

**MILWAUKIE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 21, 1999**

The one thousand eight hundred and twenty-third meeting of the Milwaukie City Council was called to order by Council President Marshall at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Rob Kappa
Mary King

Larry Lancaster

Also present:

Dan Bartlett,
City Manager
Jim Coleman,
City Attorney
Charlene Richards,
Assistant City Manager

Martha Bennett,
Assistant City Manager
JoAnn Herrigel,
Program Services Coordinator

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Disability Awareness Month

Council President Marshall read a proclamation naming October 1999 as *Disability Employment Awareness Month* in the City of Milwaukie.

Walk a Child to School Week

Council President Marshall read a proclamation naming October 6, 1999, as *Walk a Child to School Day* in the City of Milwaukie and encouraged residents to meet at Lisac's store to accompany students to Ardenwald School.

CONSENT AGENDA

Councilor Kappa pointed out several corrections to the City Council minutes that included combining paragraphs on pages A.24 and A.25 regarding the September 18, 1999, in the September 7 minutes for continuity. The August 30 "Information Sharing" should refer to his attendance at the National League of Cities Leadership Conference and his recommendation that there should be a youth involvement process through a shadow Council program.

It was moved by Councilor Lancaster and seconded by Councilor King to adopt the Consent Agenda with the amendments to the minutes. Motion passed unanimously among the members present.

1. City Council minutes of August 30 & 31 and September 7, 1999
2. Resolution 34-1999: A Resolution of the City of Milwaukie, Oregon, Adopting Fiscal Year 1999/2000 (Year Ten) Annual Waste reduction Plan.

AUDIENCE PARTICIPATION

Annaliese Hummel, 2802 SE Monroe Street. During the last two weeks, she counted the numbers of vehicles traveling Monroe Streets. In the span of 90 minutes on different days, she counted between 500 and 1,500 vehicles. She estimated that at least two-thirds went over the posted speed limit. Between 2:00 and 4:00 p.m. on this date, she observed continuous traffic including school and Tri-Met buses. This volume of traffic results in a loss of livability that is very important to the neighborhoods. She indicated she was speaking on behalf of her neighbors.

She discussed traffic calming devices in Portland that included traffic circles which she believed would help the local traffic situation. New development often means destruction to older, livable neighborhoods. She understood that some residents were interested in having a McMennamin's at the Jr. High Site, and she opposed that use. She was concerned about the amount of uncollected debris and litter particularly in the area of the overpass.

Council President Marshall suggested Hummel attend the public forum sessions in order to have a dialogue with the Council.

Councilor Lancaster asked if the City had parked the speed trailer on her street and suggested that would be a good means for collecting data on volumes and speeds.

Hummel said she had seen the speed trailer on Washington Street. She recommended the "Slow Down" banner be hung at or near the intersection of 28th Avenue and Monroe Street. Hummel had observed many near-accidents at that intersection. She noted that 28th Avenue was used more and more as a cut through between Washington and Harrison Streets.

PUBLIC HEARING

Change in Hauler Recycling Pick-Up

Council President Marshall called the public hearing on curbside collection of commingled recycled materials to order at 6:15 p.m.

The purpose of the hearing was to consider a resolution amending the solid waste, recycling, and yard debris collection administrative rules. He reviewed the conduct of the hearing.

Staff Report: **Herrigel** presented the staff report in which the City Council was requested to consider a resolution that would amend the Administrative Rules for Solid Waste, Recycling, and Yard Debris Collection to require that garbage customers commingle their recyclables at the curb and that garbage haulers keep glass separate from other recyclables on the collection trucks.

Since 1989, Milwaukie residents have participated in a curbside recycling program. The proposed new system would reduce the material sorts from thirteen to three with an occasional four. The categories would be all paper, containers including plastic and aluminum and tin cans, and glass of all colors. To further simplify the program, residents will no longer have to remove the tops and bottoms and flatten cans, although customers would still be asked to remove the labels. Haulers would also ask that larger piles of cardboard be tied to facilitate pick up and prevent them from being scattered by the wind. The fourth and less frequently used category would be large pieces of cardboard, scrap metal, and used oil.

The benefits of the new program would be cost maintenance by decreasing the amount of time spent at each stop; increased participation by reducing the number of customer sorts; and reduced traffic by increasing the volume of materials collected per truck.

Herrigel discussed two issues that were raised after her initial staff report: customer-provided, rigid weather-resistant receptacles container or paper grocery bag, and Waste Management's request that the decision on commercial and multi-family glass separation be postponed for six months. Staff was concerned about material contamination and marketability. After consideration, staff came to the conclusion that glass should be kept separate from other recyclables. In order to present the public with a consistent policy, staff recommended that not only residential, but also commercial and multi-family glass be collected separately on the trucks. Staff did not change its original recommendation on this issue.

Councilor Lancaster asked why the term "weatherproof" was changed to "weather-resistant" container and if it would have to have a lid or cover.

Herrigel said the biggest issue for the haulers was that containers not fall apart in the rain. The container can be a plastic bucket or box.

Correspondence: None.

Audience Testimony: **Darrell Lyons**, Waste Management, 4770 NE 55th, Portland, OR 97218. His company supported staff's recommendation on more commingling at the curbside level or residence. The difference in opinion has to do with the commercial proposal. Waste Management believes that commercial

collection is much more complex than residential and the education process is more difficult. At this time, commercial is allowed to mix glass and other containers, and there are trucks dedicated to collecting containerized material. Waste Management requested that it be allowed to continue to collect glass and other containers commingled at the commercial level for six months. He indicated a potential for processing and other market availability for commingled glass that would enhance the product. The primary point was that the region was not at consensus regarding the commingling aspect of commercial recycling.

Council President Marshall asked how glass was currently separated from the other recyclables.

Lyons said it is collected commingled in containers and sorted and separated in the processing facility.

Councilor King asked if this six month grace period would be used to educate customers in the benefits of separating glass from the other recyclables.

Lyons said there were processes and markets available for commingled glass that would enhance or give more opportunity for the commingling aspect. The education element will not change. If at the end of the six months the region finds that glass needs to be separate, Waste Management will be happy to comply. If there are better markets and greater potential for eliminating any contamination, that would be the most opportune time to educate the public on the new direction.

Councilor Lancaster asked if there were obstacles to getting commercial compliance.

Lyons felt that right now space and education were both at a premium. Employees are expected to use their time cost-effectively during the work days, so recycling needs to be simple and convenient.

Councilor Kappa asked what would happen if processes and marketability did not go as anticipated after six months.

Lyons said, after the six month period of process assessment and education, Waste Management would work with the City on commercial recycling. He noted that other entities in the region have chosen to adopt residential commingling but not commercial, so there are some issues for Waste Management in coordinating its services throughout multiple jurisdictions.

Councilor Kappa asked if the issue would come back before the City Council.

Lyons replied this would be a postponement of administrative rules changes relating to commercial recycling.

Councilor Lancaster asked the percentage of commercial recycling in Milwaukie.

Lyons there is a higher percentage of residential participation than there is in the commercial arena. About 60% to 70% of the residential customers recycle and 45% to 50% of the commercial customers participate.

Herrigel understood that the City Council would consider any changes to the administrative rules after the six month period.

Questions of Clarification: **Councilor King** asked Herrigel if she believed glass was a problem with commercial recycling and if the volume would be reduced.

Herrigel stated that, from the commercial and multi-family accounts she personally set up, these customers have been separating their glass for years. From her staff perspective, it would be more cost effective for Waste Management to put all of the glass in one truck.

Councilor King said, for clarification, that commercial referred to apartment complexes and businesses. A lot of glass would be going in with the other recyclables.

Councilor Lancaster asked for clarification of staff's objection to waiting for six months.

Herrigel responded it had to do with the confusion during the public education process. From the consumer perspective, she was reluctant to tell commercial businesses they would have to commingle and perhaps change it again in six months.

Councilor Kappa asked the amount of time needed to implement the commercial element if the City Council were to support Waste Management's recommendation.

Herrigel stated it would not take a lot of staff time and suggested that Waste Management commingle when loading the trucks. She believed the City should be most concerned about impacts to the customers.

Lyons concurred with Herrigel's statements on consumer education. He agreed that the containers could be commingled on the truck without the customer education piece at this point.

Councilor Lancaster asked Lyons if he was reasonably certain the market conditions would change, and **Lyons** indicated he was fairly certain.

Close Public Testimony: **Council President Marshall** closed the public testimony portion of the hearing at 6:50 p.m.

Discussion: **Councilor King** reviewed the history and purpose of recycling which was to reduce the amount of waste going into the landfills. The purpose of the source separation was to close the loop and avoid cross contamination of materials. The recycling community has worked very hard to educate people. Apartment complexes house a large number of Milwaukie citizens, and she was concerned that confusion might be created when recycling is taught in the classroom if the processes differ. She urged the Council to remember the environmental expense of using new raw materials to make clear glass. Someone in the region needs to be the first to say that glass and other containers should be separated. She recommended not changing the proposed resolution.

Councilor Kappa did not see the issue to be so critical as to not grant the six-month grace period during which technologies could be explored. He did agree with Councilor King's comments on the importance of recycling.

Councilor Lancaster said it is difficult to train and organize the public. He was in favor of the six-month postponement as long as it did not impact the education and training of City residents if changes are made.

Councilor King went on record to say that she did not support commingling glass.

Herrigel understood that there are no other jurisdictions that are requiring the haulers to keep glass separate on their trucks. Most of them have said to keep it separate on the curb, and the hauler would have the flexibility of separating it or not on the truck. Some of the haulers have concerns about de-educating the public.

It was moved by Councilor Kappa and seconded by Councilor Lancaster to adopt the resolution and to grant a six-month extension for commercial and multi-family customers.

Councilor Lancaster made a friendly amendment that the six-month extension would not adversely impact the education process. As the maker of the motion, **Councilor Kappa** accepted the amendment.

Bartlett said staff would redraft the resolution with Councilor Kappa's amendment.

Motion passed 3 to 1 with the following vote: Council President Marshall, Councilor Kappa, and Councilor Lancaster aye and Councilor King no.

RESOLUTION NO. 35-1999:**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON.**

Councilor King added that she believed it was important to consider long-range environmental benefits versus corporate profit taking.

OTHER BUSINESS**Repeal of a Portion of the City's Business License Code and Amendment of
the City's Business Tax Code**

Bennett presented the staff report in which the City Council was requested to consider an amendment to the City business license and tax codes. The code exists to collect information and to make sure the business is in compliance with the other municipal codes. Although a good idea, it does not work for several reasons including limited staff resources, confusion about business outside the City limits that, for various reasons, obtain a Milwaukie license, and use of that code chapter as an enforcement tool while efforts are philosophically directed more toward compliance.

Staff believes information can be effectively gathered via the business tax form for such things as history of the concern and as a record of hazardous material storage. Staff also believes there are already enforcement capabilities in other sections of the code. Resources can be used better by focusing on those areas in which there are actually violations.

Councilor Kappa withdrew from participating in the conversation or making a decision on this code amendment because of a possible business opportunity in the City, although in reality it did not reflect on what he was doing.

Councilor King asked if she, as a resident, would be protected if the person next door wanted to open a car repair shop.

Bennett said the home occupation regulations still govern the conditions under which a business of that sort is permitted. The Planning Division would still have to approve home occupation applications which would be the enforcing mechanism.

Councilor King asked how those 4% - 5% out of compliance would be identified.

Bennett said that was the trade off. Some of the violations are caught by driving by the site, but others are not. This code amendment would generally provide better customer service to business owners. Citizens are not hesitant to notify the City when they believe a home occupation is out of compliance, and she believed the City would continue to be able to provide good code enforcement. Staff, however, will not inspect each home occupation annually.

Bartlett added that many times staff finds that business licenses are not a good tool because the person who opens a home occupation simply does not complete the application. Typically, the City finds out about home occupations or businesses operating improperly through neighbor complaints and has nothing to do with the licensing process. The City would continue to collect the emergency contact information under Chapter 5.08.

Bennett explained the City would also continue to collect data from the Home Occupation Application form.

Council President Marshall said he had no problem with this proposal conceptually. He did ask, however, why inspection costs were not factored into the fee.

Bennett said the business tax code and the business license code are separate. The current practice is not necessarily to have an inspection but for the various departments to sign off on the application.

Bartlett added that there were few other types of codes in place, such as the Zoning Ordinance, sign code, and fire inspection activities, when the business license ordinance was enacted. The business license tax was not calculated to cover inspection costs, but other applications, such as the sign code, involve a processing fee.

Council President Marshall commented this seemed redundant to other types of inspections.

Bennett pointed out a resolution that established a \$20 temporary business fee for people and institutions conducting business for less than two months per year.

It was moved by Councilor Lancaster and seconded by Council President Marshall to read the ordinance repealing Chapter 5.04, Business Licenses Generally, and amending Chapter 5.08, business taxes generally, of the Milwaukie Municipal Code for the first time by title only. Motion passed 3 – 0 – 1 with the following vote: Council President Marshall, Councilor King, and Councilor Lancaster aye; no nays; Councilor Kappa abstained. The ordinance was read for the first time by title only.

The ordinance will be on the October 5, 1999, agenda for a second reading.

It was moved by Councilor King and seconded by Councilor Lancaster to adopt the resolution creating a temporary business fee for people and institutions conducting business for less than two months per year within the City. Motion passed 3 – 0- 1 with the following vote: Council President Marshall, Councilor King, and Councilor Lancaster aye; no nays; Councilor Kappa abstained.

RESOLUTION NO. 36-1999:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CREATING A TEMPORARY BUSINESS FEE FOR PEOPLE AND INSTITUTIONS CONDUCTING BUSINESS FOR LESS THAN TWO MONTHS PER YEAR WITHIN THE CITY OF MILWAUKIE.

Councilor Kappa asked a procedural question about his abstention, the Mayor's absence, and the need to carry the second reading of the ordinance to the next meeting. He understood his abstention would not reflect on the rest of the City Council taking its vote.

Coleman said the Charter does refer to the Councilmembers present, but he did not see this as an issue since there was no emergency. Other Councilors indicated they were in favor of the Mayor's participating in the decision at the next meeting. He believed this was a reasonable interpretation of the City Charter.

Councilor Kappa had asked this question based on previous Council decisions.

INFORMATION

1. **Councilor King** announced several community events: September 25th Johnson Creek Watershed Cleanup and Ardenwald Kids' Parade; September 30th Johnson Creek Watershed Summit; and October 6th, Walk a Child to School Day.
2. **Council President Marshall** announced the Riverfront Downtown Town Hall Meeting on September 22nd in the Milwaukie High School Commons.
3. **Councilor Kappa** said the South Corridor Transit Study had been mentioned at a recent Chamber meeting and asked if Metro had filed the papers. **Bartlett** said staff prepared a letter for the Mayor's signature reminding Metro that Milwaukie wants to be on the federal aid project list. He understood that Metro staff was working on the papers necessary for Milwaukie's transit

4. center to be considered. This is the only project identified to date. **Bennett** added the filing needed to be done by January. **Bartlett** said this was an appropriate response to the concerns raised at the Chamber meeting, and a copy of the letter would be forwarded to that organization.
5. **It was moved by Councilor Lancaster and seconded by Councilor King to designate Mayor Tomei as Milwaukie's representative to the Complete Communities group and Council President Marshall and Mayor Tomei as alternate to the Concurrency Committee. Motion passed unanimously among the members present.**

Council President Marshall announced an executive session under ORS 192.660 to consult with legal counsel to discuss potential litigation.

ADJOURNMENT

Council President Marshall adjourned the regular session at 7:25 p.m.

Pat DuVal
Pat DuVal, Recorder

**CITY OF MILWAUKIE
CITY COUNCIL AGENDA
SEPTEMBER 21, 1999**

MILWAUKIE CITY HALL
10722 SE Main Street

1823rd MEETING

REGULAR SESSION - 6:00 p.m.

I. CALL TO ORDER
Pledge of Allegiance

II. PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

A. Disability Awareness Month -- Proclamation

B. Walk a Child to School Day -- Proclamation

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 August 30 & 31 and September 7, 1999

B. Year Ten of Waste Reduction Plan -- Resolution

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.)*

Change in Hauler Recycling Pick Up -- Resolution (Herrigel)

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.)*

**Business License Code Amendment and Establishing a Temporary Business Fee -
- Ordinance and Resolution (M. Bennett)**

VII. INFORMATION

A. Board and Commission Minutes

- 1. Center/Community Advisory Board, July 9, 1999**
- 2. Planning Commission Minutes, August 8, 1999**
- 3. Traffic Safety and Transportation Board, August 8, 1999**

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.

The Council requests that all pagers and cell phones be either set on silent mode or turned off during the meeting.

PROCLAMATION

WHEREAS 20% of the population of the United States of America is comprised of persons with disabilities, and

WHEREAS the current unemployment rate for adults with disabilities exceeds 70%, and

WHEREAS the State of Oregon has demonstrated its commitment to the employment of adults with disability through an Employment Initiative being administered by the Senior and Disabled Services Division and the Vocational Rehabilitation Division, and

WHEREAS President Clinton has established a Task Force on the Employment of Adults with Disabilities in the nation, and

WHEREAS Congress has declared October 1999, Disability Employment Awareness Month and called upon all Americans to recognize efforts to employ adults with disabilities,

NOW THEREFORE BE IT RESOLVED THAT

The month of October 1999, is designated as Disability Employment Awareness Month in Milwaukie, Oregon, and I call upon the residents of Milwaukie, Oregon to observe the month by learning more about people with disabilities, their strengths, abilities and the programs which are designed to meet their needs.

Signed this 21st Day of September, 1999

Carolyn Tomei, Mayor
City of Milwaukie

WALK A CHILD TO SCHOOL DAY

WHEREAS, Walk a Child to School Week is sponsored by the Partnership for a Walkable America, a coalition of health promotion, safety and transportation organizations interested in promoting healthy, safe and accessible walking for all Americans; and

WHEREAS, the goals are to encourage adults and children to walk to school together and in the process raise national and individual awareness of three key concepts:

- How easy it is for adults and children to enjoy healthy, active time together doing the world's simplest exercise, walking.
- The importance of teaching children safe pedestrian behaviors, such as how to cross streets and select a safe route to school.
- The need for more walkable communities and specific steps people can take, such as advocating for more crosswalks, sidewalks, crossing guards and lights.

NOW, THEREFORE, I Carolyn Tomei, Mayor of the City of Milwaukie do proclaim October 6, 1999, as Walk a Child to School Day in the City.

I encourage people to join Ardenwald School children, adults and staff, Milwaukie police and fire, and members of the Ardenwald/Johnson Creek Neighborhood District Association at Lisac's Stoves, 9035 SE 32nd Avenue, at 8:00 a.m., on October 6th to walk to Ardenwald School together.

Signed this 21st day of September 1999.

Carolyn Tomei Mayor

Pat DuVal, City Recorder

WALK A CHILD TO SCHOOL DAY
OCTOBER 6, 1999

Walk a Child to School Week is scheduled for October 4-8th. During that week, parents, care-givers, faculty, staff, and children are encouraged to walk to school together as many days as possible; Wednesday, October 6th is specifically designated Walk a Child to School Day, and public health and safety, education, and elected officials are urged to take part on that day at least, if not the entire week. The goals are to encourage adults and children to walk to school together and in the process raise national and individual awareness of three key things:

1. How easy it is for adults and children to enjoy healthy, active time together doing the world's simplest exercise, walking.
2. The importance of teaching children safe pedestrian behaviors, such as how to cross streets and select a safe route to school.
3. The need for more walkable communities and specific steps people can take, such as advocating for more cross walks, sidewalks, crossing guards, and lights.

Walk a Child to School Week is sponsored by the Partnership for a Walkable America, a coalition of health promotion, safety and transportation organizations interested in promoting healthy, safe and accessible walking for all Americans. Members include the Centers for Disease Control and Prevention, the National Safe Kids Campaign, the US Department of Transportation, the Institute of Transportation Engineers, Walking Magazine, The Campaign to Make America Walkable, and the National Safety Council.

Please join Ardenwald School children, adults and staff, Milwaukie City police and fire, and members of the Ardenwald/Johnson Creek Neighborhood Assn. at Lisac's Stoves, 9035 SE 32nd, at 8:00am, Wednesday, October 6th, as we walk to Ardenwald School together.

45 Bromfield Street, 8th Floor

Boston, MA 02108

Tel. 617.574.0076

Fax 617.338.7433

**Walk a Child to School Day
October 6, 1999**

Thank you for your interest in Walk a Child to School Week, which is scheduled for Oct. 4-8, 1999. During that week parents, care-givers, faculty, staff, and children are encouraged to walk to school together as many days as possible; Wednesday, Oct. 6 is specifically designated Walk a Child to School Day, and public health and safety, education, and elected officials are urged to take part on that day at least, if not the entire week. The goals are to:

- Encourage adults to teach children safe pedestrian behaviors.
- Help children identify and select safe routes to school.
- Remind everyone of the tremendous health benefits of regular, daily walking.

The event is sponsored by the Partnership for a Walkable America, a coalition of health promotion, safety, and transportation organizations interested in promoting healthy, safe, and accessible walking for all Americans. Members include the Centers for Disease Control and Prevention, the National Safe Kids Campaign, the US Department of Transportation, the Institute of Transportation Engineers, WALKING Magazine, The Campaign to Make America Walkable, and the National Safety Council.

For more information, you can request information packets from Dr. Harold Thompson at the National Safety Council as follows:

**National Safety Council
1121 Spring Lake Drive
Itasca, IL 60143-3201
fax: 630-775-2185
e-mail: thompson@nsc.org**

You may also download information, including a Walkability Checklist, from:
www.nsc.org/walkable.htm.

Feel free to inform Dr. Thompson of the organization, community, or school you represent, and provide the name, address, telephone, fax, and e-mail addresses for future contact so that we may send you further information about Walk a Child to School Week. And thank you for your interest and participation.

MILWAUKIE CITY COUNCIL
WORK SESSION
AUGUST 30, 1999

The work session began at 5:35 p.m. in the City Hall conference room.

Council present: Mayor Tomei and Councilors King, Lancaster, Kappa, and Marshall.

Planning Commissioners: Cartmill, Cook, Hammang, Miller, Ouderkirk, and Steward.

Staff present: City Manager Bartlett; Assistant City Managers Richards and Bennett; Planning Director Rouyer; Associate Planner Gessner; Neighborhood Services Director Gregory; and Information Specialist Wheeler.

Information Sharing

1. **Mayor Tomei** and **Councilor King** discussed their attendance at the recent National League of Cities Leadership Conference held in Oregon. One of the topics addressed at the Conference was involving youth in advisory boards and commissions, and the Council was supportive of implementing a program in Milwaukie.
2. **Councilor Kappa** asked if the City Council would approve an \$8,000 appropriation to Milwaukie Together to fund a part-time staff person. **Bartlett** added that a recent grant application had been denied. The Mayor and other Councilors said they were not opposed to supporting youth; however, they wanted more information on Milwaukie Together's goals and objectives prior to making any funding decision. **Bartlett** discussed potential policy issues and the City's social services grant application. **Councilor Lancaster** suggested only considering those proposals from those organizations that could show a link to implementing or contributing to the Council's adopted goals.
3. The City Council directed staff to prepare a letter supporting Tualatin Mayor Lou Ogden for the League of Oregon Cities Treasurer's position.

Open Community Forum

Susan Stone spoke regarding the raised crosswalks on 32nd Avenue and her concerns about their locations. The 1995 Task Force did not recommend installation of a speed bump or raised crosswalk at Floss Street. She believed the location sent a wrong message to Ardenwald Elementary School Children crossing at that intersection.

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Mayor Tomei had spoken with the Ardenwald principal and crossing guard, and each indicated they felt these were the best locations.

Stone said the 1997 School Trip Safety Plan (STSP) Update indicated there would be traffic calming in the school zone, but the recommendations had not been implemented. The 1999 report, however, indicated raised crosswalks, and three were installed this summer. She believed these should have been deferred for a more complete project that included traffic calming on both sides of the crosswalks. The Ardenwald Neighborhood wants a good product to ensure livability on 32nd Avenue. Stone requested additional speed bumps in the school zone this year and indicated she did not believe the project was carried out well based on traffic engineering principles.

Councilor King suggested painting the street as an alternative if the additional humps could not be installed.

Stone said there needs to be a physical device because paint does not slow cars.

Councilor Lancaster asked the boundaries of the project, and **Stone** replied south of Filbert and north of Roswell.

Stone added that 32nd Avenue still has a livability issue because the recent improvements calmed traffic in only a very small area. Residents want to protect the neighborhood from the deteriorating effects of traffic volume and speeds.

Councilor King said, speaking from her experience as an Ardenwald Elementary School teacher, she believed the Floss Street crosswalk was needed.

Stone responded that children do not always use crosswalks, and they need to be protected. She added that the City does not respect residents' livability and pointed out that the apartment building at the intersection of 32nd Avenue and Floss Street has been negatively impacted by the raised crosswalks. She did not feel the crosswalks were carefully planned or engineered.

Ken Roberts congratulated the Traffic Safety and Transportation Board on doing such a thorough job of enhancing livability and protecting safety in the Neighborhood Traffic Management Program (NTMP). He encouraged the City Council to adopt the Board's recommended revisions. Staff has made some good points from the engineering perspective, but the neighborhoods favor the Board's recommendations. He pleaded with the City Council to complete the full traffic calming project on 32nd Avenue as quickly as possible.

Ron Silverman discussed his letter to the City Council and Public Works Department requesting additional traffic calming on 34th Avenue. He had addressed the Traffic Safety and Transportation Board (TSTB) at a recent meeting, and he believed the Board concurred with his request. Traffic problems are increasing as more and more drivers use 34th Avenue as a cut through from the MarketPlace. Vehicular volume will not decrease unless the traffic calming project is re-engineered. He discussed the double-yellow line and made some specific recommendations including changing the angle of the traffic signal at 34th Avenue and Lake Road and adding a speed hump between Lake Road and the most southern existing speed hump. He did not receive any further response from the TSTB after his presentation, but the Board did recommend the letter to the City Council for review.

Bennett said the double yellow line is mandated by state statute and that she would respond to Silverman's other questions within two weeks.

Silverman felt everything to date had just been Band-Aids and that a traffic engineer needed to look at the entire problem to prevent volume from simply being shifted from one street to another.

Julie Wisner, Traffic Safety and Transportation Board (TSTB) member and 34th Avenue resident, addressed collector streets and livability. If the entire street is not calmed, livability is sacrificed. She agreed with Stone's assessment of the 32nd Avenue raised crosswalks and the need for additional speed bumps on both sides of the crossing for additional protection. She stated that a lot of regional traffic was using 34th Avenue as a cut through to Hwy. 224 and, as a result, ruining neighborhood livability. Residents all agree that they want a traffic engineer to look at the problem. She implored the City Council to adopt the TSTB revisions to the Neighborhood Traffic Management Plan (NTMP) because they encompass the best engineering and livability solutions gathered from other jurisdictions in the region.

Planning Commission Work Plan

Rouyer said the intent of this portion of the work session was to review the Planning Commission's July 27, 1999 goals. The purpose of the work session was to evaluate these goals with those adopted by the City Council.

Hammang presented Goal 1: Consider Amendments to the Comprehensive Plan, Zoning Ordinance, and Municipal Code that would make the codes more consistent and would better protect neighborhood livability in Milwaukie. He suggested remodeling these documents so that development issues would be put to rest in such a way that community livability would be protected while still allowing construction. From the points of views of efficiency and aesthetics, the City is near the end of its land supply. He discussed implementation of a design review process that would be sensitive to neighborhood livability, connectivity,

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aesthetics, and safety. He urged giving people some say in how their community develops.

Councilor Marshall hoped any proposed amendments would not favor efficiency over livability.

Mayor Tomei referred to staff report page WS.3.2 and asked for clarification of the terms "mass" and "bulk".

Hammang said, for example, if there were a minor land partition in a neighborhood of single-story, ranch-style homes, the mass and bulk of a new, two-story house would not be consistent with the existing neighborhood. The thought is to have a uniform community without visual obstructions.

Councilor King referred to the same staff report page and the bullet having to do with retaining mature vegetation. She recommended language that would relate to maintaining habitat for diverse species in established neighborhoods.

Hammang believed people would become more sensitive to these issues as they began to understand how Milwaukie will develop.

Miller added that the Planning Commission needed enforceable rules and criteria that would require certain development standards.

Councilor Kappa hoped the proposed revisions would lead to a subdivision ordinance that would incorporate these issues.

Councilor Lancaster asked how specific the ordinance language would be. For example, would it define "mature vegetation"?

Hammang replied that the ordinances are not yet drafted.

Rouyer added that the Tree Ordinance could be drafted in a way that certain vegetation is protected or performance standards relating to sustaining mature vegetation are identified.

Cartmill introduced the second goal relating to design review: Continue to serve as the review body for applications for development. The Planning Commission believes a Design Review Committee, made up of citizen volunteers with an interest or background in design, should be developed to support the Commission once the first goal is attained. The Design Review Committee would be less formal and act as a buffer between the applicant and the Planning Commission. The Commission also hopes to improve the quality of application materials in order to facilitate decision making. The Design Review Committee could address issues such as height and color before the application goes before

the Planning Commission. Cartmill did, however, express concern with staff availability and length of time needed to process applications.

Councilor King asked if new design standards would be developed.

Rouyer responded that the concept was to set up the tools to streamline the application process. Once better regulations are adopted, either staff or a citizen group can better discuss and evaluate development. The Planning Commission and staff would look at models from several other jurisdictions to help select the best one for Milwaukie.

Councilor Kappa discussed the importance the Endangered Species Act (ESA) as it relates to development.

Hammang briefly addressed current application documents and the need to set standards that included legible, correctly labeled drawings.

Ouderkirk commented on the City of Portland's process and the benefits of having a buffer to help the applicant organize his or her thoughts. This also serves Planning Commission needs by providing better application materials upon which it can base its decision.

Miller discussed the third goal: Develop and recommend a Tree Ordinance and Urban Forestry Program. The objective is to meet Tree City USA standards. Work began on this program in 1994, and the Planning Commission submitted three documents to the City Council in October 1996. Council adopted an ordinance in June 1999 that provided interim regulations on street and right-of-way trees pending adoption of the Urban Forestry Program. He urged that the project move forward as quickly as possible.

Hammang reviewed the fourth goal: Implement changes to the Comprehensive Plan, Zoning Ordinance to bring Milwaukie into compliance with the Metro 2040 Plan. The Planning Commission had suggested that, from an economic standpoint, the timing might not be right for Title 1 and 6 changes. He discussed "Main Street Mapping" for 32nd Avenue and 42nd Avenue and King Road. The Commission recommended that limited work should be done in these areas in order to focus on other projects including the Riverfront/Downtown Project and the MacFarlane property. He felt the community might easily misconstrue activity relating to Titles 1 and 6 as the City Council's failing to meet its commitment to hearing citizen input on density issues. Now is not a good time to go to the community to plan for more density. He discussed the under-utilized north industrial area and the potential for 32nd Avenue between Harrison and Balfour Streets.

III. A. 6

Rouyer agreed that the City should go more slowly on the "Main Street" element and indicated the Planning staff felt it could make progress toward the February 2000 deadline.

Hammang added that the Planning Commission did not want to move forward on rezoning when the focus should be on the Riverfront, MacFarlane property, hospital site, and the north industrial area. He saw no pent up demand for commercial space at this time.

Councilor Marshall agreed that the City needed to put its resources into the downtown project and show some progress toward 2040 Functional Plan compliance.

Rouyer said there were two parts to Title 1: the Main Street element for which the City could seek an extension if that was the direction and the housing and employment figures upon which staff could make some progress.

Councilor King reminded the group that 32nd Avenue between Balfour and Harrison Streets was affordable housing.

Ouderkirk discussed the fifth goal: Participate in the Downtown/Riverfront Planning effort. The Commission wants to receive the Riverfront Board minutes in order to be better prepared. It will also work toward supporting all efforts to complete the project.

Hammang asked for clarification of the study area boundaries.

Mayor Tomei said the focus is on the commercial and retail development downtown, and the study area is generally west of the railroad tracks.

Steward reviewed the sixth goal: Ongoing commitment to community outreach to inform citizens about planning services and regulations. The Planning Commission has found it difficult to respond to applicants and suggests a list of those projects that do and do not need permits. He also noted that businesses are moving to Clackamas and recommended the City work with Metro and the Chamber to retain and create new jobs that are near people's homes and to increase Milwaukie's tax base. It was his sense that more medium-sized or modular commercial facilities were needed in the City.

Hammang noted that two previous goals were deleted: work on the sign code and implementation of the ZORRO "Smart Growth" findings. Sign issues seem to have diminished and Smart Growth is a politically charged issue and is not representative of the Commission's goals.

Rouyer added that staff is able to administer most sign-related issues.

Hammang explained the theme of the Planning Commission's work program was to address those issues that matter to the community while being sensitive to staff time.

Rouyer commented that ZORRO can be used as a resource in the development code.

Councilor Lancaster asked if project priority was reflected by the Commission's presentation order.

Hammang said it did pending any staff or legal concerns.

Councilor Marshall suggested Milwaukie consider R-15 and R-20 zoning, and the City Council agreed to discuss this idea further as it related to annexation and choice of housing types.

The City Council agreed that the Planning Commission had done an excellent job on its goals and work program.

Urban Forestry

Rouyer reviewed the Urban Forestry project schedule with a City Council work session in October to review the draft ordinance and preliminary public outreach strategy. The target for enforcement would be July 2000.

Mayor Tomei suggested allowing time to discuss the current Council's concerns.

Rouyer understood one of the policy issues was the degree and timing of regulation on private property. Staff was working on developing a phased approach that emphasized education. A tree that was identified as being significant would be designated on an inventory similar to an historic home.

The group discussed voluntary designations on private property and implementation of the regulations as the program grows.

Mayor Tomei thought a major issue would be street trees and the adjacent property owners' maintenance responsibilities.

Councilor Marshall recommended that the City be responsible for trees in the public right-of-way to provide consistency, but the financial impacts of doing so would also have to be considered.

Councilor Lancaster agreed with staff comments that education was key including the actual location of the public right-of-way. Residents take ownership in that piece of land in front of their homes and include it in their landscaping.

III. A. 8

Bartlett said staff would prepare an ordinance and identify fiscal impacts. He suggested staff provide the City Council with an array of options for a street tree program that would best meet Tree City USA standards.

Mayor Tomei added that the previous Tree Committee was concerned with keeping old stands on private property.

Councilor Kappa was concerned about legislating tree removal on private property.

Councilor Marshall felt it was time to "raise the bar" and set some higher community standards in Milwaukie.

The group discussed regulation issues on private property and sustainability and habitat.

Bartlett pointed out the City Attorney needed clear and objective standards when preparing the enacting ordinances.

Coleman added that the term "under developed" needed to be clarified and defined in a functional and workable manner. One option is to define it as a ratio between lot size and the footprint of the new development.

The group discussed the effect of overlay zones and what might potentially happen to the overall canopy. **Rouyer** said staff would return with an array of options with a focus on a significant tree voluntary program, street trees, and definitions of "under developed" and "undeveloped".

Bartlett added that the ordinance will call for an inventory.

Mayor Tomei endorsed the idea of using the Planning Commission and Park and Recreation Board (PARB) to support the program.

Councilor Marshall recommended a Parks and Forestry Commission instead of adding more responsibilities to the Planning Commission's already full agenda. He suggested the PARB hold the hearings.

Rouyer said the Planning Commission would have a regulatory function regarding trees on private property. She suggested the PARB be responsible for long-range planning and education.

Coleman added that the Planning Commission could hear appeals and make quasi-judicial decisions.

The group discussed a public information element coinciding with Arbor Day and either sharing an arborist with another jurisdiction or contracting for those services.

City Vision and Mission

Bartlett proposed the draft Vision and Mission Statements be reviewed by the City Council at its September 18, 1999, work session. After the session, draft results would be sent to the Neighborhood District Associations (NDA) and Boards and Commissions for comment. Council would then review this input at its November 1 work session and schedule for adoption at the regular session on the following night.

The City Council accepted the proposed work program and timeline.

Letter to Oak Lodge Community Council

In response to a suggestion from Councilor Kappa that the Milwaukie City Council meet with the Oak Lodge Community Council, Bartlett prepared a letter to that group suggesting a meeting after January 2000. If approved for the Mayor's signature, the letter would also be sent to the special districts serving that area. The letter noted that elected officials are working through the SB 122 urban services planning process and that the Oak Lodge Community Council is meeting with the special districts.

It was group consensus to authorize the Mayor to sign the letter as drafted.

Other Items

- Gary Michael has prepared a grant application to the Regional Arts Commission on behalf of the MDDA to implement an outdoor sculpture program on publicly-owned property. The City's role as the property owner will be to bring the property within the existing Community Service Overlay.
- TCI upgrade and projects in public right-of-way. Richards indicated there was one property owner complaint.
- Marilyn Wall signed a letter to DLCD on behalf of the North Clackamas Chamber of Commerce supporting local selection of a consultant team for regional projects which in Milwaukie's case is ODOT.
- Councilor Kappa said the ACLU apparently has no interest in providing a legal opinion on the Charter and Council rules. He felt it still needed to be clarified at some point
- Bartlett responded to Silverman's letter regarding additional speed humps on 34th Avenue in writing and included Tom Lancaster's earlier engineering study.
- Jail inspection issues have been addressed.

III. A. 10

- The group discussed the use of the Milwaukie Police Department logo on neighborhood alerts and the concern that its use made them appear to be official police documents. Councilor Lancaster was concerned that the challenge to Macken-Hambright's use of the logo might be perceived as being based on content.
- The group agreed to discuss the City Manager's performance criteria at its October 4, 1999, open work session, so the public has the ability to comment.
- The Library Board needs members and wants to be involved in the Riverfront Plan.
- The group discussed full Council packets to the Board and Commission chairs.
- Councilor Marshall felt the current Traffic Safety and Transportation Board (TSTB) needed to be a Traffic Calming Board and another board created to look at actual regional traffic problems.
- Councilor King discussed current Johnson Creek Watershed issues and the need to address building codes and standards for development.
- Bartlett announced that the City now owned the Hosely property on Home Avenue at Monroe Street.
- Upcoming meetings: Metro Growth Management, September 7; Johnson Creek Blvd. Improvement Project Open House and Metro Council Meeting at Milwaukie City Hall, October 12; and Clackamas County Growth Conference, October 15.

Downtown Riverfront

Bartlett reminded the City Council of the September 22 Town Hall Meeting at which time refined plans and associated cost estimates will be shared. Crandall has gathered information from outside agencies and ODOT is providing a cost estimate for bridges. Fish and Wildlife does not support the Kellogg Lake Marina concept but does like the open waterway proposal.

The meeting ended at 9:00 p.m.

Pat DuVal, Recorder

MILWAUKIE CITY COUNCIL
REGULAR SESSION
AUGUST 31, 1999

The one thousand eight hundred and twenty-first meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Rob Kappa Larry Lancaster
Mary King Jeff Marshall

Also present:

Dan Bartlett, Martha Bennett,
City Manager Assistant City Manager
Jim Coleman, Mike Swanson,
City Attorney Interim Public Works Director
Charlene Richards, Rob Shelton,
Assistant City Manager Associate Engineer

PROCLAMATIONS, COMMENDATIONS, AND SPECIAL REPORTS

Mayor Tomei read a proclamation naming the week of September 5 – 11, 1999, as "*Women in Construction Week*" in the City of Milwaukie.

CONSENT AGENDA

Councilor Lancaster requested that item D --*Authorization to Sign Milwaukie Downtown Development Association (MDDA) Agreement* be discussed under other business.

It was moved by Councilor King and seconded by Councilor Lancaster to approve the balance of the Consent Agenda that consisted of:

1. City Council Minutes of August 2 & 3, 1999;
2. Authorization to Sign an Intergovernmental Agreement with Clackamas County for 42nd Avenue and Harvey Street Sidewalk Project (RD-00-05);
3. Authorization to Sign an Intergovernmental Agreement with Oak Lodge Sanitary; and
4. Resolution No. 33-1999: A Resolution of the City Council of the City of Milwaukie, Oregon, Amending the Intergovernmental Agreement between the City of Milwaukie and the City of Happy Valley for the Provision of Engineering and Building Official Services Effective January 1, 1997.

Motion passed unanimously.

AUDIENCE PARTICIPATION

George Van Bergen, 12366 SE Guilford Drive, Milwaukie, addressed his concerns regarding domestic water quality. He had replaced the galvanized waterline to his house recently, and, while filling his pool, he placed a towel over the end to filter the water. When he removed the towel, it had a dirty, brown substance on it, and a film rose to the top of his pool. He had contacted the water department and further requested that the Public Works Department verify that the brown substance was not harmful to his health. He noted the sample was collected about two weeks ago.

Bartlett said staff would review the water test reports.

Van Bergen asked if there would be notification sent to property owners relating to the changes in the Milwaukie High School permits. Bartlett believed that the School District had gotten a Community Service Overlay earlier but would need to notice for permits on additional land.

David Aschenbrenner, 11505 SE Home Avenue, Milwaukie, commented it was nice to be back in the City Hall Council Chambers.

Rich Watnabe and **Ruth Watnabe**, 4314 SE Franklin, Milwaukie, were concerned about the sidewalk design on 42nd Avenue that jogged around a tree. They were concerned with safety and any potential liability regarding street tree maintenance. The citizens were concerned that the roots would be cut during sidewalk construction and potential storm damage.

Bartlett said M. Bennett would meet with the Watnabe's to discuss what could be done to address their concerns.

PUBLIC HEARING

Revisions to the Neighborhood Traffic Management Program (NTMP) as Proposed by the Traffic Safety and Transportation Board (TSTB)

Mayor Tomei called the public hearing on the proposed revisions to the Neighborhood Traffic Management Program to order at 6:25 p.m.

The purpose of the hearing was to consider comments on the changes to the Program proposed by the Traffic Safety and Transportation Board (TSTB). She reviewed the conduct of the hearing.

Staff Report: **Swanson** provided clarifying comments on the requirement that privately funded traffic calming projects go through the NTMP process. Private funding does not automatically allow the device.

Shelton said staff has worked with the TSTB for the past year on the review and revision project and is in 90% agreement with the Board's recommendations. He pointed out two potentially controversial issues that staff did not support: establishing the base speed of 5 mph over the posted speed for comparison with the 85% (85/5) of a given street; and no longer assigning points to streets that do not have sidewalks on at least one side of the street. Currently, the NTMP uses a 10 mph base speed and assigns five points to streets without sidewalks on one side. He referred to staff report pages V.29 and V.30 which compared current NTMP rankings with those resulting from the TSTB proposals. Each is a Council policy decision that would affect the priority of the upcoming improvement projects.

Susan Stone, 9212 SE 32nd Avenue, Traffic Safety and Transportation Board (TSTB) Chair. The changes proposed by the TSTB emphasized the desire to make Milwaukie streets and neighborhoods more livable. Each recommendation is based on standard engineering practices implemented by other jurisdictions in the region. On the 85/5 issue, Stone noted that other communities in the area view all streets as residential and do not make a distinction between streets designated as collectors, neighborhood, or local. The livability on collectors is far more threatened because of traffic volumes, and Stone noted that the City of Portland had a collector street reclamation program. All streets will be put to the same test, and those streets with the greatest problems will be prioritized accordingly.

Stone explained the Board did not feel the presence of a sidewalk necessarily made a street more livable. The Cities of Portland and Gresham do not consider the existence of sidewalks. Although 32nd Avenue has sidewalks, its livability is threatened. The initial program focused more on school trip safety than neighborhood livability, and the TSTB wants to shift that focus. She reviewed material from a May 1997 meeting with representatives from Gresham, Portland, and Milwaukie in which the participants noted that: they do not distinguish between local and collector streets; volume exacerbates speeding; and pay attention to the neighborhoods. **Stone** referred to staff report page V.9 and funding issues. Affected property owners will be asked if they would support funding and at what level. Projects will not be denied if there is not private funding.

Stone closed by saying that Councilmembers' campaign statements indicated they would listen to all opinions and make good decisions based on local citizen involvement and input. She believed the proposed revisions met citizen needs and addressed concerns about volume on residential streets. The Board urged the Council to adopt the policy and help fulfill the vision of a livable community in the City of Milwaukie.

III. A. 14

Councilor Kappa appreciated staff and Board for their efforts on the document. He noted that Lake Road would rank higher if the 85/5 base speed was implemented.

Stone said the proposed revision allows all streets to be viewed equally and treated equitably.

Shelton pointed out that Lake Road is designated an arterial. Because of that, the City Council would have to direct staff and referred to staff report page V.6.b - *"apply as required after consideration of emergency or transit needs and after consideration by the City Council."*

Councilor King was concerned that, if the 85/5 standard was applied and resulted in additional traffic calming devices on streets such as 32nd Avenue, more traffic would be diverted to other neighborhood streets.

Stone explained that the situation is monitored after project completion. Twenty-two foot speed humps like those currently on 32nd Avenue do not divert a lot of traffic.

Shelton added that, according to a City of Portland study, traffic on parallel, uncalmed streets increases about 4%. In this instance, the grid is fairly complete.

Councilor Lancaster asked if the primary intent of calming was to slow traffic or reduce volume.

Stone said the primary intent is to enhance neighborhood livability. She noted the traffic calming project Portland had completed at 17th Avenue north of Tacoma Street and Milwaukie Avenue.

Councilor Marshall noted that Stone had alluded to the fact that all streets would be treated equally if the 85/10 standard was changed to 85/5, and he asked how streets were not being judged equally under the current NTMP.

Stone said on collector streets, there are no points given until the traffic exceeds 10 mph over the posted speed limit. This method neither addresses livability issues or targets those streets with the most severe problems.

Councilor Lancaster noted that volume on 32nd Avenue would probably not change.

Stone said it is the noise from speeding cars that threatens livability. 32nd is a collector and, with the possible exception of large trucks, it is not the intent to purposely divert traffic with the possible exception of big trucks. The location of the speed bumps affects that potential source of noise.

Councilor Lancaster asked what the position was of the emergency care providers.

Stone said when she was a member of the 1995 Ardenwald Pedestrian Task Force, AMR sent a letter indicating it had no problem with speed humps. The Portland Fire Department has an issue because so many of the City's streets are calmed.

Mayor Tomei recalled a letter from Providence Milwaukie that it did not want speed humps installed south of Harvey Street.

Shelton spent some time with a citizen advisory group in Portland working on the issue of volume, traffic calming, and emergency routes. Each speed hump encountered by an emergency vehicle adds response time, so there needs to be a balance in each case.

Councilor King supported the revision that removed points for sidewalks.

Stone explained the current NTMP focuses more on school trip safety than livability. Portland and Gresham do not give points for sidewalks, and the Board recommended Milwaukie do likewise. Sidewalks, she added, do not make a street more livable.

Councilor Marshall asked if traffic calming reduced volume.

Stone responded that a project could be designed to do so. Traffic from a collector should only be diverted to an arterial. Collectors connect streets, and people will still use them. In some cases it is more appropriate to slow vehicles rather than divert them.

Councilor Marshall felt there was some discrimination in that the original document was written to give neighborhood streets points for speeds over 5 mph and collectors points for speeds over 10 mph.

Julie Wisner, TSTB member. The original policy did not address the livability factor. Twenty-two foot speed bumps are designed for collectors so that significant amounts of traffic are not diverted to other streets. When traffic calming was added to 34th Avenue, data indicated that diversion to 35th Avenue was significantly below the allowable rate. Fourteen foot speed humps are designed for local and neighborhood streets to both slow and divert vehicles. She pointed out the additional traffic generated in her neighborhood by the MarketPlace and urged to City Council to take action to provide safe and respectful speeds on high volume streets.

Councilor Marshall commented that discussion was only about speed humps and bumps rather than taking into account other types of traffic control devices.

III. A. 16

Wisner said the NTMP was written specifically for speed humps which are the least expensive devices that can be applied to a street. A traffic engineer would need to write a program for other types of devices such as traffic circles and curb extensions.

Councilor Lancaster suggested the neighborhoods might be better served if a budget was proposed with other types of devices in mind. He asked if traffic calming extended the amount of time traffic is on a street.

Wisner said that would be reasonable if vehicles are going slower, but noise from speeding vehicles would be reduced.

Councilor Kappa did not perceive that the NTMP was written only for speed humps.

Wisner said, at the time the NTMP was written, speed humps were the issue with the understanding that the Program would be developed further to include circles and curb extensions.

Shelton referred to staff report page V.12 -- Phase 4 (Capital Improvements) and explained that the NTMP by no means specifies speed humps as the only type of traffic calming device.

Wisner was encouraged by firefighters' comments at the recent neighborhood BBQ that they like speed humps and had no problem with them.

Patty Wisner has been involved with the program and has reviewed all the data. She felt this was a quality program. She lives on a street that was once quiet but is now a direct route to a shopping center. Before there were speed humps on 34th Avenue, speeds were in excess of 60 mph, and it was dangerous to back out of her driveway. Traffic accident opportunities and citations issued are reduced for which the neighbors are thankful.

David Aschenbrenner, TSTB Vice Chair, pointed out it is very difficult to divert traffic in the City of Milwaukie because of the limitations of the grid system.

Mayor Tomei closed the public hearing at 7:35 p.m.

Councilor King said her only objection was taking points from streets that had no sidewalks.

Councilor Kappa felt the 85/5 standard needed to be incorporated to protect livability.

Mayor Tomei disagreed because, as she understood it, only collector streets had the 85/10 standard, and neighborhood and local streets would remain at 85/10. She believed it was important for the neighborhood streets to get the additional points. She also believed that streets with sidewalks were much safer for pedestrians and recommended retaining the 5 points for streets without sidewalks on at least one side.

Councilor King noted that collector streets are residential, high speed, high volume streets. She saw little difference in the rating system.

Mayor Tomei commented that the City Council was making a policy decision to protect collectors before the neighborhood street.

Councilor Lancaster felt that preserving non-collector streets should have first priority. There are probably neighborhood street residents that do not want sidewalks, so some residential areas may self-select themselves out. He urged looking to fundamental engineering guidelines and approach requests on a case-by-case basis. He suggested an 85/7 standard on collectors. It is important to be able to move through the City while striking a balance with the neighborhoods.

Councilor Kappa was concerned the 85/7 standard would create enforcement issues.

Bartlett explained this was not an enforcement rule and that data could be collected based on any benchmark.

Councilor Marshall referred to the sidewalk issue and said he was not convinced that streets with no sidewalks were as safe as those with sidewalks. He recommended not removing the five points. He supported Councilor Lancaster's 85/7 proposal and appreciated the argument that all streets need to be judged the same. While 85/5 is a good goal, it does probably not provide a realistic snapshot.

Councilor King did not see the purpose of compromising on 85/7 and recommended 85/5 across the board.

Shelton pointed out there could be some significant changes in qualifying scores. He used the example of Monroe Street between 37th and 42nd Avenue and how it would move from rank #11 to #4.

Councilor Kappa said he wanted the NTMP as revised evaluated annually.

III. A. 18

It was moved by Councilor Lancaster and seconded by Mayor Tomei to establish the base speed on seven miles per hour over the posted speed for comparison with the 85% speed of a given street applicable to all street designations. Motion passed 4 - 1 with the following vote: Mayor Tomei, Councilor Kappa, Councilor Lancaster, and Councilor Marshall aye and Councilor King no.

It was moved by Councilor Marshall and seconded by Councilor King to retain the five points assigned to streets that do not have continuous sidewalks on at least one side. Motion passed unanimously.

Councilor Kappa referred to staff report page V.2 regarding points assigned for neighborhood walking routes and suggested this be coordinated with the Park and Recreation Board's interest in regional connectivity.

Councilor Marshall referred to staff report page V.4 and the TSTB's review of all traffic control device requests. He asked how many such requests there were each month and the amount of meeting time devoted to them on the monthly agenda. He was concerned that the Board have adequate time to consider regional traffic issues.

Shelton responded that there were about five per month. The intent of this revision was to allow the TSTB a review the status of requests and make any appropriate advisory comments. He estimated it would take about fifteen minutes per meeting.

Bartlett added that the Board could look to the larger framework and regional issues as long as the traffic control device request was not delayed.

It was moved by Councilor King and seconded by Councilor Marshall to approve the Neighborhood Traffic Management Program as amended. Motion passed unanimously.

OTHER BUSINESS

Milwaukie Downtown Development Association Contract (MDDA) Contract

Bartlett said the City Council authorized Mayor Tomei and him to negotiate with the MDDA President and Executive Director in April. The affected parties jointly agreed to the language in the proposed document, and it has been reviewed by the City Attorney. The City will continue to contribute \$18,000 annually provided the MDDA raises at least \$36,000 on its own.

Councilor Lancaster had some comments and concerns about the City's relationship with the MDDA. The proposed agreement and performance expectations far exceed previous agreements; however, there are no defined business plans or standards. He felt the City needed to know more about what it was going to get for its contribution. Although \$18,000 is a minor amount, he suggested there might be a better way for the City to spend its money and contribute to downtown development. He was not in favor of a five-year agreement since there might be a better way found to do business.

Jim Bernard, MDDA President, felt the MDDA was moving toward accomplishing its goals, and that could be seen by looking at new activities. Businesses such as Reliable Credit are spending a lot of money in the downtown area, and others are waiting to see what is going to happen with the riverfront plan. Businesses are beginning to move back to downtowns from the malls, and the MDDA is on hand to work with City Council, staff, and the business owners to make things happen. The MDDA was established in 1991, and most of the businesses still support the district.

Mayor Tomei agreed with Bernard's comments and added that Jack Elder, the recently hired director, has been a tremendous asset. The \$18,000 is necessary to keep the MDDA viable and maintain momentum.

Councilor King was concerned that a short term agreement would not allow the MDDA to develop its long range plan or to attract strong leadership.

Councilor Kappa also supported the MDDA's work and suggested a three-year contract.

Bernard added that the proposed contract provides for an annual review with quarterly reports.

Bartlett explained that the contract was designed to parallel the Economic Improvement District assessment and the business license surcharge.

Councilor Marshall said the outcome of these deliberations would in no way reflect a lack of support. From his perspective, a one year contract did not provide enough time to accomplish horizon visioning and program development. He suggested a three-year contract with evaluations sessions to identify any paradigm shifts. He even looked to the day there would be a Development Commission similar to the City of Portland.

Bernard added that there were businesses outside of the downtown boundary that have expressed interest in being part of the MDDA.

III. A. 20

Jack Elder, MDDA Director, 605 SE Spokane Street, Portland. In talking to people in the community, he has noted a certain level of cautious optimism regarding the riverfront, middle school, and Safeway site. He saw an opportunity to reconnect to the river that few other communities enjoy.

Bernard had no problem with a three-year contract, and **Elder** felt it would fit with what will be happening in the City of Milwaukie.

Councilor Lancaster explained his comments had to do with finding a better way for the City and MDDA to work together and should not be interpreted as an attack on the organization. He saw government's role as one of removing obstacles. The City has already made a huge investment in redeveloping the downtown, and he wanted to push the limits and challenge all parties involved to do more.

Mayor Tomei added that both Dark Horse and Reliable Credit have already done a lot in the downtown due to MDDA encouragement and support.

Councilor King did not want to give the perception that the City was not fully supporting the program as it begins to flourish.

It was moved by Councilor Marshall and seconded by Councilor Kappa to authorize the Mayor to sign a three year agreement as negotiated by the Mayor and City Manager with the MDDA President and Executive Director. Motion passed 4 - 1 with the following vote: Mayor Tomei, Councilor Kappa, Councilor King, and Councilor Marshall aye; Councilor Lancaster no.

INFORMATION

Bartlett met with Dale Jutila of Clackamas River Water (CRW), and they believed it was important for the City Council and CRW Board to discuss the next steps in the Sunrise Water Authority appeal. City Council concurred and directed staff to schedule a meeting.

Mayor Tomei received a letter from Metro Executive Mike Burton saying that staff would recommend denying Milwaukie's request to be designated a "Special" Town Center.

ADJOURNMENT

It was moved by Councilor Marshall and seconded by Councilor King to adjourn the meeting. Motion passed unanimously.

Mayor Tomei adjourned the meeting at 8:45 p.m.

Pat DuVal, Recorder

MILWAUKIE CITY COUNCIL
REGULAR SESSION
SEPTEMBER 7, 1999

The one thousand eight hundred and twenty-second meeting of the Milwaukie City Council was called to order by Mayor Tomei at 6:00 p.m. in the City Hall Council Chambers. The following Councilors were present:

Rob Kappa
Mary King

Larry Lancaster
Jeff Marshall

Also present:

Dan Bartlett,
City Manager
Chuck Corrigan,
City Attorney
Charlene Richards,
Assistant City Manager
Martha Bennett,
Assistant City Manager

Jay Saatkamp,
Operations Supervisor, Water
Jack Perry,
Operations Supervisor, Storm/Sewer
Don Simenson,
Utility Specialist, Water

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

M. Bennett and **Saatkamp** responded to a concern voiced by George Van Bergen at the previous Council meeting regarding water quality. He had brought a towel to the meeting that was stained while filling his swimming pool. Possible causes were: dirt collecting in the low spot in that neighborhood; Well #8 has an unusually high level of dissolved iron; or sediment stirred up while summer crews were exercising the water system valves.

Staff has worked with the Neighborhood District Association and Van Bergen so that residents know who to call when there is a problem. **Bennett** also asked that the City Council contact her or Saatkamp if members hear any complaints.

Councilor Kappa noted he had to treat his hot tub for a high level of chlorine.

Simenson said the chlorine residuals differ in various parts of the City. He noted that many think of Milwaukie's water as perfect because it is stable. If the Councilor noticed a strong chlorine odor, it is typically a result of an incomplete reaction between the chlorine and the material in the spa.

Saatkamp announced that the water division was conducting volume and pressure tests on the system on Thursday, September 9. Residents may temporarily experience some dirty water in their homes during the testing. City employees have put doorhangers on potentially affected homes, and there was an article in the most recent edition of the *Pilot*.

AUDIENCE PARTICIPATION

Linda Hatlelid read a letter into the record that addressed important facts relating to the Johnson Creek Blvd. Phase 2 improvements. She asked staff when the 40- and 44-foot right-of-way boundaries would be marked giving property owners a chance to see and compare the impacts. She asked who received M. Bennett's August 9 letter and notice of the October 12 open house. The Neighborhood District Association (NDA), Traffic Safety and Transportation Board (TSTB), and concerned neighbors and property owners have requested this action. The City seeks community to help make decisions that reflect the community's wishes, and those currently involved want to see the project developed within the 40-foot right-of-way. She had additional information she wished to share with other interested persons.

M. Bennett said she would prepare a response for the next meeting.

Annaliese Hummel, 2802 SE Monroe. She encouraged the City Council to do something about Monroe Street traffic between Hwy. 224 and downtown Milwaukie. Traffic speeds and volume make livability unbearable. At the last meeting, she heard Mayor Tomei say the Traffic Safety and Transportation Board (TSTB) addressed issues of safety rather than livability, but Hummel believed livability was about safety. Vehicles travelling Monroe Street very late at night or very early in the morning sometimes reach 65 to 70 mph. Milwaukie Lumber trucks are the worst offenders because they have an exception and use the street on a daily basis. Trucks make a lot of noise when they speed up to make the hill, and the noise and vibration are unbearable. She recommended installing a traffic circle at the top hill that would help sustain livability of the existing neighborhood. Trucks can use McLoughlin Boulevard and the Hwy. 224 overpass. The sidewalks do not offer safety for pedestrians, children, or bicyclists. Livability is for all, and she urged the City Council to ensure the quality of life.

Mayor Tomei directed staff to prepare a response.

OTHER BUSINESS

Telemetry Improvement Project Summary and Demonstration

Saatkamp introduced **Don Simenson**, Utility Specialist, who provided a demonstration of the telemetry software program. The system monitors both the Milwaukie water distribution system for quality and quantity and sewer lift stations. The facilities were graphically represented on the computer screen with constantly updated information on volumes and chlorine treatment levels. The monitoring is done by radio and is not dependent on phone lines. He showed the viewers how the reservoir levels could be controlled on screen.

III. A. 24

Response to a problem can now take minutes instead of hours, so there is a significant savings in property damage. Simenson indicated the program has saved him a lot of time, so now he has more time available to meet with customers to discuss water quality issues. If there is a power outage, the system is totally self-reliant, and it is completely Y2K compliant. The program is radio-based and not part of the City network, so the system is safe from hackers. Its useful life is about 30 to 40 years, and the software has a good foundation.

Bartlett added the total project cost was about \$392,000 including change orders that were well-within allowable levels.

It was moved by Mayor Tomei and seconded by Councilor King to accept the telemetry improvement project (WT-98-2 and SE-98-3). Motion passed unanimously.

INFORMATION

City Council Work Session on Teambuilding, Vision, and Mission

Councilor Kappa announced that he would be unable to attend the Council work session on September 18 because of family commitment. The group indicated its disappointment that he would not be able to attend and were concerned about developing new Vision and Mission statements without his input. Because other members had this date on their calendars and made their plans around it, they decided not to try and reschedule the meeting.

Joint Work Session with the Clackamas County Board of Commissioners

The group agreed that Mayor Tomei would present the goals and follow up with a dialogue with the Board.

Police Chief Appointment

Bartlett announced the hiring of Larry Kanzler who would begin as Milwaukie Police Chief on October 12. Kanzler was on the frontline of community policing in the City of Portland.

Events

Councilor King announced the Ardenwald Community Parade September 25 and Johnson Creek Watershed Summit on October 30.

City Council Work Session

Councilor Marshall asked if those present at the September 18 meeting would have the option of voting on issues, and **Bartlett** indicated they would.

Monroe Street Traffic Concerns

Councilor Marshall said he was concerned that one person comes before the City Council year-after-year on the same issue. He recommended that staff prepare more than a report and perhaps something the City Council could actually address. He suggested that Council consider the concept of a Regional Transportation Board to address the truck issue network.

Dispatch Services

Bartlett reported on the ongoing efforts regarding the radio group and 800 MHz program. The County will fund \$1.5 million, and, if all goes well, there will be an operations system within 18 - 24 months. Milwaukie is currently on the Portland system and has made it clear that it does not want to go back to another system. The radio users in the County have come on board more quickly than anticipated, so the process is moving forward rapidly. Rather than resisting, people are pulling together for an improved system.

Councilor Kappa recommended an extensive public education element if the City of Milwaukie goes with a different dispatch center.

City Council Work Session

Councilor Kappa commented that he has given much time to the City, and he found some of the remarks made by other Councilmembers objectionable and insulting.

Mayor Tomei announced that an executive session would be held immediately following adjournment to consult with legal counsel and to discuss property acquisition pursuant to ORS 192.660.

ADJOURNMENT

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

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

Pat DuVal, Recorder



III. B. 7

To: Mayor and City Council
 Through: Charlene Richards, Assistant City Manager *CR*
 Dan Bartlett, City Manager *DB*
 From: JoAnn Herrigel, Program Services Coordinator *JH*
 Subject: Annual Waste Reduction Work Plan (Year 10)
 Date: August 23, 1999

Action Requested/Recommended

Adopt a resolution approving the activities in the 1999-2000 Annual Waste Reduction Plan and authorizing the City Manager to sign the attached Intergovernmental Agreement (IGA) with Metro. The IGA will grant the City \$9,002 in Metro Challenge funds to assist with implementation of the tasks in this year's Waste Reduction Plan.

Background

Each year, the City of Milwaukie joins Metro staff and all other Metro region local jurisdictions in developing a program for moving toward our regional goal of 50% recovery by the year 2000. Again this year, the program plan is focused on implementing the tasks included in Metro's Regional Solid Waste Management Plan (RSWMP). In order to assist local jurisdictions with completing these tasks, Metro allocates Metro Challenge funds to each jurisdiction based on population.

Year	Total Challenge Grant Fund	Milwaukie Challenge Grant Allocation
Year One 90/91	\$ 681,000	\$ 5,373
Year Two 91/92	\$ 544,800	\$ 9,496
Year Three 92/93	\$ 496,106	\$ 8,012
Year Four 93/94	\$ 350,000	\$ 5,556
Year Five 94/95	\$ 450,000	\$ 7,127
Year Six 95/96	\$ 550,000	\$ 8,590
Year Seven 96/97	\$ 600,000	\$ 9,264
Year Eight 97/98	\$ 600,000	\$ 9,145
Year Nine 98/99	\$ 600,000	\$9,064
Year Ten 99/00	\$ 600,000	\$9,002

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

III. B. 2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF MILWAUKIE, OREGON, ADOPTING FISCAL YEAR 1999/2000 (YEAR TEN) ANNUAL WASTE REDUCTION PLAN.

WHEREAS, all local governments within the metropolitan area are required by the State through the leadership of Metro to provide an Annual Waste Reduction Work Plan,

WHEREAS, the Waste Reduction Work Plan for the City of Milwaukie is based on the Metro Regional Solid Waste Management Plan (RSWMP), and

WHEREAS, the City recognizes the need and importance of coordinated regional effort to ensure a fair and equitable distribution of the waste reduction efforts in our region,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MILWAUKIE to adopt the attached Fiscal Year 1999-2000 Annual Waste Reduction Plan and to authorize the City Manager to sign an IGA with Metro granting the city \$9,002 in Metro Challenge Funds for implementation of this year's waste reduction tasks.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on _____, 1999.

Carolyn Tomei, Mayor

ATTEST:

Pat DuVal, City Recorder

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

City Attorney

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT, entered into under the provisions of ORS Chapter 190, is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, OR 97232-2736, and the CITY OF MILWAUKIE, hereinafter referred to as "Contractor", whose address is 10722 SE Main Street, Milwaukie, OR 97222.

In exchange for the promises and other valuable consideration set forth below, the parties agree as follows:

1. Purpose. The purpose of this Agreement is to establish the responsibilities of the parties in implementing the Annual Waste Reduction Program.

2. Term. This Agreement shall be effective July 1, 1999, and shall remain in effect through June 30, 2000 unless earlier terminated in conformance with this Agreement.

3. Services Provided. Contractor and Metro shall perform the services described in the attached Scope of Work, which is made part of this Agreement by reference, and otherwise fully comply with the provisions in the attached Scope of Work.

4. Payment for Services. Metro shall pay Contractor for services performed and materials delivered in the maximum sum of NINE THOUSAND AND TWO AND NO/100 DOLLARS (\$9,002.00) in the manner and at the time designated in the Scope of Work, "Project Budget/Terms of Payment."

5. Insurance. Contractor agrees to maintain insurance levels, or self-insurance in accordance with ORS 30.282, for the duration of this Agreement to levels necessary to protect against public body liability as specified in ORS 30.270. Contractor also agrees to maintain for the duration of this Agreement, Workers' Compensation Insurance coverage for all its employees as a self-insured employer, as provided by ORS chapter 656, or disability coverage under its

III. B. 4

Disability, Retirement and Death Benefits Plan.

6. Indemnification. To the maximum extent permitted by law, Contractor shall hold harmless Metro, its officers and employees from any claims or damages to property or injury to persons or for any penalties or fines, which may be occasioned in whole or in part by Contractor's performance of this Agreement.

7. Termination. This Agreement may be terminated by either party without cause upon giving 90 days written notice of intent to terminate. This Agreement may be terminated with less than 90 days notice if a party is in default of the terms of this Agreement. In the case of a default, the party alleging the default shall give the other party at least 30 days written notice of the alleged default, with opportunity to cure within the 30 day period.

8. State Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and to the extent those provisions apply, they are incorporated into this Agreement by reference. Specifically, it is a condition of this Contract that all employers working under this Agreement are subject employers that will comply with ORS 656.017.

9. Notices. Legal notice provided under this Agreement shall be delivered personally or by certified mail to the following individuals:

For Contractor:
JoAnn Herrigel
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

For Metro:
Office Of General Counsel
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Informal coordination of this Agreement will be conducted by the following designated Project Managers:

For Contractor:

JoAnn Herrigel
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222
(503) 786-7508
FAX (503) 652-4433

For Metro:

Jennifer Erickson
Metro
600 NE Grand Ave.
Portland, OR 97232
(503) 797-1647
FAX (503) 797-1795

Contractor may change the above- designated Project Manager by written notice to Metro.

Metro may change the above-designated Project Manager by written notice to Contractor.

10. Attorney Fees. In the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court.

11. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party without prior written approval by the other party.

12. Integration. This writing contains the entire Agreement between the parties, and may only be amended by written instrument, signed by both parties.

13. Severability. If any portion of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the offending provision shall be stricken.

This Agreement is dated as of the last signature date below.

CITY OF MILWAUKIE

METRO

By: _____

By: _____

Print name and title

Print name and title

Date

Date

ATTACHMENT A

SCOPE OF WORK

Project: Funding for Year 10 of the Annual Waste Reduction Program for Local Government, hereinafter referred to as "the Program".

Contractor: City of Milwaukie

Project Term: July 1, 1999 to June 30, 2000

Contractor's responsibilities:

The City Project Manager shall:

1. Ensure that by June 30, 2000, the minimum activities specified in the City of Milwaukie's "Year 10 Waste Reduction Work Plan" have been completed. This work plan (Attachment B) is incorporated into the scope of work by reference.
2. Provide to Metro a copy of the City Resolution/Ordinance approving the 1999-00 Annual Waste Reduction Program and corresponding Intergovernmental Agreement.
3. Submit an annual report which details a) accomplishments of the City's Waste Reduction and recycling efforts; b) completion of the activities set forth in the tenth year program; and c) compliance with state legislation. The Year 10 summary is due to the Metro Project Manager on or before August 1, 2000. Note: Year 11 annual plan is due to the Metro Project Manager on or before June 1, 2000.

Metro Project Manager's Responsibilities:

The Metro Project Manager or designated staff shall:

1. Provide technical assistance to the City Project Manager as necessary to develop, execute, monitor, and evaluate the project.
2. Provide assistance to the City Project Manager on promotional and educational activities.
3. Monitor the general project progress and review as necessary the Contractor's accounting records relating to project expenditures.

Project budget and Terms of Payment:

The following Annual Waste Reduction Program allocation will be paid to the City of Milwaukie:

TOTAL	\$9,002
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A waste Reduction Program grant of \$9,002 will be paid to the City of Milwaukie in one lump sum on or before June 30, 2000.

Final 08/10/99
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REGIONAL SERVICES



METRO

July 19, 1999

Ms. JoAnn Herrigel
City of Milwaukie
10722 SE Main Street
Milwaukie, OR 97222

Dear JoAnn:

This letter is to inform you that your Year 10 Annual Waste Reduction Program Plan has been reviewed and conditionally approved. The review team has some questions and clarifications regarding your plan which are listed below. Once we have received your satisfactory written response to the questions, your plan will be approved and a draft Intergovernmental Agreement will be sent to you for your review and approval.

Residential Waste Prevention

- 2.a.) What other City facilities will receive home compost and natural gardening flyers? Will Milwaukie distribute them at other locations such as garden centers and libraries?
- 3.b.) How does Milwaukie plan to maintain the 85% completion level?

Business Waste Reduction Practices


- 1.a.) What other kind of outreach does the City provide to generate requests for waste evaluations? Have the current outreach methods been successful?
- 2.a.) Does Milwaukie plan any other new programs to increase the number of businesses recycling? How does the City currently enforce the requirement that haulers provide containers?
- 2.b.) How do you ensure that haulers are providing these containers? What is your measurement and enforcement mechanism?
- 2.c.) Please restate Milwaukie's 1999 goal, current percentage and findings relevant to the goal.


Building Industries Waste Reduction Practices

- 1.a.) How does the City advertise or promote the availability of this service in order to generate requests?
- 2.a.) How does the City ensure that haulers are providing this service? What kind of measurement methods are in place to determine levels of service provision?
- 2.b.) What will the flyer discuss and how will the City ensure haulers are distributing them to customers? What is the City's role in distribution?

Thank you for your continued commitment, support and participation. We look forward to working with you to improve the region's waste reduction and recycling planning and program implementation process. Please feel free to call us if you have any questions.

Sincerely,


Jennifer Erickson
Senior Planner


Bryce Jacobson
Associate Planner

JE:BJ:clk
cc: John Houser, Council; Analyst
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Milwaukie Year 10 - Additional questions

Residential Waste Prevention

2.a.) What other City facilities will receive home compost and natural gardening flyers? Will Milwaukie distribute them at other locations such as garden centers and libraries?

I display compost and natural gardening fliers at City Hall, Ledding Library (the only one in Milwaukie), the Public Safety Building and the Public Works Building. I have asked provided the names of the City's two garden centers to John Fosseid so that he could distribute fliers to them directly. I have no idea whether he does that. It sure would be efficient wouldn't it? Anyway, when I get the fliers I will check to see if the garden centers received them. If not I'll give them some too.

3.b.) How does Milwaukie plan to maintain the 85% completion level?

An intern completed an inventory of all multifamily facilities in September 1999. We're still above the 85% level. The inventory identified some complexes that needed additional educational fliers - but other than that, no changes were required. I will put an article in the Pilot once this year reminding tenants of the availability of recycling and asking them to call if they have questions.

Business Waste Reduction Practices

1.a.) What other kind of outreach does the City provide to generate requests for waste evaluations? Have the current outreach methods been successful?

I believe that we are supplying adequate information to businesses in Milwaukie regarding the availability of evaluations. I am not convinced that anything less than cold calls and hand- holding will get many of them to respond. I would do more cold calls if I had time and staff. I would love to have some more of both. I will look into getting some volunteers to do some calls and visits during the coming year.

2.a.) Does Milwaukie plan any other new programs to increase the number of businesses recycling? How does the City currently enforce the requirement that haulers provide containers?

Milwaukie will look into getting some volunteers to assist with cold calls and site visits. Other than that, I have no plans for additional programs.

Regarding container provision, enforcement of this requirement has never been necessary. Haulers provide the containers for collection of recycling. They do this, not so much to encourage people to recycle, but because if haulers tell their customers that they'll pick up their recyclables, they want to be sure that their drivers and equipment can accommodate the collection containers used by the customer. The best way to assure this is to supply the container. All haulers in Milwaukie supply customers with both internal and external containers.

2.b.) How do you ensure that haulers are providing these containers? What is your measurement and enforcement mechanism?

See answer to 2a.

2.c.) Please restate Milwaukie's 1999 goal, current percentage and findings relevant to the goal.

Milwaukie's stated goal for 1999 was a total of 324 customers, which is 89% of the total 364 commercial customers. The Clackamas County database suggests that there are now 269 businesses recycling with their hauler in Milwaukie. That would be only 74% of the total commercial customers. I will try during the next year to determine which businesses are still not recycling with their haulers and do cold calls if I can get volunteer assistance.

Building Industries Waste Reduction Practices

I.a.) How does the City advertise or promote the availability of this service in order to generate requests?

Educational materials are available at the planning and permitting office at the Public Works Building. Materials are on display and are self-serve.

2.a.) How does the City ensure that haulers are providing this service? What kind of measurement methods are in place to determine levels of service provision?

Frankly, I have not ensured this and there are no measurement methods in place. The service is not very cost effective in this franchise area and so follow-up seems useless.

2.b.) What will the flyer discuss and how will the City ensure haulers are distributing them to customers? What is the City's role in distribution?

The flier will list recyclable materials that are typically found in demolition and construction debris. It will also encourage customers to discuss various hauling options with their hauler. Self-haulers will be encouraged to look at available markets either using the construction site recycling booklet or calling Metro for local markets.

I will work with the planning and permitting people to get this flier out. That way everyone can get it rather than just those that get boxes from their haulers.

City of Milwaukie – YEAR 10 Plan

I. RESIDENTIAL WASTE PREVENTION PRACTICES

1. Education and Information for Waste Prevention

Local Government Priority Tasks:

Continue to emphasize waste prevention in local public education programs. (M to assist)

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1995	YES	

Metro Priority Tasks:

- a) Design and implement annual regional media campaigns focused on waste prevention. *Fall 1999 regional outreach campaign will combine waste prevention and recycling message.* (LG to assist)
- a) Continue with “Earth-Wise” purchasing and waste prevention programs focused on households. (LG to assist)
- a) Continue to provide educational and promotional resources and materials to encourage the purchase of recycled products. (LG to assist)

2. Expand Home Composting

Local Government Priority Tasks:

- a) Continue to promote home composting and Metro home composting workshops. (LG to lead local promotion of home composting in general and assist in promoting Metro’s workshops)

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1990 (1990 means- a long time ago but I’m not sure exactly when....)	YES	Will circulate compost workshop and natural gardening fliers to Senior Center in addition to other City facilities.

*file
Original*

III. B. 12

Metro Priority Tasks:

- a) Continue to provide home composting workshops in the Spring and Fall. (LG to assist)
- a) Maintain demonstration sites to serve all areas of the region. (LG to assist)
- a) Continue bin distribution program if appropriate and necessary.

3. Expand and Increase Participation in Existing Residential Curbside Programs

Local Government Priority Tasks:

- a) Expand and increase participation in existing residential recycling programs annually. (improve performance of existing recycling services or add materials to curbside collection programs)

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1990	YES	Implement commingling of recyclables and meet with neighborhood Associations and service groups to discuss new system.

- a) Monitor multifamily recycling service availability to maintain provision of collection services for at least four materials at the 85% completion level. Provide information to Metro in order to update database as needed. (M to assist)

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1993	YES	

- a) Regional education and promotion campaigns to support single and multifamily curbside recycling. *Fall 1999 regional outreach campaign will combine waste prevention and recycling message.* (M to assist).

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1990	YES	Milwaukie staff will attend meeting, provide input and distribute educational materials that result from the process.

Metro Priority Tasks:

- a) If need is determined by the results of the DEQ Waste Composition Study, develop programs that target the reduction of yard debris in self-haul loads at disposal facilities. (LG to assist).
- a) Regional education and promotion campaigns to support single and multifamily curbside recycling. *Fall 1999 regional outreach campaign will combine waste prevention and recycling message.* (LG to assist).
- a) Assess scrap paper markets 1999-00. (LG to assist).

4. Develop New Collection Technologies**Local Government Priority Tasks:**

- a) Continue to investigate and examine new opportunities in collection technology (e.g., co-collection, alternative schedules, selective commingling, weight-based rates). (M to assist)

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1990	YES	Will implement commingling in summer of 1999. Will work with Clackamas County on other alternative technology studies they conduct.

Metro Priority Tasks:

- a) Research the strength of markets and market capacity for materials that might be added to curbside programs as local conditions require. (LG to assist).

Assist local governments in the examination of new collection technologies as local conditions require.

II. BUSINESS WASTE REDUCTION PRACTICES

NOTE: The recommendations forthcoming from the State of the Regional Solid Waste Management Plan Report as well as the Commercial Waste Assessment currently being conducted in the region may significantly impact the tasks listed below.

1. Waste Prevention and Recycling Education, Information and Market Development**Local Government Priority Tasks:**

III. B. 14

- a) Waste prevention, diversion and procurement evaluations will be conducted with a goal of reaching 80% of targeted businesses by 2000.

Target: 100% of goal by July 2000.

Staff will provide waste evaluations to all customers who request them. The City advertises the availability of evaluations through Trash Talk, the BRAG newsletter and at public displays at Fairs etc.

- a) Assist with regional media campaign design and development. Apply messages locally.

Staff will attend meetings, provide input and distribute educational materials that result from these processes.

Metro Priority Tasks:

- a) Model waste prevention programs developed for different types of businesses. Update existing materials and consider adding additional business sectors (LG to assist).

Target: 45% of targets by July 2000.

- a) Regional and local media campaigns emphasizing waste prevention (LG to assist with regional effort and lead local efforts).

Target: Regional media campaign planned for Spring 2000.

- a) "Earth-Wise" programs including promotion campaigns, model procurement policies and recycled product guides. Annual updates and publication of guides, targeted promotions.

- a) Continue to provide technical or financial assistance to processors or end users of recycled materials.

- a) Education efforts developed to stress reduction in over-packaging. Promote development of sustainable resource management. (inform consumer of full costs of product).

2. Expand Source Separated Recycling

Local Government Priority Tasks:

- a) Collection of paper (newspaper, corrugated cardboard, high-grade office paper, and scrap paper) and containers (glass, steel, aluminum, PET & HDPE) from businesses. For businesses that do not dispose of significant quantities of paper and containers, the most prevalently disposed recyclable materials (e.g. scrap metals, wood, yard debris, or plastic film) will be collected.

Target: 100% of businesses by January 2000.

Staff will reinforce with haulers through monthly meetings that they are to provide recycling service to all commercial customers. Staff will reinforce that the City will conduct waste evaluations and set up systems for haulers if they cannot do it themselves.

III. B. 15

- b) Appropriate recycling containers provided to small businesses.

Target: 100% by January 2000

Haulers provide appropriate containers to their customers.

- b) Continue business recycling recognition programs (i.e., BRAG program) (M to assist).

Milwaukie staff will continue to participate in BRAG newsletter development and in encouraging businesses to apply for awards.

- b) Report to Metro on the percent of customers who recycle through their regulated solid waste hauler. Include 1999 target and any findings related to success or failure, and any proposed changes the current approach.

Target: Restate initial targets and provide feedback on progress.

Staff will try to do this....

Metro Priority Tasks:

- a) Assist with and support promotion of BRAG program on a regional level.

- a) Coordinate strategy to integrate waste evaluations, targeted generator studies and business organic processing efforts in order to accomplish the highest level of waste reduction (LG to assist).

Conduct a comprehensive commercial measurement study to assist in local and regional planning efforts. (LG to assist)

3. Collection and Off-Site Recovery of Source Separated Food and Non-Recyclable Paper

NOTE: The feasibility of implementing an organics recovery program will be determined by a cooperative regional planning effort to begin in Spring/Summer 1999. The results of this effort will determine future actions in this arena.

Local Government Priority Tasks:

- a) Develop organic waste collection systems from larger generators (M to assist).
Implementation is contingent upon development of regional processing capacity.
Milwaukie will work with Clackamas County on any activities they coordinate in this area.

Metro Priority Tasks:

- a) Develop strategies to encourage siting of processing facilities for organic waste (LG to assist).
- a) Increase efforts in the area of waste prevention, donation, and community partnerships for organic waste generators (LG to assist).

4. Regional Processing Facilities for Mixed Dry Waste

Local Government Priority Tasks:

III. B. 16

- a) Local governments to assist with Metro tasks listed below.

Milwaukie will participate in all discussions and pilot projects that result from Metro efforts in this area.

Metro Priority Tasks:

- a) Analyze waste composition data to determine if marketable materials are present in recoverable quantities at processing facilities.
- b) Examine factors that affect post-collection recovery, including System Fee Credits, waste composition and source separation programs.
- c) Analyze the transfer station service plan to determine if the western part of the Metro region needs additional post collection recovery.

III. BUILDING INDUSTRIES WASTE REDUCTION PRACTICES

NOTE: The 1998 Building Industries/Construction and Demolition Debris Generator Study showed the need to target technical and education programs to specific subsectors of the construction industry. This and other findings from this study should be taken into account in creating Year 10 work plans.

1. Develop Targeted Technical and Educational Programs

Local Government Priority Tasks:

- a) Conduct on-site audits designed for increasing waste prevention and recycling (LG to identify sites, Metro to assist with evaluations and training).

Staff will provide these site audits on a request-only basis.

Metro Priority Tasks:

- a) Using existing building industry associations and networks including "Earth Wise Building Alliance", provide technical assistance and train builders about salvage, waste reduction, recycling, buy-recycled and other environmental building practices (LG to assist). Maintain system after June 1998.
- a) Conduct on-site audits at construction and demolition sites to promote waste prevention (LG to assist)
- a) Provide educational tools and training to local governments.

2. On-Site Source Separation of Recyclables at Construction and Demolition Sites

Local Government Priority Tasks:

III. B. 17

- a) Assure the availability of on-site services for two or more materials and ensure that generators requesting hauling services for construction and demolition sites are offered these services.

Haulers provide these services now. A flier will be completed in July 1999 which will be provided to haulers for distribution to customers.

- a) Promotion of and education about on-site recycling collection services. To be coordinated with task a. above.

See task a.

Metro Priority Tasks:

- a) Develop educational materials that target new recoverable materials for source separation when markets are available (LG to assist). Materials to be developed by July 1999, implement FY 99-00 contingent upon favorable markets.

3. Develop Markets to Support Reuse and Recycling rather than Energy Recovery**Local Government Priority Tasks:**

- a) Local governments to assist with Metro tasks listed below.
Milwaukie staff will provide input as needed.

Metro Priority Tasks:

- a) Support salvage practices and markets for reused building materials. Monitor private sector progress in the use of salvaged building materials.
- a) Support development of industries using recycled construction and demolition materials.

III. B. 18**4. Develop Regional Dry Waste Processing Facilities for Waste from Sites Where Separation and Collection of Recyclables is Not Possible****Local Government Priority Tasks:**

- a) Local governments to assist with Metro tasks listed below.

Milwaukie staff will provide input as needed.

Metro Priority Tasks:

- a) Analyze waste composition data to determine in marketable materials are present in recoverable quantities at processing facilities.
- b) Examine factors that affect post-collection recovery, including System Fee Credits, waste composition and source separation programs.
- c) Analyze the transfer station service plan to determine if the western part of the Metro region needs additional post-collection recovery.

**IV. SOLID WASTE FACILITIES AND SERVICES:
REGULATION AND SITING**

Local Government Priority Tasks:

- a) Local governments to assist with Metro tasks listed below.

Milwaukie staff will participate in this process as requested.

Metro Priority Tasks:

- a) Continue to implement composting facility franchise and licensing program and facility oversight.

Continue assistance and active participation in local government siting and zoning code development and revision process.

**V. SOLID WASTE FACILITIES AND SERVICES:
TRANSFER AND DISPOSAL SYSTEM**

Note: Specific recommendations will be developed after the service plan has been completed in Summer 1999.

**VI. SOLID WASTE FACILITIES AND SERVICES:
HOUSEHOLD HAZARDOUS WASTE MANAGEMENT**

NOTE: During fiscal year 1998-99, Metro will be coordinating a household hazardous waste planning process which will include the revision of the RSWMP chapter on Hazardous Waste. This process will result in changes to the following

*1999-00 work areas and tasks***1. Continue to Provide hazardous Waste Collection, Recycling and Disposal****Local Government Priority Tasks:**

- a) Promote household hazardous waste prevention and reduction through adult and school education programs (cooperative with Metro).

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1990	YES	Milwaukie staff is considering coordinating a Household Hazardous Waste collection event for the City in 1999-2000.

- a) Promote the use of Metro's two permanent household hazardous waste collection facilities.

Date First Implemented	1999-2000 Ongoing? (Yes/No)	1999-2000 Program Changes
1990	YES	Staff will distribute fliers at any collection event that is held in the City.

- a) Assist in the siting and staffing of household hazardous waste mobile collection events in your jurisdiction. Annually as needed.
See task a.

Metro Priority Tasks:

- a) Continue to provide hazardous waste collection, recycling and disposal services to the region's households and conditionally exempt commercial generators at Metro South and Metro Central transfer stations.
- a) Promote household hazardous waste prevention and reduction through adult and school education programs (cooperative with LG).
- a) Promote existing facilities to increase the number of customers served in total and by geographic regions.
- a) Provide service to outlying areas not conveniently served by permanent household hazardous waste collection facilities. LG to assist in identifying areas of need, staffing, and siting of mobile collection events.

III. B. 20

VII. ADDITIONAL OR ONGOING LOCAL GOVERNMENT PROGRAMS OR TASKS

Please provide a description of any additional or ongoing waste reduction and recycling programs implemented in your jurisdiction that have not been mentioned earlier in this plan. If any of these tasks or programs are being changed during fiscal year 1999-00, please explain the changes that will take place and how they will impact local and regional waste reduction efforts.

Ongoing or Existing Local Government Programs and Tasks			
Program/Task	1999-00 with no changes (✓)	1999-00 with change (✓)	Explanation of program/task change during 1999-00.
In House recycling and buy-recycled programs	X		
Yard debris collection program.	X		
Annual clean-up event.	X		



To: Mayor and City Council
Through: Charlene Richards, Assistant City Manager
Dan Bartlett, City Manager
Fr: JoAnn Herrigel, Program Services Coordinator
Subject: Curbside Collection of Commingled Recycled Materials
Date: August 24, 1999

Action Recommended

Approve a resolution to amend the Administrative Rules for Solid Waste, Recycling, and Yard Debris Collection to require that garbage customers commingle their recyclables at the curb and that garbage haulers keep glass separate from other recyclables on the collection trucks.

Background

The City of Milwaukie has been participating in the formal curbside collection of recyclables since 1989. The types of materials recycled and the way in which those materials must be prepared and set out is prescribed in the Administrative Rules established by the City Council. Currently, twelve materials are collected as part of our recycling program and residents are required to place each in separate bags before placing them in set out containers at the curb.

Collection and processing of recyclables has evolved a great deal since our program began. Over the years, garbage haulers have found ways to conserve space and decrease collection times on their recycling routes through mixing various materials on their collection trucks. This mixing of materials is called commingling. As commingling has become more common amongst haulers, the processors of the materials collected have modified their systems to accommodate increasingly mixed loads. These processors, often called materials recovery facilities, (MRFs) are now able to accept loads mixed in a variety of ways, including, in some cases, all materials mixed together in one box.

These changes in the collection and processing systems for recyclables have created an imbalance between the resident and the collector with respect to material preparation and sorting which contributes to inefficiency in the collection system. In early 1998, local government staff from Gresham, Troutdale, Milwaukie, Portland, Washington County and Clackamas County began meeting to discuss these inefficiencies and whether changes should be made to their respective curbside recycling programs. Specifically,

they discussed moving from the existing system, in which residents sort their recyclables by type, to a commingled system, in which different types of materials could be mixed together prior to collection. In other states, commingling is the predominant collection system used by communities with recycling programs. The types of materials that are mixed varies from place to place, but few communities request that their residents set out recyclables in as many categories as we do.

A major part of the discussion of switching to commingling was the impact that it would have on the marketability of recyclables. Advocates for recycling were concerned that commingling would decrease the number of markets available for materials and, in some cases, increase the "residual", or that portion of a material which must be disposed of after processing. The material that generated the most concern was glass. To investigate the impact that various collection systems would have on glass and all other materials, local governments and Metro monitored several recycling pilot projects during the winter of 1998. All of the pilot projects generated small amounts of materials that ended up being landfilled. However, the independent contractor found the lowest amount of residual - 0.4% - came from the pilot that delivered glass to the processor separated from other materials.

The consensus among local governments and Metro is that commingling of materials at the curb would be beneficial for the following reasons:

- **Cost maintenance:** Studies have shown that commingling materials into two or three streams on a truck can decrease the amount of time recycling collectors spend at each stop as well as the time they spend "off route" emptying their trucks. Collection costs (net of revenue) for a three stream sort are estimated to be approximately 10% lower than the cost of our current system. As efficiency increases, garbage rates increase less rapidly.
- **Increased participation:** Customer surveys done by Clackamas County, the City of Portland and Metro show that one of the most common customer complaints about recycling is the level of effort required to prepare and sort materials properly. Participation levels may well increase when sorting requirements are relaxed.
- **Reduced traffic:** Fewer sorting requirements reduces the number of trucks driving on our streets. National studies and local pilot projects illustrate that fewer compartments on recycling trucks increases truck utilization and improves the ability to collect more materials efficiently without going off-route to unload an individual compartment. This reduces the number of trucks required, thereby reducing fossil fuel consumption, air emissions, traffic and road usage.

Program Details

Under the commingled system, residents will be asked to use their existing bins to place their recyclables out in the following manner:

- Bin A** All Paper, which include magazines, newspaper, corrugated cardboard (see clarification below), milk cartons, drink boxes and mixed scrap paper. Scrap paper must be placed in a paper grocery bag.
- Bin B** Plastic Bottles and Metals, which include tin (steel) cans, aluminum, plastic bottles 1-7, ferrous and non-ferrous scrap metal, and aerosol cans.
- Glass** Glass (clear glass and green/brown glass) shall be set out in a customer provided rigid, weather proof receptacle.

In order to make the program even simpler the following rules will be changed with respect to material preparation:

- Residents will not have to flatten or remove the tops and bottom of tins cans but haulers would prefer that they remove labels
- Flattened corrugated cardboard may be set out loose, in or under a recycling bin. Large piles of cardboard must be tied or taped to assist haulers handling

Residents should be able to use this new system using the one bin they already have by placing containers out one week, and paper out the next. Glass can be placed in customer provided plastic tub or crate and be set out with the bin. Staff will work closely with the haulers to assure that residents have adequate information and equipment with which to make this new program successful. Second bins will be provided to customers on a request basis.

Milwaukie staff is working with Clackamas County staff to develop educational materials that will be distributed by mail to all garbage customers in early October. Staff has been in communication with other Metro area local governments to make sure that our messages are consistent or, at least not contradictory. Metro also has plans to do a radio and TV ad campaign later this winter reinforcing the new message and encouraging people to participate.

V. 4

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE,
OREGON,**

WHEREAS, under the Oregon Revised Statutes, Chapters 459 and 459A, the City adopted Ordinance 1752 and has promulgated Administrative Rules for Solid Waste, Recycling and Yard Debris Collection, and

WHEREAS, Ordinance No. 1752 states that these rules may be amended by City Council after giving 30 days notice to franchisees ; and

WHEREAS, the City staff provided notice to the City's franchised haulers as required by City Code, and the City Council thereafter conducted a public hearing to receive and consider comments concerning the proposed amendment to the Administrative Rules; and

WHEREAS, the City Council finds that modifying the Administrative Rules to allow commingling of recyclables by residential customers will benefit the residential garbage customers in Milwaukie and potentially increase diversion of recyclables from the City's waste stream; and

WHEREAS, the Council further finds that requiring franchisees to keep glass separated from other materials on their collection trucks will facilitate the marketing of that material;

NOW, THEREFORE, BE IT RESOLVED that Section 4.1.4 of the Milwaukie Administrative Rules for Solid Waste Recycling and Yard Debris Collection be deleted and be replaced with the following language:

4.1.4 Collection of Recyclable Material

Each franchisee shall pick up recyclable materials set out for collection, so long as the materials are properly prepared, separated and placed. Materials shall be prepared according to the instructions below.

The **curb sort** for the resident shall utilize existing bins and the materials will be placed in the bins in the following manner:

Bin A All Paper, which include magazines, newspaper, corrugated cardboard (see clarification below), milk cartons, drink boxes and mixed scrap paper. Scrap paper must be placed in a paper grocery bag.

Bin B Plastic Bottles and Metals, which include tin (steel) cans, aluminum, plastic bottles 1-7, ferrous and non-ferrous scrap metal, and aerosol cans.

Glass Glass (clear, green and brown glass) shall be set out in a customer-provided rigid, weather proof receptacle.

The customer may either place the bagged or containerized, sorted glass on top of the plastics and metals receptacle or to the side.

Other Instructions:

- Flattened cardboard shall be no larger than 36" x 36" and can be placed in the receptacle if in manageable pieces, or placed underneath the receptacle.
- Motor Oil shall be placed in a leak proof, see-through plastic container with screw top lid and set to the side.
- Tin cans should have paper labels removed, preferably, but they need not have ends removed or be crushed.
- Glass shall include only rinsed whole bottles and jars.
- Any piece or bundle of scrap ferrous or non-ferrous metal is limited to 30" in size in any direction and 30 pounds. Appliances, car parts, bicycles and lead acid batteries are excluded.

LET IT FURTHER BE RESOLVED that the following new section shall be added to the Administrative Rules:

4.1.9 Collection of Glass

Franchisees shall keep glass collected from residential, commercial and multi-family customers separate from other materials on the collection vehicle.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on this _____ day of September, 1999.

Carolyn Tomei, Mayor

ATTEST:

Pat DuVal, City Recorder

APPROVED AS TO FORM:

Pam Beery, Special Legal Counsel



TO: Milwaukie City Council

VIA: Dan Bartlett, City Manager

FROM: Martha Bennett, Assistant City Manager *MAB*

SUBJECT: Repeal of a portion of the City's Business License Code and amendment of the City's Business Tax Code

DATE: September 10, 1999 for September 21, 1999 City Council Meeting

Action Requested

Staff recommends that the City Council adopt the attached ordinance which will repeal section 5.04 of the Milwaukie Municipal Code, the Business License code, and amend section 5.08, the Business Tax Code.

Staff further recommends that the City Council adopt the attached resolution, which establishes a fee for temporary businesses, and door-to-door businesses that are doing business in Milwaukie for less than 60 days each year.

Background

Currently, each business in Milwaukie is required to both pay a Business Tax and obtain a Business License to operate in the City limits. The license and tax are good for the calendar year, and all of our existing business licenses are renewed each year in December.

As currently structured, the City Business License requires business operators to be in compliance with all City codes. If a business is "dangerous to public health or safety, likely to become a menace, or is in violation of city codes," then the city manager is charged to "take such action as he (sic) may deem necessary and advisable."

In the past few years, staff has experienced several problems in implementing the business license code:

- Staff and other resources are limited, and so we have not investigated every business in Milwaukie. For example, because of limited staff resources, the Planning Division has only inspected business license applications from home occupations and from new businesses. In addition, last year, the Planning Division hired an additional temporary planner to perform business license inspections.

VI. 2

- Businesses that pay the tax are permitted to operate, even if the license has not been issued or if an inspection by City staff finds a violation of code. When businesses apply to obtain a business license, they pay the business tax and obtain a receipt. The City permits the business to operate with that receipt, and businesses are not closed if they are found to be in violation of city code. In other words, the business license has not constituted a significant tool in helping gain compliance with City codes.
- Applications from businesses outside the City of Milwaukie complicate the enforcement process. Everyone who transacts business inside Milwaukie is required to obtain a business license, but the City has no jurisdiction over businesses outside the City.

Recommended Changes

In reviewing the options for correcting problems with the business license program, staff concluded that the best option for resolving our enforcement problems is to repeal the code requiring the "license" but retaining the portion of the code that taxes businesses for their impact on the community. We reached that conclusion for the following reasons:

- Violation of City Code can be remedied through other processes and codes. The City has good tools for working with residents and businesses to correct violations of the City's nuisance, zoning, or other codes. In addition, by eliminating the requirement that City staff inspect every business, we can concentrate our code enforcement efforts on those businesses that are truly in violation.
- The City can still obtain the information we need to serve businesses in the community through the business receipt/tax. For example, City and Fire Department staff find information about whether a business stores hazardous materials or how many employees work in a business useful in providing services. The attached ordinance ensures that the City can obtain that information from all businesses when they pay their business tax.

Temporary Business Fee

Staff recommends the Council adopt the attached resolution whether or not they adopt the proposed ordinance. This resolution establishes a fee for temporary businesses such as firework stands and door-to-door salespeople. This fee would not apply to nonprofit groups.

Concurrence

The Community Development Department has worked with staff from the Finance Department and the Records and Information Management Department to revise this code.

Fiscal Impact

This change would not result in additional revenue. Rather it will free up staff time in several City departments that can be dedicated to other projects, including code enforcement of specific violators.

ORDINANCE NO. _____
MILWAUKIE, OREGON

AN ORDINANCE REPEALING CHAPTER 5.04, BUSINESS LICENSES GENERALLY, AND AMENDING CHAPTER 5.08, BUSINESS TAXES GENERALLY, OF THE MILWAUKIE MUNICIPAL CODE.

WHEREAS, the City Council finds that it is no longer necessary to issue business licenses for regulatory purposes; and

WHEREAS, the City Council finds it is in the City's best interest to retain the ability to impose a business tax for revenue purposes; now, therefore;

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1: Chapter 5.04, Business Licenses Generally, of the Milwaukie Municipal Code is hereby repealed.

Section 2: Subsections 5.08.020(C) and (G) are amended to read as follows:

3. "City Manager" means the city manager or designee.
7. "Rental Property" means a building, portion of building, or group of buildings, within the city which are rented, leased or let for any purpose, including but not limited to dwelling or business purposes. Rental property includes, but is not limited to, a hotel or motel, automobile or tourist court, rooming or lodging house, mobile home or trailer park, private residence, office or warehouse.

Section 3: Section 5.08.060(E) is amended to read as follows:

5. The city manager or designee shall have the authority to waive a delinquency charge when, in the manager's judgement, circumstances are such that a delinquency charge should not be assessed.

Section 4: Section 5.08.090 is amended to read as follows:

1. Upon payment of the business tax a person or business shall be issued a receipt by the city for such payment. The receipt shall be

kept posted in a conspicuous place on the business premises at all times. If there is no regular place of business in the city the receipt shall be in the possession of a representative of the business present within the city at all times during which the business is being transacted by an employee, agency or representative within the city.

2. Payment of the business tax by a person does not authorize any conduct that violates any applicable provision of local, state or federal law. Possession of a receipt for payment of the business tax shall not be asserted as a defense in any enforcement action other than an action related to payment of the business tax.

Section 5: Subsection (A) of Section 5.08.100 is amended to read as follows:

1. The city manager shall be responsible for the administration of this chapter. The manager may adopt reasonable rules and regulations relating to any matter pertaining to the administration of this chapter, as well as preparing, adopting and making available to the taxpayer all forms necessary for compliance with this chapter. The application form shall, at a minimum, require the following information:
 1. Name and address of business;
 2. Whether the business is a home occupation, as defined by the City Zoning Ordinance;
 3. Type of business (i.e., retail, office, warehouse, manufacturing);
 4. Owner and/or manager of business;
 5. Start date of business;
 6. A description of any change in business use from previous year;
 7. Business location square footage;
 8. Number of employees at business;

9. Whether business uses or stores hazardous or combustible materials;
10. Emergency contact person's name, home phone number, cell phone number, pager number and any other after hours number available.

Section 6: Subsection (C) of Section 5.08.100 is amended to read as follows:

- C. To the extent allowed by law, the city manager shall keep all information furnished or secured under the authority of this chapter in strict confidence. Such information shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration and enforcement of this chapter.

Section 7: Section 5.08.110 is amended by adding new subsections (H) and (I) to read as follows:

8. Licensed real estate salespeople or associate real estate brokers who engage in professional real estate activity only as an agent of a real estate broker or real estate organization.
9. Contractors or landscape contractors when:
 1. Their principal place of business is outside of the City and their gross receipts from business conducted within the boundaries of the city during the calendar year for which the business license tax is owed is less than \$125,000; or
 2. Their principal place of business is outside of the City and they have proof that they have obtained a business license from the metropolitan service district.

Section 8: Subsection 5.08.120(A) is amended to read as follows:

1. A violation of this chapter shall be punishable by a mandatory fine not to exceed two hundred dollars. A violation of this chapter shall be processed pursuant to Chapter 1.08 of the Milwaukie Municipal Code.

VI. 4

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

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

Signed by the Mayor on _____.

Carolyn Tomei, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal, City Recorder

City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, CREATING A TEMPORARY BUSINESS FEE FOR PEOPLE AND INSTITUTIONS CONDUCTING BUSINESS FOR LESS THAN TWO MONTHS PER YEAR WITHIN THE CITY OF MILWAUKIE.

WHEREAS, The City of Milwaukie has a business tax created by Milwaukie Municipal Code Section 5.08; and

WHEREAS, The City Council establishes fees for the business tax; and

WHEREAS, The City Council wishes to establish a lesser fee for businesses that are doing business in Milwaukie on a temporary basis;

NOW, THEREFORE, BE IT RESOLVED that persons and institutions subject to Milwaukie Municipal Code section 5.08 that are doing business on a temporary basis in the City of Milwaukie shall pay a business tax of \$20. Temporary businesses are defined as those who do business in the City of Milwaukie for less than two consecutive months.

Introduced and adopted by the City Council of the City of Milwaukie, Oregon, on September 21, 1999.

Carolyn Tomei, Mayor

ATTEST:

APPROVED AS TO FORM:
Ramis, Crew, Corrigan & Bachrach, LLP

Pat DuVal, City Recorder

City Attorney

CENTER/COMMUNITY ADVISORY BOARD**MINUTES****July 9, 1999**

Members Present: Molly Hanthorn=Chair, Mike Bolander, Doris Burton, Eleanor Johnson, Dolly Macken=Hambright, Douglas Marx, Jim McCready, Audrey Parsons, Joan Staley, Carol Stormont, Janet Witter and Jim Young.

Excused: Kim Buchholz, Karen Kasserman, Carl Knee, Alice Neely and Joan Newman.

Staff: Joan Young, Marty Hanley and Cheryl Nally.

I. **CALL TO ORDER:** by Molly Hanthorn; at approximately 10:02 am.

II. **MINUTES:** of June, 1999, approved.

III. **GUESTS/PRESENTATION:** (Staff Report) Marty Hanley spoke to the group regarding the major goals of the Transportation Program: 1) to bring people from the community to the Center (approx. 12,000 people last year); 2) to provide those who cannot otherwise do so shopping trips (approx. 2,000 per year); 3) to provide medical escorts to doctor's appointments which is shared with Providence Milwaukie Hospital; 4) to provide information and referrals to other agencies as appropriate. The biggest challenge is to have enough volunteers and enough money for an increasing service area. The program currently charges \$1.50 per round trip for bus rides and asks medical escort rides to donate what they can, but we do not deny service to anyone in need.

IV. **MEMBERSHIP ITEMS:** None.

V. **ACTION ITEMS & CORRESPONDENCE:** None.

VI. **COMMITTEE REPORTS:**

North Clackamas Parks and Recreation District Board: Eleanor reported that an Oatfield neighborhood group has requested support regarding the development of the Norma Road property owned by the school district. The Aquatic Park is looking at the issues of shared use, between swim teams, lap swimming and aqua exercise classes. The Aquatic Park is also concerned with Clackamas Community College's expansion and its effect on parking.

Budget/Finance: Joan stated that once the new county-wide finance computer system is learned by all it should be able to provide better service but it has been a difficult change over.

Program/Services: None.

Nutrition/Transportation Services: Jim Young announced that Meals on Wheels has delivered 2,600 meals and earned \$3,100 in the last month. The computer is now on line for supply ordering which should save time and money and enable the orders to go out at the best possible pricing. The program has been able to purchase enough cold packs to maintain use for quite some time and has been able to get a good price due to order sharing with other groups.

Building Review: None.

VII. A. 1-2

History Committee: Janet Witter was pleased to announce that the first meeting of this group was fun and had quite a few interested attendees. There is a lot of information coming in to date and will have to be sorted and some sort of system will need to be set up for filing and tracking what is available.

VII. OTHER REPORTS:

AAA Review: None.

Friends of the Milwaukie Center: Eleanor stated that Art Hanson is the new chair.

VIII. DIRECTOR'S REPORT: Joan advised that Center highlights were available in the monthly report, but the staff is still working on USPS newsletter issues. Milwaukie Center will be featured on the Park's Fall Program Guide cover. Local high school arts teachers will be asked to have their classes participate in the Center's 20th Anniversary logo contest. Our website is being developed and should be on-line in 2-3 months and will be partially aimed at increasing volunteer participation.

IX. INFORMATION/ANNOUNCEMENTS: Nutrition and Transportation is selling raffle tickets for a night at a bed and breakfast in Depoe Bay.

X. AGENDA FOR NEXT MEETING(S): Meeting will be August 13, 1999, and we may have a speaker regarding HMO's and their effects on seniors and senior services (see related handout).

XI. ADJOURN: Meeting adjourned at approximately 11:18 am.

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CITY OF MILWAUKIE
PLANNING COMMISSION MINUTES
WEDNESDAY, AUGUST 10, 1999

COMMISSIONERS PRESENT

Donald Hammang, Chair
Judith Borden, Vice-Chair
Barbara Cartmill
Tracy Cook
Mike Miller

COMMISSIONERS ABSENT

Doug Ouderkirk
Howard Steward

STAFF PRESENT

Alice Rouyer,
Planning Director
John Gessner,
Associate Planner
Gary Firestone,
City Attorney
Shirley Richardson,
Hearings Reporter

1.0 CALL TO ORDER

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

2.0 PROCEDURAL QUESTIONS -- None.

3.0 INFORMATION ITEMS -- City Council Minutes, July 20, 1999

4.0 PLANNING COMMISSION MINUTES -- July 27, 1999

No minutes approved tonight.

5.0 PUBLIC COMMENTS -- None.

6.0 PUBLIC HEARINGS

6.1 Applicant: Howard Thompson
Property Owner: Howard Thompson
Location: 3406 SE Olsen Street
Proposal: Minor Land Partition to create 3 lots; and a Non-Conforming Use application to continue the use of an existing shop for an auto restoration business on Lot 1.
File Number: MLP-98-06/NCU-98-04
NDA: Ardenwald

VII. A. 2-2

CITY OF MILWAUKIE PLANNING COMMISSION
Minutes of August 10, 1999
Page 2

DRAFT

Chair Hammang opened the public hearing on the remand order from City Council pertaining to Minor Land Partition MLP-98-06, and Non-conforming Use NCU-98-04. The purpose of these applications is to apply Milwaukie Zoning Ordinance Section 802 and to take evidence on the question of whether the alteration to the existing Nonconforming Use, caused by the Minor Land Partition, results in any more detriment to surrounding properties than the existing use on the property. The criteria to be addressed are found in Section 800 of the Milwaukie Zoning Ordinance.

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare. **Barbara Cartmill** stated that she talked at length with Alice Rouyer, Planning Director, regarding facts of the case. City Attorney Gary Firestone indicated that discussions with staff are not considered ex-parte contract. There were no other conflicts of interest or ex-parte contacts declared. He asked if any member of the Planning Commission visited the site; five 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

Alice Rouyer reviewed the staff report with the Commission. She reported that this is a remand of a decision made by the Planning Commission in May of this year. At that time, it was decided that the proposal for the Minor Land Partition met all the criteria. The focus of tonight's action will be on the question of the nonconforming use. She reviewed the background of this case with the Commissioners. The question before the Commission is: Does the existing nonconforming use on the site, and the alteration of the nonconforming use (Minor Land Partition) result in increased detriment to surrounding properties around the site?

There is no staff recommendation; however, the staff report allows for three alternatives:

1. Move to approve the Minor Land Partition (MLP) but deny the Continuation of the Non Conforming Use (NCU) on a finding that the NCU, as altered by MLP (addition of another residential building lot) will result in more detriment to surrounding properties.

DRAFT

VII. A. 2-3

CITY OF MILWAUKIE PLANNING COMMISSION
Minutes of August 10, 1999
Page 3

2. Move to approve the MLP and Continuation of the NCU on a finding that the NCU, as altered by the MLP, will result in no more detriment to surrounding properties.
3. Move to approve the MLP and the continuation of the NCU, subject to conditions of approval that mitigate any increased detriment.

It is Council's interpretation that the creation of this second lot is an alteration to the existing nonconforming use. The Planning Commission must decide if this alteration creates increased detriment to surrounding properties.

QUESTIONS FROM THE COMMISSIONERS

Donald Hammang asked if the new home would be considered "surrounding property" for the purposes of this case? **Gary Firestone** stated that the use covers the entire property. Surrounding properties means property other than parcels one and two. This is a Minor Land Partition; it allows for division of land and allows each parcel to be sold separately.

Mike Miller asked if the access road went all the way to the second parcel? He also asked if the auto-repair business and existing house are on one parcel. **Gary Firestone** stated that this is one parcel. The access road is as indicated in the Staff Report.

Barbara Cartmill stated that the parcel is zoned R-7 and asked if the house, which is conforming, could turn an existing approved nonconforming use into an additional detriment? **Gary Firestone** stated that one of the options provided by Staff is that the only thing this permits is additional residential use. The residential use cannot be considered a detriment in a residential district.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Howard Thompson, 4310 SE Franklin, Milwaukie, OR

Mr. Thompson asked that the Commission uphold their previous decision on his Minor Land Partition. The Determination of Findings state that the nonconforming use is in the southeast corner of the tax lot. He was required to

DRAFT

build a six-foot solid wood fence around this nonconforming use. If the whole lot is nonconforming, why didn't staff require the fence be placed around the entire lot?

Mr. Thompson stated that he is very frustrated with the time, expense, stress, and confusion caused by this application. When he moved into the shop, it was in very bad need of repair. There were no neighborhood association comments then. He has cleaned, repaired, and improved the site.

Mr. Thompson stated that some of his neighbors came tonight in support of this application. They would rather see him build a new home and have the repair shop stay than have four more houses. He read letters from these neighbors to the Commission. The letters were submitted for the record.

Mr. Thompson stated that most of the complaints have been from one neighbor that no longer lives across from him. He does not feel that there would be a further detriment to the area since he will be living in the home. Traffic will decrease since he will be walking to work.

Judith Borden asked if there is anything about the proposed partition that will alter anything about the auto-repair business? **Mr. Thompson** stated that there would be no alterations. The business is enclosed by the fence. He does not see how anything within this area would be more of a detriment to the surrounding area. He provided a sketch of the site with the proposed house.

QUESTIONS FROM THE COMMISSIONERS

TESTIMONY IN FAVOR

Bill Hupp, 2626 SE Washington Street, Milwaukie, OR

Mr. Hupp stated that he has been in business in this town for 20 years. He is a former mayor and served 10 years on the City Council. He has lived in this City for since 1947. He loves this City.

Mr. Hupp stated that he is in favor of Mr. Thompson being permitted to build his house on his property and use that property to fulfill his dreams and goals as he desires. He does not understand how the existing house can be considered a nonconforming use. A six-foot fence was required around the business and existing home. There was no detriment found at that time.

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Three members of Council felt the Commission erred. He feels that the Commission made the right decision. This existing business has been here for years. He has taken many of his cars there for repair. For years the owners lived and worked right next to his home without a problem. In many documents, the auto repair shop is called an auto restoration business. There is a difference between the two.

Tonight this must stop. This process has gone on way too long and is costing way too much money. Several people are concerned about this application and they have testified.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked about the term "restoration" versus repair. Restoration is restoring old vehicles to their original condition; repair is auto body or engine work. This business is strictly a repair business. **Mr. Hupp** agreed with the definitions.

Speaking: Woodrow Rassmussen, 3433 Olsen, Milwaukie

Mr. Rassmussen stated that he has been neighbors with Mr. Thompson for many years. He has lived next to the shop for many years. Mr. Thompson has done a very good job of making improvements to the site. He has no objections to the building of this new home, the business, or the rental. The yard is aesthetically pleasing and noise is not a problem. He stated that he is also speaking for Ms. Chartrod.

QUESTIONS FROM THE COMMISSIONERS

Speaking: James Lee, 3405 SE Olsen, Milwaukie, OR

Mr. Lee stated that he purchased this home three years ago. His grandfather bought the house in 1960. He has no problems with the shop. He would rather have the repair shop rather than high-density apartments.

Mr. Lee stated the person who lived next to him wanted to purchase the proposed site. His offers were rejected. He has complained about the shop since he could not own the property.

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QUESTIONS FROM THE COMMISSIONERS -- None.

QUESTIONS OR COMMENTS

Speaking: Linda Rassmussen, 3433 SE Olsen, Milwaukie, OR

Ms. Rassmussen asked if the proposed house would be on a separate piece of property? **Alice Rouyer** explained that there was a map in an earlier proposal that had three lots. This has since been modified by Mr. Thompson to the configuration as proposed today. An overhead was shown of the division between the two parcels.

QUESTIONS FROM THE COMMISSIONERS -- None.

TESTIMONY IN OPPOSITION

Speaking: Darlene Walsh, 3108 SE Calvin Street, Milwaukie, OR

Ms. Walsh stated that she is speaking on behalf of neighborhood association. She pointed out some of the neighborhood concerns

- Any business is a detriment to the neighborhood. She would like to take advantage of this opportunity to have this business taken out of the neighborhood.
- The Neighborhood Association has been given the charge to improve and upgrade the livability of the Ardenwald area. Continuation of a business that increases traffic is not going to make things better. Ardenwald has children that walk to school in this area.
- In defense of the applicant, she feels Mr. Thompson has been given the run-around. She would be angry too. She has been given the different information when she has tried to learn and understand the process.
- The Neighborhood Association has taken up the issue of businesses in residential areas as a whole. There are other examples in Milwaukie. They are not selecting or picking on anyone in particular.
- The Neighborhood Association recommends Option #1 as proposed by Staff. If this application is approved, she would like to have some input on the criteria for having a business of this size in the residential neighborhood.

QUESTIONS FROM THE COMMISSIONERS

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Judith Borden asked how will this flag lot would result in more of a detriment than the existing use of the property. **Ms. Walsh** stated that the approval will result in increased traffic, it is in opposition to the Neighborhood's views on flag lots, and businesses detract from the looks of the neighborhood.

Gary Firestone asked that Ms. Walsh indicate her conditions or suggestions that she would like included if this application was approved. **Ms. Walsh** stated that conditions could be imposed on traffic volumes, upgrading of the house and property, removal of run-down structure, and required business hours.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS --

Barbara Cartmill noted that there was testimony that neighbors had no problem with the traffic generated from the business. She asked Mr. Thompson if there was a traffic count for the number of cars coming and going from the auto-repair shop? **Mr. Thompson** stated that the shop is small. There is only room inside the shop for two cars at a time. Generally, they do not work on more than three to four cars a day. This is nothing compared to the other traffic on Olsen.

Mr. Lee stated that he works swing shift and is home during the day. He does not see that much traffic going into the shop. He has a five-year-old son who goes to Ardenwald. He has no problem walking to and from school. As a child, he too went to Ardenwald and lived next door to the shop. There have never been any problems with traffic. There is a sidewalk now. There is no problem with the children walking down the sidewalk to school.

APPLICANT'S CLOSING COMMENTS

Speaking: Howard Thompson, 4310 SE Franklin, Milwaukie, OR

Mr. Thompson stated that flag lots are not illegal according to the Zoning Ordinance. This lot does not need a variance. There is good distance between the houses and setbacks.

The shed in the rear of the lot that is in need of repair will have to be removed in order to make room for the proposed home.

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Mr. Thompson stated that he has tried and tried to please everyone. He is still trying thousands of dollars later. He has spent \$3,000 on this Minor Land Partition and he is no further along than last summer when he first discussed this application.

One week after the last Planning Commission meeting, he was told that he would be reimbursed for the \$1,600 for the change of nonconforming use fee. After the appeal at City Council, it was found that the City has spent so much time on this application, he would not receive the refund. He feels as he is being held hostage and is very frustrated over this process. There is no change to the use and there will be no more detriment to the surrounding neighborhood.

QUESTIONS FROM THE COMMISSIONERS -- None.

DELIBERATIONS AMONG THE COMMISSIONERS

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

Chair Hammang asked if there was a fourth option of not doing anything and letting the business and existing home remain as it is now? **Gary Firestone** stated that the applicant could choose not to do the final plat and keep it as a single lot and continue the nonconforming use. In this situation, the alteration is not executed. The Planning Commission's choice is limited to options #1 through #3.

Discussions followed on how the proposal would be a detriment to the surrounding area. It was the consensus of the Commission that if there is no detriment to the surrounding area now, there is no detriment by the placement of a new home.

Mike Miller voiced concern that this may be setting a precedence.

Tracy Cook moved to approve MLP-98-06 and continuation of the Non Conforming Use on a finding that the NCU, as altered by the MLP, will result in no more detriment to surrounding properties, subject to the Findings and Conditions as outlined in Exhibit 7. **Barbara Cartmill** seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.
MOTION CARRIED 5-0.

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Recess was taken at 7:55 and the meeting reconvened at 8:03 p.m.

- 6.2 Applicant: Charles Denkers
- Property Owner: Charles Denkers
- Location: 3123 SE Olsen
- Proposal: Conditional Use to replace existing garage, extend driveway build a new turnaround, and install a concrete retaining wall on a residential property in C-L Zone.
- File Number: CU-99-03
- NDA: Ardenwald

Chair Hammang opened the public hearing on Conditional Use CU-99-03 to allow for a residential accessory garage in the Commercial Zone. The criteria to be addressed are found in Section 311 and 600 of the Milwaukie Zoning Ordinance

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. **Chair Hammang** asked if any member of the Planning Commission visited the site; four hands were raised. None of the Commissioners who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

John Gessner reviewed the Staff Report with the Commission. The Applicant is seeking approval to construct an 884 square foot garage, accessory to an existing single family house located in the C-L Zone at 3123 SE Olsen Street. The existing garage is to be demolished. The new garage is to be located in the rear yard, in the northeastern corner of the property. Overheads were shown of the subject site and surrounding area.

John Gessner stated that there might be a modification in the Public Works comments regarding drywells. It is possible only one drywell may be required. This will be worked out with the applicant.

QUESTIONS FROM THE COMMISSIONERS -- None.

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CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Charles Denkers, 522 SW 5th Avenue, Portland

Mr. Denkers provided color Xerox copies of the photos. He views this area as a transitional area. The transition goes from commercial automotive repair business, to the residential use to the west. He has tried to position the garage to the furthest portion of the lot where it will least effect surrounding areas.

There is another design modification to the roof. He would like to add gables at each end. This will eliminate the flat facade of the building.

Mr. Denkers stated that he has read the Staff Report and concurs with its contents. He asked that the issue of drywells be dealt with between staff and the applicant. **Gary Firestone** stated that this could be conditioned. **John Gessner** stated this is something that the Engineering staff would decide prior to issuance of the building permit.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked if this garage would be for residential use only? **Mr. Denkers** stated that there would be no commercial activity on at this site. He will use the garage to work on his own vehicles.

TESTIMONY IN FAVOR

Speaking: Darlene Walsh, 3108 SE Kelvin Street, Milwaukie

Ms. Walsh stated that she is speaking on behalf of the Ardenwald Neighborhood Association. This application was discussed by the Land Use Committee and is one that they like to see in the neighborhood. This will improve and upgrade the existing structure. The Neighborhood Association is in support of this application.

QUESTIONS FROM THE COMMISSIONERS -- None.

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QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS

Mike Miller asked how much property on residential portion must be left in natural or vegetative state? **John Gessner** stated that footprints cannot exceed 30% of the total lot area in the R-7 Zone and 15% of the area must be left for landscaping.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

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

Condition #6 was revised to read:

The site plan shall be amended to show the following prior to issuance of the building permit. All work must be completed before issuance of any Certificate of Occupancy.

- a. Roof drain connections to the proposed drywell for both the garage and existing structure;
- b. inverted siphon catch basin [to collect drainage from the new paved area] discharging to a drywell, subject to the review and approval of the Public Works Department;
- c. driveway construction details showing inverted crown or sloped section with a berm on one side to direct stormwater to the catch basin.

Additional Finding #5, "The Commission finds that the final architectural design may be as submitted as proposed during the public hearing to include a hip roof. Minor changes in design may be made as long as they comply with all applicable building standards and subject to the review of the Planning Director."

Tracy Cook moved to approve Conditional Use CU-99-03 for the construction of an 884 square foot garage as a non-commercial, residential accessory use located

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at 3123 SE Olsen Street and adopt the staff recommended findings and conditions of approval as amended tonight. **Mike Miller** seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.
MOTION CARRIED 5-0

- 6.3 Applicant: Sturgis, Bates & Klein
Property Owner: Sturgis, Bates & Klein
Location: Riverway Lane
Proposal: Realign the southern 1/3 of Riverway lane -- a private road located in the Natural Resource Overlay Zone.
File Number: NR-99-03
NDA: Historic Milwaukie

Chair Hammang opened the public hearing on Natural Resource Review NR-99-03; and Willamette Greenway Overlay Review WG-99-01, to allow for Riverway Lane road improvements. The criteria to be addressed are found in Section 320 and 322 of the Milwaukie Zoning Ordinance

Chair Hammang asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. **Chair Hammang** asked if any member of the Planning Commission visited the site; three hands were raised. None of the Commissioners who visited the site spoke to anyone at the site or noted anything different from what is indicated in the Staff Report. No one in the audience challenged the impartiality of any Commission member or the jurisdiction of the Planning Commission to hear this matter.

STAFF REPORT

John Gessner reviewed the Staff Report with the Commission. The Applicant is seeking approval to relocate the southern dogleg of Riverway Lane approximately 15-feet to the north within the former rail bed of the Portland Traction Company. Construction includes minor surface grading, placement of crushed rock base and asphalt paving to 10 feet wide for a length of approximately 258 feet. Overheads were shown of the subject site and surrounding areas.

There are no sensitive resources in the project or surrounding areas that will be affected by the construction. Impacts from the construction activities will not adversely affect any protected upland habitat, wetland or riparian areas.

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There is a small soils pile that is subject to discussion. If it impacts the riparian or upland areas of the property, it should be removed. Otherwise the soils pile should be stabilized.

QUESTIONS FROM THE COMMISSIONERS

Mike Miller asked how large is the soils pile. **John Gessner** stated that it is about ten yards. It consists of unconsolidated vegetated debris and possibly some gravel.

CORRESPONDENCE RECEIVED BY STAFF -- None.

APPLICANT PRESENTATION

Speaking: Gary Klein, 3115 NE 58th Avenue, Portland

Mr. Klein stated that his former address was 10795 SE Riverway Lane, and he plans on moving back to that location in the near future. He pointed out the railway bed on the overhead. This is an old railway bed that was used for a train that ran to Oregon City for many years. There was a bridge that ran across Johnson Creek. One side of the railroad bed has been purchased by the City of Milwaukie. There is blacktop on the bed and it is now being used as a bikeway from Milwaukie to the boatramp. They are planning to do something very similar. There was an old bridge that connected to Lava Drive.

Mr. Klein stated that he has read the Staff Report and concurs with its contents. They have been working with Pendleton for over two years to acquire this property.

QUESTIONS FROM THE COMMISSIONERS

Barbara Cartmill asked if this is part of a planned pathway with other cities? **John Gessner** stated that the City of Milwaukie has expressed some interest in the purchase of his property to the east. This might be a potential connection with planned pathways. He is not aware of any active plans to purchase the property.

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Mike Miller asked if the soils pile had been graded? **Mr. Klein** stated that the pile is sloped along the edge of the drop on the end. It will just go down further to the bottom of the berm. It is outside the 100-year flood plain.

TESTIMONY IN FAVOR -- None.

QUESTIONS OR COMMENTS -- None.

TESTIMONY IN OPPOSITION -- None.

ADDITIONAL COMMENTS FROM STAFF -- None.

QUESTIONS FOR CLARIFICATIONS

Tracy Cook asked how this would be maintained?

Speaking: Carl Bates, 10719 SE Riverway Lane

Mr. Bates stated that a maintenance road agreement has been designed so if there were any repair, all affected property owners would vote on it.

APPLICANT'S CLOSING COMMENTS -- None.

DELIBERATION AMONG COMMISSIONERS

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

Tracy Cook moved to approve applications NR-99-03 and WG-99-01 for relocation and reconstruction of approximately 258 feet of the southern leg of Riverway Lane and adopt the staff recommended Findings and Conditions of Approval. **Mike Miller** seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.

MOTION CARRIED 5-0.

6.4 Applicant: City of Milwaukie
Property Owner: N/A
Location: N/A
Proposal: Amend the Zoning Ordinance to add Section 1500 --

D. VII. A. 2-15
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Boundary changes to allow for future annexations, consistent with Oregon Revised Statutes and Metro Code.

File Number: ZA-99-01
NDA: All

Chair Hammang opened the public hearing on an amendment to the Zoning Ordinance, ZA-99-01 to allow for the addition of Section 1500 -- Boundary Changes. There was no one present except the Commissioners and staff. The rules that apply to a legislative hearing are in effect and all persons present know these rules.

STAFF REPORT

Alice Rouyer reviewed the Staff Report with the Commission. These are new rules that apply to boundary changes/annexations to the City. These changes are consistent with the Oregon Revised Statutes and Metro regulations.

This proposed Ordinance describes a procedure for someone to go through if they were to propose annexation to the City, or a boundary change. The Expedited Process would allow an uncontested application for automatic zone change and Comprehensive Plan designation to be applied to their property in accordance with the suggested table. The request would go straight to City Council, bypassing a public hearing. It would require adoption by City Council.

Staff recommends that the Commission recommend that City Council adopt Exhibit A, Section 1500 of the Milwaukie Zoning Ordinance, "Boundary Changes."

QUESTIONS FROM THE COMMISSIONERS

Donald Hammang asked why one of the checks is being removed from the system? **Alice Rouyer** stated that there are instances where an expedited process is favorable, such as when property owners have failing sewer systems and need to get into the City quickly for access to services. These proposals are non-controversial and would create no problems. There should be a process in place to accommodate this need.

Discussion followed on the possibility of gaining twice the amount of land. This could be an advantage to some. Potentially, neighbors still in the County could have two lots next to them in the City, without any say in the situation.

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Judith Borden stated that the provision that relates to Non-unanimous Triple Majority Consent Provision (Page 1500-2) was very hard to understand. She asked if it could be rewritten in simpler terms? **Gary Firestone** stated that staff would rewrite the provision.

Mike Miller asked what happens if there were three properties (A-B-C) and only two of the properties that want to be annexed? What avenue does the property "B" owner have to oppose the annexation? **Gary Firestone** stated that A and C can bring B in if they own half the property, half the value. The City can decide to deny the petition if B comes in and makes the case that annexation is not appropriate.

Discussions followed on modifications to the proposed Ordinance:

- 10% change limit on the zone where it is changing
- Concerns about R-20, R-10 and R-4, R-4.5
- An expedited process for emergencies -- next available meeting
- Expanded notification zone -- more than 150 feet

Mike Miller moved to recommend that City Council adopt Exhibit A, Section 1500 of the Milwaukie Zoning Ordinance, "Boundary Changes" with the deletion of Section 1504. Further, change the language for the Non-unanimous Triple Majority Consent Provision and redraft specific criteria for an expedited process for review and comment by the Planning Commission at a future meeting. **Tracy Cook** seconded the motion.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.
MOTION CARRIED 5-0.

Tracy Cook moved to recommend to Council the proposed Annexation Ordinance, Exhibit A, Section 1500 of the Milwaukie Zoning Ordinance, "Boundary Changes," deletion Section 1504 "Expedited Process" with revised language for Section 1502(A)(2) as follows:

"By written consent filed with the City for majority of the landowners in the territory to be annexed. The land owned by the consenting landowners must total over half the areas of the land in the territory to be annexed and must have an assessed value totaling more than half of the assessed value of the land in the territory to be annexed."

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Mike Miller seconded.

Ayes: Hammang, Borden, Cartmill, Cook, Miller; Nays: None.
MOTION CARRIED 5-0.

7.0 WORKSESSION -- None.

8.0 DISCUSSION ITEMS

8.1 Tree Ordinance

Mike Miller asked for a copy of the draft Tree Ordinance.

8.2 Lewelling Grade School

Donald Hammang asked for an update of the Lewelling School project. **John Gessner** stated that there is a proposal for Lewelling Grade School to sell off the southeast corner of the site, located off Willow Street, to be developed as a subdivision. **Donald Hammang** voiced concern about the mitigation of wetlands on this property.

9.0 OLD BUSINESS -- None.

10.0 OTHER BUSINESS / UPDATES

10.1 Historical Resources Commission Report -- No Report.

10.2 Community Development Director Report

Commission Calendar. **Alice Rouyer** stated that there would be a City Council joint worksession on August 30, 1999, to discuss Planning Commission goals. It was decided that Barbara Cartmill will present Goal #2, Mike Miller will present Goal #3, and Donald Hammang will present the other goals.

Alice Rouyer will be giving an update about the Urban Forestry Program at this worksession.

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A joint session with City Council is tentatively scheduled for September 20th/21st to discuss Title 3 – Natural Resource Overlay update project.

- 11.0 NEXT MEETING -- September 14, 1999
- 11.1 CU-99-02 - Harwood -- International Way

Barbara Cartmill moved to adjourn the meeting of August 10, 1999. **Mike Miller** seconded. MOTION PASSED UNANIMOUSLY. The meeting adjourned at 10:15 p.m.

Donald Hammang, Chair

Shirley Richardson, Hearings Reporter

DRAFT 8/24/99

Traffic Safety Commission
August 10, 1999
7:00 pm
Johnson Creek Conference Room

I CALL TO ORDER

Chair Stone called the meeting to order at 7:03 pm. Present were:

Susan Stone, Chair	David Aschenbrenner, Vice-Chair
Gene Covey	Ron Grasley
Jim Schierholz	Julie Wisner

Absent: None

Staff present: Mike Swanson, Interim Staff Member
Robert Shelton, Traffic Engineer
Connie Ware, Staff Assistant

Citizens Present: Ron Kappa, City Council member
Debby Patten & Ron Silverman
11880 SE 34th Avenue

II CALL TO ORDER

Chair Stone asked if there were any comments or corrections to the minutes of July 6th. No one offered any comments. Stone noted the following:

Page 1 - Discussion - Item A: to the phrase "typical time line", add the word "table".

Page 3 - Stone wished to note that she had asked Selinger whether Trimet would consider using "jitney buses" as a transportation option, and that Selinger has replied that they would be looking at that option.

Page 4 - second paragraph - 32nd Avenue neighborhood (add) "as well as Ardenwald NDA requested speed bumps the entire length of 32nd Avenue." Also scratch "STSP" and replace with "NTMP".

Page 5 - second paragraph - scratch "Stone's perception" and add "Stone's concerns that neighborhood requests of 1994 and Ardenwald Pedestrian Safety Task Force recommendations in May 1995 were not addressed in this proposal". Also scratch "emphatically". Add "Stone stated that typical standard engineering practice is to do the entire traffic calming project on the street in order to prevent vehicle speeding on

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uncalmed portions of the street". Also add "and try to find funding resources to speed hump all of 32nd this year".

Paragraph 4 - first sentence - scratch "speed hump" and replace with "raised crosswalk". Add "at their May meeting when Rob Shelton presented the proposed plan". Also add "they wanted further discussion on this issue". Third sentence - scratch "sway Council on this issue" and add "present issue to Council".

Change all "humps" to "bumps".

Page 6 - Item B - scratch "regional transportation plan" and add "Transportation System Plan (TSP)". Last sentence - scratch "interested individuals" and replace with "Board members".

The minutes were approved with those corrections: Stone, Covey, Aschenbrenner, Grasley & Schierholz voted aye, with one abstention (Wisner) and no nays.

AUDIENCE PARTICIPATION

Debby Patten and Ron Silverman were present to discuss the subject of their letter dated July 30th and responded to by the City Manager on August 5th. Swanson handed out copies of their letter and Bartlett's response. Silverman stated that Leona Seaborg first requested a 5th speed bump on 34th Avenue on November 19th, 1994. The location of the requested bump was near the intersection of 34th Avenue and Lake Road. Stone commented that the 34th Avenue speed bumps were installed before the NTMP was undertaken by the TSTB. Shelton stated that Seaborg's request was noted in a list of NTMP requests, and he had taken a look at it himself. He noted that the request does not yet qualify, even by the revised NTMP standards, although it rates more points now than it did prior to the NTMP revisions. Shelton pointed out that 1997 survey results had been sent to Seaborg.

Silverman went through the 3 points in their letter: 1) a request that the double yellow lines be removed. This sparked a discussion on passing and what effect removing the double yellow lines would have. 2) a request to change the signal lens on the traffic signal facing 34th Avenue at Lake Road, to make it less visible to drivers proceeding down the hill toward the signal. Silverman explained that they feel that drivers seeing a green light at Lake Road speed up in order to make it through the intersection on the green light. 3) a request for a fifth speed bump between the intersection and the southern-most bump on 34th. Silverman and Patten used the radar gun for three days at peak periods (7-9 am, 11-1 pm, and 5-6 pm), and found that nearly all vehicles were traveling at 32 to 35 miles per hour, going too fast for the couple to obtain the vehicle license plate numbers. The fastest vehicle was clocked at 52 mph traveling downhill toward the signal.

A discussion ensued about what effect speed bumps have on speed. The Silvermans also noted that three incidents of vandalism have occurred since March, and they feel these incidents are related to traffic.

Wisner quoted the Lancaster study and former Public Works Director Steve Hall's Dec. 16 1986 comments made at a City Council meeting, regarding the then-proposed Milwaukie Marketplace. Wisner said that vandalism has gone up and livability has gone down since the Marketplace was constructed.

Silverman presented a letter signed by everyone on his side of 34th Avenue, requesting a new traffic study. Silverman also noted that a proposed expansion of Hwy.224 will affect traffic on 34th Avenue. He commented that at present, changing the lens at the Lake Road intersection would be a good start. Ms. Patten noted that 18-wheelers are often observed using 34th. Wisner shared her collection of faxes sent to the City regarding trucks on 34th, and noted the lack of a sign on the north end of 34th. Kappa commented that only a ticket would get trucks off 34th, and Council has directed staff to develop an ordinance to address the problem of trucks on residential streets. Wisner stated that Steve Hall had promised that the Milwaukie Marketplace would not increase traffic in the neighborhood. There was a discussion about the lack of effect of NO TRUCK signs that have been placed.

Stone asked staff what could be done; Shelton replied that changing the traffic signal lens to a "short distance visibility" type could be accomplished through a Traffic Control Device Request. He noted that the County maintains all traffic signals in the City that do not belong to the State, and he would have to ascertain whether the signal housing would accommodate a different lens type. If it will, he will try to locate a source for a new lens and get a quote.

Silverman commented that while 27th was being overlaid recently, a convoy of Pacific Rock Products trucks had been observed using 34th, despite the NO TRUCKS signage. He had called the company and been informed that "they had been told to use that route". Shelton replied that the contractor had given those instructions to the supplier, and that the City had stopped it as soon as they heard about the problem.

Kappa suggested that the number of speeding tickets issued in the stretch of Lake Road between 27th Avenue and Freeman Way be researched as well. He noted that the Council receives quarterly reports from the Police Dept. on numbers of tickets, and finding out how many are issued for the target area would indicate the level of enforcement; the same officers patrolling that area could probably be redirected to include 34th.

Wisner pointed out that the Lake Road Neighborhood Association Vision statement addresses traffic volume; a discussion followed about relative traffic volumes and livability in the area.

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Wisner MOVED that the TSTB recommend that traffic engineer Tom Lancaster be hired to evaluate 34th Avenue and surrounding neighborhood streets, especially the Oak Street intersection, to solve the problems that have been created by non-local through traffic. There followed a discussion about the problem of diversion. Covey SECONDED the motion, which passed with Stone, Aschenbrenner, Covey, Schierholz, Grasley and Wisner voting AYE. There were no abstentions or nays.

Shelton will bring speed and volume counts that were last done in the area to the next TSTB meeting. There was a discussion about the affect of traffic counts on vehicle speeds.

Stone requested the addition to the minutes of the information previously quoted by Wisner; staff copied the information and will add it to the next packet.

Stone asked Swanson what could be done to advance this issue to Council; he will speak with Martha Bennett and Dan Bartlett. He pointed out that the board had spent one hour on one issue and Council would like the board to spend their time reviewing larger issues such as regional transportation. The board members asserted that this is a regional transportation issue, and that once resolved it will not take up any more of the board's time.

III DISCUSSION

A. Council Response to TSTB motions

Swanson reported that Council has committed to reviewing the TSTB minutes and does not want a different procedure for one board as opposed to the others; the motion transmittal form is not necessary.

Traffic Control Device Requests will be forwarded, although some will be completed while other will still be in the process when TSTB sees the requests.

Speed bumps/raised crosswalks on 32nd Avenue - council wished to proceed due to concerns about school trip safety for Ardenwald students. Council did not commit to speed bump the entire length of 32nd Avenue, but did commit to continue studying the needs of the area. Stone interjected that the speed bumps should have been installed in the summer of '95; since this portion is done, she feels that Council has a commitment to complete the remainder of the traffic calming on 32nd. Stone asked what would be required to get an estimate for the rest of the speed bumps. Swanson replied that he will be working on the Capital Improvement Program in the future, and will see where this project fits into the City's street improvement program. Shelton said that if Stone wants to suggest where other speed

bumps should be placed, he would be willing to work with that configuration in order to draft an estimate of cost.

B. Council desire for NTMP to include provision for private funding of traffic calming projects

Swanson said that Providence Hospital has expressed a commitment to donate some money toward traffic calming on 36th Avenue, with some provisions. He noted that the draft NTMP provides for private funding of traffic calming projects, as long as they have sufficient points to qualify. After some discussion, it was agreed that the NTMP addresses both the private funding question as well as releasing the City from any costs associated with removal of a traffic calming installation that is found to be unacceptable after installation. Shelton noted that 36th ranks very low on the NTMP; in fact, it is on the bottom of the list. The group agreed that it is unlikely that 36th would garner enough points to merit a traffic calming installation, even if private funding is available. No change was made to the NTMP. There was some discussion about the cover memo that will accompany the NTMP to Council at the rescheduled meeting on August 31st.

C. Traffic Control Device Requests

Shelton gave a quick background on each of the TCDR's that were included in the packet. The request for a stop sign and/or striping improvements at the Oak Street/Railroad Avenue intersection sparked a lively discussion; Shelton passed around pictures of a similar intersection in Beaverton to illustrate one solution for the problem. The group discussed potential signage at the intersection as well as other centerline configurations. Shelton will present both suggestions to the Street supervisor and CD Director for final determination of the best solution.

D. 42nd Avenue Sidewalk Improvements

Shelton outlined the project, which includes two separated areas on 42nd Avenue. The addition of these new sidewalks will give the City a continuous sidewalk from King Road to Railroad Avenue. Both portions were requested by schools in the School Trip Safety Program, and the northern portion will also serve pedestrians seeking to walk to the Water Tower Park at 40th & Harvey. Due to the City's desire to preserve some existing trees, there will be some narrowing of the street in those areas that may work to slow traffic, and a failing drywell will be replaced. The angle of the intersection of Railroad at 42nd will be changed, making it closer to a 90° angle than the present configuration.

VII. A. 3-6

Referring to the drywell and work near Railroad Avenue, Kappa noted that the Endangered Species Act will impact drywell installations, which in many cases will no longer be allowed. Shelton explained how the stormwater will be routed for the project. Aschenbrenner asked if crosswalks will be installed; Shelton replied that crosswalks are outside this scope of work, although crosswalks could be added later via TCDR. Aschbrenner suggested that, as 42nd Avenue leads to the King Road Shopping Center, traffic counts taken before and after the project could provide information as to whether the traffic increases once the improvements are done. Shelton noted that he has some fairly new counts, and could certainly take new counts after the project is completed.

Stone commented on the north section of the project, saying that she had taken a phone call from a citizen regarding a lack of signage near the Water Tower Park. Shelton had also received a call from the same person, and thought that the addition of a playground sign would be appropriate, although it could not be installed as an official part of the project, which has a narrowly defined scope.

E. ACTS/Oregon Grant Application as Submitted

Stone asked whether the letter of support promised by the Police Chief had arrived, as she had not noticed it in the packet. Shelton said that it had arrived one day after he had mailed the application, which was one day ahead of the deadline. He had simply put the letter in the mail, so it would get to ACTS and be united with the grant. Stone would like a copy; Shelton had not taken a copy before it was mailed, but noted that the Chief may be able to provide a copy. Shelton noted that the TSTB won't hear whether they get the grant until October at the earliest. Stone noted that a photo shoot for the poster had already occurred.

F. OTHER BUSINESS

Kappa reported that the Endangered Species Act requires that if a project takes away from the potential of salmonids to recover, the project must be redesigned. This means that projects with drywells, storm drainage, etc. will be affected. Kappa will forward more information as available.

Aschenbrenner asked about the Regional Transportation Plan; Kappa replied that it is available in draft form, and Swanson could probably get one. Aschenbrenner asked if the public comment period has elapsed; Kappa replied that this portion of the work has not occurred yet, but is expected this year. Swanson should have some information about this in September.

Aschenbrenner also asked for the Trimet Rapid Bus information, as well as the McLoughlin Corridor Study. Kappa noted that Metro has citizen involvement groups associated with each of its' projects.

Stone asked Covey about the Lewellyn Neighborhood Association; he reported that the NDA will not be meeting this summer as he had previously stated. He plans to go to the September meeting, and will bring up the School Trip Safety Program with them at that time. There was some further discussion about the Logus Road area and pedestrian needs.

IV INFORMATION SHARING

- A. Stone reminded members to call staff if they will be unable to attend a TSTB meeting.
- B. Swanson passed out the Oregon Transportation Safety Conference information. Wisner asked how many TSTB members can attend; Shelton will find out what the budget will allow.

V. FUTURE AGENDA ITEMS

After consulting their various schedules, the group decided that the next meeting will be held on September 14th.

V. ADJOURNMENT

Stone MOVED and Aschenbrenner SECONDED a motion to adjourn the meeting. Meeting was adjourned at 9:48 pm.

/cjw