby walk-ins;
- Processed 267 meeting room reservations and 81 cancellations;
- Processed 872 reports;
- Responded to 150 report requests;
- Processed 258 subpoenas and cancellations;
- Responded to 2,749 telephone calls for service;
- Prepared 25 abandoned vehicle letters, 70 towed vehicle letters, and 15 notice letters for paper of record;
- Processed 136 vehicle releases and 70 validations;
- Processed 64 deposits and 6 petty cash transactions;
- Transcribed detective division interview tapes; and
- Assisted dispatch supervisor with dispatch proposal.

VII. B. 2-4

Public Works

- Responded to 4 public records requests;
- Supported 5 board meetings including notification, packet preparation, meeting setups and attendance, and minutes prepared;
- Administered 23 contracts;
- Assisted with "loft" project, archived rejected bids for 9 projects, and continued to work on departmental filing.

Goals for Next Quarter

- Continue records management project by purging obsolete records, moving inactive records from main work areas, entering database information, and converting file numbering system;
- Provide training on use of Municipal Code database;
- Schedule six month evaluations of internal mail processing, meeting management process, and payroll reporting system;
- Continue Parcel Based Information System Team work in conjunction with IST;
- Support Council in board and commission recruitment efforts;
- Make ELVIS (Employee List of Valuable Information and Services) available on-line;
- Fill vacant office assistant position;
- Develop a tracking system for contracts and payments.
- Continue to expand list of citizens and interested parties who can receive meeting agendas, minutes and reports via e-mail;
- Implement RIM work order process;
- Continue training and cross-training as needed; and
- Continue to look for ways to improve internal support services.



To: Mayor and City Council

Through: Dan Bartlett, City Manager
Martha Bennett, Assistant City Manager, Community Development

From: Jim Brink, Public Works Director } JB

SUBJECT: Public Works Quarterly Report, October 1 – December 31, 1998

Action Requested: None. Information only.

Discussion: The following report provides information on Public Works' activities for the 2nd quarter of FY 1998-1999. It also provides information on the expected activities for the 3rd quarter FY 1998-1999.

Street Division

Maintenance: Completed the sweeping of approximately 300 miles of city streets and 30 miles for Happy Valley, hot patched 63 pot holes and 19 utility cuts, completed 27 infra-red repairs, installed new signs per request of City and Happy Valley and replaced damaged signs, made various shoulder rock repairs, and responded to 32 citizen requests. The County work crews have completed many jobs for the Storm, Sewer, Water, Street and Facility Divisions.

Projects: Worked with engineering on the STSP and NTMP projects.

Next quarter: Continuing the sweeping schedule to include Happy Valley, patching of potholes, shoulder rock repairs, infra-red pavement repairs, dealing with inclement weather conditions, sign replacement and installation, assisting Happy Valley with their needs, and training of street crew on using the new Hansen program. Also, work with Engineering on the completion of the NTMP project (Stanley Ave sidewalks), the CDBG sidewalk project and the CDBG Ramp project.

Water Division

Maintenance: Completed 5 dig in water services and 11 drop-in water services, 281 utility locates, and 130 turn offs on turn off days; changed out 24 water meters; repaired 2 fire hydrants, 7 main breaks and 3 water services; moved 8 water services on 22nd Ave and 7 services for sidewalk project on Stanley Ave; and responded to 19 citizen requests.

VII. B. 9-2

The City Hall Service team completed 343 service requests. These consisted of final reads, leak investigation, rereads, turn ons, turn offs, and other miscellaneous calls.

The water quality section has taken 72 bacteria samples, 4th quarter VOC samples, 3 rounds of blending samples for the Clackamas River Water Intertie, and 5 Trihalomethane (THM or disinfection by-product) samples. Don is also working with the DEQ concerning ground water contamination vicinity the LD McFarland property at 37th and Monroe, Revtec property on International Wy, Waren Industries property along ORE 224, and Stanley Works property on 32nd Ave.

Projects: The CRW Intertie is complete. The Telemetry system improvement project is about 95% complete (the following sites are on line: CRW intertie, both packtower sites, Wells 2,3,5,4,6,7,8, the elevated tank, the concrete tank, the steel tank, and transfer pumps from low to high side). Project plans are complete for the Johnson Creek Blvd waterline improvement project. Plans are almost complete for the Waverly Dr and Lava Dr waterline improvement project. Plans are in design for all three of next years waterline improvement projects.

Sewer Division

Maintenance: Received and responded to 4 citizen requests; cleaned 2,700 ft of sewer lines; televised 1500 feet of sewer lines; completed 113 utility locates, 2 dye tests, 2 sewer generator tests, and lift station maintenance; continued sewer infrastructure mapping; responded to 3 oil spills, raised 4 clean-out; and cleaned and inspected 30th Ave Sewer. Rhett & Shawn went to a 1 day confined space class and performed power-fail back-up test at Home/Monroe and Johnson Creek lift stations. Shawn worked with IST on the laptops for each division and purchased flow meter.

Projects: Worked with TSI on the Telemetry Improvement project of the four lift stations (SE-98-3); worked on the Johnson Creek Blvd sewer lateral map; completed the 60th Ave and Lloyd St sewer repair; Ali Taha, Rhett and Shawn worked on the sewer and storm system GIS coverages. Worked with Engineering on the 30th Ave Sewer project. Worked with MSA Engineering on the Brookside liftstation project. Participated in SunCoast manhole installation demo.

Next quarter: Begin manhole rehab, start flow monitoring, implement manhole inspections and I&I elimination; continue to work with TSI to complete telemetry improvement of lift stations, and work with Engineering on Brookside Lift Station project (SE-99-3), 30th Ave Sewer project (SE-99-1), the Waverly Dr Sewer LID (SE-99-4). Fill vacant Sewer position.

Storm Division

Maintenance: Received and responded to 5 citizen requests; cleaned 2100 feet of storm water line; televised 550 feet of storm main line and 100 feet of mini cam work;

completed 97 utility locates; attended 3 NPDES meetings, 3 Policy/Interjurisdictional Committee meetings, 1 stormwater video production meeting, 2 Johnson Creek Watershed meetings, and 3 Cleanwater (ACWA) meetings in Salem; raised 1 drywell, cleaned 229 catch basins totaling 578 cubic feet of debris; responded to 3 oil spills; and coordinated with Metro for the Johnson Creek Summit Conference and 1 follow-up meeting; and responded to several erosion control situations such as the Providence Hospital and the Steinmann berm..

Projects: Cleaned and cut roots out of 15” stormline between Hemlock St and Madrona Dr and installed lock down manhole lids; cleaned-out sedimentation pond and worked with JoAnn and County Corrections Crew with cutting and planting at Roswell Pond; Clackamas County cleaned-out 2 drywells; helped Charlene with Edwards property/wetlands east of 37th Ave; and improved drainage at the end of 28th Ave with rip-rap.

Next quarter: Harrison St. storm/drywell improvement, 32nd Ave/Hillside Dr storm project, clean catchbasins, and investigate leasing a Combination machine for drywell and manhole maintenance.

Engineering Division

This quarter:

1. Building permit reviews on 24 Commercial/Industrial permit applications and 22 SFR new and remodel permit applications and no multifamily permit applications.
2. Provided information to future applicants during 21 Pre-Application conferences.
3. Inspection of approximately 10 private drywells and work on about 25 code violations.
4. CDBG sidewalk project complete except for a few punch list items.
5. TEAM COURT (formerly ROCKWOOD MEADOWS) subdivision improvements completed. Neighbors fence repair yet to be done.
6. HARVEY COURT Subdivision complete.
7. Lava Drive and Waverly Drive waterline and sanitary sewer improvement project in design by HHR. Sanitary sewer LID intent to form done by City Council.
8. Milwaukie Transit Center improvements completed by Morse Bros.
9. Stanley Avenue sidewalk/NTMP improvement construction started by D & D Concrete and Utilities.
10. Linwood/Monroe intersection street lighting completed.
11. Stanley Ave./55th/JCB sanitary sewer LID. Easement signed for west end. Project being designed by Compass Engr.
12. Submitted preliminary joint application w/CCSD#1 for Clean Water State Revolving Fund (CWSRF) program through DEQ to sewer areas east of the City. Application approved.
13. Sidewalk repair program progressing slowly (57 downtown and 43 neighborhood).
14. Coordinate with City of Portland on preparation for JCB Phase II construction.

VII. B. 3-4

15. Work with CCSD#1 and Oak Lodge to develop Surface Water Rules & Regulations.
16. Work through Johnson Creek Interjurisdictional Council to obtain Federal Funding for FEMA flood plain re-mapping.
17. Prepared to remove Ron Steinmann's unauthorized dike legally by going through NR review.
18. In-house design of 230' of sanitary sewer replacement in 30th Ave. between Van Waters and Roswell Streets.
19. Submitted CSO application for Brookside sanitary sewer lift station to Community Development for Planning Commission approval.
20. CDBG grant sidewalk ramps project awarded to D & D Concrete and Utilities.
21. Projects for Priorities 2000 submitted.
22. Projects for inclusion in RTIP submitted.
23. ACCESS training for three of the engineering staff.
24. Update of standard drawings.
25. Worked on Street Utility funding and possible increase in stormwater fee.

Next quarter:

1. Continued implementation of School Trip Safety Program and NTMP. Home Avenue speed humps.
2. Continue with design of 23rd and Harrison Street sanitary sewer re-construction project.
3. Final TEAM COURT Subdivision.
4. Complete design of Stanley Ave/55th/Johnson Creek Blvd Sanitary sewer LID by Compass Engineering.
5. Complete Brookside sanitary sewer lift station design.
6. Complete design of Lava Drive and Waverly Drive waterline and sanitary sewer improvement project by HHR and go out for bid. Public Hearing to form sanitary sewer LID set for January 5.
7. Complete construction of Stanley Avenue sidewalks.
8. Coordinate with Tri-Met to improve bus stop facilities on Line 75.
9. Continue update of standard drawings.
10. Coordinate with City of Portland and obtain County permits for JCB Phase II construction. Complete design of Johnson Creek Blvd waterline improvement project by Murray Smith & Associates and go out for bid.
11. Work through Johnson Creek Interjurisdictional Council to obtain Federal Funding for FEMA flood plain re-mapping.
12. Remove Ron Steinmann's unauthorized dike if he doesn't.
13. Design North Drywell Improvement Phase I construction project.
14. Construction of 230' of sanitary sewer in 30th Avenue.
15. Prepare for '99-2000 overlay project.
16. CDBG sidewalk ramp project construction and inspection (76 to 78 ramps).
17. Complete design of Roswell St. sidewalk improvements (32nd to 42nd). Design by Alpha Engineering.
18. Design King Road sidewalk improvements in-house.

19. Work on Street Utility funding and possible increase in stormwater fee.




MEMORANDUM

January 5, 1999

To: City Council

Thru: Dan Bartlett, City Manager 
Martha Bennett, Community Development Director 

From: John Bennett, Building Official 

Ref: Permit posting

Action Requested

None. This memo is for the council's information only.

Background

We receive many requests by concerned citizens to investigate construction projects, which may or may not have the required permits. The investigation, although necessary, requires considerable staff time. The staff has spent some time discussing how we can improve the system. The citizen who is asking the question would not have to ask if a sign was posted in an obvious location at the construction site.

The sign marked (exhibit "A") is the sign now being issued with construction permits. It is hoped that the posting of the sign will reduce the number of investigations and help in notify everyone in general about the requirement to obtain a permit before construction.

The sign should be its' own advertisement.

Staff Recommendation

Please inform others about the sign and its' purpose.

City of Milwaukie, Oregon
6101 SE Johnson Creek Blvd.
786-7600

VII. C. 2

PERMIT # 98-447

SITE: 4118 SE Roswell Street

PERMITTEE: Alexandr Arzamastsev

ISSUE DATE: December 21, 1998



CITY OF MILWAUKIE BUILDING DEPARTMENT

STRUCTURAL	MECHANICAL	PLUMBING	ELECTRICAL	EROSION CONTROL	ROW
√				√	√

INSPECTIONS

Inspections are **REQUIRED** and must be requested at least one working day before the day an inspection is needed. Permit number, type of inspection, and address must be provided with the inspection request.

FOR INSPECTION REQUESTS CALL 786-7613.

THIS CARD MUST BE POSTED IN A CONSPICUOUS, ACCESSIBLE PLACE.



MEMORANDUM

TO: Mayor and City Council

THRU: Dan Bartlett, City Manager
 Martha Bennett, Community Development Director
 Jim Brink, Public Works Director

FROM: Ruthanne Bennett, Civil Engineer

RE: Abatement of Unauthorized Fill at 12929 SE Rusk Road

DATE: January 8, 1999

ACTION REQUESTED

None. Information only.

BACKGROUND

1. On November 18, 1998, Judge Gray ruled that the fill was in violation of Milwaukie Municipal Code and Zoning Ordinance and ordered Mr. Steinmann to remove the fill, with the majority of his fines suspended if the fill was removed by 5:00pm, January 4, 1999.
2. In a separate action under the City's nuisance code, on December 14, 1998, the City issued a Notice to Abate. No noticeable activity had occurred on the fill at that time.
3. On January 5, 1999, Council determined that the unauthorized fill was a nuisance, directed staff to follow municipal code abatement procedures, and recover costs if removal was not completed within 10 days.

DISCUSSION

1. The unauthorized fill was removed beginning January 5, 1999, with completion on January 8, 1999. City staff supervised the work and is satisfied that the removal returns the site to the required condition. This ends both the City's nuisance action and violations of the City code that might be prosecuted through our code enforcement process. The City Attorney informs us that Mr. Steinmann could be cited for violations of City code between November 19, 1998, and the date the fill was removed.
2. Erosion control measures were in place prior to fill removal. Ground stabilization continues under the supervision of City staff. The estimated completion date for winter work is January 11, 1999. Staff will check the site in the spring and coordinate the restoration of vegetation.
3. The excavation included the area owned by Mrs. Bunn's family.

FISCAL IMPACT

Costs to the City are estimated to be \$12,000. During the trial that resulted from the City's code enforcement action on November 18, 1998, of the City of Milwaukie vs. Ron Steinmann, Ron Steinmann was fined \$14,250. Since the amount of the penalty exceeds the City costs to date, staff is not pursuing additional prosecution of violations between November 19 and January 8.