

**MILWAUKIE CITY COUNCIL  
REGULAR SESSION  
NOVEMBER 16, 1999**

The one thousand eight hundred and twenty-seventh 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  
Jim Coleman,  
City Attorney  
Charlene Richards,  
Assistant City Manager

Martha Bennett,  
Assistant City Manager  
Jan Gehlen,  
Finance Director  
Michelle Gregory,  
Neighborhood Services Manager  
Ken Frentress,  
Battalion Chief, Clackamas Fire Dist.

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Life Light 1999 -- Proclamation**

Mayor Tomei read a proclamation naming December 6, 1999, as *Life Light 1999* in the City of Milwaukie.

**World Aids Day -- Proclamation**

Mayor Tomei read a proclamation naming December 1, 1999, as *World Aids Day* in the City of Milwaukie.

**Acquisition of Stanley and Willow Property for Future Neighborhood Park**

Councilor Marshall announced the City had acquired a .93 acre site at Stanley Avenue and Willow Street for a future neighborhood park.

**CONSENT AGENDA**

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

1. City Council Minutes of November 1 & 2, 1999; and
2. Resolution 40-1999: A Resolution of the City Council of the City of Milwaukie, Oregon, Determining the Second Regular City Council Session of December will be held on December 20 Immediately Following the Work Session.

**Motion passed unanimously.**

#### **AUDIENCE PARTICIPATION**

**Dorothy Snowhill**, 10218 SE 36<sup>th</sup> Avenue. She understood that the City was taking the position that 36<sup>th</sup> Avenue did not qualify for speed humps based on the Neighborhood Traffic Management Plan (NTMP). She also understood that her only recourse was ask the City Council for special consideration based on the street's unique location next to a hospital. She asked that the Council consider her request, direct staff to design the speed humps, and seek approval from emergency agencies.

**Bartlett** said staff would put the item on a December Council agenda for action.

**Kelly Hood** and **Amy Wheeler**, Milwaukie High School. They thanked the City on behalf of the veterans, students, and faculty for allowing parking for Living History Day on November 10. **Hood** announced that the drama department was staging *How to Succeed in Business without Really Trying* on the upcoming weekend and urged the community to attend.

**Mayor Tomei** and **Councilor King** agreed that Living History Day was a moving experience for all participants.

**Linda Hatlelid**, 8617 SE 36<sup>th</sup> Avenue. She read a statement into the record that noted the existing and proposed rights-of-way had not yet been marked on Johnson Creek Blvd. for the improvement project. She asked how work on the storm sewer installation could continue if there were discrepancies between plot maps. She also noted that a third right-of-way proposal was introduced at the Ardenwald Open House which overlapped the existing property at 4277 SE Johnson Creek Blvd. by twenty feet and took off the corner of a nearby house. This should be grounds for tell the City of Portland to stop the project until the discrepancies are justified.

**Richard Cayo**, 4203 SE Johnson Creek Blvd. He gave the City a check in the amount of \$114 for preparing a response to a public information request. He discussed the expenses the City would incur for leasing and upgrading the Safeway building prior to Tri-Met relocating its bus transit center.

**John Denny**, 1212 Division, Oregon City, North Clackamas Junior Softball Association. He has been involved in youth sports for twenty-two years, and the number of girls' teams has increased to twenty-six. The number of fields available, however, has decreased over the years. Three fields were lost when the aquatic park was built, and the two fields at North Clackamas Park are used mainly by adults. For the last five years, the Association has spent between \$4,000 and \$5,000 annually to maintain the school district's fields. If the Milwaukie Middle School fields are lost to development, area youth will suffer the

loss of that valuable resource. High school teams use these fields, and if they are displaced, they will in turn displace others. The youth represent more than 2,000 families that could help support a bond measure. Denny also responded to several Councilors' questions from the previous night's work session: (1) the annual budget is about \$30,000 funded through registration fees, sponsorships, and fundraisers; (2) there are about 335 players most of whom come from Milwaukie schools with a few from the Oak Grove area; (3) no estimate of how much money could be generated for downtown businesses by sporting events; (4) recreational areas are shrinking or being lost to adult leagues; and (5) if fields are lost, teams will have fewer practices and make up games will likely not be rescheduled.

**Mike Schiele**, 4400 SE Naef Rd., Junior Baseball of Oregon. Youth sports groups have talked both to the School and Parks Districts, but concerns about the loss of facilities and elimination of after school programs seem to have fallen on deaf ears. Many of the Parks District programs are oriented toward adults in order to generate more income. It seems promises are always made to build athletic fields, but that never happens because of wetlands and ground contamination issues. He believes there will be more vandalism and youth problems if opportunities for sports participation is taken away. The Middle School site must be reserved for community recreation. The children on the westside of I-205 need athletic fields on the westside, not the east.

**Debbie Whitaker**, 6530 SE Plum Drive, Milwaukie Soccer Club President. She urged leaving the existing field at Milwaukie Middle School for soccer use. The City's classic teams need that facility in order to register, and there is currently no alternate location. She added that the School District is already planning to expand the Milwaukie High School buildings onto existing fields. Youth sports will bring parents into the downtown area and help businesses. She recommended that the City Council consider Milwaukie's youth and its downtown businesses and improve the facilities it has.

**Bonnie Petty**, 12412 SE 60<sup>th</sup> Court – C, Milwaukie Mustang Basketball Administrator. The Association represents about 700 first- through eighth-grade players and families who are involved in fifty-two recreational and twelve classic teams. Players come from eleven Milwaukie schools, and the season lasts from November to March. The loss of the Milwaukie Middle School gym would be very detrimental to the program, since the teams already have inadequate gym time. Milwaukie High uses that facility for some of its games, so, if it is lost, a domino effect would begin and result in the recreational teams losing more gym space. The North Clackamas School District is the only one in the Three Rivers League that does not offer middle school sports, and it also charges the Association for gym use. Other cities smaller than Milwaukie take a greater interest in their youth. It is time for the City to get involved with its youth and help provide athletic facilities. Loss of the Middle School site would be detrimental to all the youth sports programs and the families who rely on them. She urged that

the City Council support youth programs and help develop a better place for children to grow up. She did not want people to give up on Milwaukie as a place to raise their families because other communities offer better sports programs. Education is still the top priority, but sports motivate many students to stay in school.

**Dave Worsley**, 4722 SE Jackson, Milwaukie Youth Football and Junior Baseball He read a letter from Larry Nelson, Milwaukie Youth Football Association President, to John Denny. He cautioned that Milwaukie was a community at risk of losing one its most valuable resources, its youth. The Parks District never replaced the Ickes Jr. High playing fields when the aquatic park was built, and it will likely never materialize. Closing Milwaukie Middle School represents a great loss including the gym for basketball, grass fields for soccer and football, and the building for classroom and meeting spaces. It is time to let others in the community know that youth sports advocates are prepared to act in order for the facility to be converted to a Community Youth and Sports Complex. There are few things more important than providing for the positive development of our youth.

**Ryan Jones**, 9941 SE Wichita Avenue, student. The Middle School is needed for its courts and fields for youth sports. If the school closes, put in recreation for younger kids and the next generation.

**Sally Collins**, 11367 SE 35<sup>th</sup>, Friends of the Milwaukie Pool. Her position on the pool is well known, but she also wanted to go on record as supporting all youth programs. She was concerned about the redevelopment concept map that made recreation look like an afterthought. She provided copies of an October 31, 1999, *Oregonian* editorial by David Sarasohn, "City planning as if children lived in one" urging decision makers to keep the needs of children in mind when planning for development. The Milwaukie pool served between 1,100 and 1,500 children last summer through lessons and open swims.

**Joe Loomis**, 3610 SE Filbert, Milwaukie Junior Baseball Association President. He has been involved with youth athletics for sixteen years both as a parent and coach. Last year, Milwaukie Junior Baseball had thirty-nine teams and served 480 youth between the ages of six and fourteen. The Association, a non-profit organization, spent over \$31,000 on equipment, uniforms, field maintenance, toilet rental, insurance, and umpire fees last year. The money was collected through participation fees, fundraisers, and sponsorships. The Association does not support any of the proposed uses of the Middle School site other than for development into a multi-use sports complex and community facility. He discussed game and tournament scheduling which would bring vital foot traffic into the downtown area and help support local businesses. Supporters of youth athletics worked to help pass the Parks District bond measure, but the District Director stated at the previous night's Council work session that the fields would probably not be built in our lifetimes because of soil contamination. Now the

money has been used on other projects. Redevelopment should focus on investing in the children of the community rather than what will generate the most income. Milwaukie has no facilities for youth sports such as those of other cities like Canby and Gladstone. The City Council has the opportunity to correct earlier oversights and noted that both Mayor Tomei and Councilor Marshall were quoted as saying that problems, such as the Oregon City fight club, result when there is a lack of things for youth to do. He urged the City Council honor its commitment to youth. The Association would help if the Council sincerely wants to provide for the future through Milwaukie's youth. Furthermore, the Association would not support any plan that does not retain the Milwaukie Middle School property for youth activities.

**Mark Wittig**, 4943 SE Winworth. He grew up in Milwaukie and believed this was a good, positive community in which to raise a family. It is the kind of community to which people return. If Milwaukie does not offer youth programs, those families that can afford to, will move to communities that do. He urged maintaining youth activities at the Middle School site because people are drawn to a well-rounded community.

**Matthew Willers**, 10049 SE Hollywood. Children need programs so they can grow up and be a part of the City. People hear about the bad things youth do, but part of it is our fault because we do not give them things to do and places to go. If you build this center, they will come.

**Joyce**, 5129 SE King Rd. As parents, adults, and responsible people, the community needs to put its children first.

**Sandy McCune**, 11353 SE 33<sup>rd</sup>, Park and Recreation Board member, Friends of Milwaukie Pool. Providing a place for children is essential when building community. Children will make their marks on the community, so it is important to do everything possible to make those good marks. The Milwaukie Middle School pool, courts, and fields are all important. She urged the City Council to make sure that the people in the community can use the property to benefit the majority.

**Alex**, 4970 SE Casa del Rey. He recommended that Milwaukie Middle School be developed into a sport center because the closest one is Sports Nation in Tigard.

## **OTHER BUSINESS**

### **Emergency Operations Plan**

**Ken Frentress**, Clackamas County Fire District, Battalion Chief in charge of emergency management. He explained the City would be better prepared both legally and formally for potential emergencies by adopting the Plan.

It was moved by Councilor Kappa and seconded by Councilor Lancaster to read the ordinance amending municipal code title 1 by adding an emergency operations plan for the first time by title only. Motion passed unanimously. The ordinance was read for the first time by title only.

It was moved by Councilor Kappa and seconded by Councilor King to read the ordinance amending municipal code title 1 by adding an emergency operations plan for the second time by title only. Motion passed unanimously. The ordinance was read for the second time by title only.

It was moved by Councilor Kappa and seconded by Councilor Lancaster to adopt the ordinance amending municipal code title 1 by adding an emergency operations plan. Motion passed unanimously.

**ORDINANCE NO. 1864:**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON,  
AMENDING TITLE 1 OF THE MILWAUKIE MUNICIPAL CODE BY  
ADDING A NEW CHAPTER WHICH ADOPTS AN EMERGENCY  
OPERATIONS PLAN FOR THE CITY OF MILWAUKIE.**

**Year 2000 Project Status and Strategic Plan**

**Bartlett** presented the staff report in which the City Council was requested to approve the Year 2000 Project Status and Strategic Plan. SB 268 created an affirmative defense for a public body against Y2K failures if the public body makes a good faith effort to develop and implement a plan before January 1, 2000. The City of Milwaukie has gone through a phased process beginning in 1997 to replace and upgrade its systems. Based on a survey of its critical systems, the City believes they will function. The City has also received affirmative responses from the major utility providers and banking institutions.

It was moved by Councilor King and seconded by Councilor Marshall to approve the Year 2000 Project Status and Strategic Plan. Motion passed unanimously.

**Community Development Block Grant Application 2000 - 2002**

**Gregory** presented the staff report to City Council outlining the projects she presented at the Community Development Block Grant (CDBG) public hearing on November 10, 1999. Staff reviewed the Capital Improvement Plan (CIP) and identified those areas of the City eligible for CDBG funds based on HUD income standards. The projects identified were: tennis court reconstruction and pedestrian access improvements to Century Park; park land acquisition in the Ardenwald neighborhood; seismic shelf bracing at the Ledding Library;

dumbwaiter service extended to the Library second floor; walkway network improvements in Ardenwald neighborhood; and sidewalk, curb, and gutter installation on Stanley Avenue from King Road to Willow Street. The total cost of all of the proposed projects is about \$800,000. The City match would be approximately \$160,000 if all of the projects were awarded CDBG funding.

The November 10, 1999, public hearing was held for the purpose of gathering information on what County residents see as housing and community needs. No actions were taken at the hearing, and project applications are due November 19, 1999.

### **Blanket Purchase Orders**

**Gehlen** presented the staff report in which the City Council was requested to adopt a resolution authorizing the City Manager to execute certain purchase orders and contracts in excess of \$25,000 for the current fiscal year 1999 - 2000. This action is in accordance with the City's purchasing policy that any vendor receiving payment in excess of \$25,000 annually must have City Council approval.

**It was moved by Councilor Kappa and seconded by Councilor King to adopt the resolution authorizing the City Manager to execute certain purchase orders and contracts for fiscal year 1999 - 2000. Motion passed unanimously.**

#### **RESOLUTION NO. 41-1999:**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS FOR FISCAL YEAR 1999 - 2000.**

### **City Attorney Contract and Purchase Order**

**Bartlett** presented the staff report in which the City Council was requested to authorize the City Manager to sign a contract extension and purchase order increase in the amount of \$160,000 for City Attorney services. The increase is due in part to the expedited parks acquisition program and several lengthy code enforcement cases in municipal court. Protocol for the use of City Attorney time will be reviewed with staff in efforts to reduce additional expenditures.

**It was moved by Mayor Tomei and seconded by Councilor Lancaster to authorize the City Manager to sign a contract extension and purchase order increase in the amount of \$160,000. Motion passed unanimously.**

### Board and Commission Appointments

**Mayor Tomei** made the following board and commission appointments with the consensus of Council: Brian Newman to the Library Board; and Peter Koonce and David Aschenbrenner to the Budget Committee.

### City Attorney and Municipal Court Judge Evaluations

**Councilor Kappa** said he would like to extend the evaluation process begun with the City Manager to the City Attorney and Municipal Court Judge. Decision will need to be made on certain municipal court issues including funding.

**Bartlett** suggested a work session with the City Attorney after the first of the year. Since Ron Gray is running for political office, he recommended scheduling a session on Municipal Court after the 2000 Primary. Goals and strategies would be discussed outside of executive session.

### Community Involvement

**Councilor Marshall** suggested that the City Council look at Neighborhood District Association (NDA) funding. He and Councilor Lancaster have recently been attending NDA meetings and found the low resident turn out to be disappointing. The only time the NDAs seem to flourish is when there is a negative interest. The Council has heard some very compelling comments from the community about the need to support youth activities. Although he has always been a strong NDA advocate, he suggested the City Council look at shifting some financial support to the youth of the community.

**Councilor Lancaster** said this was not necessarily moving away from supporting the NDAs but looking for a better way to connect the community and youth. What the City Council has heard from the community about youth activities and involvement has been very positive.

**Bartlett** said the City was open to working with all stakeholders on the future of the Milwaukie Middle School site. The City of Sherwood recently used its financial capacity to help develop a successful youth center operated by the Y. If the City Council wishes, it can also re-evaluate its participation in the Parks District and perhaps re-direct that effort.

**Councilor Kappa** commented that some of the staff time that is currently reserved for the NDAs could be redirected to youth issues.

**Bartlett** suggested reviewing these concerns during the budget process.

**Councilor Marshall** explained he was not advocating that the City no longer be supportive of the NDAs, but it is Council's responsibility to direct resources to those areas that would provide the most benefit for the greatest number of residents.

**Councilor Lancaster** added that parental involvement needs to be targeted in whatever structure the Council sets out.

**Councilor King** understood there was federal funding to help support programs of this nature.

#### **ADJOURNMENT**

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

**Mayor Tomei** adjourned the meeting at 7:30 p.m.

*Pat DuVal*

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Pat DuVal, Recorder

November 1, 1999

In an attempt to answer the July 21, 1999, letter from Eric Snow to Martha Bennett, I called Mr. Snow several times. When he returned my call, he stated that all problems on 36th Avenue have been turned over to Rita Kester, Public Relations Coordinator. She came to my home to meet with me. She assured me that the Administrator felt that only the majority of residents on 36th Avenue need to agree to the need for speed bumps. We had secured 22 signatures for the 28 homes involved. I gave her a copy of the document to copy for her files. I also gave her the information to copy which I presented to the City Council on 6-8-99, the meeting which Mr. Snow missed.

In the last conversation with Mr. Snow, he stated that there were no longer any "MoM and PoP" ambulances operating, and that I had secured compliance from all those now operating. Mrs. Kester was to check this out and advise me if anything more was needed.

Since 1984, I have been pointing out to the City that the criteria for a private road has been ignored by the City and the hospital. There is no Oregon Revised Statute (ORS) to cover this. It is Common Law based on Old English Law.

When I inquired about the Schnitzer road of an engineer for the City of Portland, he stated, "I don't want to hear about it. I have enough roads to take care of now." Has our City taken a similar position? "If we ignore it, maybe it will go away." The law is still the law, but this one has been ignored for years.

Also ignored was the stipulation that no ambulances would use the auxillary entrance. See attached notarized statement from Ronald Bennett. He felt that City records should confirm this. But City records cannot be found, even though Public Records should be available by law. I offered to climb up into the storage area and search, but was refused. Microfilm at the Oregon Journal and The Oregonian did not cover this segment. Files for The Milwaukie Review are in Eugene, so I am told by the former Publisher. No, I did not drive to Eugene.

We just missed the NTMP mph by one mile. Counting all the traffic on the street (Not just Dwyer to King) would add a point or two to the total. We still fall short. Hospitals and Nursing homes are not included on the plan. We know that traffic will increase as new ventures will develop at the hospital. The City wants to keep the hospital happy, as they are their largest employer. The hospital wants to keep the residents happy. Please submit a design to the Fire Department and the Police Department for concurrence because we are a unique street funneling 85 percent of the traffic into the hospital. AND THEN WE WILL BE HAPPY. Ambulances and roads are up to you.

Att. 1

*Marthy Snowhill*

TO WHOM IT MAY CONCERN

My name is Ronald M. Bennett. I live at 4400 SE Rothe Road, Space 45, Milwaukie, Oregon 97267. Telephone 652-1446

I am a former employee of the City of Milwaukie, and worked for the City from 1965 to 1979, as Superintendent of Public Works, when Dwyer Memorial Hospital was built. At that time there was a great deal of heated discussion throught the City about use of the auxillary entrance off of SE 36th Avenue.

It was determined at that time that this entrance WOULD NOT be used by ambulances. City records will clearly reflect this fact. THIS ENTRANCE IS NOT TO BE USED BY AMBULANCES.

Ronald M Bennett

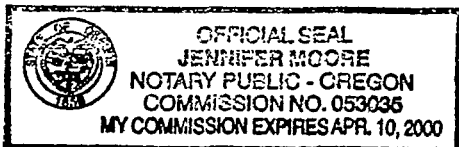
STATE OF OREGON )  
 ) SS.  
County of Clackamas )

BE IT REMEMBERED, That on this 10 day of September 1999, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named

Ronald M Bennett

known to me to be the identical individual he described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



Jennifer Moore  
Notary Public for Oregon

My Commission Expires April 10, 2000

8-30-99

WE ARE A NATION OF LAWS. WE ARE A STATE OF LAWS. WE ARE A CITY OF LAWS. This was basically stated by Her Honor, Carolyn Tomei at a recent City Council meeting.

When Dwyer Memorial Hospital was built in about 1967, a segment of Dwyer Drive was accepted into the Milwaukie road system as a private road. The City and the hospital did not adhere to the accepted criteria to maintain this segment as a private road. CLOSE FOR 24 HOURS ONCE EACH YEAR. ADVERTISE, BLOCK, AND DOCUMENT. WHERE WAS THE LAW?

In addition, neighbors were promised that the auxillary entrance would not be used by ambulances. This was immediately ignored by the City, the Hospital and the Ambulance companies. The first time an ambulance came blaring up the street and turned into the auxillary entrance, I called the hospital. They immediately put the driver on the phone. He gave such a tongue lashing that I was appalled, and then accused me of allowing people to die. Of course, I backed off. BUT WHERE WAS THE LAW?

The hard-fought-for stop sign at the intersection of 36th and Dwyer is ignored by a majority of the travelers. The City and the Hospital have both been advised of this on a number of occasions. Nothing has been done. BUT WHERE IS THE LAW?

Granting a Conditional Use Permit for the Option House to be used as an Alcohol and Drug Treatment Center was in direct violation of the Zoning Ordinance for the R-7 Zone. The City and the Hospital were in compliance, and the residents were ignored. BUT WHERE WAS THE LAW?

Seeking to place a doctor's office in the R-7 zone again violated the zoning ordinance. The Hospital submitted the application and the City accepted it and began the procedure to grant it. A consensus of local residents stopped this action. THE LAW WORKED THIS TIME IN FAVOR OF THE RESIDENTS.

The hospital hired a City Planner from Portland State College to attempt mitigation and a zone chnge. This was aborted. We were not interested in a zone change and we still had the numbers to avoid this.

About ten years ago I submitted notarized statements to the City showing the Hospital was not in compliance with criteria to maintain the private road. THE LAW WAS AGAIN IGNORED.

I also submitted notarized statements to the City showing City equipment maintaining the entire length of Dwyer Drive. Tax dollars cannot be used on private property. At a meeting with Maggie Collins and Tim of Public Works, they admitted that the entire length of Dwyer Drive was in their street maintenance system, The City assumed responsibility for the road and considered it a City street. The Private Road Sign was removed,

and we were no longer concerned about tax dollars being spent on private property.

New faces at the City and Hospital. Now Public Works contends that they use only County Assessor's maps. They contend that a segment of Dwyer Drive is private. The City's records cannot be found covering the original construction of the hospital. City contends that their records are every bit as legal as those of the County. Ignored were the notarized statements I submitted as well as the prior direction of Community Development and Public Works.

I paid for a search of the City's public records for proof that the auxillary entrance was not to be used by ambulances. City was unable to find this, but was able to locate Planning Commission minutes which established the Private Road within the hospital complex. But no map was available. I was told that this was the extent of their records. I was told that they do not destroy old records, but apparently these have been misplaced. WHERE IS THE LAW?

I located the architect, and he furnished me with a copy of the map. It showed a five foot easement following the private road. This has never been recorded with the County, nor has the private road. I advised the City that I had a copy of the map, but they showed no interest. WHERE IS THE LAW?

The private road segment has been relocated by the Hospital, but no map of this relocation is available either. WHERE IS THE LAW?

CSO-97-09 and TPR-97-10

Letter by Susan Heiser, Senior Planner, dated 4-15-98 to Janice Berger, Providence Milawukie Hospital, states that Community Development Staff approved the building permit for the skilled nursing facility with the following conditions:

Paint stop bar at exit of Dwyer onto 36th Avenue -- This has been done.

"NO TRUCK" traffic sign (MUTCD-R 5-2) posted on Dwyer prior to granting occumpany permit for skilled nursing facility. At a meeting at my home with Rob Shelton, he stated that this sign would be posted as it was the only enforceable way of stopping truck traffic. This has not been done, and the facility opened over a year ago. WHERE WAS THE LAW?

2. Traffic counts -- not done. Hospital filed an appeal based on this section.

3. Restrict use of entrance -- Difficult to enforce, and City may not have the legal right to restrict use of the public portion leading up to the portion deemed private by the City.

Yvonne and I were both on the "cc" list, as was Mike Swanson, Interim Community Development Director, who was Susan Heiser's supervisor at the time and must have approved the restrictions.

These same three restrictions were made a part of Draft dated 6-24-98 PROPOSED REVISED CONDITIONS FOR PROVIDENCE MILWAUKIE HOSPITAL. No signature -- Only Community Development and Public Works addresses and phone numbers. This was handed out at the meeting with at least 18 residents in attendance.

On 5-19-99, I asked Jim Werfelman if he had received a response to his appeal. No response, he stated. This almost a year later.

But I found out later that he received a letter from Jim Crumley, Planning Director, dated 5-3-99, which removed all restrictions on the three prior building permits. He removed restrictions approved by the Interim Planning Director over a year ago. WHERE WAS THE LAW?

No copies of Jim's letter to Yvonne or me who were initially advised of the restrictions which would have kept the facility from opening. But they have been operating for over a year now before the restrictions were removed. WHERE WAS THE LAW?

I called Jim Crumley who has been working for Happy Vally for over a year now. He advised me that he was the Interim Planning Director, although he signed the letter as Planning Director. He apparently has a contract with the City of Milwaukie, but does it pre-date Mike Swanson? He stated that Susan did not have the authority to place the restrictions. I asked if all of Susan's work was illegal. He said "No, only this." Mike Swanson was Interim Planning Director at the time Susan sent the letter to the Hospital. The only reason Crumley gave me was that the City Manager had the only authority to place the "NO TRUCK" sign. Apparently Community Development and Public Works did not get the approval of the City Manager to place the "NO TRUCK" sign. WHAT HAPPENED TO THE LAW NOW?

Apparently the appeal filed by Jim Werfelman was also included in lifting restrictions. Did the Hospital get the \$240 back it cost to appeal?

RESIDENTS OF 36TH AVENUE LEFT OUT OF THE LOOP AGAIN.

The Care Center has been functioning for about a year before restrictions were lifted, and if you recall, all restrictions had to be adhered to before opening the facility. WHERE IS THE LAW?

WHERE IS THE LAW? Now we see that we are in the Loop, and the law comes into effect, Now comes the question of Low-Level speed bumps for our street -- a 5 block area between King Road

and Harvey which funnels 85% of the traffic into the hospital. After two traffic studies - the first paid for by the hospital and the second by the City -- we did not meet the minimum criteria to qualify for speed bumps under NTMP. Now the law takes precedence. We were advised by Public Works that our only recourse was to go to the City Council who prepared the law.

At a meeting with the City Council, they referred the question to the Traffic Safety Commission to determine the criteria for using private money for public works. A Local Improvement District would have the same basis. I have not heard their decision.

We are a unique street with unique circumstances. We don't get many sirens blaring, however hardly a day goes by without several ambulances using this entrance. Much traffic is generated by those rushing to the hospital, and often missing the turn and having to back up. Squealing brakes and revving motors are common. Trucks are common.

Remember, we are on an unimproved street - no curbs or sidewalks. It was at least 15 years after the hospital was built that the street was widened to its present width - about 24 feet even though the right-of-way is 60 feet.

The City is hesitating placing speed bumps on such an unimproved street. They talk of long-term plans. Those of us who have lived here for 30-40 years or more don't think we will ever see our street brought up to code. It's hard enough to get the pot-holes filled.

Over a year ago we asked Public Works to place the portable radar machine on our street to calculate speed. They could not authorize it. Someone authorized the placement a few weeks ago, and it was delightful to see the traffic slow down as it came into view of the radar. But as soon as it was removed, we are back where we started. Only human nature, I guess.

Just like the stop sign with visual clearance in both directions means "Why Stop Here?" They can see it is clear except for cars parked at the side of the road and children playing at the side of the road and in the street. Backing out of our driveways is hazardous much of the time.

No, we haven't had a fatal accident yet. That's what we are trying to avoid. The hospital and its related facilities are ever expanding. Increased traffic is a fact of life, and cannot be discounted.

I doubt that the City will allow the hospital to block off the auxillary entrance in exchange for another entrance off King Road. Even though that would solve our problem, and get rid of 85% of the traffic, Public Works has already said "NO" to

this solution.

Concerning the letter from Eric Snow of 7-21-99. Over a year ago the City estimated \$6000 for speed bumps. Prices usually go up instead of down. Mr. Snow did not explain how he arrived at this figure, No bids, only that is what we thought.

We are asking the City Council to consider our unique situation and allow their resolution to be adjusted under the circumstances.

The resolution requires only 50% participation. WE have exceeded that. Mr. Snow stated that this requirement was that of the Administrator, and she has been on vacation so he could not advise her of the resolution. He is to get back to me.

There are no Mom and Pop ambulance services to the hospital. The three companies have already been contacted and concur. Fire and Police need to approve design before concurring.

As the result of the newspaper article in the Clackamas Review, I received a call from the Head of Public Works at the time the hospital was built, Ron Bennett. He said that I was absolutely correct in my contention that the auxillary entrance was NOT to be used as an ambulance entrance. He stated that there were heated discussions at that time which lead to this restriction. NOW WHERE IS THE LAW?

It would appear that we have not been treated fairly many times in the past. Please consider bending the law in our direction this time and allow the low-level speed bumps on our street.

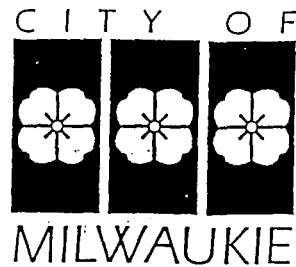
ENCL:

BERGER LETTER 4-15-98

CRUMLEY LETTER 5-3-99

*Moorthy Snowhill*  
8-30-99

April 15, 1998



Janice L. Burger  
Operations Administrator  
Providence Milwaukie Hospital  
10150 SE 32nd Avenue  
Milwaukie, OR 97206

RE: Traffic Mitigation for CSO 97-09 and TPR 97-10  
10105 S.E. 32nd Avenue, Milwaukie (BLD 98-42)

Dear Ms. Burger:

Thank-you for your letter of March 31, 1998, in which you discuss the measures the Hospital will take to mitigate the traffic impacts to the 36th Avenue neighbors. We encourage you to continue implementing your policies on informing employees to avoid using the 36th Avenue access. As we discussed at our March 17th meeting, with the 36th Avenue neighbors, traffic management on 36th Avenue will require an ongoing dialogue between the Hospital, the City and the 36th Avenue neighbors. At that meeting, several possible traffic improvements were also discussed. Some of these improvements, listed below, will be attached as conditions to your parking lot and skilled nursing facility approvals (BLD 98-29, 98-30, 98-42).

In conclusion, Community Development staff has approved your building permits with the following conditions:

1. The applicant shall have a stop bar painted, for the stop sign at the exit of Dwyer on to 36th Avenue, and have a "No Truck" traffic sign (MUTCD R 5-2) posted on Dwyer, prior to the City granting occupancy permits for the skilled nursing facility. The applicant shall work with the City to determine the proper location for the sign and stop bar.
2. The applicant shall participate in another traffic count this fall, to re-evaluate the percentage of traffic on 36th Avenue that is generated by the hospital. The January 1998 count showed that 85% of the traffic on 36th Avenue is coming from Dwyer. The City traffic engineer has set a goal of no more than 60% of the traffic on 36th Avenue originating from the hospital. If the 60% goal is not met with the next traffic count, the applicant will be required to implement a monitoring system to identify hospital related vehicles which use the 36th Avenue access. Additional counts will be taken every two months until the goal is met. If it is apparent that this goal cannot be met, the goal shall be re-evaluated by the City traffic engineer.

April 15, 1998

Page 2

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The above conditions are intended to implement the Planning Commission condition of approval No. 6 for CSO 97-09 and TPR 97-10. These conditions may be appealed to the Planning Commission within 15 days from the date of this letter, in accordance with the provisions of Section 1000. Please call me at 503/786-7654, should you need more information or have any questions on this matter.

Sincerely,



Susan Heiser  
Senior Planner

cc Mike Swanson, Interim Community Development Director  
Jim Brink, Public Works Director  
Rob Shelton, Associate Engineer  
Sharon VanHorn, Ardenwald NDA Land Use Committee  
Jim Werfelmann, Werfelmann Associates  
✓ Dorothy Snowhill  
Yvonne M. Deligorgis



May 3, 1999

Jim Werfelmann  
1805 SE M.L.K. Jr. Blvd.  
Suite 200  
Portland, OR 97214

RE: Providence Milwaukie Hospital  
CSO-95-02/TPR-95-02  
~~CSO-96-02/TPR-96-02~~  
CSO-97-09/TPR-97-10

Dear Mr. Werfelmann:

After a thorough review of the above references files, all notes, memos and related information, including site inspections; I have determined that the Providence Milwaukie Hospital is in complete compliance with all discretionary permits issued from this office.

The purpose of this letter is to memorialize the decision that all previous conditions of approval, to date, have been complied with. This copy letter will be placed in each relevant file.

I hope this letter will serve your needs.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Crumley", written over a horizontal line.

Jim Crumley  
Planning Director

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

WS.4-1

*Referred to Traffic Com.  
before I was able to  
distribute to City Council*

*8-2-99  
D. Snowhill*

Background --

". . . traffic calming on 36th Avenue between Dwyer and King." This request has always been between Harvey and King.

My concern with the ownership of the middle section of Dwyer Drive rests only with conforming to the common law of interruption of continuous use of the road.

Use of the road under prescriptive rights was not addressed by the city attorney. However, under both of these instances, ownership of the road would be best served by those entities most willing and able to maintain the road. The City and the Hospital can figure this out to the best of their abilities.

My major concern is to secure low-level speed bumps for 36th Avenue. You have been given copies of the two traffic studies. It will be noted that traffic from King to Dwyer was the only numbers used in their calculations. Traffic from Harvey to Dwyer was discounted, as was traffic from Harvey to King. Public Works stated that they could not differentiate between Harvey to Dwyer and Harvey to King, and felt that some vehicles were counted twice as a result. This seems unfair.

If 15 percent of traffic from King was either cut-through or neighbors, then the same percentage could be attributed to Harvey to King.

WS 4-2

We already have approval from the ambulance companies. The Fire department is just waiting for a design to approve, as is the Police Department.

Estimates for low-level speed bumps a year ago were \$3,000 each. Now the Hospital wishes to limit the cost to a total of \$5,000, and what about the signage they stated they would pay for. It is not very often that costs go down in this world.

More than 50 percent of residents have supported low-level speed bumps. That is all the law requires. One Hundred percent approval would be difficult even for the good Lord.

This is not an old county road. Homes on the north end (Harvey Street) were built in the 40's or early 50's. It was a dead end street and blocked at about the present location of Dwyer Drive. When the Mathilda Addition was platted in about 1958, the street was punched through to King Road. Only the eastern portion of the road was paved at that time.

No Local Improvement District for this street. See WS-4 9.

Public Works has already discounted stop signs, and had no more options to offer.

Traffic counts are costly. Who will pay? They will not be necessary if the hospital will pay for the low-level speed bumps they promised over a year ago.

We are a unique street - 5 blocks long, with traffic from both ends directed at the hospital entrance. You have to live here to understand the screeching brakes at all hours when someone is rushing to the hospital; turns missed and cars backing down to negotiate the corner; cars following emergency vehicles; angry, loud, and frustrated conversations; and honking horns.

Please ask the city to submit to the Fire and Police departments the plans for these low-level speed bumps. Your cooperation in exempting us from the NTMP criteria will be very much appreciated by the residents of 36th Avenue between King Road and Harvey.

THANK YOU.

April 20, 1998

Janice L. Burger  
Operations Administrator  
Providence Milwaukie Hospital  
10150 SE 32nd Avenue  
Milwaukie, Oregon 97222-6516

RE: Traffic Mitigation for CSO 97-09 and TPR 97-10

Dear Ms. Burger:

Attached is a recapitulation of traffic problems and various other relative information containing 13 pages. This packet has been given to all 28 houses on this block -- even the renters.

I secured a petition signed by 22 homes for an additional study after my own study proved the City report was very inadequate. Only 14 signatures were necessary for implementation of this additional study, which will be charged to your account. Also to be charged to your account outlined in the letter from Susan Heiser dated April 15, 1998, will be the study to determine the traffic flow in the fall. Both studies could be avoided, not to mention those studies listed if the reduced goal is not met.

During a meeting at my home on April 17, 1998, with Robert Shelton, he advised us that low-level speed bumps cost \$3,000 each. That day a radio report stated that a new type of speed bump made from reprocessed old tires would cost \$2,600 each and it was estimated to be double the cost of asphalt bumps. These rubber bumps could be placed in cold weather, as opposed to asphalt, and were movable for street repairs.

Inquiry was made today to two asphalt companies for a ball-park figure for two speed bumps, one between King and Dwyer, and one between Dwyer and Harvey, using the 34th Avenue example of about 24 feet by 24 feet. Parker Northwest 656-0663 (Bill) move-in alone cost for two speed bumps would be \$3,088, and if they were already in the area, \$2,407. Portland Road and Driveway 650-5006 (Tom) who already have the contract for your parking lot, stated the two speed bumps would cost about \$1,500 total. Painting and signage could be done by the City, greatly reducing all costs. Their major cost is moving in the asphalt equipment.

Item #3 of Susan's letter indicates Dwyer Avenue (Drive) apartments. These apartments were built long before the hospital and before Dwyer Drive was named and the street was punched through from 32nd to 36th. The apartments would more than likely have a Harvey Street address as that was and has been their primary entrance.

Also, ambulances and other emergency vehicles are to be

restricted to local runs. What is a local run? No parameters for this were stated. How could this ever be controlled? Does each run show where it originated? Who will police this item? This leaves too much to chance. I have no problem with fire engines. Does a local run include both ingress and egress?

Limiting employee access has been promised many times in the past, but to no real avail. What method is being used now or will be used to advise employees? This is another item which will be impossible to implement and police effectively. Cut through traffic will prevail. The employee parking lot is closer to 36th Avenue, as will be the Emergency center once construction is completed and it is returned to its former location. Current plans now dictate this. It, too, will be closer to 36th Avenue as it was in the past.

My objection is to the approval based on Susan's letter. I intend to file an objection based partly on the information in #2 of that letter. First, 60% of what? Mr. Shelton admitted to me that the January 8 study was flawed. I contended it was during a dead week and covered only one day. He has scheduled another study to last a week - Monday through Friday - after I submitted the petition from the neighbors. Any percentage should be based on the new study. Will your new study in the fall last only one day? Traffic Smithy has confirmed that the January traffic study cost \$350. for one day, plus an additional \$140 for the manual turn movement study lasting only four hours. A one-week study would cost \$410.00.

Zoning and the Option Unit house. Sections 1201 and 1202 of the Zoning Ordinance show a recourse for violation of this ordinance. I have had no response from the City since the March 17, 1998, meeting in which I pointed out again this violation. I have told the City on several occasions that I have been advised on good authority that I have an excellent case for litigation. I do not relish this avenue, however, it might create some media interest if I were to submit all of this packet to a TV station or newspaper.

The City knows that a more comprehensive study will not be completed before the appeal date expires. I begin to suspect collusion.

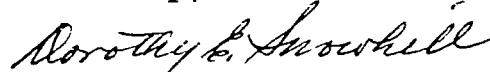
Estimated cost to restore Option Unit house to single-family residence would be at least \$25,000.00. Cost of at least two additional traffic studies - \$820.00. Cost for two speed bumps on 36th Avenue - \$1,500.00.

Since you will be having Portland Road and Driveway pave your parking lot, move-in costs would be minimal, and savings would be substantial. Please ask the City to submit a plan to the

County Fire District ASAP, and we can get this done once and for all.

Please advise the City that you no longer object to use of speed bumps on our street. No major complaint was voiced by either fire or ambulance services. Your employees who have children will be grateful that they no longer fear to have their kids or grandkids play in the front yards.

Sincerely,



Dorothy E. Snowhill  
10218 SE 36th  
Milwaukie, OR 97222  
(503) 654-0734

Enclosure  
13 Page Packet

cc: (with packet)  
Mike Swanson, Interim Community Development Director  
Jim Brink, Public Works Director  
Sharon VanHorn, Ardenwald NDA Land Use Committee  
Mary King, City Council  
Dan Bartlett, City Manager  
Susan Heiser, Senior Planner  
Rob Shelton, Associate Engineer  
Jim Werfelmann, Werfelmann Associates  
Yvonne M. Deligorgis

April 15, 1998



Janice L. Burger  
Operations Administrator  
Providence Milwaukie Hospital  
10150 SE 32nd Avenue  
Milwaukie, OR 97206

RE: Traffic Mitigation for CSO 97-09 and TPR 97-10  
10105 S.E. 32nd Avenue, Milwaukie (BLD 98-42)

Dear Ms. Burger:

Thank-you for your letter of March 31, 1998, in which you discuss the measures the Hospital will take to mitigate the traffic impacts to the 36th Avenue neighbors. We encourage you to continue implementing your policies on informing employees to avoid using the 36th Avenue access. As we discussed at our March 17th meeting, with the 36th Avenue neighbors, traffic management on 36th Avenue will require an ongoing dialogue between the Hospital, the City and the 36th Avenue neighbors. At that meeting, several possible traffic improvements were also discussed. Some of these improvements, listed below, will be attached as conditions to your parking lot and skilled nursing facility approvals (BLD 98-29, 98-30, 98-42).

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April 15, 1998

Page 2

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Sincerely,



Susan Heiser  
Senior Planner

cc     Mike Swanson, Interim Community Development Director  
       Jim Brink, Public Works Director  
       Rob Shelton, Associate Engineer  
       Sharon VanHorn, Ardenwald NDA Land Use Committee  
       Jim Werfelmann, Werfelmann Associates  
       ✓ Dorothy Snowhill  
       Yvonne M. Deligorgis



National Brand 45-602 Eye-Ease<sup>®</sup>  
45-302 2-Pack  
Made in USA

Friday March 27, 1998

Prepared By	Initials	Date
Approved By		

Vehicle Traffic - 36<sup>th</sup> Avenue

	2:00 - 3:00 PM	3:00 - 4:00 PM	4:00 - 5:00 PM
King to Harvey	6	11	11
Harvey to King	10	7	13
King to Surger	15	15	13
Surger to King	24	21	28
Harvey to Surger	3	1	4
Surger to Harvey	4	8	4
<b>TOTALS</b>	<b>62</b>	<b>63</b>	<b>73</b>
<b>TOTAL ALL VEHICLES</b>			<b>198</b>
		City Count	<b>59</b>
Note: Includes 2 Ambulances 7 trucks 1 Bike			
also: 3 Pedestrians (not included)			
South Bound to King - City	85	MO	119
North Bound from King - City	59	MO	87
North Bound So. of Harvey - City	41	MO	43
South Bound So. of Harvey - City	26	MO	46
Slow day at hospital - PR lot almost empty			



45-602 Eye-Ease<sup>®</sup>  
 45-302 2-Pack  
 Made in USA

Monday, March 30, 1998

Traffic on 36<sup>th</sup> Avenue

Prepared By	Initials	Date
Approved By		

	6 AM - 7 AM	7 AM - 8 AM	8 AM - 9 AM
King to Harvey	2	1	2
Harvey to King	4	6	4
King to Dewyer	26	23	24
Dewyer to King	9	7	9
Harvey to Dewyer	7	7	2
Dewyer to Harvey	1	2	2
<b>TOTALS</b>	<b>49</b>	<b>46</b>	<b>43</b>
<b>TOTAL ALL VEHICLES</b>			<b>138</b>
Six Walkers (not included)		City Court	74
One Truck (included)			
One School Bus (included)			
Total Cut through - 19 of 138 Total = 9.2690			
Harvey to King - Cut Through - 14 = 9.8590			

RECAPITULATION OF TRAFFIC PROBLEMS ON 36th AVENUE BETWEEN KING  
ROAD AND HARVEY STREET (Dorothy Snowhill)

January 8, 1998 - City did one day traffic study. Submitted results by Memo dated February 24th, 1998, in which it advised residents that a hearing would be held on March 17, 1998. Renters were not contacted. None received information.

March 17, 1998

I stated at the meeting that a one day study was not adequate, and did not reflect the traffic problems on our street. It was done in a "dead" week, and in the winter time when traffic was slow. The city advised that we did not fall within the parameters of the Milwaukie Neighborhood Speed Watch Program which would give us means to slow the traffic. There were 629 vehicles logged on that day, and with a projected 97 vehicles for the addition of the Nursing Center at the hospital, the total would be 726 vehicles a day, with speed estimated at 28 miles per hour. To qualify daily traffic would need to be closer to 975 vehicles and speed in excess of 29 or 30 miles per hour. The hospital would not agree to low level speed bumps, and the City advised that fire and ambulance services would not agree to such speed bumps.

March 18, 1998 - Yvonne Deligiorgis submitted a request for a three way stop at the intersection of Dwyer Drive and 36th. WE did not qualify for such a stop and I was advised that stops really did not work.

March 27, 1998

I positioned my car in my driveway, and did my own survey from 2PM through 5PM, and recorded 198 vehicles. This was broken down into six categories - King to Harvey, Harvey to King, King to Dwyer, Dwyer to King, Harvey to Dwyer, and Dwyer to Harvey.

March 31, 1998

This study began at 6AM and lasted through 9 AM. Using the above categories, I logged 138 vehicles. This count was much higher than the count by the city.

I gave this information to Robert Shelton, Associate Engineer for the City. He then agreed to do another study, and set up an appointment with me for April 17, 1998, to view the site and resolve any questions we might have.

April 13, 1998

I made a request of the City for the public records concerning the hospital, as it has always been my understanding that this auxillary entrance was not to be used as an ambulance entrance. We were promised this by Robert Dwyer, the original owner and builder of the hospital. This was confirmed by one of the

ambulance companies. City has not been able to find such a reference. Still looking.

April 17, 1998

Robert Shelton viewed the area, and met with some of us today. We advised him that the emergency entrance has been switched to the other side of the hospital. Entrance from 32nd is closer. Trucks and ambulances use this entrance as he viewed from my front window. Traffic increases and speeds up as the weather warms up. Any feed-back you can give me will be very much appreciated.

Low level speed bumps of asphalt cost the city about \$3,000. Mr. Shelton said. Radio reports today told of a new type of speed bump made from processed old tires. They are movable for road repairs, and were said to cost twice as much as asphalt, or \$2,600 each. Some research is needed. These bumps are in the vicinity of Reed College.

Developers are now requested to contribute to the infrastructure. There would be no need for traffic calming devices if the hospital was not there. I'm sure work on 32nd Avenue was mainly for the benefit of the hospital. The hospital complex will continue to grow and so will the traffic problems.

The operation of the Option Unit at 10263 SE 36th Avenue was granted a Conditional Use Permit to be used as a Drug and Alcohol treatment center in direct violation of the zoning ordinance of a use in a R-7 Zone. It has been operating as such since about 1982 still in violation of the zoning ordinance. It would be much less expensive for the hospital to pay to install the low-level speed bumps than it would be to return the Option Unit house to its legal use as a single-family dwelling in the R-7 Zone in which it is located. Then, just maybe, Providence Milwaukie can be compared favorably with Providence Portland Medical Center and their special effort to keep the neighbors happy.

*M. Snowhill*  
*4-17-98*

April 10, 1998

Since I am a retired member of the INTERNATIONAL RIGHT-OF-WAY ASSOCIATION, I contacted JERRY SWAN, 731-8443, OREGON DEPARTMENT OF TRANSPORTATION, for referrals about low-level speed bumps. ODOT does not use speed bumps, but Jerry was able to give me names to contact.

I explained the problem to him, and he stated that if the hospital was not to use this entry for ambulances, he did not understand the problem. If they were not to use this entry, there was no problem in his estimation.

April 10, 1998

Called ELLIS MC COY, 823-5214, CITY OF PORTLAND TRAFFIC CALMING DEPARTMENT. I explained the problem to Mr. McCoy. Their criteria for speed bumps was much higher in volume and only slightly higher in speed than that of Milwaukie's program. On just numbers alone, we would not qualify for their program. However, when I told him that a study in January showed 85% of the traffic was to and from the hospital, he was really amazed. He said that this was "not good, not good at all." This alone would mean further study.

Mr. McCoy was surprised that Providence was not more cooperative with the problem. He stated that the facility in NE Portland made a special effort to keep their neighbors happy.

He did not agree that low-level speed bumps would interfere with IV tubes in use on an ambulance. Said he had heard that before, but did not believe it. Other factors could easily cause such a problem.

*D. Snowball*

April 10, 1998

Operations Division, Washington County, Massoud Saberian,  
681-7037, Extension 7065. Massoud is a traffic analyst for  
Washington County. He referred me to Shelia Giambrone.  
She returned my call on April 13, 1998.

They apparently use a similar multiplier as does Milwaukie,  
85% - actual speed and posted speed. Example she gave me was  
30 MPH actual in a 25 MPH posted area. Higher speeds, that  
is, 10 MPH over posted speed get served first. Also use  
predicted volume and actual volume.

They do not have a particular threshold. Consideration is  
given to volume actually more than normal, cut through street  
taken into account, and choice of two streets. No easy yes  
or no.

Their only example with a hospital was if there was only one  
entrance into the facility. If entry can be made to the facility  
without speed bumps, then the decision should be up to the  
neighbors.

THEY DO NOT PLAY THE NUMBERS GAME, THAT IS, VOLUME AND SPEED  
ONLY. MANY MORE THINGS ENTER INTO A DECISION.

*D. Snowhill*

April 14, 1998

Called AMERICAN MEDICAL RESPONSE Dispatch Center located at 1 SE 2nd Avenue, Portland, Oregon, 231-6300. I asked to speak to someone who could give me their objections to low-level speed bumps in an neighborhood with much traffic and speed. The immediate response was NONE WHATEVER. Then she referred me to Gary Laurent, at the Milwaukie facility on Lake Road.

GARY LAURENT 659-9781 AMERICAN MEDICAL RESPONSE

I explained the traffic situation on 36th Avenue. He was well aware of the street and the auxillary entrance to the hospital. He has very little fast emergency trips, and he felt that if speed bumps would slow things down, he was in favor of a safer situation for the neighbors. HE HAD NO OBJECTIONS, and hoped we would get our problem solved.

COMMUNITY AMBULANCE 241-7283

Explained traffic problems. Dispatcher stated that hospitals usually designate emergency entrances. However, they felt they could use both 32nd and 36th. Stated that where the truck has suspension, the gurney does not. It is bolted to the base of the truck. Any bump seems to accentuate the problem. I asked how they felt low-level speed bumps rate when crossings such things as railroad tracks, pot holes, bumpy streets, and sub-standard roads. They stated that speed bumps were no worse than those stated. They understood our problems too, and hoped for a solution.

*B. Snowhill*

April 16, 1998

PHIL MOYER, DIRECTOR, AMR, CLACKAMAS COUNTY 659-8892

Mr. Moyer is familiar with our street and the auxillary entrance to the hospital. Of greater concern to his organization is the wear and tear on their vehicles, taking into consideration all of the other obstacles they encounter. Of course, patient comfort is also a concern.

He does not necessarily think that it is inappropriate to have speed bumps in certain locations. Speed is not a factor when using the back side of the hospital. It is more often used to cut through to streets leading east. They are doing what they can to make patients safer and people more aware of driving factors. SPEED BUMPS ARE NOT A PROBLEM IN THIS AREA.

He concurred that railroad tracks, pot holes, bumpy streets and sub-standard roads also tend to agravate the problem at about the same level as speed bumps.

Gresham and Lake Oswego have added many types of traffic restraints in the recent past, including circles and speed bumps. Response time is the major factor involved.

They are not against speed bumps on 36th Avenue. Each area must be evaluated separately. THEY WOULD NOT HAVE A SIGNIFICANT OBJECTION TO IT.

Mr. Moyer was aware that the auxillary entrance was not to be used as an ambulance entrance.

*D. Snowhill*

April 13, 1998

Conversation with MARK TIDWELL, Captain, Fire Department  
Milwaukie Public Service Building, 32nd & Harrison

Captain Tidwell is the Chief in charge of the station in Milwaukie. Office Number 786-7421, Voice Mail 786-7443 which will reach him via beeper if he is not in the office.

I explained to Capt. Tidwell the problems we have been having on our street with speeding and volume of traffic. He has lived in the area for 27 years, and will gladly attest to the increase in traffic in our area. He is well aware of it. He stated that he follows ambulances into the hospital via 36th and Dwyer all the time, at all hours of the day and night.

He had no objection to low-level speed bumps on our street because their entry to the hospital via 32nd Avenue was the preferred way and they now had wonderful access to the whole complex. He stated that there were such bumps on 34th Avenue, and I stated that I knew this, but when I asked for speed bumps of the Community Development Department I was told that the city could not afford the insurance for such bumps. This was about ten years ago.

Capt. Tidwell stated that he could only speak for his station, however, if needed, he could go up another level of jurisdiction to seek further approval. In addition, he would be willing to meet with us to answer any questions. Just let him know the time and place, and if he can't make it, he will arrange for someone else to do so.

He finds no additional problem with hair-line cracks in their ladders because of all the other obstructions which are involved, such as railroad tracks, pot holes, bumpy roads, and rough streets. At least low-level speed bumps are visible and can be dealt with.

*Mr. Snowhill*

April 14, 1998

Drove to Clackamas County Fire District office located at 11300 SE Fuller Road, Milwaukie, OR 97222. Asked for the Chief. He was not available, so was given ROBERT D. CARNAHAN, Field Section Chief. He read the conversation I had with Mark Tidwell, Captain, of the facility on 32nd and Harrison, Milwaukie. He asked me if I wanted a statement in writing. I said that at this point, a verbal statement would suffice. If the City needed more, we could do that later. He wanted to check with the Chief to see what their response has been in the past, and he would let me know.

April 15, 1998

Mr. Carnahan stated that he was speaking for the Chief and for Mark Tidwell. They have stated their stand at a number of meetings with the city. Generally speaking, they do not give their approval. However, he stated that the City needs to submit a plan of such low-level speed bumps to them for approval. It is likely that the 36th Avenue plan between King and Harvey will be approved, but a plan needs to be submitted by the City.

ROBERT D. CARNAHAN  
655-8536  
Pager 795-0941  
Fax (503) 655-8538

*A. Snowhill*

10209 S.E. 36<sup>th</sup> Avenue  
Milwaukie, OR 97242  
503/653-6340 (Phone and FAX)  
E-mail: Delageorge@AOL.com

# Yvonne M. Deligiorgis

March 18, 1998

Mr. Robert Shelton, E.I.T.  
Associate Engineer  
City of Milwaukie - Public Works  
6101 S.E. Johnson Creek Blvd.  
Milwaukie, OR 97206

Re: 36<sup>th</sup> Avenue and Dwyer Drive Traffic, File No. CSO 97-09, TPR 97-10

Dear Robert:

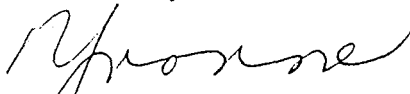
After spending some time pondering the explanations offered for traffic control on 36<sup>th</sup> Avenue as discussed at last night's meeting, I am wondering if the speeding problem can be corrected by the installation of two additional stop signs on 36<sup>th</sup> Avenue at the intersection of Dwyer Drive.

Step 4 of the NTMP states, "Improving traffic signs in the area may also be a relatively inexpensive and effective enforcement-based solution. NTMP staff will analyze existing street signs and the probably effectiveness of new signs or street striping." I do understand that your surveys did not indicate high rates of speeding on 36<sup>th</sup>, but given Mrs. Snowhill's concern (and that of other neighbors) for the amount of traffic using 36<sup>th</sup> Avenue for whatever reason, and the impossibility of speed bumps being installed, could not the problem be solved by the simple installation of these two additional stop signs? Coupled with the letters to be written by Providence Milwaukie's administrator to their vendors and her willingness to remind staff periodically not to use the Dwyer Drive exit to 36<sup>th</sup> Avenue, these additional stop signs, it seems to me, would provide another deterrent for using 36<sup>th</sup> Avenue. Ambulances and fire trucks would not be bothered by the speed bumps and coasting through a stop sign, if necessary, wouldn't really be a hazard for them since the visibility is very clear in that area.

I should also tell you that Mrs. Snowhill fully supports this suggestion and if you need to speak with one of us during the day, I would suggest you contact her (654-0734), as I am not always readily available to the telephone. Written correspondence can be sent to either of us, with a copy to the other.

We look forward to hearing from you soon.

Sincerely,



Yvonne M. Deligiorgis

cc: Mrs. Dorothy Snowhill, Susan Heiser, Janice Berger, Jim Werfelman

File No. CSO 97-09, TFR 97-10

3-17-98

Meeting to Discuss the Results of the Report on 36th Avenue & Dwyer Drive Traffic Survey for The Providence Milwaukie Hospital

After reading the report, it appears that we do not qualify for any relief for problems existing on our street.

First, I take exception to several things in the report, mostly the "Dead Week" date on which the first survey was conducted. This is the only one which residents have noted, and which duration was too short to gain significant data.

Second, "A secondary access street to the PMH is from SE 36th Avenue, but its use is discouraged." There still exists two major parking lots for both employees and visitors and patients which are accessed primarily from 36th Avenue, not to mention the Loading Dock area for deliveries. This access may be discouraged, but it cannot be enforced. Employee, visitor, patient, or delivery uses will remain at least constant, no matter the additional parking on the 32nd Street side for the new wing of the Hospital and for the existing doctors' offices (which were always overcrowded before the new parking was implemented).

Statements like "The movements counts at 36th & Dwyer taken during January 1998 will be compared to movement counts at the two hospital entrances on 32nd Avenue taken during May 1996. In this way, the additional trips generated by the proposed skilled nursing facility can be assigned to each entrance based upon the proportion of movements observed at each entrance."

The above statement is ambiguous. It is difficult to understand and will be more difficult to justify results, notwithstanding comparisons from January and May when warmer weather will naturally increase vehicle traffic. How many "other than necessary" trips did you embark on that week in January so shortly after Christmas, after Christmas sales, and the New Year's celebrations? It was like one of my early-riser neighbors observed, "There was hardly any traffic, at least, not nearly the usual traffic he sees in the mornings." I then heard via the grapevine, that employees were warned about the traffic count and asked to stay off 36th while the count was conducted.

Data compiled on 1/15/98 indicates 7:00 to 9:00 and 4:00 to 6:00. I question why these particular times were targeted? Some shifts start by 7:00 AM and by 3:30 PM. Much traffic is noted during these times which did not reflect in your peak hours. *x like?*

As the report indicates 85% of peak hour traffic accesses the hospital. The remainder of the day is open to conjecture. This surely indicates an impact on the residents of 36th Avenue.

2

I spent many hours putting together a rebuttal, seven single-spaced typewritten pages, with a contingent of neighbors we slowed down the Hospital's plan. But the City did not admit the error of allowing such a illegal Conditional Use. They (Hosp.) hired a Planning Expert from Portland State to mitigate. He asked to meet with me over lunch. I agreed, but invited two of my neighbors along. We did not want a change of zoning, and had the numbers advantage over the hospital. After several meetings, the plan was abandoned by the hospital.

In their plan they indicated that the easterly 115 feet of Dwyer Drive was a private road, and had posted it so. I asked that the sign be removed because my map showed it part of the City's system. They also maintained it in summer and winter. I received static from both the City and the hospital about this road, even though I had furnished the Planning Commission with a copy of the document by Robert Dwyer turning the last 115 feet of the road over to the city. I exhibited a meets-andbounds description as well as the map showing the exact location. At a private meeting with the City, they finally admitted that they maintained the street and it was within their system. It took months before the Private Road sign was removed.

However, Bob Vial, former Hospital Administrator, would never admit it was a public road. He stated in a meeting that he blocked off the road once each year to maintain it as private, but could not furnish documentation as the law required. I used my Notary Seal and secured a dozen or more signatures from neighbors who could never remember the road being blocked off.

I secured a copy of the Conditional Use Permit for the Option House and found that the hospital had not completed the conditions placed on the permit. During a period of construction the hospital piled excess soil on one of their vacant lots. The pile extended 12-15 feet in height. During a dry summer and with local kids using the hill for bike riding, the dust was enormous. The hospital finally removed the soil and placed a chain link fence around the lot to keep out trespassers.

The air has calmed down considerably since Bob Vial was transferred to another facility. We seem to be able to communicate with the management of the facility. To my knowledge no one objected to the latest addition to the hospital or the use for the old hospital as a nursing facility.

SE 36th Avenue is definitely a cut-through street, and as the weather gets warmer, the traffic increases in volume and speed. Volume will increase also into the hospital grounds. This is normal. We thank you for the study, but feel that it was too short to get an accurate picture; also at the wrong time of the year.

Modified speed bumps as used on 35th between Lake and Washington would solve many problems. Ambulances which make a right-hand

2

Now, I am just a simple, senior citizen who does not pretend to understand all of the implications of your traffic study. I just know that it does not accurately reflect the problems we have had to endure. There are many new faces in the employ of the city, the Planning Commission, the City Council, and the hospital staff and their resource personnel. I would like to outline a short report of previous encounters.

We purchased our home in November 1960, a nice quiet neighborhood on a paved street with open fields across the street which housed a number of wild animals including a 8-point buck who wandered in one 4th of July. Early one January, my husband came home from work just livid. He heard that Bob Dwyer had received permission from the City to build a hospital on the property, such permission was granted on New Years Eve at a meeting with the City. Not a really good way to endear oneself to the neighbors. And who will go to a meeting on New Years Eve.

The hospital was built, and when they finally punched the road through to 36th Avenue (the last 115 feet of Dwyer Drive), the traffic really exploded. Granted even we determined that some of the traffic was from the apartments north of the hospital. We called the City to ask for a stop sign at that corner, and were told in very angry tones, "Nobody has been killed on that corner." My husband and a former neighbor spent many hours in the yard to stop vehicles exiting from the hospital, with a threat of a shovel or 2x4 through the window, if they did not slow down. Our children were older, but there were many very young youngsters on the block. Possibly additional calls to the City, or possibly a report of that man with a shovel prompted the City to install the Stop sign on Dwyer, not on 36th as one had threatened me. For all practical purposes the Stop sign is ignored. About 90% of the cars do not stop, or do a California Stop.

Houses were built on the vacant lots, and eventually the hospital started to purchase those contiguous to their property. Hospital sold to Providence.

The hospital received a Conditional Use Permit for one of their houses at 10263 SE 36th, to be used as an Alcoholic and Drug Rehab Center. This was strictly in non-conformance with the R-7 zoning, but the City granted it anyway. I sent a letter of objection, but could not attend meetings as I was working out of town. My husband had passed on in 1977.

Since the hospital had the ears of the City, they then attempted to build a doctor's office on another of their rental houses at the corner of Dwyer and 36th. I secured a copy of the Comprehensive Plan and the Zoning ordinance. No doctor's office could be built in a R-7 Zone. It was not a conditional use. The hospital's plan was submitted by a licensed architect, who most assuredly would know about zoning ordinances. Still the City allowed them to submit their application to the Planning Commission.

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turn onto 36th from King Road would have to slow to the speed limit, and a left-hand turn onto Dwyer Drive also. Speed bumps would not inhibit them if they use this street, However, it must be noted that when Dwyer was built, it was promised that ambulances would not use the auxiliary entrance. This has not been adhered to.

I believe it is time for the City and the Hospital to show a little good faith and solve the problems inherent with the traffic. After all, you did state that 85% of the traffic does go to the hospital grounds. If the hospital was not there, it would be a much quieter street.

Now, let's get real.

Unless you can prove otherwise, the present Option House was granted a Conditional Use Permit in direct opposition to the existing zoning ordinance, and is operating at this time, still an illegal use within R-7 zoning. The City and the Hospital tried to build a doctor's office on another of their properties within the R-7 zone. Another illegal use which was stopped only after many meetings by a consensus of the residents of 36th Avenue.

I have asked for low level speed bumps at two previous Planning Commission meetings. Your traffic study is lacking in several instances as I have outlined above.

If the City can bend the rules to the advantage of the Hospital, it seems only fair that the City and Hospital can come up with a solution to our traffic problems -- low level speed bumps -- for the advantage of residents of 36th avenue whether your traffic study relates a need within your parameters or not.

Since developers now are asked to contribute more to the infrastructure, budgets from the Hospital and possibly the City should include this good-will gesture to the residents of 36th Avenue.

CITY OF MILWAUKIE  
CITY COUNCIL AGENDA  
NOVEMBER 16, 1999 -- REVISED

MILWAUKIE CITY HALL  
10722 SE Main Street

1827<sup>th</sup> MEETING

REGULAR SESSION - 6:00 p.m.

I. **CALL TO ORDER**  
Pledge of Allegiance

II. **PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

Life Light 1999 -- 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 November 1 & 2, 1999**

B. **Establish Date for the Second Regular Council Meeting in December -- 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.)*

**None Scheduled**

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

A. **Emergency Operations Plan -- Ordinance (Ken Frentress)**

B. **Year 2000 Project Status and Strategic Plan (Dan Bartlett)**

C. **Community Development Block Grant Application 2000 - 2002 (Michelle Gregory)**

D. **Blanket Purchase Orders -- Resolution (Jan Gehlen)**

E. **City Attorney Contract and Purchase Order (Dan Bartlett)**

F. **Board and Commission Appointments (Mayor Tomei)**

## VII. INFORMATION

- A. Board and Commission Minutes  
Park and Recreation Board, September 27, 1999
- B. Report on 36<sup>th</sup> Avenue Traffic Calming
- C. Metro Policy Advisory Committee (MPAC) Discussion Issues

## 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**, on December 6, 1999, the Oregon Liquor Control Commission will light Hundreds of Life Lights on a tree on the commission grounds in Milwaukie, Oregon.

**WHEREAS**, the Life Lights will serve as a visual reminder of their concern about safe And sober driving during the coming holiday season.

**WHEREAS**, you are invited to join symbolically with Oregon's elementary, middle, and high school students by pledging not to drink and drive or ride with a drinking Driver. Your pledge, and all others will be represented by the Life Lights, as a Brilliant symbol for all Oregonians.

**NOW, THEREFORE**, I, Carolyn Tomei, Mayor of the City of Milwaukie, Oregon, do Hereby proclaim December 6, 1999 as Life Light 1999.

And urge all citizens to join with me in expressing our sincere appreciation for the Oregon Liquor Control Commission's efforts and for their gracious participation In community events.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 16<sup>th</sup> day of November 1999.

\_\_\_\_\_  
Carolyn Tomei, Mayor

\_\_\_\_\_  
Jeff Marshall, Council President

\_\_\_\_\_  
Rob Kappa, Councilor

\_\_\_\_\_  
Mary King, Councilor

ATTEST:

\_\_\_\_\_  
Pat DuVal, City Recorder

\_\_\_\_\_  
Larry Lancaster, Councilor

**MILWAUKIE CITY COUNCIL  
WORK SESSION  
NOVEMBER 1, 1999**

The meeting came to order at 5:30 p.m. in the Milwaukie Public Safety Building Community Meeting Room.

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

Staff Present: City Manager Dan Bartlett; Assistant City Managers Richards and Bennett; and City Attorney Ramis.

**Information Sharing**

1. The group discussed the recent Metro Council meeting held at Milwaukie City Hall and some citizen complaints about notification that resulted. **Bartlett** explained that notification was Metro's responsibility, and it was unfortunate that the meeting ended sooner than advertised.
2. **Councilor King** attended the recent Johnson Creek Watershed Summit where participants discussed the Endangered Species Act and ways citizens could adjust their lifestyles to protect the environment. An inter-jurisdictional committee is working to consolidate ordinances so regulations are consistent throughout the watershed. Watershed members have expressed an interest in attending Neighborhood District Association (NDA) meetings to inform residents of the program.
3. **Councilor King** shared recent Oregonian articles and letters to the editor on the topics of big box development and speed humps. She also announced that Ardenwald teachers Deb Howe and Terri Cook would be recognized at the League of Oregon Cities Annual Conference Banquet.
4. **Councilor Kappa** commented on the Metro Policy Advisory Committee (MPAC) response to the Metro Growth Report and the possibility of a one-year extension. **Bartlett** said there would be a packet of information coming from Metro upon which the City Council could base its response. **Ramis** added that the argument centered mostly around methodology. **Bennett** indicated there were problems in Washington County because USA was the coordinating agency. There are also issues having to do with the 175 foot stream buffer impact on the boundary itself.
5. **Mayor Tomei** attended the Clackamas County Complete Communities meeting on behalf of Milwaukie where the consultant RFP was reviewed. She also asked for information relating to the employee turn over rate in Public Works and Planning. **Richards** said she would work on a response but

### III. A. 2

briefly stated that most of the employee turn over had been in Planning with very little in Public Works operations.

6. **Councilor Kappa** wanted to move forward on youth involvement in a shadow Council program.

#### December Meeting

The City Council directed staff to prepare a resolution establishing the second regular Council meeting in December on the 20<sup>th</sup> after the work session.

#### Oregon City Ordinance

**Bartlett** forwarded a request from Milwaukie Municipal Court Judge Gray that the City Council consider a fighting ordinance similar to the one recently adopted by the City of Oregon City.

**Mayor Tomei** saw no reason to adopt such an ordinance since there was no problem at this time.

After talking with Chief Kanzler, **Councilor King** understood that type of activity would be covered under existing state laws.

**Councilor Lancaster** felt that, although it was prudent to have a framework in place, fight clubs might be a fad activity that would decline as parents got involved. He asked if the City might incur any liability since it was aware of an existing condition and did not take preventative measures.

**Ramis** said the City would not be liable since there are other laws in place. The City Council could consider something more specific if necessary.

**Councilor Kappa** recommended cautious waiting to find out if the activity did move into Milwaukie.

The group agreed that it did not wish to consider such an ordinance at this time.

#### Emergency Operations

**Bartlett** explained that the state required either the City or County to develop an Emergency Operations Plan. As part of its contract with Milwaukie, the Clackamas County Fire District is responsible for maintaining the City's plan.

**Randy Bruegman** and **Ken Frentress** represented the District at the work session and discussed the proposed Plan in some depth.

**Frentress** reviewed the matrix that outlined the flow of events in an emergency response operation. If an emergency was identified in the City, the Council would be convened, and, if it deemed necessary, open the emergency operations. The City Manager would be Emergency Program Manager who in turn assigns personnel to fill key positions. He reviewed the four main functions of the center: operations, planning, logistics, and finance. **Frentress** explained that the Fire District had adopted the National Interagency Incident Management System (NIIMS) for the purpose of protecting personnel and establishing clear lines of authority and responsibility. He added that this was a dynamic program that could be amended as needed.

**Councilor Kappa** questioned how this differed significantly from the previous plan in which the Police Department had the lead.

**Frentress** said in many cases it would be a unified command, but sometimes the type of incident dictated which department took the lead. The District was committed to testing the emergency management system at least annually.

**Bartlett** added that the Fire Department generally has the resources to put into long-range planning. He also alerted the City Council that there would be an emergency exercise. There are signed mutual aide agreements in place statewide for police and fire services and public works. In order to ask for assistance, the City would have to have used all of its local resources including personnel and equipment. He added there would be an emergency preparedness article in the December *Pilot*, and booklets are available at the front counters of each facility.

**Councilor King** asked if these situations were covered by insurance.

**Bartlett** responded that after the City's own resources were exhausted, staff would track time and expenses through the Finance Department for FEMA reimbursement. Some communities have had to commit their entire operating budget to cover expenses during a disaster recovery phase.

**Councilor Lancaster** asked what private organizations the City might call upon.

**Bartlett** said there is a list of phone numbers that includes the Community Emergency Response Team (CERT) and food and shelter providers such as the Red Cross. He went on to explain the function of the various rooms in the Public Safety Building: community meeting room for briefings and media coverage; squad room would be command central; library for City Council; and fire training room for the activation area.

**Bruegman** discussed the role of the elected official. It is the District's job to provide the Mayor and Council with information, so the elected officials do not find themselves in an uncomfortable position with the media. The District is

III. A. 4

committed to preparing the City Council prior to being placed in such a situation. It is also working on a budget that would allow for an equipment cache in each fire station throughout the district. These caches will likely total about \$50,000, so it will take several years to get them in place.

**Bartlett** added that under certain circumstances involving Public Works operations, an incident command center is established at the Johnson Creek facility.

**It was consensus to direct staff to prepare a resolution adopting the Emergency Operations Plan for the November 16, 1999 meeting.**

The Council interviewed David Aschenbrenner, Shannon Scott, Brian Newman, and Peter Koonce for vacancies on advisory boards and committees.

The meeting ended at approximately 8:45 p.m.

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Pat DuVal, Recorder

**MILWAUKIE CITY COUNCIL  
REGULAR SESSION  
NOVEMBER 2, 1999**

The one thousand eight hundred and twenty-sixth 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	

Also present:

Dan Bartlett, City Manager	Martha Bennett, Assistant City Manager
Tim Ramis, City Attorney	Paul Roeger, Civil Engineer
Charlene Richards, Assistant City Manager	Larry Kanzler, Police Chief

**PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS**

**Ardenwald Elementary School Skit with the Bob Orr Players**

**Councilor King** introduced Bob Orr's 4<sup>th</sup> and 5<sup>th</sup> grade Ardenwald Elementary School class. The Players re-enacted their "Sam I Am" skit written in honor of Officer Sam Freshner recognizing his positive impact as the school D.A.R.E. Officer.

**Public Safety Appreciation Week -- Proclamation**

**Mayor Tomei** read a proclamation naming November 22 - 28, 1999, as *Public Safety Appreciation Week* in the City of Milwaukie.

**Veterans Remembrance Celebration Day -- Proclamation**

**Mayor Tomei** read a proclamation naming November 5, 1999, as *Milwaukie Elks "Veterans Remembrance Celebration Day"* in the City of Milwaukie.

**Metro Councilor David Bragdon**

**Bragdon** attended the recent Riverfront Town Hall and was impressed with Milwaukie's public outreach efforts. He stated for the record that he regretted that the recent Metro Council meeting at Milwaukie City Hall had ended sooner than publicized. Several issues that were currently before the Metro Council

### III. A. 6

were: disbursing solid waste surplus funds; Urban Growth Boundary and Report; and South Corridor Study.

**Bragdon** personally felt that some of the surplus solid waste funds should go toward local issues such as Title 3 issues and redevelopment efforts. He discussed the possible time extension and the current stream buffer issue as it relates to the Urban Growth Boundary. Bragdon also believed that the South Corridor Study needed to move forward so options such as high occupancy vehicle (HOV) lanes and enhanced bus service could be identified.

**Bragdon** gave Councilors a survey so each could identify which meeting notices he or she wanted to receive as well as a list of Metro committee representatives.

**Councilor Kappa** asked Bragdon to comment on the possibility of light rail re-surfacing.

**Bragdon** said light rail might be a long-term option, but voters made it clear that it was not an option for the near future. Light rail is not currently being considered in the South Corridor Study.

**Councilor Lancaster** asked for clarification of the solid waste surplus and if he had any influence on the transit center relocation and sewage treatment plant removal.

**Bragdon** responded to the question about the surplus and said it was very important to establish needs first. He was also supportive of the downtown Milwaukie redevelopment efforts.

**Councilor Lancaster** asked if there was a serious consideration for creating sustainable financing with those funds.

**Bragdon** said paying off the revenue bonds was considered; however, there was no real financial advantage for doing so in the next three to four years.

**Councilor Lancaster** felt this might be the appropriate time to protect assets for the future and hoped the Metro Council might take that approach. He was also concerned with the amount of land banking that was taking place and asked if Metro had a plan to maintain the property it purchased.

**Bragdon** personally supported property maintenance on the approximately 4,000 acres that Metro purchased and suggested that the surplus might help support the Greenspaces program. Metro needs to let people know how their investments are being cared for.

**Councilor Lancaster** asked how much public money was going into the Gateway to airport light rail project and who would pick up the project cost overrun.

**Bragdon** said the \$125 million project is shared by the private sector, Tri-Met, Port of Portland, and City of Portland. Land leases are being traded for construction costs. Based on previous light rail projects, he did not believe there would be a cost overrun, but, if there were, it would probably be shared among the partners.

**Councilor King** believed the surplus could be used to maintain the parks with the balance going into a trust fund.

**Bragdon** felt strongly that the money should be tracked and not disappear.

**Mayor Tomei** suggested Bragdon meet with the Council in a work session after the first of the year.

**Councilor Lancaster** had looked at his property tax statement and asked if Milwaukie could get money from the Port of Portland to help develop the waterfront.

**Bragdon** explained the taxes going to the Port were for a 1976 bond measure to develop the Swan Island Shipyard. Metro's property taxes are tied to the Zoo and Greenspaces acquisition as approved by the voters.

**Councilor Kappa** agreed that Metro needed to track the funds and keep the public informed. He added that Title 3 and the Endangered Species Act issues were important to him.

#### Moment of Silence

**Mayor Tomei** asked that people observe a moment of silence for the Mayor Koderu who recently passed away in Milwaukie's Sister City Iwaki, Japan.

#### **CONSENT AGENDA**

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

1. City Council Minutes of October 9, 18, & 19, 1999; and
2. OLCC Application for 7-11 at 10435 SE 42<sup>nd</sup> Avenue (change of ownership)

**Motion passed unanimously among the members present.**

### AUDIENCE PARTICIPATION

**Linda Hatlelid**, 8617 SE 36<sup>th</sup> Avenue, was concerned that the Johnson Creek Blvd. improvement boundaries at 40-feet and the alternate 44-feet had not been marked as promised. Only a few locations had been marked prior to the October 12 Open House. She requested that the City contact Brett Kesterson to clarify the marking issue so that he could continue with his survey. She asked that the survey be done as promised and that the residents be informed of the survey completion date.

### OTHER BUSINESS

#### Consider Public Hearing Dates for Street Vacations

**Roeger** presented the staff report in which the City Council was requested to set public hearing dates for two requested street vacations: SE 24<sup>th</sup> Avenue between SE Ochoco and SE Stubb Streets and SE 25<sup>th</sup> Avenue between SE Beta and SE Stubb Streets. Both sites, in the north industrial area, affect the same property owners.

**It was moved by Councilor Kappa and seconded by Mayor Tomei to set the public hearing dates for the street vacations on December 7, 1999. Motion passed unanimously among the members present**

#### Library Board Appointment

**Mayor Tomei** appointed Shannon Scott to the Library Board and indicated she would make the Budget Committee appointments at a future meeting.

### INFORMATION

**Councilor King** announced "Living History Day" at Milwaukie High School on November 10 and a free piano concert at the Ledding Library on November 4.

**Bartlett** referred to a memo asking Councilor Marshall's concurrence that a tax rate comparison be postponed until after the Budget Committee began meeting and the annual audit was presented.

**Councilor King** attended the Johnson Creek Watershed Summit and had information she was anxious to share with interested citizens.

**Mayor Tomei** referred to the Records and Information Management Division monthly report and commented on the volume of people with whom front counter personnel have first contact.

**Councilor Kappa** announced the upcoming Rotary Lumberjack Breakfast at the Milwaukie Center.

**Councilor Kappa** commented that the ESA would be a good development tool and felt positive about its impact on both Milwaukie and the region.

**ADJOURNMENT**

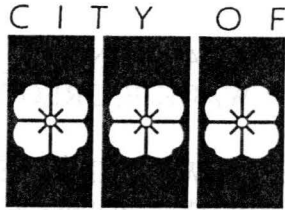
It was moved by **Councilor Lancaster** and seconded by **Councilor King** to adjourn the meeting. Motion passed unanimously among the members present.

**Mayor Tomei** adjourned the meeting at 6:55 p.m.

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Pat DuVal, Recorder





MILWAUKIE

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

November 9, 1999

To: Mayor and City Council  
From: Dan Bartlett, City Manager  
Re: Emergency Operations Plan

Action Requested

I would ask City Council to adopt the attached Ordinance approving the revised Emergency Operations Plan.

Background

Police and Fire have traditionally been responsible for preparation and maintenance of Milwaukie's Emergency Operations Plan. Our contract with Clackamas Fire District #1 has changed several elements of our previous plan. As part of our contract, the District is now responsible for maintaining our plan.

Ken Frentress has completed a draft of the revised plan. This draft has been circulated to department heads for review. The draft plan was presented for Council's consideration at the November 1, 1999, work session.

The plan describes an Incident Command System (ICS) model similar to the one Milwaukie has used for several years. Incident Command is addressed according to the attached organizational chart.

The Mayor calls the Council together. She works with the Public Information Officer to convey the status of the City's response. Council declares that a special or major emergency exists. Council determines the areas that warrant emergency controls. Council receives periodic briefings and makes decisions about extraordinary budget allocations. When the emergency is over the Mayor terminates the activity.

Budget Impact

Adoption of the plan has a very small impact to the operating budgets of the City Manager and General Government accounts. Funds are budgeted for the materials and supplies necessary to produce the plan and provide for its annual testing.

The Public Safety Building was designed to operate as an Emergency Operations Center. Major equipment and communications costs were built into the project budget. Equipment upgrade and testing has been handled within the process of our Year 2000 Plan.

Normal emergency response funds are carried in the budgets of responding departments for routine weather related events. Funds for citywide emergencies may have to be allocated from contingency or re-prioritizing capital expenditures.

cc: File -- cm2263/hd

ORDINANCE NO. \_\_\_\_\_  
MILWAUKIE, OREGON

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON AMENDING TITLE 1 OF THE MILWAUKIE MUNICIPAL CODE BY ADDING A NEW CHAPTER WHICH ADOPTS AN EMERGENCY OPERATIONS PLAN FOR THE CITY OF MILWAUKIE

WHEREAS, the City has experienced occasions requiring the activation of emergency procedures; and

WHEREAS, the City Council finds that formal adoption of an emergency operations plan establishing procedures and roles and responsibilities during an emergency is desirable; now, therefore;

THE CITY OF MILWAUKIE ORDAINS AS FOLLOWS:

Section 1: Chapter 1.15, Emergency Operations, is added to Title 1 of the Milwaukie Municipal Code to read as follows:

1.15.010 Plan Adopted.

The City of Milwaukie Emergency Operations Plan dated September 1999 is hereby adopted pursuant to ORS Chapter 401.

1.15.020 Declaring a State of Emergency.

The Emergency Operations Plan describes the conditions required for the declaration of a state of emergency within the City and names the individual authorized to declare that a state of emergency exists pursuant to ORS 401.309(1).

1.15.030 Emergency Management Agency Designated.

The Emergency Operations Plan designates the City of Milwaukie as the City's emergency management agency pursuant to ORS 401.309(2).

Section 2: The City of Milwaukie Emergency Operations Plan dated September 1999, attached hereto as Exhibit "A".

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

Read the second time and adopted by the Council on \_\_\_\_\_.

Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Carolyn Tomei, Mayor

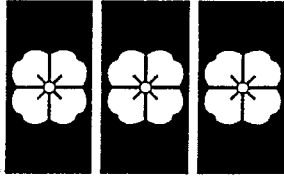
ATTEST:

\_\_\_\_\_  
Pat DuVal, City Recorder

APPROVED AS TO FORM:  
RAMIS, CREW, CORRIGAN &  
BACHRACH, LLP

\_\_\_\_\_  
City Attorney  
jmc/acm/65021/emergencyplan.or1(11/10/99)

C I T Y O F




MILWAUKIE

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

November 8, 1999

VI. B. 1

To: Mayor and City Council  
From: Dan Bartlett, City Manager   
Re: Year 2000 Project Status and Strategic Plan

#### Action Requested

I would ask that Council approve the Year 2000 Project Status and Strategic Plan attached to this cover memo.

#### Background

Senate Bill 268 creates an affirmative defense for a public body against Y2K failures, if the public body makes a good faith effort before January 1, 2000 to develop a plan and make substantial implementation of the plans. A summary of SB 268 follows.

The City has been working on this issue for three years. The following is a brief summary of efforts.

#### **Brief Overview of Internal Computer Systems**

In September 1997, the City of Milwaukie began evaluating, testing, and upgrading all internal computer-related components (hardware and software).

- In June 1998, all internal computer-related components were upgraded to their vendor's recommended product to meet Y2K-readiness. After the upgrades were installed, the City began testing the Y2K-ready products as a double-check.
- Computer software will continue to be updated as specified by vendors to maintain and achieve the latest Y2K-ready state.

#### **Water, Sewer, Storm, and Street Systems**

- In January 1998, the City began evaluation of water and sewer equipment which might, or would be, affected by Y2K.
- In June 1998, the City's water and sewer equipment was confirmed to be Y2K-ready. Contingency plans are also in place. (An example of a contingency plan is to use generators to supply electric to
- Clackamas County is responsible for the City traffic lights and has confirmed that the light system in Milwaukie is Y2K-ready.

## VI. B. 2

Page 2

### **Railroad Crossings**

- The Federal Railroad Association (FRA) is working with all railroad associations to ensure that all railroad systems are ready for the Year 2000. The latest release from Union Pacific Railroad (who is responsible for tracks/crossings within City limits) informs us that they have assessed and upgraded their systems and are currently at the Contingency Planning stage for their systems.

**911-Dispatch Services** - Our 911-dispatch equipment vendors have informed us that our existing system is Y2K-ready.

### **Police Communications**

- 800Mhz handheld radios have been confirmed Y2K-ready by their manufacturer.
- Automobile-related systems are currently being evaluated and, if needed, will be upgraded by year-end.

**US West and PGE** - Both vendors report that their upgrades have been greatly completed and testing shows no failures. For more information, both vendors have websites dedicated to their Y2K Progress.

US West: <http://www.uswest.com/about/year2000/>

PGE: <http://www.pge.com/resources/compliance/progress.html>

cc: File -- cm2261/hd

## Y2K Liability

### ◆ SB 268: Creates Affirmative Defense for Public Body on Y2K Failure

A public body must make a good faith effort and before January 1, 2000 it must:

- (a) *Identify systems* most susceptible to Year 2000 Failures;
- (b) *Prepare a written analysis of systems* used by the public body;
- (c) *Prioritize* the different systems used by the public body;
- (d) *Identify resources* available for addressing possible Year 2000 Failures;
- (e) *Approve plans and resources* to correct possible Year 2000 Failures &;
- (f) *Document* substantial implementation of the plans.

### **Introduction**

The Year 2000 problem, sometimes called "Y2K" or the "Millennium Bug", involves how dates are used in computer programs and hardware. Many computers don't track the century portion of the date. In many programs that calculate age, expiration dates, payment schedules, and other date-related information, only the two-digit year number was used. That fact is already causing problems in some computer applications.

The problem stems from the early days of writing computer programs when data storage space and CPU power were very costly. When programmers wrote code that dealt with dates, they chose to save half the disk space and processing power by only dealing with the last two digits of the date. The '19' was simply appended before the date was displayed or printed.

### **Objectives**

The primary goal of the City of Milwaukie is to protect the interests of our residents by ensuring that our systems, equipment, facilities, and services will not be unreasonably affected by the date change on, or subsequent to, January 1, 2000.

We will, to the extent of our human and financial resources, ensure that systems and services critical to the well-being of our residents be assessed, repaired, and tested prior to January 1, 2000.

Those systems, equipment, facilities, or services that are expected to be affected will be analyzed for the consequences of failure caused by the date change, as well as the cost to make the necessary modifications. All systems will be prioritized based on their criticality of function. Based on that priority list, repairs, and testing will be completed by January 1, 2000.

Suppliers of products and services will be contacted in order to evaluate their ability to supply those products and services after January 1, 2000. In addition, any new systems, equipment, or modifications must be Year 2000 ready.

Contingency plans will be developed in the event that any essential or emergency services provided by the City of Milwaukie are unavailable due to the changeover to January 1, 2000.

### **Success Factors**

The level of success of this project will be measured by:

1. Minimal impact that the Y2K changeover has on mission critical systems and our ability to provide uninterrupted service.
2. The minimization of related costs resulting from non-compliant systems.

3. Contingency plans in place for all mission critical systems.

Complete success would be to incur no impact due to the Y2K changeover. Realistically speaking, this is unlikely. Due to the complexity and numerous issues presented by the year 2000 changeover, it is possible that not all Y2K issues will be identified and resolved in time.

**Definition of Year 2000 Readiness**

Year 2000 ready software, hardware, or firmware will accurately process dates (including, but not limited to, reading, presenting, calculating, comparing, and sequencing) from, into, and between the twentieth and twenty-first centuries, including leap-year calculations. Additionally, systems must be able to accurately provide and receive data with external systems as required.

**Project Scope**

The project scope for the City of Milwaukie Information Systems and Technology Y2K project includes ensuring that all systems administered by Information Systems and Technology are year 2000 ready, as defined above. Information Systems and Technology will facilitate other departments in their year 2000 efforts and attempt to ensure completeness and minimize duplication of effort.

**Phase 1**

**Awareness, System Inventory, and Prioritization**

- Ensure that there is an awareness of the potential impacts of the Y2K changeover.
- Inventory systems that may be effected.
- Determine what systems must be evaluated.
- Request that new systems be assessed for Y2K readiness prior to acquisition and that they be added to the master Y2K inventory.
- Determine priority of systems within each area and level of commitment.
- Prepare and make report of master inventory.

**Phase 2**

**Analysis and Planning**

For each system in order of priority:

- Analyze the situation and gather information.
  - Who administers the system?
  - What must the system accomplish to be effective?
  - Is the system compliant?

- If not, is it expected to be compliant due to normal upgrades or will it need to be changed.
- Replace or repair required?
- Ensure that integration with other systems is understood.
- Identify and develop courses of action.
  - Replace
  - Repair
  - Upgrade
- Analyze and compare possible courses of action.
- Recommend a course of action.

### **Phase 3**

#### **Plan Implementation**

- Test for year 2000 readiness
  - Develop a test plan
  - Complete the testing
- Identify activities and tasks required to implement the course of action.
- Identify resources required to complete activities and tasks.
- Use backward planning to establish the timeline.
- Evaluate if we can complete each task by the target completion date.
- Request additional resources if necessary.
- Determine if a contingency plan is necessary. Recommend a contingency plan.
- Obtain final approval for task.
- Oversee and refine completion of actions.
- Test for year 2000 readiness.

### **Phase 4**

#### **Completion and Y2K Changeover Monitoring**

Final evaluation to ensure all systems within each department or functional area has been addressed, waived, or accepted. Ensure that new systems, which were introduced during this project, are year 2000 ready.

- Develop a contingency staffing plan for the year 2000 changeover
- Utilize prioritization list for working potential Y2K issues as encountered.
- Through year-end and into January 2000, continue implementation of anti-virus updates to protect systems against year-2000-specific viruses such as:
  - viruses time-dated to take effect before, on, or the day after, New Year's Day
  - viruses that try to mimic the damage expected to occur as a result of year-2000 problems

### **Milestones, Communications, and Deliverables**

#### Phase 1

- Initial and periodic on-site communications with departments and functional areas.
- Report of initial evaluation.
- Review and approve purchases of only Y2K ready systems
- Master Inventory Report (August 1999)
- Public Access TV - Report to Public (March 1999)

#### Phase 2

- Periodic on-site communications with departments and functional areas.
- Review and approve purchases of only Y2K ready systems

#### Phase 3

- Periodic on-site communications with departments and functional areas.
- Review and approve purchases of only Y2K ready systems
- Maintain project and task progress status information and provide periodic updates to managers and participants
- Completion of Pre-year 2000 effort (December 15, 1999)

#### **Phase 4 - Completion**

The completion date for the pre- year 2000 effort is (December 15, 1999). The completion date for the year 2000 final report is (November 15, 1999).

**Final Y2K Systems Status Report - Administration and Information Systems**

**Upgraded or replaced systems:**

- Office PC's and Operating System
- Laptop PC's and Operating System
- Touch Servers and Operating Systems
- MS Mail Server
- Avantos Evaluation Writer Software
- Microsoft Office Suite (Word, Excel, Access, and PowerPoint)
- Microsoft Project
- Network management hardware and software
- Cisco Routers
- Firewall
- MS SQL Server software
- Internet application software
- Dot matrix and laser printers
- Tadiran Coral Mail Voicemail system
- Desktop scanners
- Fax systems

**Systems found to be compliant:**

- None

**Systems with unresolved problems:**

- No critical systems with unresolved problems. On-going upgrades/patches to Operating and Application Systems as released by vendors.

**Final Y2K Systems Status Report - Finance Department**

**Upgraded or replaced systems:**

- IBM RS6000 and Operating System
- Touch Server and Operating System
- Office PC's and Operating System
- Microsoft Office Suite (Word, Excel, Access, and PowerPoint)
- Springbrook Finance System
- Springbrook Business License System

- Springbrook Utility Billing System
- Ceridian Payroll System
- Tax Assessment System
- Dot matrix and laser printers

**Systems found to be compliant:**

- None

**Systems with unresolved problems:**

- No critical systems with unresolved problems. On-going upgrades/patches to Operating and Application Systems as released by vendors.

**Final Y2K Systems Status Report - GIS**

**Upgraded or replaced systems:**

- Touch GIS Workstation and Operating System
- Microsoft Office Suite (Word, Excel, Access, and PowerPoint)
- ESRI ArcInfo and components
- HP Plotter

**Systems found to be compliant:**

- None

**Systems with unresolved problems:**

- No critical systems with unresolved problems. On-going upgrades/patches to Operating and Application Systems as released by vendors.

**Final Y2K Systems Status Report - Human Resources Department**

**Upgraded or replaced systems:**

- Office PC's and Operating System
- Microsoft Office Suite (Word, Excel, Access, and PowerPoint)
- HRVantage Human Resources software
- Desktop scanner

**Systems found to be compliant:**

- None

**Systems with unresolved problems:**

- No critical systems with unresolved problems. On-going upgrades/patches to Operating and Application Systems as released by vendors.

**Final Y2K Systems Status Report - Police Department**

**Upgraded or replaced systems:**

- Office PC's and Operating System
- Laptop PC's and Operating System
- Avantos Evaluation Writer Software
- Microsoft Office Suite (Word, Excel, Access, and PowerPoint)
- Microsoft Project
- Reflection/AS400 Emulation Software
- Internet application software
- Desktop scanners
- Fax system
- Dispatch CAD systems
- Dispatch recording systems
- Dispatch 911 telephone circuits

**Systems found to be compliant:**

- Motorola Handheld 800 MHz Radios Model

**Systems with unresolved problems:**

- Evaluation and any necessary upgrades/replacements to Police vehicle equipment has a completion date of December 15, 1999.
- No other critical systems with unresolved problems.
- On-going upgrades/patches to Operating and Application Systems as released by vendors.
- Note: The City depends upon statements provided by: US West Communications, City of Portland, Oregon Law Enforcement Data Systems, Portland Police Data Systems, Oregon Criminal Justice Information Systems, and Clackamas County Sheriff Systems

### **Final Y2K Systems Status Report - Planning and Public Works Department**

#### **Upgraded or replaced systems:**

- Office PC's and Operating System
- Laptop PC's and Operating System
- Microsoft Office Suite (Word, Excel, Access, and PowerPoint)
- ESRI ArcView software
- AutoCAD software
- Hansen software
- Oracle software
- Telemetry hardware and software
- Gasboy software
- Dot matrix and laser printers
- Building Security hardware and software

#### **Systems found to be compliant:**

- Motorola handheld 800 MHz radios, Model #

#### **Systems with unresolved problems:**

- No critical systems with unresolved problems. On-going upgrades/patches to Operating and Application Systems as released by vendors.

### **Final Y2K Systems Status Report - Records Information Management**

#### **Upgraded or replaced systems:**

- Office PC's and Operating System
- Laptop PC and Operating System
- Touch Server and Operating System
- Avantos Evaluation Writer Software
- Microsoft Office Suite (Word, Excel, Access, and PowerPoint)
- Microsoft Project
- Clerk's Index software
- Microsoft SQL Server software
- Microsoft Internet Information Server software
- Internet application software
- Desktop scanners

## VI. B. \_\_\_\_\_

City of Milwaukie, Oregon  
Year 2000 Project Status and Strategic Plan

- FileNet Imaging System
- Springbrook Municipal Court software
- Fax system

**Systems found to be compliant:**

- None

**Systems with unresolved problems:**

- No critical systems with unresolved problems. On-going upgrades/patches to Operating and Application Systems as released by vendors.



Friday, November 05, 1999

**To:** Mayor and City Council

**Through:** Charlene Richards, Assistant City Manager; Dan Bartlett, City Manager

**From:** Michelle Gregory, Neighborhood Services Manager

**Subject:** CDBG proposal summaries

---

**Action Requested:**

I am providing the attached Community Development Block Grant proposal summaries for Council information. I will be representing the City of Milwaukie at a Clackamas County Community Development grant public hearing on November 10<sup>th</sup> at 6:30pm at the Gladstone Senior Center, located at 1050 Portland Avenue in Gladstone. The intent of the hearing is to gather public testimony on the housing and community development needs in the area. Citizens are encouraged to attend this hearing to testify on these or other proposals. Future stages of this granting process will require Council approval, as there is a 20% matching component to the CDBG program.

**Background:**

CDBG funds may be used for a variety of housing, neighborhood improvement, and public facility projects. In order for improvement applications to qualify for CDBG funds, they must be located in areas that are recognized by HUD as low and moderate income areas. The attached maps show which areas of Milwaukie and Clackamas County respectively, are currently eligible.

Completed applications for these projects are due on Friday, November 19<sup>th</sup>. These applications will be for the 2000-2002 funding cycle and they will compete with projects submitted from areas within the county. The total funding available for projects within the county is \$6.5 million.

## VI. C. 2

### 1. Reconstruction of Tennis Court at Century Park and Improvement of Pedestrian Access to the Area

By refurbishing the tennis court and its approach areas, the court will be safer and could be brought up to current quality and ADA standards. To allow for safe and ADA access to the tennis court, the west side of Edison Street adjacent to the tennis court and the length of the park needs curb, gutter and sidewalk installed. There is an elderly foster home within a block of the park. The sidewalk would make the park more accessible for the elderly and the disabled.

The tennis court at Century Park has been on Milwaukie's list of Capital Improvement Project priorities for funding since fiscal year 1996-97. The project has not been funded due to other funding priorities and lack of adequate funding to cover all requests.

Prior to developing the funding priorities for fiscal year 1999-2000, the Lake Road neighborhood association met with North Clackamas Park and Recreation staff to assess whether or not the tennis court continued to be in demand and meet the needs of those currently being serviced by the park. The conclusion was that the tennis court continued to meet the needs of the community. If this project is not funded through CDBG, it will remain on the City's CIP list, awaiting funding priority indefinitely.

Approximate cost is for the tennis court is \$45,000. For the sidewalk improvements, 125' at \$60 per linear foot = \$7,500. Rough estimate of total project cost is \$52,500. The city match would be \$10,500.

These improvements are eligible under CDBG criteria for Public Facility Improvements and Architectural Barrier Removal.

### 2. Ardenwald Park Land Acquisition

The City of Milwaukie Neighborhood Parks Master Plan calls for a neighborhood park to service a one-quarter to one-half mile radius in residential neighborhoods. The area west of 32<sup>nd</sup> Avenue and south of SE Kelvin Street in the Ardenwald neighborhood does not have a neighborhood park and it falls within the CDBG eligibility area.

The City is interested in acquiring vacant parkland while it is available and before the price of land escalates. The minimum size for a neighborhood park is one acre. Total acreage for this site is approximately 1.2 acres. Estimated acquisition costs including negotiations, appraisal, survey and due diligence is approximately \$240,000. The city match for this project would be \$48,000.

This acquisition is eligible under the Public Facility Improvements as an acquisition for parks.

### 3. Seismic Bracing to Shelving Units at Ledding Library of Milwaukie

The library has 26 shelving units each is 7 feet tall and approximately 8 feet wide by 16.5 inches in depth.

The library is a public facility that exists within the CDBG eligible area, and serves community members who live within the eligible areas of Milwaukie and Clackamas County.

The cost to brace all 26 units is approximately \$15,000. The City match would be approx. \$3,000.

This is a public facility improvement for safety precautions against possible injury to the public and the facility during an emergency such as an earthquake.

#### **4. Extend Dumbwaiter to Second Floor of Ledding Library of Milwaukie**

This project would eliminate the need for staff and volunteers at the library to move books and materials up and down the stairs for receiving and cataloguing materials on the second floor. Currently, there is a dumbwaiter between the lower floor and the first floor. Staff and volunteers carry approximately 5 boxes/loads of books and materials per day each weighing from 10 to 50 pounds. Extending the dumbwaiter would improve safety for staff and volunteers and promote more efficient use of public employee staff time.

The library is a public facility that exists within the CDBG eligible area, and serves community members who live within the eligible areas of Milwaukie and Clackamas County.

The cost to extend the dumbwaiter to the second floor is approximately \$16,000. The City match for this project would be approx. \$3,200.

This is a public facility improvement to remove an architectural barrier, which restricts the mobility, accessibility and safety of elderly or handicapped persons working or volunteering at the building.

#### **5. Ardenwald Walkway Network Improvements**

The three components of the project are:

- Harvey Street between SE 32nd Avenue and SE 40th Avenue. Scope of Work: Sidewalks on both sides only, since curbs exist. No stormwater improvements are necessary.
- King Road between SE 37th Avenue and SE 42nd Avenue. Scope of Work: Sidewalks, curbs and stormwater improvements on both sides.
- 40<sup>th</sup> Avenue between Harvey and King Road. Sidewalks on both sides. Curbs and stormwater improvements on both sides.

This project benefits people who live in low and moderate-income areas of the City of Milwaukie. It also meets urgent community needs called out in the City's School Trip Safety Program and Transportation System Plan. The main beneficiaries of these projects will be elementary school students, senior citizens, people using Water Tower Park, and low to moderate-income residents who live in the immediate area. Other beneficiaries will be low and moderate-income residents who walk or use mass transit throughout the City, because of the

increased linkage between existing continuous sidewalks that are major north-south and east-west corridors.

**Rough cost estimate**

	King Road	Harvey Street	40 <sup>th</sup> Avenue	Total
Total Estimated Cost 2000	\$152,500	\$85,200	\$144,000	<b>\$381,700</b>
Amount Requested from CDBG	\$122,000	\$68,200	\$115,200	<b>\$305,400</b>
20% City Match	\$30,500	\$17,000	\$28,800	<b>\$76,300</b>

The City does not have sufficient funding in its street fund to retrofit neighborhoods with sidewalks. The City is able to dedicate approximately \$150,000 per year to all street and sidewalk projects, so without this grant funding, this project will be postponed for many years.

**6. Stanley Avenue Sidewalks**

This project would construct curb, gutter, drainage, and sidewalk on west side the Stanley Avenue from King Road to Willow Street. Though the proposed improvements would be on a street at the border of a CDBG funding area, it would naturally serve people who live within the grant limits. There is currently a sidewalk on the east side of the street, but Stanley is a heavily traveled road with approximately 3500 trips per day and an 85% percentile speed of 33.4 miles per hour (which means 15% of the traffic is moving faster than 33.4 miles per hour) on a road that is marked for a speed of 25 miles per hour.

This project benefits people who live in low and moderate-income areas of the City of Milwaukie. It also meets urgent community needs called out in the City's School Trip Safety Program and Transportation System Plan. The main beneficiaries of these projects will be elementary school students, senior citizens, pedestrians a proposed park in the area of Willow and Stanley, and low to moderate income residents who live in the immediate area. Other beneficiaries will be low and moderate-income residents who walk or use mass transit throughout the City, because of the increased linkage between existing continuous sidewalks that are major north-south and east-west corridors.

We estimate the cost of this project at \$90,000. The CDBG funded portion would be \$72,000 and the local match will be \$18,000.

As with the project above, the City does not have sufficient funding in its street fund to retrofit neighborhoods with sidewalks. The City is able to dedicate approximately \$150,000 per year to all street and sidewalk projects, so without this grant funding, this project will be postponed for many years.

**7. Milwaukie Junior High School Seismic Upgrade**

The City of Milwaukie plans to work with the citizens of Milwaukie to ensure that the Milwaukie Junior High School remains in public ownership when the North Clackamas School District vacates the building in 2003 or 2004. This project will fund structural retrofitting of the junior high to bring it up to current seismic standards to allow for a continued public use of the building.

The Jr. High School dates from the 1930s and is ranked as a "significant" building in the City's Historic Building Inventory. It is located on Harrison Street, one of the major east-west thoroughfares in Milwaukie, and it occupies a visually prominent position in the northeast corner of the City's commercial district. It is an important community resource, both for the physical space that it contains and for its historic designation. Bringing the building up to current occupancy codes would make it possible to preserve the building for a public use, such as a community center, a civic center, an arts facility or a specialized branch for the present library. Its conversion to one of those civic uses would add a valuable resource to the City and provide convenient access to civic resources for the surrounding community.

The Jr. High School is located within an area recognized by HUD as a low and moderate-income area. Its conversion to a community use would bring a beneficial resource to all of the residents of the area. With public acquisition of the property, the planned improvements for the building would be eligible for funding as a facility improvement to a neighborhood facility under the "Public Facility Improvements" section. In addition, the building's current designation as a "significant" historical property also qualifies it for funding to preserve it under the "Historic Preservation" section.

**Rough cost estimate**

*Cost estimate was still being compiled at the time this report was due for Council packet preparation.*

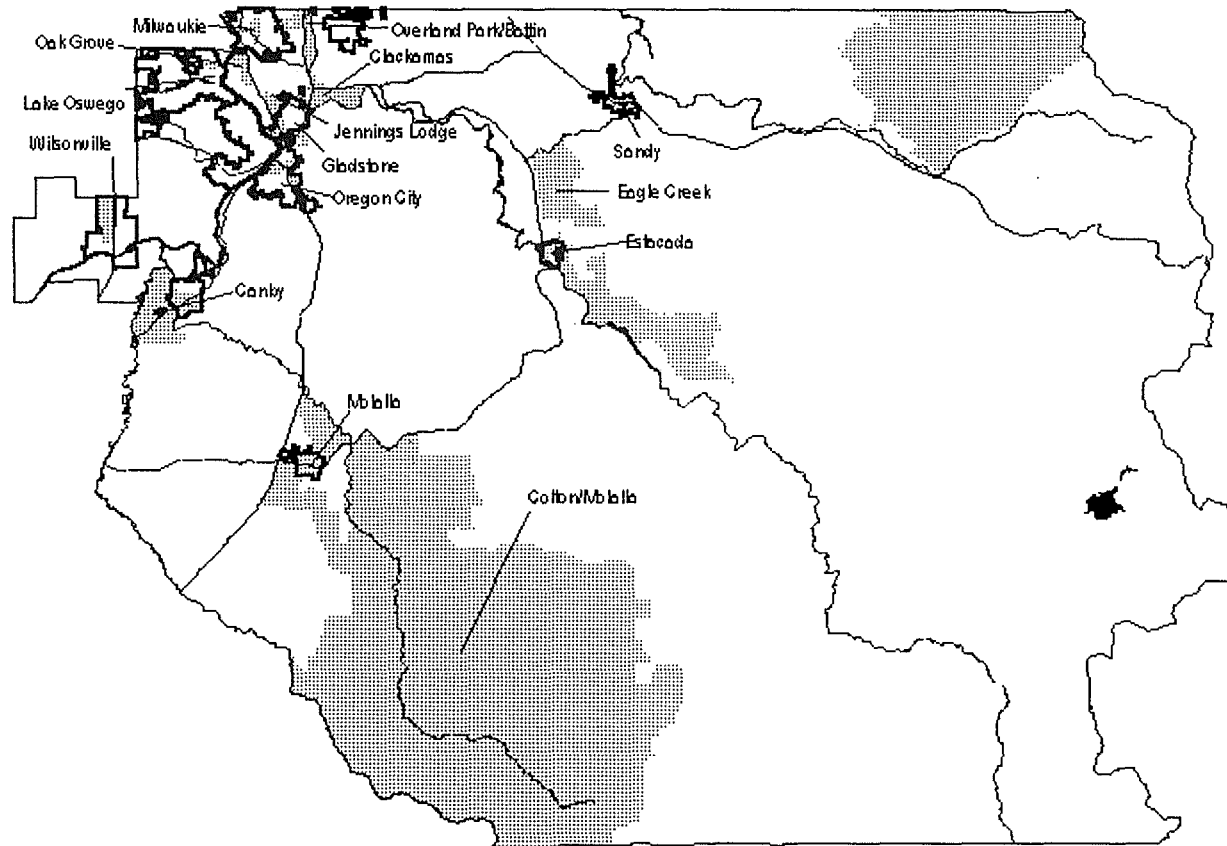
If the project is not funded through CDBG, Milwaukie may seek additional funding from the voters to perform this upgrade. If local voters do not support this funding, the City of Milwaukie will not be able to purchase this building, and the North Clackamas School District would seek another buyer for the property.



# Clackamas County Community Development Low/Moderate Income Area Maps

VI.C. 7

## County



Shaded areas represent low and moderate income areas eligible for CDBG assistance.  
For greater detail refer to the following sub-area maps.

Area Maps: [County](#) | [Canby](#) | [Clackamas](#) | [Eagle Creek](#) | [Estacada](#) | [Estacada/Rural](#) | [Gladstone](#) | [Jennings Lodge](#) | [Lake Oswego](#) | [Milwaukie](#)





VI. D. 1

## MEMORANDUM

**To:** Mayor and City Council  
**Through:** Dan R. Bartlett, City Manager *DB*  
**From:** Jan V. Gehlen, Finance Director *JVG*  
**Subject:** Blanket Purchase Order Resolution  
**Date:** November 5, 1999

---

**Action Requested:**

Consider adopting a resolution authorizing the City Manager to execute certain Purchase Orders/contracts exceeding \$25,000 for Fiscal Year 1999-2000.

**Background:**

In accordance with the purchasing policy put in place through Ordinance No. 1771 and Resolution No. 35-1994, any vendor receiving payment in excess of \$25,000 annually, must have City Council approval. The attached resolution lists the vendors projected to exceed the \$25,000 threshold in Fiscal Year 1999-2000. The services provided by each vendor are itemized.

The proposed Purchase Orders identifies required vendors and services known to be needed for the entire Fiscal Year 1999-2000.

**Fiscal Impact:**

The dollar amounts and their uses are in accordance with the Fiscal Year 1999-2000 budget.

**Work Load Impacts:**

By adopting the resolution authorizing multiple Purchase Orders at once, the time required by Council and staff preparation time is reduced through economies of scale.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, AUTHORIZING THE CITY MANAGER TO EXECUTE CERTAIN CONTRACTS FOR FISCAL YEAR 1999-2000.**

**WHEREAS**, the City of Milwaukie, by adopting Ordinance No. 1771 and Resolution No. 35-1994, has put into place purchasing procedures, and

**WHEREAS**, contracts for certain services which have projected annual expenditure in excess of \$25,000 require City Council review pursuant to the purchasing procedures.

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

SECTION 1. The City Council has reviewed the listed services and the projected annual expenditures for such services.

SECTION 2. The City Council finds such services needed and vital to the operations of the City of Milwaukie.

SECTION 3. The City Council authorizes the City Manager to execute purchase orders for the following services.

<u>Vendor</u>	<u>Service Provided</u>	<u>Projected Amount</u>
Applied Information	Computer Engineering Support	45,000
Baird Construction	Building Repair & Maintenance	60,000
Ikon Office Solutions	Computer Engineering Support & Computer Hardware	120,000
First World	Computer Engineering Support	40,000
Network One	Document Imaging Project	80,000
Onsite Environmental Staffing	Water Inspection & Sidewalk Inspection	65,000
Software Spectrum	Computer Software	30,000
State of Oregon	SELP Loan Installments	36,000
US Office Products	Office Supplies	45,000

Introduced and adopted by the City Council of the City of Milwaukie, Oregon on November 15, 1999.

\_\_\_\_\_  
Carolyn Tomei, Mayor

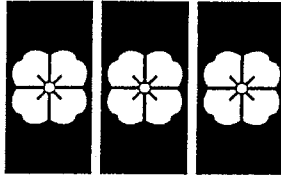
APPROVED AS TO FORM:

\_\_\_\_\_  
RAMIS, CREW, CORRIGAN & BACHRACH  
City Attorney

ATTEST:

\_\_\_\_\_  
Pat DuVal, City Recorder

C I T Y O F




MILWAUKIE

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

November 8, 1999

VI. E. 1

To: Mayor and City Council  
From: Dan Bartlett, City Manager   
Re: City Attorney Contract and Purchase Order

Action Requested

I would ask that Council authorize the City Manager to sign a contract extension and purchase order increase for the City Attorney to the total amount of \$160,000.

Background

Last Friday, I met with Tim Ramis and Jim Coleman to review the first quarter billings of the City Attorney. We believe that the amount included in purchase order 00-0222B issued on July 5, 1999, will not be adequate for the full year.

Staff will begin efforts to cut back on City Attorney use by departments. Some activities can not be cut back since they address Council Goals. The accelerated parks acquisition program was not calculated in the estimates for City Attorney expenses this year. This contributes \$10,000 to the requested addition. The other \$10,000 addition would support additional municipal court time and special project time.

We also need to formally renew the annual contract between the City Attorney and City. The purchase order was issued based on the Annual Blanket Purchase Order Resolution. I did not include a Council action to renew the contract when the Resolution was considered.

cc: File -- cm2262/hd

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





# PURCHASE ORDER

BILLING ADDRESS  
➔

ACCOUNTS PAYABLE  
10722 SE Main St.  
Milwaukie, OR 97222  
503-786-7523

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

City of Milwaukee  
10722 SE Main Street  
Milwaukie OR 97222  
(503) 786-7520

PO Number: 00-0222B

Vendor: Ramis, Crew, Corrigan &  
RA4000  
Bachrach, LLP  
1727 NW Hoyt Street  
Portland, OR 97209  
(503) 222-4402

Order Date: 07/05/1999  
Expected Delivery Date: 06/30/2000  
Shipping Instructions:  
Payment terms: 0 days  
PO Status: Open

Deliver to:

Comment: BLANKET PURCHASE ORDER

Task Code: -  
Type Code:

Quantity	Price	Amount	Description	Balance Due	Account
1.00	120,000.0000	120,000.00	Contract for Service	120,000.00	750-100-3000-221-0-6010-000
1.00	20,000.0000	20,000.00	Contract for Service	20,000.00	510-300-2000-635-0-6010-000
TOTALS:		140,000.00		140,000.00	

*[Signature]*  
CITY MANAGER

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

# Minutes

## PARB

### Park and Recreation Board

9/27/99

7:10 PM to 8:45 PM

City of Milwaukie

City Hall

Second Floor Conference Room

10722 SE Main Street

**Type of meeting:** Regular

**Attendees:** Edie Kerbaugh, Don McCarty, Sandra McCune, Sharon Van Horn, Darlene Walsh (left at ~7:30 PM)

**Absent:** Mart Hughes & Rebecca Langdon (out of town)

**Guests:** JoAnn Herrigel, City of Milwaukie Program Services Coordinator and Alice Rouyer, City of Milwaukie Planning Director

**Please read:** 8/23/99 draft Minutes

### Agenda topics

Meeting Called to Order at 7:10 PM

Minutes

Conclusions: Approved as written

Action items:	Person responsible:	Deadline:
Submit to City Council	Charlene Richards	9/30/99

Open Period – No audience in Attendance

Discussion: Edie Kerbaugh reported on the Riverfront Town Hall meeting. The proposal presented at the meeting was discussed. There were concerns about eliminating the City Hall and whether or not Scott Park remained in tact.

Conclusions: Would like to meet with someone to receive update on the Riverfront project with incorporation of the comments from the 9/22/99 meeting.

Action items:	Person responsible:	Deadline:
Request Riverfront Presentation for November (11/22/99)	Charlene Richards	10/15/99
Remind PARB of October 27 <sup>th</sup> Riverfront Town Hall mtg.	Charlene Richards	10/15/99

VII. A 2

Updates -- NCPRD & City by Kaffun & Richards

Discussion: NCPRD – Water Tower Park: Saturday, October 2<sup>nd</sup> from 8 AM to 4 PM Clackamas High school students and volunteers will install the play equipment. Master Plan: There will be interviews with consultants for the project on Wednesday and Thursday, September 29<sup>th</sup> and 30<sup>th</sup>. All interviews will be at the Milwaukie Center and start at 6 PM. City – Parks, Open Spaces and Trails (POST) presentation to Council will be Tuesday, October 5, 1999. In open session, the Council will hold a public hearing to take testimony on the refinement map – target areas for acquisition of neighborhood parks and riverfront property. Vision and Mission: On October 9<sup>th</sup> from 9 AM to 1 PM at the Public Safety Building Community Meeting Room, the Council will meet with all boards, commissions and neighborhood district association leadership to discuss the draft Mission and Vision for Milwaukie. Johnson Creek Watershed Summit is October 30<sup>th</sup> from 9 AM to 4 PM at David Douglas High School. If you want registration information call 331-1387.

Update Local Share Projects by JoAnn Herrigel

Discussion: Willow Place Wetland: Discussed the master plan and the work proposed to be completed with the Metro Local Share funding. She discussed issues relating to the current use and proposed changes. Springwater Trail Entrance: Discussed the many ideas generated through discussion with the neighbors. She will be working with the neighbors and the neighborhood association to determine what work will be completed on this project. Ideas have ranged from signage to parking. Looks like we will need an extension for these projects beyond the December 30, 1999 current deadline.

Action items:	Person responsible:	Deadline:
Request extension from Metro	JoAnn Herrigel/Charlene Richards	11/1/99

Urban Forestry Program by Alice Rouyer, Planning Director

Discussion: Went over the history on development of the proposed tree ordinance and current timeline for adoption of the Urban Forestry Program. Discussed the proposed role for the PARB. PARB members suggested other cities that might be resources such as Los Angeles, California and Salem, Oregon. Concern regarding the impact of tree canopies on light was voiced. It was also suggested that we look at educating the public on the impact of ivy on existing trees and that we focus on saving the trees we have. Next steps will be ordinance adoption and information to the neighborhood district associations.

Conclusions: Don McCarty moved and Sharon Van Horn seconded the motion to recommend to the City Council that the Proposed Park and Recreation Board (PARB) responsibilities outlined in the staff report from Alice Rouyer, Planning Director, to the PARB dated September 20, 1999, be adopted. Approved unanimously (4-0).

Action items:	Person responsible:	Deadline:
Updates on progress and public information re: Arbor Week	Alice Rouyer	As needed

CIP & Budget Preparation for FY 2000-2001 by Kaffun and Richards		
Discussion: Need to develop CIP/Budget development process for fiscal year 2000-2001.		
Conclusions: Set over to October meeting.		
Action items:	Person responsible:	Deadline:
Place on October Agenda	Charlene Richards	10/15/99
Next meeting -- agenda topics, date, time & location		
Conclusions: Work on CIP/Budget process and begin to receive information on regional trails system in preparation for work on developing a refinement map for trails and open spaces for the POST program.		
Action items:	Person responsible:	Deadline:
CIP/Budget (last year's list)	Charlene Richards	10/15/99
Invite Mel Huie to provide an update on Metro regional trails	Charlene Richards	10/1/99
Adjourned at 8:45 PM		
<b>Resource persons:</b> Thom Kaffun, NCPRD, & Charlene Richards, City of Milwaukee		



TO: Milwaukie City Council

THROUGH: Dan Bartlett, City Manager *[Signature]*

FROM: Martha Bennett, Assistant City Manager *[Signature]*

SUBJECT: Traffic Calming on 36<sup>th</sup> Avenue

DATE: October 28, 1999 for November 16, 1999 City Council Meeting

#### Action Requested

This memo is for information only. Action is needed if Council disagrees with the staff recommendation.

#### Background

At your August 2 work session, you discussed a request from Dorothy Snowhill for the Council to waive the Neighborhood Traffic Management Program to allow installation of traffic calming devices on 36<sup>th</sup> Avenue. Providence Milwaukie Hospital agreed to pay up to \$5,000 for installation of traffic calming if certain conditions were met.

#### *Previous Council Direction*

At that work session, you gave staff direction that the Neighborhood Traffic Management Program (NTMP) should include a procedure and policy for using non-City funds to pay for traffic calming projects. On August 31, 1999 the Traffic Safety and Transportation Board presented recommended revisions to the NTMP. These recommendations included a provision for private funding of projects. The Council adopted this provision at that August 31, 1999 meeting.

#### *NTMP Policy on Private Funding*

The NTMP permits property owners and residents to fund projects that qualify for traffic calming to accelerate the project's installation. However, under the adopted NTMP, all projects, even if privately funded, must qualify for traffic calming. Streets that qualify for traffic calming have a minimum technical ranking of 30 points. Points are assigned under the NTMP based on the volume of traffic on the street, the 85 percentile speed (meaning that 15% of cars travel faster than that speed, and on other factors such as the distance to a school or park, or the absence of sidewalks.

VII. B. 2

*Status of 36<sup>th</sup> Avenue from Harvey to King*

Under the current NTMP, 36<sup>th</sup> Avenue scores 6.68 points. The program assigns 1.68 points to the street for traffic volume, and 5 points for its proximity to the hospital.

*Staff recommendation*

Staff recommends that the City take no further action to install traffic calming on 36<sup>th</sup> Avenue, even though Providence Milwaukie Hospital has offered to pay for up to \$5,000 for traffic calming.

Budget Impact

None.

- c. Dorothy Snowhill  
Rita Kester, Providence Milwaukie Hospital



METRO

1999 Regional Transportation Plan

## MPAC Discussion Issues

### Financial Implications

#### 1. Meeting the Funding Gap

The road-related projects in the RTP represent more than four times the current funding projection over the next 20 years:

- Can the funding gap be closed?
- What new sources should be tapped?
- Should the system be scaled back to meet funding constraints?

#### 2. Peak Period Pricing

This TRO Task Force has recommended that peak period pricing be considered when new highway or highway lanes in congested corridors are called for in the RTP. Should the RTP consider peak period pricing as part of funding new lanes on the following highways?

- I-5 North
- McLoughlin-Highway 224
- Sunrise Highway
- I-205 North (Or. City to Clark Co.)
- I-205 South (Oregon City to I-5)
- I-5 to 99W Connector (Tualatin to Sherwood)
- Highway 217
- Sunset Highway (west of Highway 217)
- TV Highway (Beaverton to Hillsboro)

### Land Use Implications

The RTP is unable to fully address future travel demand in the following areas, and recommends further evaluation of planned land uses.

#### 1. Clark County jobs/housing imbalance

The imbalance in Clark County results in heavy demand and need for improvements in the I-5 and I-205 corridors. Should more employment land be designated in Clark County?

#### 2. Clackamas County job/housing imbalance

The imbalance in Clackamas County results in heavy travel demand on routes like I-205 and Highway 224 that link Clackamas County to employment areas. Should more employment land be designated in Clackamas County?

#### 3. Beaver Creek Urban Reserves

Major improvements to Highway 213 and connecting arterial streets were not enough to adequately serve these urban reserves. Should they be reconsidered?

#### 4. Willamette Valley Growth

Growth in the valley is expected to make up the bulk of traffic on I-5 South in the future. What measures should be taken to address this demand?